

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

1. Call to Order.
2. Proof of Publication.
3. Approval of Minutes.
 - A.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the December 9, 2014 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for December 2014.
 - C. Planning Board 6-Month Outlook for January 2015.
4. Public Hearings.
 - A. Public Hearing - LDC Ordinance- Article 6 - Increase in Maximum Building Height
 - B. Public Hearing - Proposed LDC, Repeal and Replace Escambia County Land Development Code
5. Action/Discussion/Info Items.
6. Public Forum.

7. Director's Review.
8. County Attorney's Report.
9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, January 13, 2015 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

10. Announcements/Communications.
11. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

3. A.

Meeting Date: 01/06/2015

Agenda Item:

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the December 9, 2014 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for December 2014.

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

Attachments

Regular Mtg Resume

Monthly Action Follow- UP

6 Month Outlook

DRAFT

RESUME OF THE ESCAMBIA COUNTY PLANNING BOARD

December 9, 2014

CENTRAL OFFICE COMPLEX

3363 WEST PARK PLACE, BOARD CHAMBERS

PENSACOLA, FLORIDA

(8:37 A.M. – 12:45 P.M.)

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
Dorothy Davis
Timothy Pyle
Alvin Wingate
Patty Hightower, School Board (non-voting)
Stephanie Oram, Navy (Non voting)

Absent: Rodger Lowery

Staff Present: Stephen West, Assistant County Attorney
Horace Jones, Interim Director, Development Services
Karla Moreno, Director's Aide
Andrew Holmer, Senior. Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
Denise Halstead, Sr Office Assistant
John Fisher, Urban Planner, Planning & Zoning
Temeka Mallory, Sr. Office Assistant
Kayla Meador, Sr Office Assistant

1. Call to Order at 8:37 a.m.
2. Invocation/Pledge of Allegiance was given by Alvin Wingate.
3. Proof of Publication was given by board clerk.
4. Approval of Minutes.

Motion by Tim Tate, Seconded by Dorothy Davis

Motion to approve the minutes from the November 10, 2014 Planning Board Meeting.

Vote: 5 - 0 Approved

5. Public Hearings.

A. Subdivision Regulations, Procedures and Submission A Public Hearing Concerning the Review of an Ordinance Amending Articles 4 and 6 of the Land Development Code

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) amending Article 4, Section 4.02.00, Subdivision Regulations, Procedures and Submission; and creating Section 6.04.20, Cessation of Recreational Amenities in Residential Subdivisions.

Motion by Tim Tate, Seconded by Timothy Pyle
Motion was made to table item, staff instructed to get more direction from Administration.

Vote: 5 - 0 Approved

6. Action/Discussion/Info Items.

A.

LDC Revision

B.

Navy Interlocal Agreement Annual Review.
Andrew Holmer instructed to set up a meeting date in January of 2015, between County Administrator, Base Commander, Stephanie Oram and Staff.

7. Public Forum.

8. Director's Review.

9. County Attorney's Report.

10. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, January 6, 2015 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.

12. Adjournment at 12:45 p.m.



BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA

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

Memorandum

TO: Planning Board
FROM: Temeka Mallory, Board Clerk
DATE: December 17, 2014
RE: Monthly Action Follow-Up Report for December 2014

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

PROJECTS, PLANS, & PROGRAMS

COMMITTEES & WORKING GROUP MEETINGS

COMPREHENSIVE PLAN AMENDMENTS

- Text Amendments:

- Map Amendments:

LAND DEVELOPMENT CODE ORDINANCES

Recycling Facilities

11/10/14 PB recommended approval
11/17/14 BCC Meeting (1 of 2)
12/11/14 BCC approved

CIP Annual Report

11/10/14 PB recommended approval
12/11/14 Pulled before BCC Mtg

REZONING CASES

1. **Rezoning Case Z-2014-15**
 11/10/14 PB recommended denial
 12/11/14 Applicant dropped

2. **Rezoning Case Z-2014-17**
 11/10/14 PB recommended approval
 12/11/14 BCC approved

3. **Rezoning Case Z-2014-19**
 11/10/14 PB recommended approval
 12/11/14 BCC approved

4. **Rezoning Case Z-2014-20**
 11/10/14 PB recommended approval
 12/11/14 BCC approved

5. **Rezoning Case Z-2014-21**
 11/10/14 PB recommended approval
 12/11/14 BCC approved

6. **Rezoning Case Z-2014-22**
 11/10/14 PB recommended approval
 12/11/14 BCC approved

Miscellaneous Items

- Transfer of Development Rights

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR January 2015

(Revised 12/17/14)

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

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

Meeting Date	LDC Changes and/or Public Hearings	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
Tuesday, January 6, 2015	<ul style="list-style-type: none"> • LDC Revision Transmittal to BCC • NFCU Height 		<ul style="list-style-type: none"> • Z-2015-01 • Z-2015-02 	
Tuesday, January 13, 2015	<ul style="list-style-type: none"> • Pits Ordinance 			
Tuesday, February 3, 2015	<ul style="list-style-type: none"> • S/D Regulations, Procedures & Submissions Art 4 & 6 			
Tuesday, March 3, 2015				
Tuesday, April 7, 2015				
Tuesday, May 5, 2015				
Tuesday, June 2, 2015				
Tuesday, February 3, 2015				

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



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. A.

Meeting Date: 01/06/2015

Issue: Public Hearing - LDC Ordinance- Article 6 - Increase in Maximum Building Height

From: Horace Jones, Interim Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Article 6, Maximum building height in ID-CP zoning district.

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 6.05.17.E.1, maximum building height in ID-CP zoning district.

BACKGROUND:

Through its Land Development Code the Escambia County Board of County Commissioners has imposed building height restrictions in certain zoning districts, including the ID-CP commerce park district; and the Board finds that allowing a greater building height in the ID-CP district serves the health, safety and welfare of residents and those property owners in Escambia County.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

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

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

Attachments

Draft Ordinance

ORDINANCE 2015-_____

1
2
3 AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA AMENDING
4 PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE
5 LAND DEVELOPMENT CODE, ARTICLE 6, ZONING DISTRICTS;
6 AMENDING SUBSECTION 6.05.17.E.1 TO ALLOW A MAXIMUM
7 HEIGHT OF 150 FEET FOR BUILDINGS IN THE ID-CP ZONING
8 DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR
9 INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

10
11
12 **WHEREAS**, through its Land Development Code the Escambia County Board of
13 County Commissioners has imposed building height restrictions in certain zoning
14 districts, including the ID-CP commerce park district; and

15
16 **WHEREAS**, the Board finds that allowing a greater building height in the ID-CP
17 district serves the health, safety and welfare of residents and those property
18 owners in Escambia County.

19
20 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
21 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**

22
23 **SECTION 1. ZONING DISTRICTS.**

24
25 Part III of the Escambia County Code of Ordinances, the Land Development
26 Code of Escambia County, Article 6, Zoning Districts, Section 6.05.17, ID-CP
27 commerce park district, is hereby amended as follows:

28
29 ***6.05.17.E Site and building requirements.***

30
31 1. *Building height limit.* No building ~~shall exceed 65 feet in height except~~
32 ~~as otherwise provided in this district, and except for commercial or~~
33 communication towers ~~which~~ shall ~~not~~ exceed 150 feet in height. An
34 additional five feet of nonoccupied space may be permitted subject to
35 county administrator approval.

36
37 **SECTION 2. SEVERABILITY.**

38
39 If any section, sentence, clause or phrase of this Ordinance is held to be invalid
40 or unconstitutional by any Court of competent jurisdiction, then said holding shall
41 in no way affect the validity of the remaining portions of this Ordinance.

SECTION 3. INCLUSION IN CODE,

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2014); and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. EFFECTIVE DATE.

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

DONE AND ENACTED this _____ day of _____, 2015.

BOARD OF COUNTY COMMISSIONERS OF
ESCAMBIA COUNTY, FLORIDA

By: _____
STEVEN BARRY, Chairman

ATTEST: PAM CHILDERS
CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

(SEAL)

ENACTED: _____

FILED WITH DEPARTMENT OF STATE: _____

EFFECTIVE DATE: _____



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. B.

Meeting Date: 01/06/2015

Issue: Public Hearing - Proposed LDC, Repeal and Replace Escambia County Land Development Code

From: Horace Jones, Interim Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending the Escambia County Land Development Code

That the Board review and recommend to the Board of County Commissioners (BCC) for review and adoption, an Ordinance repealing and replacing the Land Development Code (LDC).

BACKGROUND:

The most recent State mandated Evaluation and Appraisal Report (EAR) called for a re-write of the Escambia County Comprehensive Plan (Comp Plan) and Land Development Code (LDC). The Comp Plan was adopted February 14, 2011, and the County is now bringing forward the proposed compatible Land Development Code.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

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

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

Attachments

Draft Proposed LDC

Proposed Zoning Map

Draft Design Standard Manual

Draft Ordinance

PART III

Escambia County Land Development Code



LEGEND

Blue Highlight Federally Required

Red Highlight State Required -

Green Highlight Previously Adopted Ordinances
**(concepts/standards unchanged)*

Yellow Highlight Director's Recommendations

**The overall concept was not changed however revisions were made to the language for clarity. In addition in some cases the process was streamlined.*

DISCLAIMER:

This is for general information on the land use regulations within the unincorporated areas of Escambia County. Please note that Escambia County regularly amends its land use regulations and that recent amendments may not yet be shown on this website. Accordingly, when buying, selling, or developing land in Escambia County, please come in to our office & speak with a Front Counter Planner for assistance on the most current regulations affecting your property. 1/2015

Chapter previously reviewed
and vetted

Chapter 1 ADMINISTRATION

Article 1 General Provisions

- Sec. 1-1.1 Purpose of chapter.
- Sec. 1-1.2 Purpose of article.
- Sec. 1-1.3 Title of code.
- Sec. 1-1.4 Authority of Land Development Code (LDC).
- Sec. 1-1.5 Purpose of LDC.
- Sec. 1-1.6 Enforcement of LDC compliance.
- Sec. 1-1.7 Applicability of LDC provisions.
- Sec. 1-1.8 Effective date of LDC provisions.
- Sec. 1-1.9 Impartiality of LDC provisions.
- Sec. 1-1.10 Adjustments to LDC provisions.
- Sec. 1-1.11 Rules for understanding LDC provisions.
- Sec. 1-1.12 Appeal of LDC-based determinations.
- Sec. 1-1.13 Relation of LDC to other authorities.
- Sec. 1-1.14 Conflicting provisions with and within LDC.
- Sec. 1-1.15 Severability of LDC provisions.

Article 2 Nonconformance

- Sec. 1-2.1 Purpose of article.
- Sec. 1-2.2 General conditions
- Sec. 1-2.3 Continuing nonconformance.

Article 3 County Officials

- Sec. 1-3.1 Purpose of article.
- Sec. 1-3.2 County Administrator.
- Sec. 1-3.3 Planning Official.
- Sec. 1-3.4 Building Official.
- Sec. 1-3.5 County Engineer.
- Sec. 1-3.6 Community and Environment Director

Article 4 County Boards

- Sec. 1-4.1 Purpose of article.
- Sec. 1-4.2 Board of County Commissioners (BCC).
- Sec. 1-4.3 Planning Board.
- Sec. 1-4.4 Santa Rosa Island Authority
- Sec. 1-4.5 Board of Adjustment(BOA).

1 **Article 1 General Provisions**

2 **Sec. 1-1.1 Purpose of chapter.**

3 This chapter establishes the title, authority and purposes of these assembled land
4 development regulations for Escambia County, Florida, and to assure their effective
5 implementation and enforcement. Additionally the chapter identifies the implementing
6 authority and duties of county administrative officials and boards, and to provide for the
7 limited continuation and gradual remedy of nonconformance with these regulations.
8 The provisions of this chapter and the definition of terms in Chapter 6 shall guide and
9 support the implementation of review and approval processes, standards, and other
10 regulations of the remaining chapters.

11 **Sec. 1-1.2 Purpose of article.**

12 This chapter establishes general provisions that apply broadly to all use and
13 administration of this code. The continuation and remedy of nonconformance with the
14 code, and the code authority and duties of county officials and boards, is prescribed in
15 the remaining articles of this chapter.

16 **Sec. 1-1.3 Title of code.**

17 This code, Part III of the Code of Ordinances of Escambia County, Florida, shall be
18 known as the "Escambia County Land Development Code" and may also be referred to
19 or cited as the "Land Development Code" or the "LDC."

20 **Sec. 1-1.4 Authority of LDC.**

21 The Escambia County Land Development Code is that collection of local land
22 development regulations required by Florida Statutes (Chapter 163, Part II) to
23 implement provisions of the Escambia County Comprehensive Plan. The
24 Comprehensive Plan further requires that specific and detailed provisions necessary
25 and desirable to implement plan goals, objectives policies and the associated manual
26 be adopted and maintained within a land development code.

27 **Sec. 1-1.5 Purpose of LDC.**

28 **(a) General.** The Land Development Code implements the land use goals, objectives
29 and policies of the Escambia County Comprehensive Plan through specific regulations
30 that govern the use and development of land within the county. These regulations are
31 necessary to protect the public health, safety and general welfare, private property
32 rights, the natural environment, and the economic vitality of the county. More
33 specifically, it is the purpose of the LDC to:

- 34 **(1)** Establish an objective, organized and effective system of administration and
35 appeal for county land development regulations that clearly describe compliance
36 review and approval requirements for the public, responds consistently and fairly,
37 and optimizes the resources of government.
- 38 **(2)** Establish clear county zoning and other land use regulations that provide for the
39 orderly, efficient, and sustainable use of land and structures for agricultural,

1 residential, mixed-use, commercial, industrial, recreational, conservation, public
2 and other needs of the present while ensuring no less for the future.

3 (3) Establish clear county development standards for the allowed uses of land and
4 structures that ensure the protection of life and property, the provision of
5 adequate public facilities and services, the conservation of natural resources, the
6 protection of public and private investments, and the preservation of social and
7 aesthetic values.

8 (4) Establish clear county regulations that balance the interests of property owners in
9 continuing lawfully established uses, structures, lots and conditions in productive
10 use with the public benefits of providing a gradual remedy for existing
11 substandard conditions through increased conformance with current standards
12 and prohibited expansion of nonconformance.

13 **Sec. 1-1.6 Enforcement of LDC compliance.**

14 (a) **General.** Land uses and development activities regulated by the LDC shall comply
15 with all applicable county requirements, and nothing in the LDC shall prevent the county
16 from taking any lawful action necessary to prevent or remedy any violation. Although
17 state and federal regulations may also apply to those uses and activities, the intent of
18 the county is to enforce only the terms of its ordinances. Compliance with the LDC shall
19 be fully enforced by any means provided, authorized or allowed by law or ordinance,
20 including Florida Statutes and Chapter 30, *Code Enforcement*, Part 1, Escambia County
21 Code of Ordinances. More particularly:

22 (1) **Procedural remedies.** Failure to comply with LDC provisions may result in
23 application denial, delay of application approval, conditional application approval,
24 voiding an application approval, delay of use or occupancy, multiplied application
25 fees, or penalties as additionally may be prescribed by the LDC.

26 (2) **Civil remedies.** The Board of County Commissioners (BCC), or any aggrieved
27 party as defined by state law, may apply to the Circuit Court of Escambia County,
28 Florida, to enjoin and restrain any person violating the provisions of the LDC.

29 (3) **Criminal remedies.** Any person, who violates, disobeys, omits, neglects, or
30 refuses to comply with, or who resists the enforcement of, any of the provisions
31 of the LDC, shall be subject to a misdemeanor punishable by fine and/or
32 imprisonment according to state law. Upon conviction the person shall
33 additionally pay all expenses of the county in the case. Each day a violation
34 exists shall constitute a separate offense.

35 **Sec. 1-1.7 Applicability of LDC provisions.**

36 (1) **General.** The provisions of the LDC apply within all unincorporated areas of
37 Escambia County, with the exception of areas exempted by state or federal
38 regulations, and to all land uses and development activities, including the
39 construction, placement, erection, alteration, use or occupancy of any structure, and
40 the division of any land. Accordingly, no principal or accessory structure, or use of
41 any land or structure, shall be established, located, erected, converted,
42 reconstructed, structurally altered, extended, or enlarged, and the county shall issue

1 no approval to develop or permit to construct, unless such uses and activities
2 comply with all applicable provisions of the LDC.

3 **(2) Vested rights.** Certain land development rights are vested with respect to future
4 adoption or amendment of land development regulations and cannot be revoked by
5 changes to the LDC without due process of law. Development rights are statutorily
6 vested for any use or activity lawfully approved by the county according to the
7 regulations in effect at the time of approval. For landowners who can adequately
8 demonstrate they have acquired development rights through other official county
9 action, those rights become equitably vested under principles of fairness and due
10 process as prescribed in Chapter 2. A use or activity approved under either form of
11 vesting may be completed or continued, even when inconsistent with newer LDC
12 provisions. However, any use or activity for which a vested right has been
13 established shall continue to be subject in all other respects to regulations and
14 requirements not addressed by the vested rights confirmation.

15 **(3) Nonconformance.** Lawfully established and maintained uses, structures, site
16 conditions, and lots made nonconforming by later adoption or amendment of any
17 land development regulations may continue, subject to the nonconformance
18 provisions of Article 2. The provisions protect the interests of owners in continuing
19 to use their property while providing the community a gradual remedy for existing
20 undesirable conditions resulting from nonconformance. Actions that would expand
21 nonconformance are prohibited and actions that would make nonconformance more
22 permanent are restricted. Nothing in the LDC shall be interpreted as authorizing or
23 approving the continuation or expansion of any uses, structures, conditions, or lots
24 not lawfully established according to regulations in effect at the time of
25 establishment.

26 **Sec. 1-1.8 Effective date of LDC provisions.**

27 Provisions of the LDC are effective as of the effective date of their adopting ordinances.
28 Any application for county approval required by the LDC and accepted by the county on
29 or after the effective date of a new or amended LDC provision shall comply with that
30 provision unless its terms clearly indicate otherwise.

31 **Sec. 1-1.9 Impartiality of LDC provisions.**

32 The provisions of the LDC apply without bias. Decisions regarding the administration of
33 code provisions shall be influenced only by facts and conditions relevant to those
34 provisions. Applications for development approval shall be evaluated strictly on the
35 basis of LDC compliance, and no more or less shall be required of applicants than is
36 necessary to confirm and document that compliance. Conflicts of interest and other
37 risks to fair administration of the LDC shall be avoided to maintain impartiality. No
38 county officer or employee shall grant any special consideration, treatment, or
39 advantage to any person, group or organization beyond that which is available under
40 the terms of the LDC to every other person, group or organization in the same or similar
41 circumstances.

42

1 **Sec. 1-1.10 Adjustments to LDC provisions.**

2 The provisions of the LDC apply without any exceptions, exemptions, alternatives,
3 waivers, variances or other adjustments unless such adjustments are specifically
4 established within the code. For some unusual or unanticipated circumstances the LDC
5 allows limited criterion-based variances to provide site-specific relief, and may include
6 alternative requirements to provide flexibility or encourage minimum standards to be
7 exceeded. Except for such provisions, only the lawful amendment of the LDC can
8 permit what is not otherwise authorized. Nothing in the LDC shall allow, encourage or
9 require any change to its provisions except through the formal amendment process
10 established within the LDC and Florida Statutes.

11 **Sec. 1-1.11 Rules for understanding LDC provisions.**

12 **(a) General.** The LDC shall be interpreted and administered broadly by the
13 administrative authorities described in this chapter to achieve its declared purposes.
14 In the interpretation and administration of any LDC provisions, they shall be
15 understood to be the minimum requirements adopted by the BCC for the promotion
16 of the public health, safety and general welfare. It is presumed that the intent of the
17 BCC in a particular provision of the code is expressed by the wording of that
18 provision. Further, the BCC is presumed to act intentionally and purposely when it
19 includes language in one section of the code but omits it in another. The rules of
20 interpretation prescribed in this section shall be observed in the implementation of all
21 LDC provisions.

22 **(b) Confirmation of meaning.** The meaning of a provision in the LDC must first be
23 evaluated according to the plain language of the provision. If the meaning is clear,
24 then the remaining administrative function is to enforce it according to its stated
25 terms. If the provision is unclear, its meaning shall be determined in consideration of
26 other LDC provisions on the same subject, giving priority to those closest in context.
27 Individual provisions must be interpreted so as to be internally consistent and not
28 disconnected from the rest of the LDC. Every part of a provision is presumed to
29 have some effect, and must not be treated as having no effect unless absolutely
30 necessary.

31 **(c) Delegation of authority.** When a provision of the LDC authorizes the County
32 Administrator, County Engineer, Planning Official, Building Official, or other county
33 officer or employee to perform some act or duty, the provision also authorizes that
34 individual to delegate the performance of that act or duty to other qualified county
35 employees under his authority, unless the terms of the provision clearly indicate
36 otherwise. Similarly, when a provision authorizes the Santa Rosa Island Authority
37 Board (SRIA) to perform some act or duty, the provision also authorizes the board to
38 delegate the performance of that act or duty to qualified individuals under the
39 board's authority.

40 **(d) Particular and general.** A particular intent expressed in the LDC has authority over
41 a general one, such that when there is a more specific requirement it must be
42 followed in place of a more general one, regardless of whether the general
43 requirement is more lenient or in conflict with the specific one.

- 1 (e) **Use of words.** The use of words within the LDC shall be understood according to
2 the following rules:
- 3 (1) **Definitions.** In addition to the rules of this section and those terms defined
4 where used, definitions of selected terms used within the LDC are provided in
5 Chapter 6. Words not defined within the LDC, and not otherwise having acquired
6 a meaning by other applicable regulatory definition or judicial construction, shall
7 be understood according to their usual, ordinary and customary meanings.
- 8 (2) **Tense and form.** Words used in one tense or form include other tenses or
9 derivative forms, unless the context clearly indicates otherwise.
- 10 (3) **Singular and plural.** Words used in the singular include the plural and words in
11 the plural include the singular, unless the context clearly indicates otherwise.
- 12 (4) **Gender.** Words used in the masculine, feminine, or neuter gender include the
13 other genders.
- 14 (5) **Mandatory, permissive, and advisory.** The words "shall," "will" and "must" are
15 mandatory in nature and always require compliance where used. The word
16 "may" is permissive, authorizing but not requiring action. The word "should" is
17 advisory only, identifying recommendations provided by the county in the
18 implementation of regulations.
- 19 (6) **Conjunctions.** Unless the context clearly indicates otherwise, where a
20 regulation connects items, conditions, provisions or events, the conjunctions shall
21 be interpreted as follows:
- 22 a. **And.** The word "and" indicates that all the connected terms, conditions,
23 provisions, or events apply.
- 24 b. **Or.** The word "or" indicates that the connected items, conditions, provisions,
25 or events may apply singly or in any combination.
- 26 c. **Either or.** The words "either . . . or" indicate that the connected items,
27 conditions, provisions, or events apply singly but not in combination.
- 28 (7) **Written or in writing.** The words "written" and "in writing" include any
29 representation of words, letters, diagrams or figures, whether by handwriting,
30 printing or other forms of recording.
- 31 (8) **Used for or as.** The words "used for" and "used as" include intended, designed,
32 arranged, occupied and maintained for or as, unless the context clearly indicates
33 otherwise.
- 34 (9) **Including or includes.** The words "including" and "includes" do not limit a
35 provision to the specific example or series of examples it contains.
- 36 (f) **Computation of time.** Unless otherwise specifically provided, a "day" means a
37 calendar day and a "year" means 365 days. In computing any period of time allowed
38 or prescribed by the LDC, the day from which the period begins to run is not
39 included. The day after the act or event that begins the period is day one. The last
40 day of the computed period is included, unless it is a Saturday, Sunday or legal
41 holiday observed by the county. In that case the period will run until the end of the

1 next day that is not a Saturday, Sunday or observed legal holiday. In computing any
2 period of months, the period ends on the same or closest numbered day of the
3 ending month as the number of the beginning day in the beginning month.

4 **(g) Controlling text.** If there is any inconsistency between the text of the LDC and any
5 picture, illustration, drawing, map, table, or caption within the LDC, the text governs
6 unless otherwise specifically provided.

7 **(h) Headings and titles.** Headings and titles within the chapters of the LDC, typically in
8 boldface or italic type, are only included to indicate content and organization for the
9 convenience of the reader. Such headings are only catchwords and do not by their
10 presence or absence govern, limit, modify, or in any manner affect the scope,
11 meaning, or intent of any provision of the LDC. Accordingly, no provision of the
12 LDC will be held invalid by reason of deficiency in any heading or title of any
13 chapter, article, section or other part.

14 **Sec. 1-1.12 Appeal of LDC-based determinations.**

15 Those persons whose substantial interests have been adversely affected by an
16 interpretation or other administrative determination of a county official or body
17 exercising authority under the LDC, including the SRIA, have the right to a review of that
18 determination. Review of any such action may be requested following the appealable
19 action as prescribed in Chapter 2. However, review of citations by code enforcement
20 officers shall be as prescribed in Part I of the Escambia County Code of Ordinances.
21 Additionally, any challenge to the consistency of either a development approval or a
22 provision of the LDC with the Comprehensive Plan shall be made in the manner
23 prescribed by Florida Statutes.

24 **Sec. 1-1.13 Relation of LDC to other authorities.**

25 **(a) Code of Ordinances.** The LDC exists as Part III of the Escambia County Code of
26 Ordinances to implement the land use goals, objectives and policies of Part II, the
27 Comprehensive Plan. Except in their administration and enforcement, or where
28 specific references are made to other county ordinances, the Comprehensive Plan,
29 LDC, and the Design Standards Manual (DSM) are to be construed independently of
30 Part I.

31 **(b) Building Code.** The LDC establishes certain land use regulations for buildings and
32 prescribes development standards for sites they occupy, but the construction of
33 buildings and other structures is regulated through the Florida Building Code and
34 other provisions prescribed within Part I of the Code of Ordinances.

35 **(c) Non-county entities.** Non-county entities also regulate, govern, or otherwise
36 influence the use or development of land. However, it is the responsibility of each
37 property owner to determine those entities that have jurisdiction affecting their
38 property, its use, or activities upon it, and to adequately communicate with them.
39 The county may assist in directing the applicant to appropriate agencies or entities,
40 but in doing so the county assumes no responsibility or liability in any way for any
41 owner's failure to adhere to any restrictions or requirements of those or other
42 entities.

1 **(d) References to other regulations.** References within the LDC to federal, state or
2 other county regulations are intended only for the convenience of the reader. An
3 error in any reference or the absence of a reference does not exempt any use or
4 activity from compliance with applicable requirements of law.

5 **Sec. 1-1.14 Conflicts with LDC provisions.**

6 **(a) Higher standards.** If any provision of the LDC is in conflict with any county, state or
7 federal law, ordinance, regulation, DSM or other requirement, including other
8 provisions of the LDC, the more restrictive requirement or the one imposing the
9 higher standard shall prevail unless otherwise specifically provided by the prevailing
10 requirement.

11 **(b) SRIA leases.** Where the provisions of a lease agreement with the Santa Rosa
12 Island Authority (SRIA) conflict with LDC provisions, the lease will govern unless
13 otherwise mutually agreed by the lessee and the SRIA that the LDC provisions shall
14 apply. However, all new or renegotiated lease agreements with the SRIA shall be
15 consistent with the provisions of the Comprehensive Plan and the LDC.

16 **(c) Private agreements.** The interpretation and enforcement of the LDC is not affected
17 by any recorded easements, covenants, lease agreements, deed restrictions or
18 other agreements between private parties. It is not the intent of the LDC to repeal,
19 abrogate, or interfere with such private restrictions or agreements, but where the
20 LDC imposes greater restrictions, its provisions govern. Where the LDC imposes
21 lesser restrictions, it is the responsibility of those parties in a private agreement to
22 enforce its greater restrictions.

23 **Sec. 1-1.15 Severability of LDC provisions.**

24 If any section, sentence, clause or other portion of the LDC is for any reason held or
25 declared by a court of competent jurisdiction to be inoperative, invalid, or
26 unconstitutional, that decision does not affect other portions of the LDC that can be
27 given effect without the unacceptable portion. Similarly, if any provision of the LDC is
28 held to be inapplicable to a particular person, property, or circumstance, that holding
29 does not affect its applicability to any other person, property, or circumstance.

30

1 **Article 2 Nonconformance**

2 **Sec. 1-2.1 Purpose of article.**

3 The purpose of this article is to establish land use regulations that define the legal
4 status of nonconformance with LDC regulations, prohibit the expansion of any
5 nonconformance, restrict activities that would make any nonconformance more
6 permanent, and correct nonconformance to the extent practical. This article establishes
7 specific provisions through which nonconforming uses, structures, lots and site
8 conditions may be maintained, altered or reconstructed, and conditions under which the
9 nonconformance is terminated.

10 **Sec. 1-2.2 General conditions.**

11 **(a) Continuation.** Lawfully established and maintained uses, structures, lots and site
12 conditions that no longer comply with one or more land development regulations
13 may continue in productive use as legal exceptions to those regulations only as
14 prescribed by the nonconformance provisions of this article and related sections of
15 the LDC. In allowing the continuation of such nonconformance it remains the intent
16 of the LDC to prohibit the expansion and limit the alteration or reconstruction of
17 nonconformities, and to discourage the continuation of those that are inconsistent
18 with the purposes of applicable regulations. Where multiple nonconformities exist,
19 each must comply with the provisions regarding their lawful continuation.

20 **(b) Nonconformance status.** Any nonconformance status of a use, structure, lot or
21 site condition runs with the land and is not lost by changes of ownership, or
22 management. However, once nonconforming status is lost, the use, structure, lot or
23 condition shall comply with current LDC regulations. For the purposes of
24 determining whether the right to continue a nonconformance is lost, all of the
25 activities and structures on a lot are generally to be considered as a whole. For
26 example, a unit vacancy in a nonconforming multi-tenant building does not result in
27 the loss of the right to rent the unit if the use of the building as a whole is maintained.

28 **(c) Burden of proof.** The burden of proving the right to continue any nonconformance
29 is on the person seeking to maintain the nonconformance. Evidence of lawful
30 establishment and lawful continuance since establishment is required. In proving
31 such a right, the casual, intermittent, temporary, or unlawful use of land or structures
32 for any length of time is not sufficient to establish the existence of nonconformance.
33 Rental, lease or tax payments are not considered proof of a continued use, and the
34 voluntary disconnection of utilities shall be a means of establishing abandonment of
35 the use of the subject site.

36 **(d) Repairs and maintenance.** Minor repairs to and routine maintenance of property
37 where nonconformities exist are permitted and encouraged if such activities do not
38 create or increase any nonconformance and are not otherwise prohibited by the
39 LDC. Such repairs and maintenance may include non-structural interior and exterior
40 alterations or improvements, and normal work necessary to keep a structure in
41 sound condition. Additionally, no requirements of this section shall prevent the
42 strengthening or restoration of a structure to a safe condition in compliance with the

1 lawful order of a public official. All work, however, remains subject to the Florida
2 Building Code and the proper issuance of building permits.

3 **(e) Historic structures.** The correction of nonconformance for a bona fide historic
4 structure shall not require measures that would preclude the structure's continued
5 designation as a historic structure.

6 **(f) Parcel modification.** No parcel containing a nonconformity shall be divided,
7 reduced, or otherwise modified if the modification would inhibit correction of the
8 nonconformity.

9 **(g) Loss of property to public use.** Nonconformance resulting from governmental
10 right-of-way acquisition or other dedication of private property to a public use shall
11 have the same status as nonconformance resulting from amendments to land
12 development regulations. Construction or reconstruction in response to such loss of
13 property to a public use shall be according to current LDC provisions.

14 **Sec. 1-2.3 Continuing nonconformance.**

15 **(a) Nonconforming uses.** Lawfully established and maintained uses of land or
16 structures that no longer comply with zoning district or other applicable use
17 regulations of the LDC may continue subject to the following provisions which apply
18 to the uses of both conforming and nonconforming structures, site conditions and
19 lots:

20 **(1) Loss of nonconformance status.** The nonconformance of a use is lost when
21 any of the following occur, regardless of whether the nonconforming use is
22 maintained in conjunction with a conforming use:

- 23 **a. Conversion.** The use is converted to or replaced with a conforming use.
- 24 **b. Voluntary discontinuance.** The use is voluntarily discontinued for a
25 continuous period of 12 months or more as may be verified by the requested
26 termination of site utilities and similar evidence of voluntary discontinuation.
- 27 **c. Involuntary discontinuance.** The use is involuntarily discontinued for a
28 continuous period of 18 months or more and no extension of the period has
29 been granted by the Board of Adjustment (BOA) as prescribed in Chapter 2 of
30 the LDC or by the lawful authority.

31 **(2) Additions and alterations to structures.** No additions which increase the area
32 of either conforming or nonconforming uses shall be made to any structure
33 occupied, in whole or in part, by a nonconforming use. And, except as allowed in
34 the general conditions of this section, no alterations shall be made to such
35 structures.

36 **(3) Extension within a structure.** A nonconforming use may be extended to
37 occupy more floor area within the same structure it occupied when it became
38 nonconforming, provided that no dwelling or lodging units are added, and that
39 drainage, access, parking, landscaping, and all other site conditions are
40 conforming or will be made conforming prior to the increased occupancy of the
41 use.

- 1 **(4) Expansion to other structures or land.** Except as may otherwise be allowed in
2 the LDC, a nonconforming use shall not be expanded or relocated, in whole or
3 part, to occupy any other structures or land beyond that which it occupied when it
4 became nonconforming.
- 5 **(5) Operation of use.** A nonconforming use shall not be operated in a manner that
6 creates any new conflict or increases any existing conflict with any development
7 standards of the LDC.
- 8 **(6) Accessory uses.** A use that is accessory only to a principal nonconforming use
9 may not be continued after the principal use has been discontinued.
- 10 **(7) Change to another nonconforming use.** A nonconforming use of a structure
11 or premises may be changed to another nonconforming use provided that all of
12 the following conditions are met:
- 13 **a. Alterations.** No structural alterations are made to any structure used, and
14 any other alterations made to a structure occupied by the new use conform to
15 LDC requirements.
- 16 **b. Appropriate use.** The new use, including its customary accessory uses, is
17 no less appropriate under all current LDC regulations than the use it replaces.
18 The most restrictive zoning district in which the existing nonconforming use is
19 permitted by right shall be the reference for evaluating the appropriateness of
20 the new use.
- 21 **c. Intensification.** The new use shall not intensify or enlarge the basic use of
22 the building or premises by increasing required parking, vehicular or
23 pedestrian traffic, impervious ground cover, noise, dust or other adverse
24 offsite impacts, or other indicators of use intensity and enlargement.
- 25 **d. Restriction.** Once changed to a more restrictive nonconforming use, the new
26 use is not afterward changed to any less restrictive use.
- 27 **e. Extension.** The change does not result in an extension of a nonconforming
28 use except within a structure as permitted in this section.
- 29 **(b) Nonconforming structures.** Lawfully established and maintained structures that
30 no longer comply with height, setback, floor area ratio or other applicable regulations
31 of the LDC may continue subject to the following provisions:
- 32 **(1) Loss of nonconformance status.** The nonconformance of a structure is lost
33 when the structure is converted to or replaced with a conforming structure, or
34 when it is substantially damaged, demolished or removed. With the exception of
35 LDC airport and airfield requirements, when a nonconforming building is
36 destroyed by fire or other casualty, or by act of God, its restoration to the same or
37 lesser gross floor area is allowed when in conformance with current LDC site and
38 building standards to the extent possible as determined by the Planning Official.
39 Additionally, the continued use or occupancy of any undamaged portion of a
40 nonconforming building existing at the time of the partial damage is allowed if the
41 undamaged portion is determined by the appropriate authorities to be safe for the
42 intended use or occupancy.

- 1 **(2) Alterations and additions.** A nonconforming structure, other than a sign, may
2 be structurally altered, enlarged or extended through walled or unwalled
3 additions only if the use of the structure is conforming and the alteration,
4 enlargement or extension can be made without increasing the nonconformity of
5 the structure.
- 6 **(3) Moving.** A nonconforming structure, other than a sign, may be moved in whole
7 or part to another location within the same parcel only if the move decreases or
8 eliminates nonconformity.
- 9 **(c) Nonconforming lots.** Lawfully established lots that no longer comply with the
10 minimum area, minimum width, or other applicable regulations of the LDC may
11 continue subject to the following provisions:
- 12 **(1) Loss of nonconformance status.** The nonconformance of a lot is lost when the
13 lot is converted to a conforming lot.
- 14 **(2) Availability of adjacent land.** No structure shall be erected on any
15 nonconforming lot that is deficient in area if the owner of the lot owns any
16 adjoining vacant land which would create a conforming lot if combined with the
17 deficient lot.
- 18 **(3) Combination of lots.** The Planning Official may permit the combination of
19 nonconforming lots of record, in whole or part, into new lots less than the size
20 requirements established by the LDC if the combination of lots reduces the
21 degree of nonconformity and results in parcels which are capable of
22 accommodating structures in conformance with the building area and setback
23 requirements of the applicable zoning district.
- 24 **(4) Less than minimum size.** When a nonconforming lot of record can be used in
25 compliance with all regulations applicable to the intended use, except that the lot
26 is smaller than the minimum required for any use by the applicable zoning
27 district, the lot may be used as proposed. However, no use for which the LDC
28 requires a minimum lot size greater than the zoning district-wide minimum is
29 permissible on the nonconforming lot.
- 30 **(d) Nonconforming site conditions.** Lawfully established site conditions, excluding
31 uses, structures or lots, that no longer comply with applicable regulations of the LDC
32 may continue subject to the following provisions:
- 33 **(1) Loss of nonconformance status.** The nonconformance of a site condition is
34 lost when the condition is demolished, removed, or converted to or replaced with
35 a conforming condition. This provision does not apply to restriping parking lots
36 after surface resealing.
- 37 **(2) Expansion.** A conforming use located on a site with nonconforming conditions
38 shall not be expanded unless the site conditions are brought into conformance
39 with the provisions of the LDC.
- 40 **(3) Relocation.** No structure shall be relocated to a site with nonconforming
41 conditions unless the site conditions are brought into conformance with the
42 provisions of the LDC.

1 **(4) Change of use.** No existing structure located on a site with nonconforming
2 conditions shall be changed from one zoning use classification to another use
3 classification unless the site conditions are brought into conformance with the
4 provisions of the LDC.

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1 **Article 3 County Officials**

2 **Sec. 1-3.1 Purpose of article.**

3 The purpose of this article is to establish the authority and duties of county officials, or
4 to document the prior establishment of their responsibilities in other regulations, that are
5 necessary to implement provisions of the LDC. This article identifies specific LDC
6 authority and duties of the County Administrator, Planning Official, Building Official, and
7 County Engineer.

8 **Sec. 1-3.2 County Administrator.**

9 The County Administrator is appointed by the Board of County Commissioners (BCC) to
10 serve as administrative head of the county. The Administrator’s authority and duties,
11 prescribed by Florida Statutes and Chapter 2, *Administration*, Part I, Escambia County
12 Code of Ordinances, include development of an administrative plan and enforcement of
13 all LDC provisions to assure their full implementation.

14 **Sec. 1-3.3 Planning Official.**

15 **(a) General.** The Planning Official, an appointee of the County Administrator as
16 designated in the adopted county administrative plan, has the following authority and
17 duties in the implementation of the LDC:

- 18 **(1) Use determinations.** Make determinations concerning uses of land and
19 structures, especially as to whether a particular use or activity, or class of uses or
20 activities, or characteristic of a use or activity is of the same general character as
21 those uses or activities identified in the LDC as permitted, conditionally permitted
22 or prohibited.
- 23 **(2) Review and approval procedures.** Establish and maintain sufficiently detailed
24 procedures to implement the LDC compliance review and approval processes
25 prescribed in Chapter 3, except for those procedures identified as the
26 responsibility of another administrative authority.
- 27 **(3) Approvals and permits.** Confirm the appropriate compliance review processes
28 and administer reviews as required by the LDC to grant, grant with conditions, or
29 deny applications for the use and development of land. Upon the required
30 compliance documentation and approvals the Planning Official shall issue land
31 use certificates, development orders, permits and other forms of county
32 authorization.
- 33 **(4) LDC interpretations.** Make both general and specific interpretations on the
34 proper application of LDC provisions according to the established rules of
35 interpretation in Chapter 1. Interpretation responsibilities established here are
36 limited to the provisions of the LDC and do not override the responsibilities
37 prescribed by law or ordinance for other county officials or boards.
- 38 **(5) Map maintenance.** Maintain the accuracy of the county’s official future land use
39 category and zoning district maps. The maps can be made available to the
40 general public through the county website and for purchase through the offices of

1 the Planning Official according to the fee schedule established by the BCC.
2 Additionally, if uncertainty exists regarding the boundary of any mapped category
3 or district the Planning Official shall determine the boundary according to the
4 provisions in the LDC.

5 **(6) Concurrency management.** Provide assistance in regards to the county's
6 concurrency management system for those public facilities that have adopted
7 level of service standards.

8 **(7) Monitoring Systems.** Provide assistance in regards to the county's
9 transportation and school facilities monitoring systems that have adopted level of
10 service standards.

11 **(8) Findings and recommendations.** Review rezoning, variance, conditional use,
12 text amendment, and other land use applications that proceed to the Board of
13 Adjustment, Planning Board, or BCC and provide findings or recommendations to
14 the boards according to the provisions of the LDC.

15 **(9) Other duties.** Perform other duties that may be designated by the LDC.

16 **Sec. 1-3.4 Building Official.**

17 The Building Official is appointed by the BCC to serve as the building codes
18 administrator for the county. The official's authority and duties are prescribed by
19 Chapter 14, *Buildings and Building Regulations*, Part I, Escambia County Code of
20 Ordinances, and include enforcing the provision of the Florida Building Code, making
21 interpretations of that code, and adopting policies and procedures to clarify the
22 application of its provisions.

23 **Sec. 1-3.5 County Engineer.**

24 The County Engineer, has the following authority and duties in the implementation of
25 the LDC:

26 **(a) Standards and specifications.** Within accepted standards of professional
27 engineering practice, authorize modifications to specific engineering standards or
28 specifications as specifically provided within the LDC or DSM.

29 **(b) Engineering considerations.** Advise the Planning Official regarding his final
30 determinations on subdivision infrastructure construction and platting,
31 interpretations of engineering standards and specifications, and on other
32 engineering based considerations in development matters.

33 **(c) Findings and recommendations.** Make both general and specific comments
34 on the proper application of DSM. Review responses established here are
35 limited to the provisions of the LDC and DSM and do not override the
36 responsibilities prescribed by law or ordinance for other county officials or
37 boards. Provide findings or recommendations to the Planning Official according
38 to the provisions of the DSM and LDC.

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1 **Sec. 1-3.6 Director of Community and Environment Department**

2 The Director of Community and Environment Department shall set and execute the
3 rules and regulations for administration for the Department of Community and
4 Environment, subject to the approval and under the direction of the Board of County
5 Commissioners. He/she shall be a classified employee of the County and shall have the
6 powers to perform the duties provided for by this ordinance or as may be assigned by
7 amendments hereto. He/she shall see that all laws and ordinances and rules and
8 regulations are enforced.

9 **Findings and recommendations.** Make both general and specific comments
10 on the proper application of DSM. Review responses established here are
11 limited to the provisions of the LDC and DSM and do not override the
12 responsibilities prescribed by law or ordinance for other county officials or
13 boards. Provide findings or recommendations to the Planning Official according
14 to the provisions of the DSM and LDC.

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1 **Article 4 County Boards**

2 **Sec. 1-4.1 Purpose of article.**

3 This article establishes the authority and duties of county boards, or to document the
4 prior establishment of their responsibilities in other regulations, that are necessary to
5 implement provisions of the Land Development Code (LDC). This article identifies the
6 specific LDC authority and duties of the Board of County Commissioners (BCC),
7 Planning Board (PB), Santa Rosa Island Authority (SRIA), and Board of Adjustment
8 (BOA).

9 **Sec. 1-4.2 Board of County Commissioners.**

10 The Board of County Commissioners is the legislative and governing body of Escambia
11 County with authority and duties prescribed by Florida Statutes.

12 **Sec. 1-4.3 Planning Board.**

13 **(a) Authority and duties.** The Planning Board is established by the Comprehensive
14 Plan as the local planning agency (LPA) of Escambia County for the purposes
15 established by Florida Statutes and additionally prescribed in the LDC. Accordingly,
16 Planning Board members shall be informed and knowledgeable of the current
17 conditions and development of the county. Board members shall also be familiar
18 with county land development regulations, contemporary planning practices, and the
19 rules of quasi-judicial proceedings. The board shall take action on all matters
20 according to the requirements of the LDC, other applicable county ordinances, and
21 state regulations as may be initiated by the board itself, the County Administrator, or
22 the BCC. The Planning Board has the authority and duty for:

23
24 **(1) Comprehensive planning.** Prepare the Escambia County Comprehensive Plan
25 or plan amendments, hold public hearings on the proposals, and make
26 recommendations to the BCC regarding adoption. Additionally, monitor and
27 oversee the status and effectiveness of plan implementation and recommend to
28 the BCC any plan changes as may be necessary.

29 **(2) Land development regulation.** Hold public hearings to review all proposed text
30 amendments to the LDC and make recommendations to the BCC regarding
31 approval, particularly as to consistency with the Comprehensive Plan and other
32 provisions of the LDC.

33 **(3) Quasi-judicial hearings.** Hold quasi-judicial public hearings on proposed
34 zoning map amendments (rezoning), vested rights, and planned unit
35 developments (PUD), to review the established record of evidence in support of
36 LDC criteria and make recommendations to the BCC regarding approval,
37 particularly as to consistency with the Comprehensive Plan and LDC.

38 **(b) Membership.**

39 **(1) Appointment.** Each of the five County Commissioners shall appoint one
40 member, and the BCC as a whole shall appoint two "at large" members. All
41 seven will be voting members and must be approved by a majority vote of the

1 BCC. The Escambia County School Board shall appoint one *ex officio* member
2 and the commanding officers of NAS Pensacola and NAS Whiting Field shall
3 jointly appoint a second *ex officio* member. These two nonvoting members will
4 provide the school district and military installations with the representation
5 prescribed by Florida Statutes and interlocal agreement.

6 **(2) Qualification.** All appointees of the BCC must reside within Escambia County
7 and none shall be a paid or elected employee of the county. All persons seeking
8 appointment shall furnish a resume or *curriculum vitae* to the County
9 Administrator and BCC demonstrating their qualifications to serve.

10 **(3) Terms of service.** Each member appointed by an individual commissioner shall
11 serve a four-year term concurrent with their appointing commissioner, and the
12 two at large members shall serve two-year staggered terms. The school board
13 and Navy representatives shall serve until replacement by their respective
14 appointing authorities.

15 **(4) Removal and replacement.** Any member appointed by an individual
16 commissioner may be removed from office during his term by that commissioner,
17 and any at large member may be removed by a majority vote of the BCC. Any
18 voting member absent from four or more meetings within a 12-month period shall
19 be removed by the BCC unless the absences are reported by the Planning Board
20 chair as beyond the control of the absentee. The school board and Navy may
21 replace their appointed representatives at any time and for any reason they
22 determine appropriate. Any vacancy occurring during an unexpired term of a
23 member shall be filled for the balance of the term according to the appointment
24 and qualifications provisions applicable to that member.

25 **(5) Officers.** The voting members shall elect a chair and vice-chair from among
26 themselves. Terms of the offices shall be for two years, with eligibility for
27 reelection.

28 **(c) Meetings.** The board shall hold regular meetings for the consideration of business.
29 Special meetings may also be held as the members may determine necessary, or at
30 the call of the chair or Planning Official. All meetings shall be public and adhere to
31 Florida Sunshine Law requirements.

32 **(1) Quorum and vote.** At least four of the seven voting members must be present
33 to hold a meeting, and a majority vote of those present is required for any official
34 action to be taken at the meeting.

35 **(2) Procedure.** The Planning Board shall follow its adopted rules of procedure for
36 the transaction of its business consistent with the compliance review processes
37 of the LDC and any other applicable county or state requirements. Any
38 questions of order or procedure not covered by these rules shall be decided
39 according to the latest edition of Robert's Rules of Order, as applicable.

40 **(3) Records.** Minutes shall be kept of all proceedings, showing the vote of each
41 member on each question considered, or the fact of their absence or failure to
42 vote. Minutes and other records of official actions shall be maintained in the
43 offices of the Planning Official.

1 **(d) Staffing and assistance.** County planning staff shall assist in the work of the
2 Planning Board by preparing agendas, publishing notices, posting signs, arranging
3 meetings, distributing meeting minutes, and similar operational support. With the
4 approval of the County Administrator the Planning Board may call upon any county
5 offices for information and advice that it believes will aid its work. It shall be the duty
6 of the offices to furnish such information and advice promptly. A reasonable amount
7 of expenses for the board, such as professional services and legal advertisements,
8 shall be paid by the county upon the approval of the County Administrator.
9 However, no services may be contracted without prior approval of the BCC. The
10 County Attorney's Office shall provide legal assistance to the Planning Board.

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1 **Sec. 1-4.4 Santa Rosa Island Authority.**

2 **(a) General.** A special act of the 1947 Florida Legislature authorized the BCC to use
3 that portion of Santa Rosa Island owned by Escambia County for purposes the BCC
4 determined to be in the public interest. Additionally, the legislative act authorized and
5 required the BCC to delegate to, and vest certain of its powers and authority in, a
6 separate board - the Santa Rosa Island Authority (SRIA). The SRIA is charged with the
7 general stewardship of Pensacola Beach and to protect the public interest in those
8 resources that are unique to the county, state, and nation. More specifically, and within
9 the scope of the LDC, the SRIA has the authority and duty for

10 **(1) Land leasing.** Lease Santa Rosa Island, in whole or parts, assuring that all such
11 leases executed or renegotiated for the property under its authority are
12 consistent with the Comprehensive Plan and LDC.

13 **(2) Floodplain administration.** Administer and enforce the floodplain management
14 provisions of the LDC through the SRIA general manager as the authorized
15 Floodplain Administrator for Pensacola Beach. As Floodplain Administrator, the
16 general manager is specifically authorized and directed to administer and enforce
17 the floodplain management regulations of the county on Pensacola Beach as
18 prescribed in Chapter 4.

19 **(3) Development review.** Review development proposed on Pensacola Beach for
20 compliance with executed leases and specific provisions of the LDC, authorizing
21 development or providing recommendations to the Planning Official, Board of
22 Adjustment, (or?) and Planning Board, as applicable, regarding their final actions
23 on the development proposals.

24 **(4) Quasi-judicial hearings.** Hold quasi-judicial public hearings for Pensacola
25 Beach properties to review established records of evidence in support of LDC
26 criteria, and on the basis of those records to do the following:

27 **a. Variances.** Grant, grant with conditions, or deny applications for substantial
28 hardship variances to the strict site-specific application of eligible LDC
29 development standards.

30 **b. Conditional uses.** Grant, grant with conditions, or deny applications for
31 conditional uses as identified within applicable zoning or other LDC
32 provisions.

33 **c. Zoning map amendments.** Make recommendations to the BCC regarding
34 approval of requested zoning map amendments (rezoning), particularly as to
35 consistency with the Comprehensive Plan and LDC.

36 **Sec. 1-4.5 Board of Adjustment.**

37 **(a) Authority and duties.** The Board of Adjustment (BOA) is established and
38 authorized by the BCC to review practical difficulties or undue hardships created by
39 the strict application of land use regulations, and to grant relief according to the
40 provisions of the LDC. However, the BOA is not granted legislative authority to
41 substitute its judgment for that of the BCC, nor is it charged with the routine

1 administration of the LDC. The board shall uphold the meaning and intent of the
2 LDC as enacted by the BCC. Accordingly, BOA members shall be informed and
3 knowledgeable of county land development regulations and the rules of quasi-
4 judicial proceedings. The BOA shall take action on all matters according to the
5 requirements of the LDC, and all other applicable county ordinances and state
6 regulations. Except as established for the SRIA, the BOA has the authority and duty
7 to hold quasi-judicial public hearings, to review established records of evidence in
8 support of LDC criteria, and to grant, grant with conditions, or deny applications for
9 all of the following:

- 10 **(1) Appeals.** Appeals of orders, requirements, decisions, interpretations or
11 determinations of administrative officials, including officials under the authority of
12 the SRIA, regarding LDC compliance.
- 13 **(2) Variances.** Substantial hardship variances to the strict site-specific application
14 of eligible LDC development standards.
- 15 **(3) Conditional uses.** Conditional uses as identified within applicable zoning
16 districts or other LDC provisions.
- 17 **(4) Extensions.** Long-term extensions of LDC standard periods of compliance
18 approval or inactive nonconformance.
- 19 **(5) Temporary medical hardships.** Temporary use of manufactured (mobile)
20 homes or park trailers due to medical hardship.
- 21 **(6) Other.** Other approvals as may be specified by the LDC.

22 **(b) Membership.**

- 23 **(1) Appointment.** Each of the five County Commissioners shall appoint one
24 member and the BCC as a whole shall appoint two “at large” members. All
25 members must be approved by a majority vote of the BCC.
- 26 **(2) Qualification.** All appointees must reside within Escambia County and none
27 shall be a paid or elected employee of the county. All persons seeking
28 appointment shall furnish a resume or *curriculum vitae* to the County
29 Administrator and BCC demonstrating their qualifications to serve.
- 30 **(3) Terms of service.** Each member appointed by an individual commissioner shall
31 serve a four-year term concurrent with their appointing commissioner, and the
32 two at large members shall serve two-year staggered terms.
- 33 **(4) Removal and replacement.** Any member appointed by an individual
34 commissioner may be removed from office during his term by that commissioner,
35 and any at large member may be removed by a majority vote of the BCC. Any
36 member absent from four or more meetings within a 12-month period shall be
37 removed by the BCC unless the absences are reported by the BOA chair as
38 beyond the control of the absentee. Any vacancy occurring during an unexpired
39 term of a member shall be filled for the balance of the term according to the
40 appointment and qualifications provisions applicable to that member.

- 1 **(5) Officers.** The members shall elect a chair and vice-chair from among
2 themselves. Terms of the offices shall be for two years, with eligibility for
3 reelection.
- 4 **(c) Meetings.** The board shall hold regular meetings for the consideration of business.
5 Special meetings may also be held as the members may determine necessary, or at
6 the call of the chair or Planning Official. All meetings shall be public and adhere to
7 Florida Sunshine Law requirements.
- 8 **(1) Quorum and vote.** At least four of the seven members must be present to hold
9 a meeting, and a majority vote of those present is required for any official action
10 to be taken at the meeting.
- 11 **(2) Records.** Minutes will be kept of all proceedings to provide a written record,
12 including the meeting time, date and location, confirmation of public notification,
13 participants, and official actions taken by the board. Minutes will record the vote
14 of each member on each question considered, or the fact of their absence or
15 failure to vote. Minutes and other records of official actions shall be maintained
16 in the offices of the Planning Official.
- 17 **(3) Procedure.** The BOA shall follow its adopted rules of procedure for quasi-judicial
18 hearings consistent with the application review processes of the LDC and any
19 other applicable county or state requirements.
- 20 **(d) Staffing and assistance.** County planning staff shall assist in the work of the BOA
21 by preparing agendas, publishing notices, posting signs, arranging meetings,
22 distributing meeting minutes, and similar operational support. The office of the
23 County Attorney shall act as legal advisor to the BOA. Additionally, the BOA is
24 authorized to acquire from any county offices information and advice that it believes
25 will aid its work. However, such requests shall be made through the County
26 Administrator's office to ensure the proper allocation of resources and a timely
27 response.

Chapter previously reviewed
and vetted with exception of a
portion of Article 4

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Chapter 2 DEVELOPMENT AND COMPLIANCE REVIEW

- Article 1 General Provisions**
Sec. 2-1.1 Purpose of chapter.
Sec. 2-1.2 Purpose of article.
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Sec. 2-1.4 General provisions of compliance review.

- Article 2 Verifications and Confirmations**
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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.
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- Article 3 Land Disturbance Activities**
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- 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.

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Article 5 Subdivision

- Sec. 2-5.1 Purpose of article.
- Sec. 2-5.2 Subdivision review and platting.
- Sec. 2-5.3 Minor subdivisions.
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Article 6 Special Conditions and Circumstances

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- Sec. 2-6.6 Medical hardship temporary use of manufactured homes.
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- Sec. 2-6.8 Planned Unit Developments.
- Sec. 2-6.9 Statutory development agreements..

Article 7 LDC and Comprehensive Plan Amendment

- Sec. 2-7.1 Purpose of article.
- Sec. 2-7.2 LDC zoning map and text amendments.
- Sec. 2-7.3 Comprehensive Plan Future Land Use and text amendments.

Article 8 Manual and Procedures

- Sec. 2-8.1 Purpose of article.
- Sec. 2-8.2 General.
- Sec. 2-8.3 Criteria for inclusion.
- Sec. 2-8.4 Design Standards Manual (DSM).
- Sec. 2-8.5 Amendments or changes to the DSM.

1 **Article 1 General Provisions**

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

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

- 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.

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.

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.

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.

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.

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.

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

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

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

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

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

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

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

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

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

37 **(3) Denial.** For each application denied by the reviewing authority, the county shall
38 inform the applicant in writing of the basis of the denial. Unless modified or
39 overturned on appeal, a denial closes the original application. Any subsequent
40 review for approval requires a new application and may incur a waiting period as
41 set by department rules and procedures prior to any reapplication for
42 substantially the same requested approval.

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

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

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

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

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

40 **(3) Santa Rosa Island Authority.** The BCC may review and veto within thirty (30)
41 days any substantive action taken by the SRIA involving changes in land use or
42 the making or amending of commercial or developmental leases pursuant to Ch.
43 79-457, Laws of Florida."

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

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

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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.

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 **(1) Conditions.** A description of the specific conditions to which the
23 interpretation will apply.

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

26 **(3) 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.

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1 **Article 3 Land Disturbance Activities**

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

3 This article establishes the review necessary to confirm LDC compliance and authorize
4 site-specific land disturbance activities that are not evaluated separately by the other
5 review procedures of this chapter. These land disturbance reviews are defined by the
6 general provisions of Article 1 and the specific provisions of this article. They provide
7 appropriate evaluations of activities that have the potential for producing adverse off-site
8 impacts, especially regarding storm water, if not properly planned and managed. This
9 article includes review for demolition of structures, work in county rights-of-way, removal
10 of protected trees, and sand and aggregate use on barrier islands. Borrow pits and
11 other site development, not limited to land disturbance activity, require compliance
12 review according to the provisions of Article 4.

13
14 **Sec. 2-3.2 General land disturbance.**

15 **(a) General.** A general land disturbance permit is required prior to beginning any
16 activity involving the clearing, cutting, excavating, filling, or grading of land, or any
17 other activity that alters land topography or vegetative cover and is not authorized by
18 the other land disturbance permits of this article. The purpose for authorizing
19 general land disturbance is to assure that such activities, especially those with the
20 potential to significantly change stormwater surface runoff patterns, comply with the
21 stormwater management standards found in Chapter 5 of the LDC and in the Design
22 Standards Manual Chapter 1(DSM). Such activities must not result in adverse
23 impacts on adjoining properties, surface waters, environmentally sensitive lands,
24 roadways, or drainage systems.

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

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

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

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

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

34 Unless construction in a county right-of-way is authorized by a residential driveway
35 permit or other county approval, a county right-of-way work permit is required prior to
36 disturbing the paved portion, or any area beneath the paved portion, of any county
37 right-of-way; or prior to installing underground facilities in a county right-of-way; or
38 prior to work, other than maintenance, on a driveway connection within a county
39 right-of-way. A permit is not required for work or improvements included within
40 approved subdivision infrastructure construction plans or site development plans, or

1 for any exempt activities identified by the procedure for making road cuts, within
2 *Local Public Improvements*, Escambia County Code of Ordinances.

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

4 A residential driveway permit is required prior to construction of any driveway
5 connection from the lot of a single-family or two-family dwelling to any county street,
6 paved or unpaved, unless the connection is to a street with curb and gutter and is
7 constructed during the valid period of the building permit for the dwelling. A
8 driveway permit is also required prior to any work, other than maintenance, on an
9 existing residential driveway connection to a county street. Application for a
10 residential driveway permit shall be submitted for compliance review to the Planning
11 Officials.

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

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

17
18 **Sec. 2-3.7 Sand and aggregate on barrier islands.**

19 A sand and aggregate use permit is required prior to placement on Santa Rosa Island
20 or Perdido Key of any sand, aggregate, or other construction or landscaping materials
21 regulated by the LDC, regardless of any other land disturbance permits issued or other
22 approvals granted through the LDC compliance review. The process to authorize the
23 placement of these regulated materials is established in the Design Standards Manual,
24 Chapter 2 (DSM) to prevent the importation, use, and relocation of red clay and other
25 prohibited materials that tend to discolor, darken, or stain the natural white sands of
26 those barrier islands.

27
28 **Article 4 Site Development**

29
30 **Sec. 2-4.1 Purpose of article.**

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

1 obligation to comply with the specifications of the plan and the terms and conditions of
2 that approval.

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Sec. 2-4.2 Site development review.

5 **(a) Approval required.** Any site development regulated by the LDC requires county
6 review and approval of a major or minor site development plan, according to the
7 provisions of this article, unless the development is evaluated by other compliance
8 review provisions of this chapter or is specifically identified in the LDC as exempt
9 from these processes. And, if site development is anticipated to occur in phases
10 beyond the valid period of an individual site plan approval, review and approval of a
11 master plan is advisable to secure certain development conditions prior to the
12 separate review and approval of multiple phase plans. A representative from the
13 Escambia County Area Transit (ECAT) will review the site development plan if
14 applicable.

15 **(b) Timing of building plan review.** Although it may be advisable, it is not necessary
16 for an applicant to delay the building construction plan compliance review until the
17 site development plan is reviewed and approved. Once the building code
18 compliance review begins, the applicant bears all risk in the possibility of a
19 modification to the building construction plans required by a modification in the site
20 development plans and the expense for review of revised and resubmitted
21 construction plans.

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

34

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

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

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

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

5 **(a) General.** Minor site plan approval is required to authorize those land uses or
6 development activities categorized as a “minor site development” in this section.
7 The process to approve a minor site development evaluates uses and activities that
8 typically produce fewer and/or less complex LDC compliance conditions than major
9 development. As a result, compliance usually requires less documentation and
10 fewer resources to confirm. Minor review primarily verifies that the use is permitted,
11 the lot conforms, structures are appropriately placed, site access is adequate, public
12 facilities are provided, and no adverse off-site impacts are created.

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

15 **(1) Single-family and two-family residential.** Residential site development is a
16 combination of single-family and two-family dwellings that results in no more than
17 four dwelling units on a lot. The category includes all uses and structures
18 customarily accessory to such dwellings, including fences, enclosures, swimming
19 pools, carports, and portable storage containers, and the conversion of a non-
20 residential building to a one- or two-family dwelling.

21 **(2) Non-residential change of use.** Change of use in which the site development
22 changes any non-residential use of a non-residential structure or site to another
23 non-residential use, provided that any additional trip generation is minor and
24 modifications are limited to those of the minor non-residential and minor multi-
25 family category in this section. For these purposes, minor trip generation
26 corresponds to a less than a 25 percent increase in the minimum parking
27 required by the applicable unmodified base parking ratios in Chapter 5 and the
28 DSM.

29 **(3) Temporary non-residential.** Temporary establishment of a non-residential use
30 or structure including portable storage containers, portable shelters, mobile
31 vending units, amusement structures, temporary constructions, sales offices, and
32 other temporary uses and structures prescribed in Chapter 4.

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

39 **(c) Approval process.**

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

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

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

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

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

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

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

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

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

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

34 **(c) Approval process.**

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

37

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.

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.

28 **(2) Family conveyance.** The subdivision of land for family conveyance does not
29 need approval through the review of this article.

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.

34 **Sec. 2-5.3 Minor subdivisions.**

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

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

32 **(b) Approval process.**

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

35
36 **Sec. 2-5.5 Preliminary plats.**

- 37 **(a) General.** Preliminary plat approval is required to map the proposed subdivision of
38 land and to ensure the division of land meets all the land use regulations of the LDC.

Comment [AM1]: Preliminary plat and
Construction Plan separated
Justification: To allow the Preliminary Plat to be
approved separate with issuance of development
order so that final consideration could be considered
by the banking community. Further assurance that
the proposed development would proceed in good
faith.

1 (b) Preliminary plat can be submitted separate or at the same time the construction
2 plans are submitted. The approved preliminary plat reserves the density applied for.
3 Each phase of a subdivision requires submission of a preliminary plat.

4 (c) Approval process.

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

7 **Sec. 2-5.6 Construction Plans**

8 (a) General. Construction plan approval is required to document the design of
9 infrastructure to adequately serve the created lots. Infrastructure capacities will be
10 allocated upon final development plan approval. The approval allows the
11 construction of the subdivision infrastructure to proceed, but it does not allow
12 development on the individual subdivision lots prior to the recording of a final plat,
13 except for temporary uses as specifically provided in Chapter 4.

14 (b) Construction plans must be submitted within two years of the preliminary plat
15 approval. Plans may be submitted concurrently with the preliminary plan, at the
16 discretion of the applicant. If the construction plans show substantial deviations from
17 the approved preliminary plat, the applicant must submit a revised preliminary plat
18 prior to construction plan approval.

19 (c) Substantial deviations. Deviations shall be determined by the Planning Official
20 and/or the County Engineer. Deviations may include but not limited to the following:

- 21 (1) Any increase in the number of lots proposed.
- 22 (2) Significant re-alignment of proposed roadway.
- 23 (3) Increased impacts to public services (sanitary sewer, potable water, solid
24 waste.)
- 25 (4) Revised location of roadway connection to county road.

26 (d) Approval process.

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

30 **Sec. 2-5.7 Final plats.**

31 (a) General. Final plat approval is required to map the proposed subdivision of land in
32 compliance with the platting requirements of Florida Statutes, so that, upon its
33 recording, all land shown on the plat that is a part of the subdivision is identified and
34 may be conveyed by reference to the plat, including the dedication of rights-of-way
35 and easements. The approval of a final plat allows the recording of the plat in the
36 public records when its content and form are consistent with state and county
37 requirements and with any applicable conditions of its approved preliminary plat and
38 infrastructure construction plan.

39 (b) Approval process

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

3 **Sec. 2-5.8 Plat vacation.**

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

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

12 **(c) Approval process.**

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

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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 Quasi-judicial hearings are required for final determinations on the following
8 applications: appeals of administrative decisions, variances, conditional uses,
9 substantial hardship variances and other reviews as prescribed within this article.

10 **Sec. 2-6.3 Variance of LDC standards.**

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

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

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

26 Design and construction of swimming pools at Pensacola beach must take into
27 consideration the existing environmental conditions on a barrier island location.
28 Swimming pools to be constructed outside of established building setback lines
29 must be approved by the SRIA Board only, without the need for further action by
30 the BOA.

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

- 32 **(1)** Special conditions and circumstances exist which are peculiar to the land,
33 structure or building and which are not applicable to other lands, structures or
34 buildings in the same zoning district.
- 35 **(2)** The special conditions and circumstances do not result from the actions of the
36 applicant.
- 37 **(3)** Granting the variance requested will not confer on the applicant any special
38 privilege that is denied by this land development code to other lands, buildings or
39 structures in the same zoning district.

1 (4) Strict application of the provisions of the land development code would deprive
2 the applicant of rights commonly enjoyed by other properties in the same zoning
3 district under the terms of the land development code and would create an
4 unnecessary and undue hardship on the applicant.

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

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

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

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

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

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

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

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

40 (4) **Final determination.**

41 a. **Action of board.** If the reviewing board finds from the established record of
42 the hearing that there is a compelling demonstration by the applicant of

1 competent substantial evidence proving the required conditions, the board
2 shall grant a variance. However, a variance may only be granted to the
3 extent supported by the evidence presented.

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

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

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

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

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.

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.

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 reviewing board finds from the established record of
5 the hearing that there is a compelling demonstration by the applicant of
6 competent substantial evidence proving the required conditions, the board
7 shall grant a conditional use but only to the extent supported by the evidence
8 provided.

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

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. However, no applicant is automatically
28 entitled to any extension. Short-term (6 month) extensions are evaluated by the
29 Planning Official, and longer extensions (one year) shall be evaluated through a
30 quasi-judicial public hearing review by the BOA. These extension processes allow
31 additional time for concluding the compliance review, developing an approved use,
32 and continuing 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 may be placed within any
10 mainland zoning district to remedy a medical hardship according to the temporary
11 use provisions of Chapter 4, regardless of the density limits of the applicable zoning.
12 The requirements to grant the temporary use of a manufactured home or park trailer
13 as an accessory dwelling to provide in-home medical care is considered by the BOA
14 in a quasi-judicial hearing whether conditions warrant such use.

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 adopted medical
21 hardship temporary use procedures. That information shall include a general site
22 plan showing the proposed location of the manufactured home in relation to other
23 site improvements and conditions and other documentation satisfying the
24 medical hardship temporary use conditions established in this section.

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

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

- 33 **a. Certified need.** A Florida-licensed physician certifies in writing the medical
34 need, specifying the extent of the need for in-home medical care and the
35 approximate length of time for such in-home medical care.
- 36 **b. Minimum necessary.** Conditions and circumstances make it difficult or
37 impossible for the recipient and provider of medical care to reside in the same
38 dwelling and the temporary accessory dwelling is the minimum necessary to
39 provide relief of that medical hardship.
- 40 **c. Adequate public services.** The manufactured home or park trailer will have
41 adequate water, sewer, solid waste removal, and electric services available.

- 1 **d. Compatibility.** The temporary use will not produce adverse impacts on the
2 uses of surrounding properties.
- 3 **e. Standard conditions.** The temporary use can comply with the applicable
4 standards of Chapter 4.

5

6 **(4) Final determination.**

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

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

- 33 **(a) General.** It is the intent of this section to provide a mechanism for the granting of an
34 equitable vested right according to the provisions of this section when a landowner
35 asserts that sufficient development activity, once lawful under applicable land use
36 regulations but now contrary to their terms, has occurred so that the landowner is
37 entitled to a development right.
- 38 **(b) Application.** Application for vested rights approval shall be submitted to the clerk of
39 the Planning Board no later than 12 months following any act or omission on the part
40 of the county that the landowner discovers and asserts as the basis for a vested
41 right, or no later than 12 months following written county notification to the
42 landowner of the need to apply for a determination, whichever occurs sooner.

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

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

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

- (1)** The proposed use was authorized pursuant to a county development order, or equivalent, issued on or before the effective date of this Code, or a pertinent amendment thereto, and the development has commenced and is continuing in good faith. In a claim based upon this criterion, the owner must produce evidence of actions and accomplishments that substantiate timely and lawful progression towards the completion of the intentions and plans documented in the original order, or equivalent. In a claim based upon this criterion, the right to which the owner may be vested is a continuation of the original order, or equivalent.
- (2)** The owner is determined to have acquired rights due to good faith reliance on an act of commission or omission of the county which has caused the owner to make such a substantial change in position or to incur such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired. In a claim based upon this criterion, the owner must document, and the county must verify, the obligations and expenses that are in jeopardy. The owner must produce evidence of actions and accomplishments that substantiate timely and lawful progression towards the completion of the intentions and plans that have been jeopardized. Evidence including, but not limited to, that which demonstrates that such activity has not progressed in such a manner may be sufficient to negate a finding of good faith on the part of the owner and therefore invalidate the claim to vested rights.

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

Sec. 2-6.8 Planned Unit Developments.

(a) General. Planned unit development (PUD) is an optional and supplemental compliance review process for the subdivision of land. It allows flexibility in LDC requirements to encourage greater creativity in land use planning and design for the mutual benefit of developers and the public. The intent of the PUD is to obtain

1 benefits not anticipated by the strict application of zoning district regulations and
2 subdivision standards, and not available by other variance processes. For the
3 private gain of greater design flexibility, developers are required to provide greater
4 public benefits through permanently preserved common open space, infrastructure
5 improvements, accommodation of environmental and aesthetic features, and other
6 permanent site improvements and amenities benefiting public health, safety and
7 welfare. Proposed PUD is evaluated first through a quasi-judicial public hearing by
8 the Planning Board and then by the Board of County Commissioners (BCC)

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

- 16 **(1) Land uses.** Land uses may vary from the specific uses allowed by the
17 applicable zoning district, but they shall comply with the range of allowed uses
18 within the applicable future land use category.
- 19 **(2) Density.** The number of dwelling units shall not exceed the density allowed by
20 the applicable future land use category or zoning district.
- 21 **(3) Other processes.** The PUD process supplements but does not replace other
22 applicable compliance review processes of the LDC, including those for approval
23 of preliminary plats, construction plans, and final plats.
- 24 **(4) Standards.** The PUD process shall not modify any level of service standards for
25 adequate public facilities or standards for accessibility, life safety, or health

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

29 **(d) Public participation.** Prior to any hearing to consider a PUD, the clerk of the
30 Planning Board shall provide adequate public notice.

31 **(e) Compliance review.** The Planning Board shall conduct a quasi-judicial public
32 hearing as noticed to consider whether conditions warrant the proposed
33 modifications and make recommendations regarding the proposal to the BCC and
34 for them to consider and act on those recommendations.

35 **(f) Criteria for PUD approval.** The applicant has the burden of presenting competent
36 substantial evidence to the board that establishes each of the following conditions
37 for the PUD:

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

- 1 **(2) Natural amenities.** Clustering, setbacks, easements and other methods are
2 utilized to preserve to the greatest extent practicable the natural amenities and
3 characteristics of the land, including open space, topography, natural vegetation,
4 groundwater recharge, waterways, and scenic views. Deficiencies in natural
5 amenities are supplemented through landscaping and other enhancements.
- 6 **(3) Desirable environment.** A more desirable environment in which to live or work
7 is created than would be possible through the strict application of the minimum
8 requirements of the LDC. Common open space area is within reasonable
9 walking distance of all dwelling units in the development.
- 10 **(4) Mobility.** Internal circulation systems promote both pedestrian and vehicular
11 mobility, especially between residential areas and local public open space,
12 schools, retail sales and services, and employment. Sidewalks are located on at
13 least one side of every street to support safe pedestrian mobility within the
14 development and appropriate access to surrounding uses.
- 15 **(5) Efficient land use.** An efficient use of land results in smaller networks of streets
16 and utilities. If street rights-of-way are proposed to be less than standard width,
17 easements will provide adequate space to install and maintain utilities.
- 18 **(6) Compatibility.** The development is compatible with surrounding areas and
19 provides stable conditions and character to maintain long-term compatibility.

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

21 At the request of an applicant or the county, a voluntary development agreement may
22 be entered into that would vest certain conditions agreed to by both parties according to
23 the requirements of Florida Statutes. The form of the development agreement shall be
24 approved through the County Attorney's Office. The Planning Board shall conduct the
25 first of two public hearings required by law. The BCC shall conduct the second public
26 hearing, with final adoption of the development agreement requiring a majority vote of
27 the BCC.

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

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. More specifically, this article includes review for amendment of the
10 LDC zoning map (rezoning), the Comprehensive Plan future land use map (FLUM), and
11 text amendments 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.

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.

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:

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.
4

5 **b. Consistent with LDC.** The proposed rezoning is consistent with the stated
6 purposes and intent of the LDC and not in conflict with any of its provisions.
7

8 **c. Compatibility.** All land uses, development activities, and conditions allowed
9 by the proposed zoning are compatible with the surrounding conforming uses,
10 activities and conditions and able to coexist in relative proximity to them in a
11 stable fashion over time such that no use, activity, or condition negatively
12 impacts another. The appropriateness of the rezoning is not limited to any
13 specific use that may be proposed but is evident for all permitted uses of the
14 requested zoning. This condition shall not apply to any conditional uses of
15 the proposed district or compatibility with nonconforming or unapproved uses,
16 activities, or conditions.
17

18 **d. Changed conditions.** The area to which the proposed rezoning would apply
19 has changed, or is changing, to such a degree that it is in the public interest
20 to encourage new uses, density, or intensity in the area through rezoning.
21

22 **e. Development patterns.** The proposed rezoning would contribute to or result
23 in a logical and orderly development pattern.
24

25 **f. Effect on natural environment.** The proposed rezoning would not increase
26 the probability of any significant adverse impacts on the natural environment.
27

28 **(5) Board Action.** The reviewing board shall recommend approval of the rezoning
29 request to the BCC, unless the reviewing board determines that maintaining the
30 current zoning designations shall prevent the following:
31

32 **a. Premature or sprawl.** The land uses and development activities allowed by
33 the proposed rezoning are not premature, and the rezoning would not likely
34 create or contribute to an urban sprawl pattern of development more than the
35 current zoning.
36

37 **b. Isolated district.** The proposed rezoning would not create or contribute to an
38 isolated zoning district that is neither related to the adjacent and nearby
39 zoning districts nor an appropriate transition between them.
40

41 **c. Intrusion of non-residential uses.** The proposed rezoning would not allow
42 an intrusion of commercial or industrial uses into a platted residential
43 subdivision or other established residential area more than the current zoning.
44

45 **d. Property value impacts.** The land uses, development activities and
conditions allowed by the proposed rezoning would not likely result in
significant adverse impacts upon the property values of adjacent properties or

1 those in the immediate area more than the types of use, activities, and
2 conditions permitted by the current zoning.

3 **e. Nuisance-based impacts.** The land uses, development activities and
4 conditions allowed by the proposed rezoning would not likely adversely
5 impact the character of existing development or quality of life in the general
6 area or neighborhood by creating excessive traffic, noise, lights, vibration,
7 fumes, odors, dust, physical activities, or other detrimental effects or
8 nuisances more than the types of uses, activities and conditions permitted by
9 the current zoning.

10
11 **(6) Final determination.** The BCC at its scheduled hearing shall adopt, modify, or
12 reject the recommendation of the Planning Board or SRIA or return the rezoning
13 case to the board with instructions for additional facts or clarification. The staff of
14 the recommending board shall inform the board of all formal actions taken by the
15 BCC on the rezoning request.

16 **(7) Appeals.** Actions by the BCC adopting, rejecting, or modifying the
17 recommended rezoning of the reviewing board are final. Any party seeking
18 judicial review of the final determination shall do so according to the general
19 provisions of Article 1. Additionally, written notice of the filing of any such petition
20 for judicial review shall be promptly provided by the petitioner through the county
21 to each owner of real property with any portion within a 500-foot radius of the
22 rezoning subject property.

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

24 Changes to the text of the LDC set policy and are legislative in nature. The
25 requirements to approve a text amendment are established for the Planning Board
26 to make recommendations to the BCC regarding whether requested changes to LDC
27 text are necessary and appropriate and for the BCC to consider and act on those
28 recommendations. The text amendment process does not amend the content of
29 zoning district maps, technical standards, and other maps or documents adopted by
30 reference within the LDC.

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

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

40 **(3) Compliance review.** The Planning Board shall consider a requested text
41 amendment during the noticed meeting of the board and determine any
42 subsequent action. If the text is to be evaluated as an amending ordinance, the
43 board shall conduct a public hearing. At the conclusion of the hearing the

1 Planning Board shall adopt a recommendation to the BCC for adoption, adoption
2 with modification, or rejection of the amendment.

3 **a. Planning Official's evaluation.** For any amending ordinance, or as may be
4 requested by the Planning Board for any other text amendment proposal, the
5 Planning Official shall review and evaluate the proposal according to the
6 required amendment conditions. The evaluation shall be provided to the
7 Planning Board for consideration with the proposed text amendment.

8 **b. Recommendation to BCC.** For any amending ordinance, the clerk of the
9 Planning Board shall forward the board's recommendation to the BCC for
10 consideration in a public hearing at the next available scheduled meeting of
11 the BCC. The clerk of the Planning Board shall ensure public notice of the
12 BCC hearing consistent with Florida Statutes and the notice required for
13 hearings of the Planning Board.

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

27 **(d) Consistency with Comprehensive Plan.** A challenge by a substantially affected
28 person of any LDC regulation on the basis that it is inconsistent with the
29 Comprehensive Plan shall be made according to the administrative review
30 provisions of Florida Statutes.

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

32 **(a) General.** All provisions of the Comprehensive Plan are established, modified, or
33 repealed by ordinance of the Board of County Commissioners (BCC). Future land
34 use map (FLUM) and text amendments may be proposed by the county or others
35 according to ordinance enactment and plan amendment procedures prescribed by
36 Florida Statutes and the provisions of this section. Since any Comprehensive Plan
37 amendment is a change in the foundational growth management plan guiding county
38 economic growth, land development, resource protection, and the provision of public
39 services and facilities, significant opportunities for public participation are provided.

40 **(b) Applicant expenses and responsibilities.** Any person requesting consideration of
41 an amendment to the Comprehensive Plan shall be responsible for all costs and
42 supporting information associated with preparation of the request that may be
43 required by the county or the state.

- 1 **(c) State review.** A Comprehensive Plan amendment adopted by the BCC shall follow
2 the applicable state statute. An amendment qualifies as a small scale if it is less
3 than ten acres in size or a large scale if it is greater than ten acres in size.
- 4 **(d) Amendment requirements.** Amendments to both the text and the future land use
5 map of the Comprehensive Plan functionally set policy and are legislative in nature.
6 The requirements to approve a comprehensive plan amendment are established for
7 the Planning Board to make final recommendations to the BCC regarding whether
8 requested amendments to the Comprehensive Plan of the county are necessary and
9 appropriate and for the BCC to consider and act on those recommendations.
- 10 **(1) Application.** An application for a Comprehensive Plan amendment approval
11 shall be submitted for compliance review to the clerk of the Planning Board at
12 least 30 business days prior to the scheduled board meeting. A pre-application
13 meeting of the applicant with staff for the board is recommended to discuss the
14 process and review county and applicant responsibilities.
- 15 **(2) Public participation.** Prior to any hearing to consider a comprehensive plan
16 amendment, the clerk of the Planning Board shall ensure public notice consistent
17 with Florida Statutes and the Comprehensive Plan.
- 18 **(3) Compliance review.** The Planning Board shall consider a requested
19 Comprehensive Plan amendment during the noticed meeting of the board and
20 determine any subsequent actions. At the conclusion of the hearing, the
21 Planning Board shall adopt a recommendation to the BCC for adoption, adoption
22 with modification, or rejection of the amendment.
- 23 **a. General amendment conditions.** All amendments to the Comprehensive
24 Plan shall demonstrate the following general conditions, allowing that where
25 an amendment is imposed by a state or federal requirement it need only
26 demonstrate the conditions to the greatest extent practicable under that
27 requirement:
- 28 **1. Need and benefit.** There is an identified land use need particular to the
29 scope and function of the Comprehensive Plan for which an amendment is
30 clearly warranted.
- 31 **2. Professional practices.** The proposed amendment applies
32 contemporary planning principles, engineering standards, and other
33 professional practices to provide an effective and efficient remedy for the
34 identified land use problem or need.
- 35 **b. FLUM amendment conditions.** In addition to the general amendment
36 conditions, a future land use map amendment shall be based upon analyses
37 by Florida Statute.
- 38 **c. Comprehensive Plan text amendment.** A comprehensive plan text
39 amendment shall demonstrate any applicable governing regulations.
- 40 **d. Planning Official's report.** For any amending ordinance, or as may be
41 requested by the Planning Board for any other amendment proposal, the
42 Planning Official shall review and evaluate the proposal according to the

1 required amendment conditions. The evaluation shall be provided to the
2 Planning Board for consideration with the proposed text amendment.

- 3 **e. Recommendation to BCC.** For any amending ordinance, the clerk of the
4 Planning Board shall forward the board's recommendation to the BCC for
5 consideration in a public hearing at the next available scheduled meeting of
6 the BCC. The clerk of the Planning Board shall ensure public notice of all
7 BCC hearings regarding the amendment consistent with Florida Statutes and
8 the notice required for hearings of the Planning Board.

9
10 **(4) Final determination.** Requirements for a final determination on a proposed
11 Comprehensive Plan amendment shall be as prescribed by Florida Statutes and
12 summarized in the following actions:

- 13 **a. Initial action of BCC.** The BCC shall consider the amending ordinance at its
14 noticed public hearing and accept, modify, or reject the recommendation of
15 the Planning Board. The initial hearing of the BCC shall be for transmittal if
16 the amendment is following the expedited state review or state coordinated
17 review process. If the amendment qualifies as small in scale, the initial
18 hearing shall be the adoption hearing for the ordinance.
- 19 **b. Initial transmittal.** If approved by the BCC at the initial public hearing, an
20 amendment following the expedited state review or state coordinated review
21 process shall be transmitted with appropriate supporting data and analysis to
22 the state land planning agency and other reviewing agencies for comment.
- 23 **c. Response of BCC.** After county receipt of reviewing agency comments the
24 BCC shall hold a second noticed public hearing within the time prescribed by
25 statute to consider adoption of the ordinance. At the hearing the BCC shall
26 adopt, modify, or reject the amending ordinance. Failure to timely hold a
27 second hearing shall be considered withdrawal of the amendment.
- 28 **d. Adoption transmittal.** If approved by the BCC at a public hearing, the
29 county shall transmit the adopted amendment and appropriate supporting
30 data and analysis to the state land planning agency and any other reviewing
31 agencies that provided timely comment. An adopted amendment becomes
32 effective no sooner than the minimum time after adoption prescribed by
33 statute. If timely challenge, an amendment does not become effective until
34 the state issues a final order determining compliance.
- 35 **e. Landowner dispute resolution.** If the county denies a landowner's request
36 for an amendment to the comprehensive plan that is applicable to the owner's
37 land, the county must afford the owner an opportunity for informal mediation
38 or other alternative dispute resolution as required by Florida Statutes.

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 **Sec. 2-8.2 General.**

16 The LDC support documents can be known collectively as the Design Standard Manual
17 (DSM) and will be located in the LDC as an attachment. To date, the County has
18 established the following documents to be used to supplement the LDC and be provided
19 as part of the DSM:

- 20
- 21 (a) Design Standards Manual (DSM), Chapter 1, Engineering
- 22 (b) Design Standards Manual (DSM), Chapter 2, Environmental
- 23 (c) Design Standards Manual (DSM), Chapter 3, Low Impact Development (pending)
- 24

25 The manual outlines the steps and processes or standards to be followed at each stage
26 of the development process. By providing sheet layout specifications, and technical
27 guidelines, the manual is intended to be used in conjunction with the LDC and cover all
28 aspects of development planning, design, and construction.

29

30 **Sec. 2-8.3 Criteria for Inclusion.**

31 These manuals are not intended to replace the LDC but are meant to provide reference
32 for plan development by the "Engineer of Record." The information provided in the
33 manual, including, technical guidelines, and standards, must meet one of the following
34 criteria to qualify for inclusion:

- 35
- 36 (a) Provides specific and general design requirements
- 37 (b) Provides subjective design choices
- 38 (c) Provides design criteria that, in all cases, meet or exceed mandatory regulatory
39 or industry design requirements
- 40 (d) Provides background information related to a design requirement or guideline
- 41 (e) Provides a sample calculation
- 42 (f) Details specific information regarding development applications

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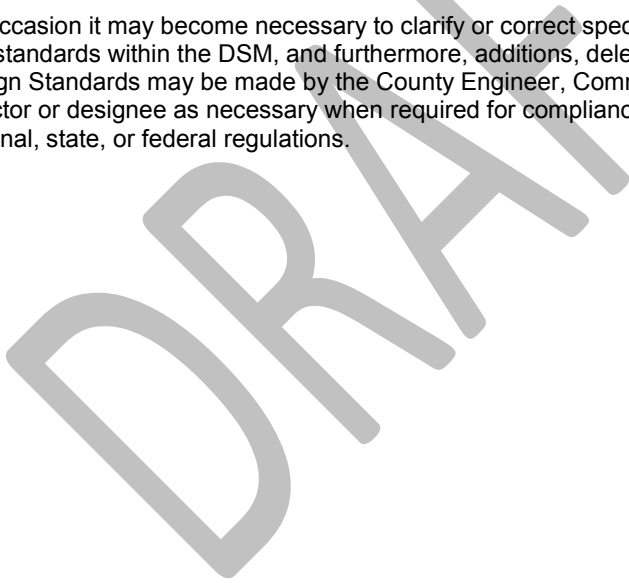
Sec. 2-8.4 Design Standards Manual

The Design Standards Manual (DSM) establishes the standards meant to provide minimum technical or environmental guidelines and standards for the design and construction of any facilities located within Escambia County. The County Engineer and Environmental Director shall be responsible for the administration, oversight, and development of the manual. In addition a Professional Advisory Committee (PAC) shall be established to review and revise the manual. Details regarding the committee's structure and responsibilities have been provided in the DSM.

Sec. 2-8.5 Amendments or changes to the DSM

The manual will be reviewed annually and updated accordingly, based on new standards, technology, or procedural changes, by the Professional Advisory Committee. Revisions to this manual will be presented to the Planning Board for their review and recommendation to the BOCC and will be effective at the time of the BOCC decision.

On occasion it may become necessary to clarify or correct specific terms, requirements, and standards within the DSM, and furthermore, additions, deletions, or revisions to Design Standards may be made by the County Engineer, Community and Environment Director or designee as necessary when required for compliance with mandatory regional, state, or federal regulations.



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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.
- Sec. 3-1.7 Density bonuses.

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).
- Sec. 3-2.15 Public (Pub).

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 Purpose of article.
- Sec. 3-4.2 Low Density Residential (LDR-PK).
- Sec. 3-4.3 Medium Density Residential (MDR-PK).
- Sec. 3-4.4 High Density Residential (HDR-PK).
- Sec. 3-4.5 Commercial (Com-PK).
- Sec. 3-4.6 Commercial Core (CC-PK).
- Sec. 3-4.7 Commercial Gateway (CG-PK).
- Sec. 3-4.8 Planned Resort (PR-PK).
- Sec. 3-4.9 Recreation (Rec-PK).

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 **(a) General.** This chapter establishes county zoning districts necessary to implement
4 the distribution and extent of land uses prescribed by the future land use categories and
5 related policies of the Comprehensive Plan. Regulations for each district specify the
6 allowable uses of land and structures, the density and intensity of those uses, and other
7 standards that define what portion of any parcel a structure or use may occupy. Special
8 purpose overlay zoning districts further specify allowable uses and other requirements
9 in areas of unique character or condition. Compliance with the provisions of this
10 chapter is evaluated by the administrative authorities described in Chapter 1 according
11 to the compliance review processes prescribed in Chapter 2. More specifically, this
12 chapter is 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 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) Generally.** Together the future land use (FLU) categories of the Comprehensive
36 Plan and zoning districts of the LDC form the primary location-specific land use
37 regulations of the county. Within each FLU, one or more zoning districts implement
38 and further refine the distribution and extent of allowable land uses. The
39 identification or classification of a use or activity as allowed by the applicable future
40 land use category and zoning district does not constitute the required approval to

1 carry out that use or activity. Consistency with FLU and zoning only indicates that,
2 upon appropriate review and approval for compliance with the provisions of the LDC,
3 the use or activity may be established, reestablished or expanded.

4 **(b) Official maps.** The areas of the county subject to each future land use category
5 established within the Comprehensive Plan are recorded on the *Official Future Land*
6 *Use Map of Escambia County*. Similarly, the areas of each zoning district
7 established in this chapter are recorded on the *Official Zoning Map of Escambia*
8 *County*. The zoning map is adopted and incorporated here by reference and
9 declared to be part of the LDC. The information shown on the map has the same
10 force and effect as the text of the LDC. Both official maps are represented and
11 maintained digitally in the county's Geographic Information System (GIS) and shall
12 be accessible to the public via the county's website, www.myescambia.com.
13 [6.02.00]

14 **(c) Boundary determinations.** If uncertainty exists regarding the boundary of any FLU
15 category or zoning district, the boundary shall be determined by the Planning Official
16 in consideration of the following: [2.07.02.A.2, 6.02.01]

17 **(1) Natural features.** A boundary that reflects a clear intent to follow a particular
18 natural feature such as a stream or shoreline shall be understood to follow the
19 feature as it actually exists and move with the feature should it move as a result
20 of natural processes.

21 **(2) Manmade features.** A boundary shown on the official map as approximately
22 following a right-of-way, parcel line, section line, or other readily identified
23 manmade feature shall be understood to coincide with that feature.

24 **(3) Parallel or extension.** A boundary shown on the official map as approximately
25 parallel to a natural or manmade feature shall be understood as being actually
26 parallel to that feature; or if an apparent extension of such a feature, then
27 understood as an actual extension.

28 **(4) Metes and bounds.** If a boundary splits an existing lot or parcel, any metes and
29 bounds description used to establish the boundary shall be used to determine its
30 location.

31 **(5) Scaling.** If the specific location of a boundary cannot otherwise be determined, it
32 shall be determined by scaling the mapped boundary's distance from other
33 features shown on the official map.

34 **(d) Split parcels.** The adopted zoning districts and FLU categories are parcel-based,
35 but their boundaries are not prohibited from dividing a parcel. For parcels split by
36 these boundaries, including overlay district boundaries, only that portion of a parcel
37 within a district or category is subject to its requirements. Where a zoning district
38 boundary divides a parcel that is one acre or less in size and not part of a platted
39 residential subdivision, the zoning district of the larger portion may be applied to the
40 entire parcel if requested by the parcel owner, consistent with the applicable FLU
41 category, and in compliance with the location criteria of the requested zoning.
42 Zoning map amendment is otherwise required to apply a single district to a split-
43 zoned parcel. [6.02.01.D, 11.02,01.B.4]

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

8 Land that otherwise has no adopted zoning, and is not within an area determined by
9 the county to be excluded from zoning, shall have zoning established by zoning map
10 amendment. If the land also has no approved future land use category, one shall be
11 adopted according to the process prescribed for such amendments prior to, or
12 concurrently with, Board of County Commissioners (BCC) approval of the zoning.
13 **[6.01.02, 6.01.03, 6.02.01.C]**

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

18 **(g) Future land use designations.** The future land use categories established within
19 the Comprehensive Plan and referenced in the LDC are designated by the following
20 abbreviations and names:

21	AG	Agriculture
22	RC	Rural Community
23	MU-S	Mixed-Use Suburban
24	MU-U	Mixed-Use Urban
25	C	Commercial
26	I	Industrial
27	P	Public
28	REC	Recreation
29	CON	Conservation
30	MU-PK	Mixed-Use Perdido Key
31	MU-PB	Mixed-Use Pensacola Beach

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

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

35	RR	Rural Residential
36	LDR	Low Density Residential
37	MDR	Med. Density Residential
38	HDR	High Density Residential
39	LDR-PK	Low Density Residential - Perdido Key
40	MDR-PK	Medium Density Residential - Perdido Key
41	HDR-PK	High Density Residential - Perdido Key
42	LDR-PB	Low Density Residential - Pensacola Beach
43	MDR-PB	Medium Density Residential - Pensacola Beach
44	HDR-PB	High Density Residential - Pensacola Beach

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

3 **a. Mixed-use.** The mixed-use districts are:

- 4 RMU Rural Mixed-use
- 5 LDMU Low Density Mixed-use
- 6 HDMU High Density Mixed-use
- 7 MDR/C-PB Medium Density Residential & Commercial - Pensacola
8 Beach
- 9 HDR/C-PB High Density Residential & Commercial - Pensacola Beach

10 **b. Commercial and industrial.** The commercial and industrial districts are:

- 11 Com Commercial
- 12 Com-PK Commercial - Perdido Key
- 13 CC-PK Commercial Core - Perdido Key
- 14 CG-PK Commercial Gateway - Perdido Key
- 15 GR-PB General Retail - Pensacola Beach
- 16 Rec/R-PB Recreation Retail - Pensacola Beach
- 17 CH-PB Commercial Hotel - Pensacola Beach
- 18 HC/LI Heavy Commercial and Light Industrial
- 19 Ind Industrial

20 **c. Other.** The other non-residential districts are:

- 21 Agr Agricultural
- 22 Rec Recreation
- 23 Con Conservation
- 24 Pub Public
- 25 PR-PK Planned Resort - Perdido Key
- 26 Rec-PK Recreation - Perdido Key
- 27 PR-PB Preservation - Pensacola Beach
- 28 Con/Rec-PB Conservation and Recreation - Pensacola Beach
- 29 G/C-PB Government and Civic - Pensacola Beach

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

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 25du/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 18du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDMU FLU-limited max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, uses	No, uses	No, uses	No, uses
Com FLU-limited max 25du/ac	No, max density	No, max density	Yes	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
Pub No res allowed	Yes	Yes	Yes	Yes	Yes	No, uses	Yes	Yes	Yes

2 For every combination of zoning district and FLU category represented by the table,
3 "Yes" indicates the zoning is consistent with the FLU. "No" indicates zoning
4 inconsistency with the FLU, primarily for the reason noted.
5

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

2 **(a) Generally.** 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 so 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.** The identification of a use as conditional within a zoning district
12 is an indication that, given certain existing or imposed conditions, the use may be
13 appropriate for some locations in that district. The appropriateness of the use is
14 determined through discretionary county review of an applicant’s demonstration that
15 specific conditions will assure compatibility with surrounding uses. Conditions
16 applicable to all conditional uses are established in the conditional use process
17 provisions of Chapter 2. Additional conditions applicable to a specific use may be
18 established by the LDC where the conditional use is established.

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

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

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

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

40 **(1) Information.** The Planning Official, or Board of Adjustment (BOA) on appeal,
41 shall obtain the information necessary to accurately classify a use. At a
42 minimum, the applicant shall describe in writing the nature of the use and the
43 county shall utilize public records, site investigations and other reliable sources of

1 information, including the *Land-Based Classification Standards* of the American
2 Planning Association and the *North American Industry Classification System*
3 (NAICS) of the U.S. Department of Commerce.

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

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

22 **(3) Determinations.** All classifications determined by the Planning Official shall be
23 recorded to ensure consistency with future classifications. A use not determined
24 to be one specifically identified in the LDC as permitted or conditionally permitted
25 may be proposed to the Planning Board for consideration of subsequent zoning
26 district use amendment.

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

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

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

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

37 **(a) Generally.** Each zoning district establishes its own site and building requirements
38 which define physical limits to the development of district parcels. These
39 requirements, in combination with other district provisions, the use and location

1 regulations of Chapter 4, and the general development standards of Chapter 5,
2 define the limits for all development within the district.

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

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

12 **(d) Density.** The number of dwelling or lodging units allowed within a parcel is
13 determined by the product of the total development parcel area and the maximum
14 density allowed by the applicable zoning district. When the calculated number of
15 allowable units for a parcel results in a fraction greater than or equal to 0.5 units,
16 rounding to the next whole number is permitted to allow a maximum of one
17 additional unit. Regardless of the maximum density allowed, each existing lot of
18 record is vested for a single-family dwelling as the principal use. [2.10.01.F]

19 **(e) Lot width and area.** All new lots shall provide the minimum width and area required
20 by the applicable zoning, except that parcels created for public utilities or preserved
21 for recreation, conservation, or open space need only have width sufficient for
22 access to that limited use. Any existing lot of record that contains less width or area
23 than required by the applicable zoning district may be used for any use allowed
24 within that district if the use complies with all other applicable regulations, including
25 buffering and use-specific minimum lot area. [2.10.01.D, 6.04.08]

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

31 **(g) Setbacks and yards.** The minimum setbacks and yards for structures are those
32 required by the applicable zoning district or as otherwise may be stipulated in SRIA
33 lease agreements for lands on Pensacola Beach.

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

39 **(2) Accessory structures.** Accessory structures shall be limited to side and rear
40 yards and be at least five feet from any interior side or rear lot line except where
41 specifically allowed as encroachments. Accessory dwellings shall be limited to
42 the setbacks required for the principal dwelling. [2.10.07.A]

1 **(3) Distance between dwellings.** Where the applicable zoning district allows more
2 than one dwelling on a single lot, the minimum horizontal distance between such
3 dwellings shall not be less than twice the side yard distance required by the
4 district, and the minimum distance between any structures shall not be less than
5 the minimum required by the Florida Building Code. [2.10.01.C, 2.10.07.E]

6 **(4) Encroachments by building features.** Every part of a required yard shall be
7 open from its lowest point to the sky, unobstructed except for the ordinary
8 projection of sills, belt courses, cornices, buttresses, awnings, eaves and similar
9 building features. No such projection shall extend more than 24 inches into any
10 yard, except roof overhangs, awnings, outside stairways, and balconies which
11 may extend up to 48 inches into any yard provided the building setback is
12 otherwise at least 10 feet [2.10.01.A & B]

13 **(5) Encroachment of porch or terrace.** An open, unenclosed and uncovered
14 paved terrace or a covered porch may extend into the required front yard no
15 more than 10 feet. [2.10.03.C]

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

18 **(1) Agricultural structures.** Structures such as cotton gins, granaries, silos, and
19 windmills associated with permitted agricultural uses may exceed the district
20 height limits if not in conflict with any applicable airport or airfield height
21 restrictions. [2.10.02.A]

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

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

31 **Sec. 3-1.6 Compatibility.**

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

38 **(b) Location criteria.** Location criteria are established within some zoning districts to
39 promote compatibility among uses, especially new non-residential uses in relation to
40 existing residential uses. Most criteria are designed to create smooth transitions of
41 use intensity from large-scale concentrations of general commercial uses near major

1 street intersections to small-scale dispersed neighborhood commercial uses in
2 proximity to residential areas. Such transitions prevent the adverse impacts of
3 continuous strip commercial development along major streets and avoid negative or
4 blighting influences of some commercial uses on adjacent residential
5 neighborhoods. [7.20.00]

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

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

- 17 a. Twenty-two foot width of pavement (two lanes) or more.
- 18 b. Posted speed limit of 35 mph or more.
- 19 c. Signalized intersection on the segment or at its termini.
- 20 d. Connection to a collector or arterial street.
- 21 e. Average Annual Daily Traffic at least 1500 vehicles.

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

28 **Sec. 3-1.7 Density bonuses.** [07.17.00]

29 **(a) Generally.** A system for residential density bonuses is established to provide an
30 incentive for the private sector to voluntarily achieve some of the policies of the
31 Comprehensive Plan. Within system limits, increased densities are allowed for
32 properties in the LDR, MDR, HDR, HDMU, and Perdido Key zoning districts.
33 Proposed development that exceeds LDC requirements and standards is eligible for
34 density bonuses based on the options established in this section.

35 **(b) Point system.** For each point earned in compliance with the options of the density
36 bonus system, a 0.4 percent increase is authorized in the maximum density
37 otherwise allowed by the applicable zoning district, up to the maximum density
38 allowed by the applicable FLU category. For example, if 12 points are earned for
39 development with a 10 dwelling units per acre (du/acre) zoning district limit, the
40 bonus density is $0.004 \times 12 \times 10$ du/acre or 0.48 additional dwelling units per acre.
41 Density bonus points are earned through one or more of the following options:

- 1 (1) **Environmentally sensitive lands.** Donation of environmentally sensitive lands
2 to a public agency approved by the county, or dedication of a conservation
3 easement in perpetuity which encompasses environmentally sensitive lands,
4 earns two points per acre donated or reserved.
- 5 (2) **Public access to waters, beaches, and shores.** Donation of land to a public
6 agency approved by the county, or dedication and maintenance of a minimum
7 15-foot wide public access easement, for the provision of public access to public
8 waterways, beaches, or shores earns four points per access way.
- 9 (3) **Water conservation.** Appropriate use of low water demand plants and native
10 vegetation in all landscaped areas earns two points per site or one point per acre
11 of qualifying land. The use of drip irrigation or other low water use methods of
12 landscape irrigation earns one point per site, and the use of treated wastewater
13 or "grey" water for irrigation earns one point per site or one point per acre
14 irrigated.
- 15 (4) **Affordable housing.** In a development that includes at least 30 dwelling units,
16 10 percent of the units assured by the approved plan to be affordable housing for
17 low to moderate income families earns three points, and 20 percent assured
18 affordable earns six points. If the development contains 50 or more dwelling
19 units and 20 percent qualify as affordable for low to moderate income, the
20 applicant may directly obtain a 5 percent increase in density. No more than 20
21 percent of the units in a conventional housing development shall be credited for
22 affordable housing bonus points.
- 23 (5) **Redevelopment or adaptive reuse.** Existing non-residential structures
24 proposed for reuse as residential earn one point per five dwelling units. For
25 rehabilitation of existing multi-family residential structures and participation in
26 state or federal weatherization programs, one point is earned per five dwelling
27 units. These bonuses only apply to structures for which no notices of violation of
28 building or life safety codes have been issued, or where all deficiencies identified
29 in an initial notice have been corrected within the time specified in the notice and
30 no subsequent violation notices issued.
- 31 (6) **Provision of sidewalks and bikeways.** The provision of sidewalks or the
32 provision of bicycle paths or lane markings in developments where such facilities
33 are not otherwise required earns ten points. If the facilities connect to an existing
34 commercial, office, service, or public recreation area within one-half mile of the
35 development, four points are earned.
- 36 (7) **Protection of historic resources.** Donation of land to a public agency
37 approved by the county for the purpose of preservation of sites or artifacts with
38 known archaeological or historic value, or the dedication of a conservation
39 easement in perpetuity for the preservation of such sites or artifacts, earns two
40 points per acre or site donated.
- 41 (8) **Provision of underground utilities.** The provision of underground utilities
42 earns one point for every four dwelling units served.

- 1 **(9) Clustering outside prime farmland.** Subdivision of parcels containing prime
2 farmland which plats lots entirely outside of that farmland and designates such
3 lands for agricultural or open space use earns three points per acre of prime
4 farmland set aside.
- 5 **(10) Clustering outside wetlands.** Subdivision of parcels containing jurisdictional
6 wetlands which plats lots entirely outside of the wetlands and designates such
7 lands for conservation or open space uses earns three points per acre of
8 wetlands set aside.
- 9 **(11) Tree preservation in subdivisions.** In subdivisions where at least 75 percent of
10 the protected trees within the required yards and any common open space are
11 preserved, one bonus point is earned for each 10 lots with protected trees on
12 them.
- 13 **(12) Retention ponds as amenities.** Wet retention ponds for subdivision stormwater
14 management which also provide true scenic amenities to the subdivision earn
15 one point for each four subdivision lots.
- 16

DRAFT

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 Board of County Commissioners (BCC), except Perdido Key and
5 Santa Rosa Island. Each district establishes its own permitted and conditional land
6 uses, site and building requirements, and other provisions consistent with the stated
7 purposes of the district. District provisions are subject to all other applicable provisions
8 of the LDC and may be modified by the requirements of overlay districts as prescribed
9 in Article 3.

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

11 **(a) Purpose.** The Agricultural (Agr) district establishes appropriate areas and land use
12 regulations for the routine agricultural production of plants and animals, and such
13 related uses as silviculture and aquaculture. The primary intent of the district is to
14 avoid the loss of prime farmland to other uses, its division into smaller parcels of
15 multiple owners, and other obstacles to maintaining or assembling sufficient
16 agricultural acreage for efficient large-scale farming. Other than agricultural
17 production, non-residential uses within the Agricultural district are generally limited to
18 rural community uses that directly support agriculture, and to public facilities and
19 services necessary for the basic health, safety, and welfare of a rural population.
20 The absence of urban or suburban infrastructure is intentional. Residential uses
21 within the district are largely self-sustaining, consistent with rural land use and
22 limited infrastructure. Single-family dwellings are allowed at a very low density
23 sufficient for the needs of the district's farm-based population. [6.05.01.A,
24 6.05.22.A.1]

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

27 **(1) Residential.**

- 28 a. Manufactured (mobile) homes, excluding new or expanded manufactured
29 home parks or subdivisions.
- 30 b. Single-family dwellings (other than manufactured homes), detached only.
31 Maximum single-family lot area within any proposed subdivision of 100 acres
32 or more of prime farmland shall be one and one-half acres.

33 See also conditional uses in this district.

34 **(2) Retail sales.** No retail sales except as permitted agricultural and related uses in
35 this district.

36 **(3) Retail services.** No retail services except as permitted agricultural and related
37 uses or as conditional uses in this district.

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

- 39 a. Cemeteries, family cemeteries, funeral establishments.

- 1 **b.** Clubs, civic or fraternal.
- 2 **c.** Educational facilities, including preschools, K-12, colleges, and vocational
- 3 schools.
- 4 **d.** Emergency service facilities, including law enforcement, fire fighting, and
- 5 medical assistance.
- 6 **e.** Places of worship.
- 7 **f.** Public utility structures 150 feet or less in height, including
- 8 telecommunications towers.

9 See also conditional uses in this district.

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

- 11 **a.** Campgrounds and recreational vehicle parks on lots five acres or larger.
- 12 **b.** Golf courses, tennis centers, swimming pools, and similar active outdoor
- 13 recreational facilities, including associated country clubs.
- 14 **c.** Hunting clubs and preserves.
- 15 **d.** Marinas, private only. [added]
- 16 **e.** Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
- 17 **f.** Parks without permanent restrooms or outdoor event lighting. [added]
- 18 **g.** Passive recreational uses, including hiking and bicycling. [added]
- 19 **h.** Shooting ranges.

20 See also conditional uses in this district.

21 **(6) Industrial and related.** No industrial or related uses except as permitted

22 agricultural and related uses or as conditional uses in this district.

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

- 24 **a.** Agriculture, including raising livestock, storing harvested crops, and
- 25 cultivation of nursery plants. A minimum of two acres for keeping any farm
- 26 animal on site and a maximum of one horse or other domesticated *equine* per
- 27 acre.
- 28 **b.** Agricultural processing, minor only.
- 29 **c.** Agricultural research or training facilities.
- 30 **d.** Aquaculture, marine or freshwater.
- 31 **e.** Farm equipment and supply stores.
- 32 **f.** Kennels and animal shelters on lots two acres or larger.
- 33 **g.** Produce display and sales of fruit, vegetables and similar agricultural
- 34 products. All structures for such uses limited to non-residential farm
- 35 buildings.
- 36 **h.** Silviculture.

- 1 i. Stables, public or private, on lots two acres or larger.
- 2 j. Veterinary clinics. A minimum two acres for boarding animals.
- 3 **(8) Other uses.**
- 4 a. Airports, private only, including crop dusting services.
- 5 b. Borrow pit reclamation, only with site-specific BCC approval and no landfill
- 6 use.
- 7 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
- 8 the BOA may conditionally allow the following uses within the Agricultural district:
- 9 **(1) Residential.** Group living, limited to nursing homes, assisted living facilities,
- 10 hospice facilities, and other uses providing similar services, assistance, or
- 11 supervision.
- 12 **(2) Retail services.**
- 13 a. Bed and breakfast inns.[added]
- 14 b. Medical clinics, including those providing out-patient surgery, rehabilitation,
- 15 and emergency treatment.
- 16 **(3) Public and civic.**
- 17 a. Cinerators, cremation services, direct disposal establishments.
- 18 b. Community service facilities, including auditoriums, libraries, museums, and
- 19 neighborhood centers.[added]
- 20 c. Hospitals.
- 21 d. Offices for government agencies or public utilities.
- 22 e. Public utility structures greater than 150 feet in height, including
- 23 telecommunications towers, but excluding any industrial uses.
- 24 f. Warehousing or maintenance facilities for government agencies or public
- 25 utilities.
- 26 **(4) Recreation and entertainment.**
- 27 a. Canoe, kayak, and float rental facilities.[added]
- 28 b. Parks with permanent restrooms or outdoor event lighting.[added]
- 29 c. Zoos and animal parks.[added]
- 30 **(5) Industrial and related.**
- 31 a. Mineral extraction, including oil and gas. Borrow pits only with site-specific
- 32 BCC approval and no landfill reclamation use.
- 33 b. Power plants.
- 34 c. Salvage yards, including the handling of metals, paper, tires, bottles and
- 35 cans, motor vehicles, and appliances.

- 1 d. Solid waste collection points and transfer facilities, excluding any hazardous
2 waste storage.
- 3 e. Wastewater treatment plants.
- 4 **(d) Site and building requirements.** The following site and building requirements
5 apply to uses within the Agricultural district:
- 6 **(1) Density.** A maximum density of one dwelling unit per 20 acres.
- 7 **(2) Floor area ratio.** A maximum floor area ratio of 0.25 for all uses.
- 8 **(3) Structure height.** No maximum structure height unless prescribed by use.
- 9 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 10 **(5) Lot width.** A minimum lot width of 100 feet at the street right-of-way for all lots.
- 11 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent
12 maximum semi-impervious and impervious cover) for all uses.
- 13 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 14 a. **Front and rear.** Forty feet in the front and rear.
- 15 b. **Sides.** On each side, five feet or 10 percent of the lot width at the front
16 building line, whichever is greater, but not required to exceed 15 feet.
- 17 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
18 regulations and standards.
- 19 **(e) Location criteria.** The following location criteria apply to uses within the Agricultural
20 district:
- 21 **(1) Prime farmland.** All new or expanded uses shall be located to avoid the loss of
22 prime farmland. Where such loss cannot be avoided, it shall be limited to five
23 acres or 10 percent of the development parcel area, whichever is greater.
- 24 **(2) Non-residential uses.** All non-residential uses shall be located to avoid
25 nuisance, hazard, and other adverse impacts to surrounding residential uses.
26 Retail sales and services shall be located along collector or arterial streets.
27 Industrial uses shall be on parcels that comply with the location criteria of the
28 Industrial (Ind) zoning district.
- 29 **(f) Rezoning to Agr.** Agricultural zoning may be established only within the Agriculture
30 (AG) and Rural Community (RC) future land use categories. The district is suitable
31 for prime farmland, agriculturally used or assessed areas, large tracts of open
32 space, woodlands, or fields, but not for areas with central sewer or highly developed
33 street networks. The district is appropriate to provide transitions between areas
34 zoned or used for conservation or outdoor recreation and areas zoned or used for
35 more intense uses.
- 36 **Sec. 3-2.3 Rural Residential district (RR).** [VAG-2 (53%), VR-1 (47%)]
- 37 **(a) Purpose.** The Rural Residential (RR) district establishes appropriate areas and
38 land use regulations for low density residential uses and compatible non-residential

1 uses characteristic of rural land development. The primary intent of the district is to
2 provide for residential development at greater density than the Agricultural district on
3 soils least valuable for agricultural production, but continue to support small-scale
4 farming on more productive district lands. The absence of urban and suburban
5 infrastructure is intentional. Residential uses within the RR district are largely self-
6 sustaining and generally limited to detached single-family dwellings on large lots,
7 consistent with rural land use and limited infrastructure. Clustering of smaller
8 residential lots may occur where needed to protect prime farmland from
9 non-agricultural use. The district allows public facilities and services necessary for
10 the basic health, safety, and welfare of a rural population, and other non-residential
11 uses that are compatible with agricultural community character. [6.05.22.A.2,
12 6.05.23A]

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

14 **(1) Residential.**

- 15 a. Manufactured (mobile) homes, excluding new or expanded manufactured
- 16 home parks or subdivisions.
- 17 b. Single-family dwellings (other than manufactured homes), detached only, on
- 18 lots four acres or larger, or on lots a minimum of one acre if clustered to avoid
- 19 prime farmland.

20 See also conditional uses in this district.

21 **(2) Retail sales.** No retail sales except as permitted agricultural and related uses in
22 this district.

23 **(3) Retail services.** Bed and breakfast inns. No other retail services except as
24 permitted agricultural and related uses or as conditional uses in this district.

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

- 26 a. Cemeteries on lots two acres or larger and family cemeteries.[added]
- 27 b. Clubs, civic or fraternal.
- 28 c. Educational facilities, K-12, on lots one acre or larger.[limited]
- 29 d. Emergency service facilities, including law enforcement, fire fighting, and
- 30 medical assistance.
- 31 e. Funeral establishments.
- 32 f. Places of worship on lots one acre or larger.
- 33 g. Public utility structures 150 feet or less in height, excluding
- 34 telecommunications towers.

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.
- 38 b. Golf courses, tennis centers, swimming pools and similar active outdoor
- 39 recreational facilities, including associated country clubs.

- 1 c. Marinas, private.[added]
2 d. Parks without permanent restrooms or outdoor event lighting.[added]
3 e. Passive recreational uses.[added]
4 See also conditional uses in this district.

5 **(6) Industrial and related.** No industrial or related uses except as permitted
6 agricultural and related uses or as conditional uses in this district.

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

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

20 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval and no
21 landfill use.

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

24 **(1) Residential.**

- 25 a. Group living, limited to nursing homes, assisted living facilities, hospice
26 facilities, and other uses providing similar services, assistance, or
27 supervision.
28 b. Manufactured (mobile) home parks on land zoned VR-1 prior to adoption of
29 RR zoning.
30 c. Two-family dwellings (duplex) and multi-family dwellings up to four units per
31 dwelling (triplex and quadruplex) on land zoned VR-1 prior to adoption of RR
32 zoning.

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

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

- 36 a. Community service facilities, including auditoriums, libraries, museums, and
37 neighborhood centers.[added]

- 1 **b.** Educational facilities not among the permitted uses of the district.
2 **c.** Hospitals.
3 **d.** Offices for government agencies or public utilities.
4 **e.** Public utility structures greater than 150 feet in height, and
5 telecommunications towers of any height, excluding any industrial uses.
6 **f.** Warehousing or maintenance facilities for government agencies or public
7 utilities.
- 8 **(4) Recreation and entertainment.**
9 **a.** Hunting clubs and preserves.
10 **b.** Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
11 **c.** Parks with permanent restrooms or outdoor event lighting.
12 **d.** Shooting ranges.
- 13 **(5) Industrial and related.**
14 **a.** Mineral extraction, including oil and gas. Borrow pits only with site-specific
15 BCC approval and no landfill reclamation use.
16 **b.** Power plants.
17 **c.** Salvage yards, including the handling of metals, paper, tires, bottles and
18 cans, motor vehicles, and appliances.
19 **d.** Solid waste collection points and transfer facilities, excluding any hazardous
20 waste storage.
21 **e.** Wastewater treatment plants.
- 22 **(6) Other uses.** Airports, private only, including crop dusting facilities.**[added]**
- 23 **(d) Site and building requirements.** The following site and building requirements
24 apply to uses within the RR district:
- 25 **(1) Density.** A maximum density of one dwelling unit per four acres.
26 **(2) Floor area ratio.** A maximum floor area ratio of 0.25 for all uses.
27 **(3) Structure height.** No maximum structure height unless prescribed by use.
28 **(4) Lot area.** No minimum lot area unless prescribed by use.
29 **(5) Lot width.** A minimum lot width of 40 feet at the street right-of-way for cul-de-
30 sac lots and 80 feet for all other lots, and a minimum width of 100 feet at the front
31 building line for all lots.
32 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 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 and rear.** Forty feet in the front and rear.

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

3 **(8) Other requirements.**

4 **a. Farm animal shelters.** Stables or other structures for sheltering farm
5 animals shall be at least 50 feet from any property line and at least 130 feet
6 from any dwelling on adjacent property.

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

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

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

13 **(2) Non-residential uses.** All non-residential uses shall be located to avoid
14 nuisance, hazard and other adverse impacts to surrounding residential uses.
15 Retail sales and services shall be located along collector or arterial streets.
16 Industrial uses shall be on parcels that comply with the location criteria of the
17 Industrial (Ind) zoning district.

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

25 **Sec. 3-2.4 Rural Mixed-use district (RMU).** [AG (14%), RR (48%), VR-2 (38%), VR-3
26 (<1%)]

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

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

1 **(1) Residential.**

- 2 a. Manufactured (mobile) homes, excluding new or expanded manufactured
3 home parks or subdivisions.
- 4 a. Single-family dwellings (other than manufactured homes), detached only, on
5 lots one half acre or larger.

6 See also conditional uses in this district.

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

- 9 a. Automotive fuel sales.[added]
- 10 b. Convenience stores.
- 11 c. Drugstores.[added]
- 12 d. Grocery or food stores, including bakeries and butcher shops whose products
13 are prepared and sold on the premises.[added]
- 14 e. Hardware stores.[added]

15 See also permitted agricultural and related uses and conditional uses in this
16 district.

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

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

29 See also permitted agricultural and related uses and conditional uses in this
30 district.

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

- 32 a. Cemeteries two acres or more and family cemeteries.
- 33 b. Clubs, civic or fraternal.
- 34 c. Community service facilities, including auditoriums, libraries, museums, and
35 neighborhood centers.[added]
- 36 d. Educational facilities, including preschools, K-12, colleges, and vocational
37 schools, on lots one acre or larger.

- 1 e. Emergency service facilities, including law enforcement, fire fighting, and
2 medical assistance.
- 3 f. Funeral establishments. [added]
- 4 g. Offices for government agencies or public utilities, small scale (gross floor
5 area 6000 sq.ft. or less per lot).
- 6 h. Places of worship on lots one acre or larger.
- 7 i. Public utility structures 150 feet or less in height, excluding
8 telecommunications towers.

9 See also, conditional uses in this district.

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

- 11 a. Campgrounds and recreational vehicle parks on lots five acres or larger.
- 12 b. Golf courses, tennis centers, swimming pools and similar active outdoor
13 recreational facilities, including associated country clubs.
- 14 c. Marinas, private only.[added]
- 15 d. Parks, with or without permanent restrooms or outdoor event lighting.[added]

16 See also conditional uses in this district.

17 **(6) Industrial and related.** No industrial or related uses. See conditional uses in
18 this district.

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

- 20 a. Agriculture, including raising livestock, storing harvested crops, and
21 cultivation of nursery plants. A minimum of two acres for keeping any farm
22 animal on site and a maximum of one horse or other domesticated *equine* per
23 acre.
- 24 b. Agricultural research or training facilities.
- 25 c. Aquaculture, marine or freshwater.
- 26 d. Farm equipment and supply stores.
- 27 e. Produce display and sales of fruit, vegetables and similar agricultural
28 products.
- 29 f. Silviculture.
- 30 g. Stables, public or private, on lots two acres or larger.
- 31 h. Veterinary clinics, excluding outside kennels.

32 See also conditional uses in this district.

33 **(8) Other uses.**

- 34 a. Airports, private only, including crop dusting facilities.
- 35 b. Borrow pit reclamation, only with site-specific BCC approval and no landfill
36 use.

- 1 (c) **Conditional uses.** Through the conditional use process prescribed in Chapter 2,
2 the BOA may conditionally allow the following uses within the RMU district:
- 3 **(1) Residential.**
- 4 a. Group living, limited to nursing homes, assisted living facilities, hospice
5 facilities, and other uses providing similar services, assistance, or
6 supervision.
 - 7 b. Manufactured (mobile) home parks.
 - 8 c. Two-family dwellings (duplex).
- 9 **(2) Retail sales.** Small-scale (gross floor area 6000 sq.ft. or less per lot) retail sales
10 not among the permitted uses of the district, including outdoor display of
11 merchandise, but excluding sales of liquor or motor vehicles.
- 12 **(3) Retail services.**
- 13 a. Boarding or rooming houses. [added]
 - 14 b. Medical clinics, including those providing out-patient surgery, rehabilitation,
15 and emergency treatment.
- 16 **(4) Public and civic.**
- 17 a. Cinerators, cremation services, and disposal establishments.
 - 18 b. Hospitals.
 - 19 c. Offices for government agencies or public utilities larger than those among
20 the permitted uses of the district.
 - 21 d. Public utility structures greater than 150 feet in height, and
22 telecommunications towers of any height, excluding any industrial uses.
 - 23 e. Warehousing or maintenance facilities for government agencies or public
24 utilities.
- 25 **(5) Recreation and entertainment.**
- 26 a. Hunting clubs and preserves.
 - 27 b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
 - 28 c. Shooting ranges.
- 29 **(6) Industrial and related.**
- 30 a. Mineral extraction, including oil and gas. Borrow pits only with site-specific
31 BCC approval and no landfill reclamation use.
 - 32 b. Power plants.
 - 33 c. Salvage yards, including the handling of metals, paper, tires, bottles and
34 cans, motor vehicles, and appliances.
 - 35 d. Solid waste collection points and transfer facilities, excluding any hazardous
36 waste storage.

- 1 e. Wastewater treatment plants.
- 2 **(7) Agricultural and related.**
- 3 a. Exotic animals, keeping or breeding.
- 4 b. Kennels not interior to veterinary clinics.
- 5 **(d) Site and building requirements.** The following site and building requirements
6 apply to uses within the RMU district:
- 7 **(1) Density.** A maximum density of two dwelling units per acre.
- 8 **(2) Floor area ratio.** A maximum floor area ratio of 0.25 for all uses.
- 9 **(3) Structure height.** No maximum structure height unless prescribed by use.
- 10 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 11 **(5) Lot width.** A minimum lot width of 40 feet at the street right-of-way for cul-de-
12 sac lots and 80 feet for all other lots, and a minimum width of 100 feet at the front
13 building line for all lots.
- 14 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 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.** Forty feet in the front and rear.
- 18 b. **Sides.** On each side, five feet or 10 percent of the lot width at the front
19 building line, whichever is greater, but not required to exceed 15 feet.
- 20 **(8) Other requirements.**
- 21 a. **Farm animal shelters.** Stables or other structures for sheltering farm
22 animals shall be at least 50 feet from any property line and at least 130 feet
23 from any dwelling on the property of another landowner.
- 24 b. **Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
25 regulations and standards.
- 26 **(e) Location criteria.** The following location criteria apply to uses within the RMU
27 district:
- 28 **(1) Prime farmland.** All new or expanded uses shall be located to avoid the loss of
29 prime farmland. Where such loss cannot be avoided, it shall be limited to five
30 acres or 10 percent of the development parcel area, whichever is greater.
- 31 **(2) Non-residential uses.** All new non-residential uses shall be located to avoid
32 nuisance, hazard and other adverse impacts to surrounding residential uses.
33 Industrial uses shall be on parcels that comply with the location criteria of the
34 Industrial (Ind) zoning district. All other non-residential uses that are not part of
35 a predominantly residential development or a planned unit development, or are
36 not specifically identified as exempt by district regulations, shall be on parcels
37 that comply with at least one of the following location criteria:

- 1 **a. Proximity to intersection.** Along an arterial or collector street, and within
2 200 feet of an intersection with another arterial or collector.
- 3 **b. Proximity to traffic generator.** Along an arterial or collector street and
4 within a one-quarter mile radius of an individual traffic generator of more than
5 600 daily trips, such as an apartment complex, military base, college campus,
6 hospital, shopping mall, or industrial plant.
- 7 **c. Infill development.** Along an arterial or collector street, in an area where
8 already established non-residential uses are otherwise consistent with the
9 RMU 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
12 contribute to or promote strip commercial development.
- 13 **d. Site design.** Along an arterial street at the intersection with a local street that
14 connects the arterial street to another arterial, and all of the following site
15 design conditions:
- 16 1. Any intrusion into a recorded residential subdivision is limited to a corner
17 lot.
- 18 2. Access and stormwater management is shared with adjoining uses or
19 properties to the extent practicable.
- 20 3. Adverse impacts to any adjoining residential uses are minimized by
21 placing the more intensive elements of the use (solid waste dumpsters,
22 truck loading/unloading areas, drive-thru facilities, etc.) furthest from the
23 residential uses.
- 24 **e. Documented compatibility.** A compatibility analysis prepared by the
25 applicant provides competent substantial evidence of unique circumstances
26 regarding the parcel or use that were not anticipated by the alternative
27 location criteria, and the proposed use will be able to achieve long-term
28 compatibility with existing and potential uses. Additionally, the parcel has not
29 been rezoned by the landowner from mixed-use, commercial, or industrial
30 zoning assigned by the county.
- 31 **(f) Rezoning to RMU.** Rural Mixed-use zoning may be established only within the
32 Rural Community (RC) future land use category. The district is suitable for
33 recognized rural communities, especially those developed around intersections of
34 higher classification streets and in areas that are generally not agriculturally
35 productive. The district is appropriate to reinforce the value of existing rural
36 communities in serving surrounding areas and minimizing the need to travel long
37 distances for basic necessities. Rezoning to RMU is subject to the same location
38 criteria as any new non-residential use proposed within the RMU district.
- 39 **Sec. 3-2.5 Low Density Residential district (LDR).** [R-1 (27%), V-1 (11%), V-2 (6%),
40 V-2A (1%), V-5 (9%), SDD private or non-conservation lands (44%)]
- 41 **(a) Purpose.** The Low Density Residential (LDR) district establishes appropriate areas
42 and land use regulations for residential uses at low densities within suburban areas.

1 The primary intent of the district is to provide for large-lot suburban type residential
2 neighborhood development that blends aspects of rural openness with the benefits
3 of urban street connectivity, and at greater density than the Rural Residential district.
4 Residential uses within the LDR district are predominantly detached single-family
5 dwellings. Residential subdivision is subject to a minimum density consistent with
6 suburban development patterns and infrastructure. Clustering dwellings on smaller
7 residential lots may occur where needed to protect prime farmland from non-
8 agricultural use or to conserve and protect environmentally sensitive areas. The
9 district allows non-residential uses that are compatible with suburban residential
10 neighborhoods and the natural resources of the area. [6.05.05, 6.05.21, 6.05.24]

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

12 **(1) Residential.**

- 13 a. Manufactured (mobile) homes only within existing manufactured home parks
14 or subdivisions, or on land zoned SDD prior to adoption of LDR zoning. No
15 new or expanded manufactured home parks or subdivisions. [to
16 accommodate SDD]
- 17 b. Single-family dwellings (other than manufactured homes), detached and only
18 one per lot, excluding accessory dwellings. Accessory dwellings only on lots
19 two acres or larger. Attached single-family dwellings and zero lot line
20 subdivision only on land zoned V-5 or SDD prior to adoption of LDR zoning.
21 [to accommodate V-5 and SDD]
- 22 c. Two-family dwellings and multi-family dwellings up to four units per dwelling
23 (triplex and quadruplex) only on land zoned V-5 or SDD prior to adoption of
24 LDR zoning. [to accommodate V-5 and SDD]

25 See also conditional uses in this district.

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

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

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

- 29 a. Cemeteries, family only.
- 30 b. Public utility structures, excluding telecommunications towers.

31 See also conditional uses in this district.

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

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

35 See also conditional uses in this district.

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

37 **(7) Agricultural and related.** On land not zoned SDD prior to adoption of LDR
38 zoning, agricultural production and storage is limited to food primarily for

1 personal consumption by the producer. The following additional agricultural uses
2 are allowed on lands zoned SDD prior to LDR zoning: [to accommodate SDD]

3 a. Agriculture, but no farm animals except horses and other domesticated
4 *equines* kept on site, and stables for such animals, accessory to a private
5 residential use with a minimum lot area of two acres and a maximum of one
6 animal per acre.

7 b. Aquaculture, marine or freshwater.

8 c. Produce display and sales of fruit, vegetables and similar agricultural
9 products.

10 d. Silviculture.

11 See also conditional uses in this district.

12 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval and
13 no landfill use.

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

16 **(1) Residential.**

17 a. Accessory dwellings on lots less than two acres.

18 b. Home occupations with non-resident employees.

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

20 a. Clubs, civic and fraternal.

21 b. Educational facilities, excluding preschools or kindergartens independent of
22 other elementary grades.

23 c. Emergency service facilities, including law enforcement, fire fighting, and
24 medical assistance.

25 d. Offices for government agencies or public utilities, small scale (gross floor
26 area 6000 sq.ft. or less per lot).

27 e. Places of worship.

28 f. Public utility structures exceeding the district structure height limit, excluding
29 telecommunications towers.

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

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

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

34 **(4) Agricultural and related.** Horses and other domesticated *equines* kept on site,
35 and stables for such animals, as a private residential accessory not among the
36 permitted uses of the district, or for public riding on land zoned SDD prior to
37 adoption of LDR zoning. A minimum lot area of two acres if accessory to a

1 private residential use and a minimum 10 acres if for public riding, with a
2 maximum of one animal per acre for either use.

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

5 **(1) Density.** A minimum density of two dwelling units per acre and a maximum of
6 four dwelling units per acre.

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

8 **(3) Structure height.** A maximum structure height of 45 feet above highest
9 adjacent grade unless otherwise prescribed by use. [R-1, V-1, V-2, V-2A, V-5]

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

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

14 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 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-five feet in the front and rear.

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

20 **(8) Other requirements.**

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

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

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

28 **(f) Rezoning to LDR.** Low Density Residential zoning may be established only within
29 the Mixed-Use Suburban (MU-S) future land use category. The district is suitable for
30 suburban areas with or without central water and sewer. The district is appropriate
31 to provide transitions between areas zoned or used for rural residential or rural
32 mixed-use and areas zoned or used for low density mixed-use or medium density
33 residential.

34 **Sec. 3-2.6 Low Density Mixed-use district (LDMU).** [VM-1 (61%), VM-2 (37%), AMU-
35 1 (1%), AMU-2 (1%)]

36 **(a) Purpose.** The Low Density Mixed-use (LDMU) district establishes appropriate
37 areas and land use regulations for a complementary mix of low density residential
38 uses and compatible non-residential uses within mostly suburban areas. The
39 primary intent of the district is to provide for a mix of neighborhood-scale retail sales,

1 services and professional offices with greater dwelling unit density and diversity than
2 the Low Density Residential district. Additionally, the LDMU district is intended to
3 rely on a pattern of well-connected streets and provide for the separation of
4 suburban uses from more dense and intense urban uses. Residential uses within
5 the district include most forms of single-family, two-family and multi-family dwellings.
6 Residential subdivision is subject to a minimum density consistent with suburban
7 development patterns and infrastructure.

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

10 **(1) Residential.**

- 11 a. Manufactured (mobile) homes within manufactured home parks or
12 subdivisions, including new or expanded manufactured home parks and
13 subdivisions.
- 14 b. Single-family dwellings (other than manufactured homes), attached or
15 detached, including townhouses and zero lot line subdivisions.
- 16 c. Two-family dwellings (duplex) and multi-family dwellings up to four units per
17 building (triplex and quadruplex).

18 See also conditional uses in this district.

19 **(2) Retail sales.** Small-scale (gross floor area 6000 sq.ft. or less per lot) retail sales,
20 or retail sales within a neighborhood retail center no greater than 35,000 square
21 feet per lot and containing a mix of retail sales and services. Retail sales include
22 sales of beer and wine, but exclude sales of liquor or motor vehicles, and exclude
23 permanent outdoor storage, display, or sales. See also conditional uses in this
24 district.

25 **(3) Retail services.** Small-scale (gross floor area 6000 sq.ft. or less per lot) retail
26 services, or retail services within a neighborhood retail center no greater than
27 35,000 square feet per lot and containing a mix of retail sales and services.
28 Retail services are limited to the following with no outdoor work or permanent
29 outdoor storage:

- 30 a. Bed and breakfast inns.
- 31 b. Personal services, including those of beauty shops, health clubs, pet
32 groomers, dry cleaners, and tattoo parlors.
- 33 c. Professional services, including those of realtors, bankers, accountants,
34 engineers, architects, dentists, physicians, and attorneys.
- 35 d. Repair services, including appliance repair, furniture refinishing and
36 upholstery, watch and jewelry repair, small engine and motor services, but
37 excluding major motor vehicle or boat service or repair.
- 38 e. Restaurants, including on-premises consumption of alcohol, but excluding
39 drive-in or drive-through service.

40 See also conditional uses in this district.

- 1 **(4) Public and civic.**
- 2 a. Cemeteries, two acres or more and family cemeteries
- 3 b. Educational facilities, including preschools, K-12, colleges, and vocational
- 4 schools.
- 5 c. Emergency service facilities, including law enforcement, fire fighting, and
- 6 medical assistance.
- 7 d. Funeral establishments.
- 8 e. Offices for government agencies or public utilities, small scale (gross floor
- 9 area 6000 sq.ft. or less per lot).
- 10 f. Places of worship.
- 11 g. Public utility structures, excluding telecommunications towers.
- 12 See also conditional uses in this district.
- 13 **(5) Recreation and entertainment.**
- 14 a. Marinas, private only.
- 15 b. Parks without permanent restrooms or outdoor event lighting.
- 16 **(6) Industrial and related.** No industrial or related uses.
- 17 **(7) Agricultural and related.** Veterinary clinics, excluding outside kennels.
- 18 Agricultural production limited to food primarily for personal consumption by the
- 19 producer, but no farm animals.
- 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 the following uses within the LDMU district:
- 23 **(1) Residential.**
- 24 a. Group living, including nursing homes, assisted living facilities, dormitories
- 25 and residential facilities providing substance abuse treatment and post-
- 26 incarceration reentry.
- 27 b. Manufactured (mobile) homes outside manufactured home parks or
- 28 subdivisions.
- 29 **(2) Retail sales.**
- 30 a. Liquor sales.
- 31 b. Medium-scale (gross floor area greater than 6000 sq.ft. per lot, but no greater
- 32 than 35,000 sq.ft.) retail sales, excluding sales of motor vehicles and
- 33 excluding permanent outdoor storage, sales, or display.
- 34 **(3) Retail services.**

1 a. Medium-scale (gross floor area greater than 6000 sq.ft. per lot, but no greater
2 than 35,000 sq.ft.) retail services, excluding outdoor work and permanent
3 outdoor storage.

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

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

6 a. Clubs, civic and fraternal.

7 b. Community service facilities, including auditoriums, libraries, museums, and
8 neighborhood centers.

9 c. Offices for government agencies or public utilities, with gross floor area
10 greater than 6000 square feet.

11 d. Public utility structures exceeding the district structure height limit, and
12 telecommunications towers of any height, excluding any industrial uses.

13 e. Warehousing or maintenance facilities for government agencies or public
14 utilities.

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

16 a. Golf courses, tennis centers, swimming pools and similar active outdoor
17 recreational facilities, including associated country clubs. [added]

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

19 **(6) Other uses.** Self-storage facilities with a maximum lot area of one acre and no
20 vehicle rental or outdoor storage.

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

23 **(1) Density.** A minimum density of two dwelling units per acre within the Mixed-Use
24 Suburban (MU-S) future land use category and 3.5 dwelling units per acre within
25 Mixed-Use Urban (MU-U), and a maximum seven dwelling units per acre
26 regardless of the future land use category.

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

29 **(3) Structure height.** A maximum structure height of 45 feet above highest
30 adjacent grade.

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

32 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
33 20 feet at the street right-of-way, the following minimum lot widths are required:

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

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

- 1 **c. Multi-family and other.** One hundred feet at the front building line for multi-
2 family dwellings and townhouse groups. No minimum lot width required by
3 zoning for other uses.
- 4 **(6) Lot coverage.** Minimum pervious lot coverage of 25 percent (75 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 feet in the front and 15 feet in the rear.
- 8 **b. Sides.** Ten feet on each side of a group of attached townhouses. On each
9 side of all other structures, five feet or 10 percent of the lot width at the front
10 building line, whichever is greater, but not required to exceed 15 feet.
- 11 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
12 regulations and standards.
- 13 **(e) Location criteria.** All new non-residential uses proposed within the LDMU district
14 that are not part of a predominantly residential development or a planned unit
15 development, or are not identified as exempt by district regulations, shall be on
16 parcels that satisfy at least one of the following location criteria: [7.20.04]
- 17 **(1) Proximity to intersection.** Along an arterial or collector street, and within 200
18 feet of an intersection with another arterial or collector.
- 19 **(2) Proximity to traffic generator.** Along an arterial or collector street and within a
20 one-quarter mile radius of an individual traffic generator of more than 600 daily
21 trips, such as an apartment complex [approx 90 units], military base, college
22 campus, hospital, or shopping mall [approx 160,000 sq.ft. GLA].
- 23 **(3) Infill development.** Along an arterial or collector street, in an area where
24 already established non-residential uses are otherwise consistent with the LDMU
25 district, and where the new use would constitute infill development of similar
26 intensity as the conforming development on surrounding parcels. Additionally,
27 the location would promote compact development and not contribute to or
28 promote strip commercial development.
- 29 **(4) Site design.** Along an arterial street and at the intersection with a local street
30 that serves to connect the arterial street to another arterial, and all of the
31 following site design conditions:
- 32 **a.** Any intrusion into a recorded residential subdivision is limited to a corner lot
- 33 **b.** Access and stormwater management is shared with adjoining uses or
34 properties to the extent practicable.
- 35 **c.** Adverse impacts to any adjoining residential uses are minimized by placing
36 the more intensive elements of the use (solid waste dumpsters, truck
37 loading/unloading areas, drive-thru facilities, etc.) furthest from the residential
38 uses.
- 39 **(5) Documented compatibility.** A compatibility analysis prepared by the applicant
40 provides competent substantial evidence of unique circumstances regarding the

1 parcel or use that were not anticipated by the alternative location criteria, and the
2 proposed use will be able to achieve long-term compatibility with existing and
3 potential uses. Additionally, that the following conditions exist:

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

9 **(f) Rezoning to LDMU.** Low Density Mixed-use zoning may be established only within
10 the Mixed-Use Suburban (MU-S) and Mixed-Use Urban (MU-U) future land use
11 categories. The district is suitable for suburban or urban areas with central water
12 and sewer and developed street networks. The district is appropriate to provide
13 transitions between areas zoned or used for low or medium density residential and
14 areas zoned or used for high density mixed-use. Rezoning to LDMU is subject to
15 the same location criteria as any new non-residential use proposed within the LDMU
16 district.

17 **Sec. 3-2.7 Medium Density Residential district (MDR).** [R-2 (69%), R-3 (21%), V-3
18 (8%), V-4 (2%)]

19 **(a) Purpose.** The Medium Density Residential (MDR) district establishes appropriate
20 areas and land use regulations for residential uses at medium densities within
21 suburban or urban areas. The primary intent of the district is to provide for
22 residential neighborhood development in an efficient urban pattern of well-connected
23 streets and at greater dwelling unit density than the Low Density Residential district.
24 Residential uses within the MDR district are limited to single-family and two-family
25 dwellings. Residential subdivision is subject to a minimum density consistent with
26 suburban and urban development patterns and infrastructure. The district allows
27 non-residential uses that are compatible with suburban and urban residential
28 neighborhoods.

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

30 **(1) Residential.**

- 31 a. Manufactured (mobile) homes only within manufactured home parks or
32 subdivisions. No new or expanded manufactured home parks, and new or
33 expanded manufactured home subdivisions only on land zoned V-4 prior to
34 adoption of MDR zoning.
- 35 b. Single-family dwellings (other than manufactured homes), detached and only
36 one per lot, excluding accessory dwellings. Accessory dwellings only on lots
37 one acre or larger. Attached single-family dwellings and zero lot line
38 subdivisions only on land zoned R-3 or V-4 prior to adoption of MDR zoning.
- 39 c. Two-family dwellings only on land zoned R-3 or V-4 prior to adoption of MDR
40 zoning, and multi-family dwellings up to four units per dwelling (quadruplex)
41 only on land zoned V-4 prior to MDR zoning.

- 1 See also conditional uses in this district.
- 2 **(2) Retail sales.** No retail sales.
- 3 **(3) Retail services.** No retail services. See conditional uses in this district.
- 4 **(4) Public and civic.** Public utility structures, excluding telecommunications towers.
5 See also conditional uses in this district.
- 6 **(5) Recreation and entertainment.**
- 7 a. Marinas, private.
- 8 b. Parks without permanent restrooms or outdoor event lighting.
- 9 See also conditional uses in this district.
- 10 **(6) Industrial and related.** No industrial or related uses.
- 11 **(7) Agricultural and related.** Agricultural production limited to food primarily for
12 personal consumption by the producer, but no farm animals. See also
13 conditional uses in this district.
- 14 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval.
- 15 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
16 the BOA may conditionally allow the following uses within the MDR district:
- 17 **(1) Residential.**
- 18 a. Accessory dwellings on lots less than one acre.
- 19 b. Group living, excluding residential facilities providing substance abuse
20 treatment, post-incarceration reentry, or similar services.
- 21 c. Home occupations with non-resident employees.
- 22 d. Townhouses not among the permitted uses of the district.
- 23 **(2) Retail services.** Boarding and rooming houses.
- 24 **(3) Public and civic.**
- 25 a. Clubs, civic and fraternal.
- 26 b. Educational facilities, excluding preschools or kindergartens independent of
27 other elementary grades.
- 28 c. Emergency service facilities, including law enforcement, fire fighting, and
29 medical assistance.
- 30 d. Offices for government agencies or public utilities, small scale (gross floor
31 area 6000 sq.ft. or less per lot).
- 32 e. Places of worship.
- 33 f. Public utility structures exceeding the district structure height limit, excluding
34 telecommunications towers.
- 35 **(4) Recreation and entertainment.**

- 1 a. Golf courses, tennis centers, swimming pools and similar active outdoor
2 recreational facilities, including associated country clubs.
- 3 b. Parks with permanent restrooms or outdoor event lighting.
- 4 **(5) Agricultural and related.** Horses or other domesticated *equines* kept on site,
5 and stables for such animals, only as a private residential accessory with a
6 minimum lot area of two acres and a maximum of one animal per acre.
- 7 **(d) Site and building requirements.** The following site and building requirements
8 apply to uses within the MDR district:
- 9 **(1) Density.** A minimum density of two dwelling units per acre within the Mixed-Use
10 Suburban (MU-S) future land use category and 3.5 dwelling units per acre within
11 Mixed-Use Urban (MU-U), and a maximum 10 dwelling units per acre regardless
12 of the future land use category.
- 13 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the MU-S future land
14 use category and 2.0 within MU-U.
- 15 **(3) Structure height.** A maximum structure height of 45 feet above highest
16 adjacent grade.
- 17 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 18 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
19 20 feet at the street right-of-way, the following minimum lot widths are required:
- 20 a. **Single-family detached.** Fifty feet at both the street right-of-way and front
21 building line for single-family detached dwellings.
- 22 b. **Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
23 building line for two-family dwellings.
- 24 c. **Multi-family and other.** One hundred feet at the front building line for
25 townhouse groups and boarding or rooming houses. No minimum lot width
26 required by zoning for other uses.
- 27 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent
28 maximum semi-impervious and impervious cover) for all uses.
- 29 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 30 a. **Front and rear.** Twenty feet in the front and rear.
- 31 b. **Sides.** Ten feet on each side of a group of attached townhouses. On each
32 side of all other structures, five feet or 10 percent of the lot width at the front
33 building line, whichever is greater, but not required to exceed 15 feet.
- 34 **(8) Other requirements.**
- 35 a. **Stables.** Stables shall be at least 50 feet from any property line and at least
36 130 feet from any residential dwelling on the property of another landowner.
- 37 b. **Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
38 regulations and standards.

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

4 (f) **Rezoning to MDR.** Medium Density Residential zoning may be established only
5 within the Mixed-Use Suburban (MU-S) and Mixed-Use Urban (MU-U) future land
6 use categories. The district is suitable for suburban or urban areas with central
7 water and sewer and developed street networks. The district is appropriate to
8 provide transitions between areas zoned or used for low density residential and
9 areas zoned or used for high density residential or mixed-use.

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

11 (a) **Purpose.** The High Density Residential (HDR) district establishes appropriate areas
12 and land use regulations for residential uses at high densities within urban areas.
13 The primary intent of the district is to provide for residential neighborhood
14 development in an efficient urban pattern of well-connected streets and at greater
15 dwelling unit density and diversity than the Medium Density Residential district.
16 Residential uses within the HDR district include most forms of single-family, two-
17 family and multi-family dwellings. Residential subdivision is subject to a minimum
18 density consistent with urban development patterns and infrastructure. Non-
19 residential uses within the district are limited to those that are compatible with urban
20 residential neighborhoods.

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

22 **(1) Residential.**

- 23 a. Group living, excluding dormitories, fraternity and sorority houses, and
24 residential facilities providing substance abuse treatment, post-incarceration
25 reentry, or similar services.
- 26 b. Manufactured (mobile) homes only within existing manufactured home parks
27 or subdivisions. No new or expanded manufactured home parks or
28 subdivisions.
- 29 c. Single-family dwellings (other than manufactured homes), attached or
30 detached, including townhouses and zero lot line subdivisions.
- 31 d. Two-family and multi-family dwellings.

32 See also conditional uses in this district.

33 **(2) Retail sales.** No retail sales, except as conditional uses in this district.

34 **(3) Retail services.**

- 35 a. Boarding and rooming houses.
36 b. Child care facilities.

37 See also conditional uses in this district.

38 **(4) Public and civic.** Public utility structures, excluding telecommunications towers.

39 See also conditional uses in this district.

- 1 **(5) Recreation and entertainment.**
- 2 a. Marina, private.
- 3 b. Parks without permanent restrooms or outdoor event lighting.
- 4 See also conditional uses in this district.
- 5 **(6) Industrial and related.** No industrial or related uses.
- 6 **(7) Agricultural and related.** Agricultural production limited to food primarily for
- 7 personal consumption by the producer, but no farm animals. See also
- 8 conditional uses in this district.
- 9 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval.
- 10 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
- 11 the BOA may conditionally allow the following uses within the HDR district:
- 12 **(1) Residential.**
- 13 a. Dormitories.
- 14 b. Fraternity or sorority houses.
- 15 c. Home occupations with non-resident employees.
- 16 **(2) Retail sales.** Retail sales only within a predominantly residential multi-story
- 17 building.
- 18 **(3) Retail services.** Retail services only within a predominantly residential multi-
- 19 story building.
- 20 **(4) Public and civic.**
- 21 a. Clubs, civic and fraternal.
- 22 b. Educational facilities, excluding preschools or kindergartens independent of
- 23 other elementary grades.
- 24 c. Emergency service facilities, including law enforcement, fire fighting, and
- 25 medical assistance.
- 26 d. Hospitals.
- 27 e. Offices for government agencies or public utilities, small scale (gross floor
- 28 area 6000 sq. ft. or less per lot).
- 29 f. Places of worship.
- 30 g. Public utility structures exceeding the district structure height limit, excluding
- 31 telecommunications towers.
- 32 **(5) Recreation and entertainment.**
- 33 a. Golf courses, tennis centers, swimming pools and similar active outdoor
- 34 recreational facilities, including associated country clubs.
- 35 b. Parks with permanent restrooms or outdoor event lighting.

- 1 **(6) Agricultural and related.** Horses or other domesticated *equines* kept on site,
2 and stables for such animals, only as a private residential accessory with a
3 minimum lot area of two acres and a maximum of one animal per acre.
- 4 **(d) Site and building requirements.** The following site and building requirements
5 apply to uses within the HDR district:
- 6 **(1) Density.** A minimum density of 3.5 dwelling units per acre and a maximum of 18
7 dwelling units per acre.
- 8 **(2) Floor area ratio.** A maximum floor area ratio of 2.0 for all uses.
- 9 **(3) Structure height.** A maximum structure height of 120 feet above highest
10 adjacent grade. **[proposed new height limit from 95 feet]**
- 11 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 12 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
13 20 feet at the street right-of-way, the following minimum lot widths are required:
- 14 a. **Single-family detached.** Forty feet at both the street right-of-way and front
15 building line for single-family detached dwellings.
- 16 b. **Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
17 building line for two-family dwellings.
- 18 c. **Multi-family and other.** One hundred feet at the front building line for multi-
19 family dwellings, boarding or rooming houses, and townhouse groups. No
20 minimum lot width required by zoning for other uses.
- 21 **(6) Lot coverage.** Minimum pervious lot coverage of 20 percent (80 percent
22 maximum semi-impervious and impervious cover) for all uses.
- 23 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 24 a. **Front and rear.** Twenty feet in the front and 15 feet in the rear.
- 25 b. **Sides.** Ten feet on each side of a group of attached townhouses. On each
26 side of all other structures, 10 feet or 10 percent of the lot width at the front
27 building line, whichever is less, but at least five feet. For structures exceeding
28 35 feet above highest adjacent grade, an additional two feet for each
29 additional 10 feet in height, but not required to exceed 15 feet.
- 30 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
31 regulations and standards.
- 32 **(e) Location criteria.** All non-residential uses within the HDR district shall be located to
33 avoid nuisance, hazard, and other adverse impacts to surrounding residential uses.
- 34 **(f) Rezoning to HDR.** High Density Residential zoning may be established only within
35 the Mixed-Use Urban (MU-U) future land use category. The district is suitable for
36 urban areas with central water and sewer and developed street networks. The
37 district is appropriate to provide transitions between areas zoned or used for medium
38 density residential and areas zoned or used for high density mixed-use or
39 commercial.

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

2 **(a) Purpose.** The High Density Mixed-use (HDMU) district establishes appropriate
3 areas and land use regulations for a complimentary mix of high density residential
4 uses and compatible non-residential uses within urban areas. The primary intent of
5 the district is to provide for a mix of neighborhood retail sales, services and
6 professional offices with greater dwelling unit density and diversity than the Low
7 Density Mixed-use district. Additionally, the HDMU district is intended to rely on
8 urban street connectivity and encourage vertical mixes of commercial and residential
9 uses within the same building to accommodate a physical pattern of development
10 characteristic of village main streets and older neighborhood commercial areas.
11 Residential uses within the district include all forms of single-family, two-family and
12 multi-family dwellings. Residential subdivision is subject to a minimum density
13 consistent with urban development patterns and infrastructure.

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

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

- 19 a. Group living, excluding dormitories, fraternity and sorority houses, and
20 residential facilities providing substance abuse treatment, post-incarceration
21 reentry, or similar services.
- 22 b. Manufactured (mobile) homes, including manufactured home subdivisions,
23 but excluding new or expanded manufactured home parks.
- 24 c. Single-family dwellings (other than manufactured homes), detached or
25 attached, including townhouses and zero lot line subdivisions.
- 26 d. Two-family and multi-family dwellings.

27 See also conditional uses in this district.

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

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

- 34 a. Bed and breakfast inns.
- 35 b. Boarding and rooming houses.
- 36 c. Child care facilities.
- 37 d. Personal services, including those of beauty shops, health clubs, pet
38 groomers, dry cleaners, and tattoo parlors.
- 39 e. Professional services, including those of realtors, bankers, accountants,
40 engineers, architects, dentists, physicians, and attorneys.

- 1 f. Repair services, including appliance repair, furniture refinishing and
- 2 upholstery, watch and jewelry repair, small engine and motor services, but
- 3 excluding major motor vehicle or boat service or repair.
- 4 g. Restaurants, including on-premises consumption of alcoholic beverages, but
- 5 excluding drive-in or drive-through service.
- 6 See also conditional uses in this district.

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

- 8 a. Preschools and kindergartens.
- 9 b. Emergency service facilities, including law enforcement, fire fighting, and
- 10 medical assistance.
- 11 c. Foster care facilities.
- 12 d. Places of worship.
- 13 e. Public utility structures, excluding telecommunications towers.
- 14 See also conditional uses in this district.

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

- 16 a. Marinas, private only.
- 17 b. Parks without permanent restrooms or outdoor event lighting.
- 18 See also conditional uses in this district.

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

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

21 personal consumption by the producer, but no farm animals.

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

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

24 the BOA may conditionally allow the following uses within the HDMU district:

25 **(1) Residential.**

- 26 a. Dormitories.
- 27 b. Fraternity and sorority houses.
- 28 c. Manufactured (mobile) home parks.

29 **(2) Retail sales.** Medium-scale (gross floor area greater than 6000 sq.ft. per lot, but

30 no greater than 35,000 sq.ft.) retail sales, including sales of beer and wine and

31 automotive fuels, but excluding sales of motor vehicles and liquor, and excluding

32 permanent outdoor storage, display, or sales.

33 **(3) Retail services.**

- 34 a. Medium-scale (gross floor area greater than 6000 sq.ft. per lot, but no greater
- 35 than 35,000 sq.ft.) retail services, excluding motor vehicle service and repair.
- 36 b. Restaurants with drive-in or drive-through service.

- 1 c. Small-scale (gross floor area 6000 sq.ft. or less per lot) major motor vehicle
2 service and repair, excluding painting or body work and outdoor work.
- 3 **(4) Public and civic.**
- 4 a. Broadcast stations with satellite dishes and antennas, excluding towers.
- 5 b. Cemeteries, including family cemeteries.
- 6 c. Clubs, civic and fraternal.
- 7 d. Community service facilities, including auditoriums, libraries, museums, and
8 neighborhood centers.
- 9 e. Cinerators, cremation services, direct disposal establishments.
- 10 f. Educational facilities not among the permitted uses of the district.
- 11 g. Funeral establishments.
- 12 h. Hospitals.
- 13 i. Offices for government agencies or public utilities.
- 14 j. Public utility structures exceeding the district structure height limit and
15 telecommunications towers of any height, excluding any industrial uses.
- 16 k. Warehousing or maintenance facilities for government agencies or public
17 utilities.
- 18 **(5) Recreation and entertainment.**
- 19 a. Amusement arcade centers and bingo facilities.
- 20 b. Golf courses, tennis centers, swimming pools and similar active outdoor
21 recreational facilities, including associated country clubs.
- 22 c. Parks with permanent restrooms or outdoor event lighting.
- 23 **(6) Agricultural and related.**
- 24 a. Horses or other domesticated *equines* kept on site, and stables for such
25 animals, only as a private residential accessory with a minimum lot area of
26 two acres and a maximum of one animal per acre.
- 27 b. Veterinary clinics.
- 28 **(d) Other uses.**
- 29 a. Self-storage facilities with a maximum lot area of one acre and outdoor
30 storage limited to operable motor vehicles and boats. No vehicle rental.
- 31 b. Structures of permitted uses exceeding the district structure height limit,
32 excluding telecommunications towers.
- 33 **(e) Site and building requirements.** The following site and building requirements
34 apply to uses within the HDMU district:
- 35 **(1) Density.** A minimum density of 3.5 dwelling units per acre and a maximum of 25
36 dwelling units per acre.

- 1 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial (C)
2 future land use category and 2.0 within Mixed-Use Urban (MU-U).
- 3 **(3) Structure height.** A maximum structure height of 150 feet above highest
4 adjacent grade. [proposed new height limit from 120]
- 5 **(4) Lot area.** No minimum lot area unless 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 the
9 front 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. Multi-family and other.** One hundred feet at the front building line for multi-
13 family dwellings, boarding or rooming houses, or townhouse groups. No
14 minimum lot width required by zoning for other uses.
- 15 **(6) Lot coverage.** Minimum pervious lot coverage of 20 percent (80 percent
16 maximum semi-impervious and impervious cover) for all uses.
- 17 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 18 **a. Front and rear.** Twenty feet in the front and 15 feet in the rear.
- 19 **b. Sides.** Ten feet on each side of a group of attached townhouses. On each
20 side of all other structures, 10 feet or 10 percent of the lot width at the front
21 building line, whichever is less, but at least five feet. For structures exceeding
22 35 feet above highest adjacent grade, an additional two feet for each
23 additional 10 feet in height, but not required to exceed 15 feet.
- 24 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
25 regulations and standards.
- 26 **(f) Location criteria.** All new non-residential uses proposed within the HDMU district
27 that are not part of a predominantly residential development or a planned unit
28 development, or are not identified as exempt by district regulations, shall be on
29 parcels that satisfy at least one of the following location criteria: [7.20.04]
- 30 **(1) Proximity to intersection.** Along an arterial or collector street and within 200
31 feet of an intersection with another arterial or collector.
- 32 **(2) Proximity to traffic generator.** Along an arterial or collector street and within a
33 one-quarter mile radius of an individual traffic generator of more than 600 daily
34 trips, such as an apartment complex, military base, college campus, hospital,
35 shopping mall or similar generator.
- 36 **(3) Infill development.** Along an arterial or collector street, in an area where
37 already established non-residential uses are otherwise consistent with the HDMU
38 district, and where the new use would constitute infill development of similar
39 intensity as the conforming development on surrounding parcels. Additionally,

1 the location would promote compact development and not contribute to or
2 promote strip commercial development.

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

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

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

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

22 **(g) Rezoning to HDMU.** High Density Mixed-use zoning may be established only
23 within the Mixed-Use Urban (MU-U) or Commercial (C) future land use categories.
24 The district is suitable for areas where the intermixing of uses has been the custom,
25 where future uses are uncertain, and some redevelopment is probable. The district
26 is appropriate to provide transitions between areas zoned or used for medium or
27 high density residential and areas zoned or used for commercial. Rezoning to
28 HDMU is subject to the same location criteria as any new non-residential use
29 proposed within the HDMU district.

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

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

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

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

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

14 See also conditional uses in this district.

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

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

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

36 See also conditional uses in this district.

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

- 38 a. Broadcast stations with satellite dishes and antennas, including towers.

- 1 **b.** Cemeteries, including family cemeteries.
- 2 **c.** Community service facilities, including auditoriums, libraries, museums, and
- 3 neighborhood centers.
- 4 **d.** Educational facilities, including preschools, K-12, colleges, and vocational
- 5 schools.
- 6 **e.** Emergency service facilities, including law enforcement, fire fighting, and
- 7 medical assistance.
- 8 **f.** Foster care facilities.
- 9 **g.** Funeral establishments.
- 10 **h.** Hospitals.
- 11 **i.** Offices for government agencies or public utilities.
- 12 **j.** Places of worship.
- 13 **k.** Public utility structures, including telecommunications towers, but excluding
- 14 any industrial uses.
- 15 **l.** Warehousing or maintenance facilities for government agencies or for public
- 16 utilities.

17 See also conditional uses in this district.

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

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

25 See also conditional uses in this district.

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

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

29 See also conditional uses in this district.

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

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

1 See also conditional uses in this district.

2 **(8) Other uses.**

- 3 a. Billboard structures.
- 4 b. Borrow pit reclamation, only with site-specific BCC approval.
- 5 c. Outdoor storage if minor and customarily incidental to the allowed principal
6 use, and if in the rear yard, covered, and screened from off-site view, unless
7 otherwise noted.
- 8 d. Parking garages and lots, commercial.
- 9 e. Self-storage facilities, excluding vehicle rental.

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

12 **(1) Residential.**

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

15 **(2) Retail sales.**

- 16 a. Boat sales, new and used.
- 17 b. Automobile sales, used autos only, excluding parcels fronting on any of the
18 following streets: Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR
19 292); Blue Angel Parkway (SR 173); Pine Forest Road, south from Interstate
20 10 to State Road 173; Navy Boulevard (SR 295 and US 98); and Scenic
21 Highway (SR 10A and US 90). Additionally, the parcel shall be no larger than
22 one acre and provided with a permanent fence, wall, or other structural barrier
23 of sufficient height and mass along all road frontage to prevent encroachment
24 into the right-of way other than through approved site access.
- 25 c. Automobile rental limited to the same restrictions as used automobile sales.
- 26 d. Utility trailer, heavy truck (gross vehicle weight rating more than 8500 lbs),
27 and recreational vehicle sales, rental, or service limited to the same
28 restrictions as used automobile sales.

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

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

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

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

- 1 a. Bars and nightclubs.
- 2 b. Golf courses, tennis centers, swimming pools and similar active outdoor
- 3 recreational facilities, including associated country clubs.
- 4 c. Parks with permanent restrooms or outdoor event lighting.
- 5 **(6) Industrial and related.** Borrow pits, new or expanded, only with site-specific
- 6 BCC approval.
- 7 **(7) Agricultural and related.** Horses or other domesticated *equines* kept on site,
- 8 and stables for such animals, only as a private residential accessory with a
- 9 minimum lot area of two acres and a maximum of one animal per acre.
- 10 **(8) Other uses.**
- 11 a. Outdoor sales not among the permitted uses of the district.
- 12 b. Outdoor storage not among the permitted uses of the district, including
- 13 outdoor storage of trailered boats and operable recreational vehicles, but no
- 14 repair, overhaul, or salvage activities. All such storage shall be screened
- 15 from residential uses and maintained to avoid nuisance conditions.
- 16 c. Self-storage facilities, including vehicle rental as an accessory use.
- 17 d. Structures of permitted uses exceeding the district structure height limit.
- 18 **(d) Site and building requirements.** The following site and building requirements apply
- 19 to uses within the Commercial district:
- 20 **(1) Density.** A minimum density of 3.5 dwelling units per acre within the Mixed-Use
- 21 Urban (MU-U) future land use category and a maximum of 25 dwelling units per
- 22 acre throughout the district. Lodging unit density not limited by zoning.
- 23 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial (C)
- 24 future land use category and 2.0 within Mixed-Use Urban (MU-U).
- 25 **(3) Structure height.** A maximum structure height of 150 feet above adjacent
- 26 grade. [proposed new height limit from 120]
- 27 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 28 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
- 29 20 feet at the street right-of-way, the following minimum lot widths are required:
- 30 a. **Single-family detached.** Forty feet at both the street right-of-way and the
- 31 front building line for single-family detached dwellings.
- 32 b. **Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
- 33 building line for two-family dwellings.
- 34 c. **Multi-family and other.** One hundred feet at the front building line for multi-
- 35 family dwellings, boarding or rooming houses, or townhouse groups. No
- 36 minimum lot width required by zoning for other uses.
- 37 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent
- 38 maximum semi-impervious and impervious cover) for all uses.

- 1 **(7) Structure setback.** For all principal structures, minimum setbacks are:
2 **a. Front and rear.** Fifteen feet in both front and rear.
3 **b. Sides.** Ten feet on each side, including any group of attached townhouses.
4 For structures exceeding 35 feet above highest adjacent grade, an additional
5 two feet for each additional 10 feet in height.
- 6 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
7 regulations and standards.
- 8 **(e) Location criteria.** All new non-residential uses proposed within the Commercial
9 district that are not part of a planned unit development or not identified as exempt by
10 the district shall be on parcels that satisfy at least one of the following location
11 criteria: [\[7.20.05\]](#)
- 12 **(1) Proximity to intersection.** Along an arterial or collector street and within one-
13 quarter mile of its intersection with an arterial street.
- 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
20 Commercial district, and where the new use would constitute infill development of
21 similar intensity as the conforming development on surrounding parcels.
22 Additionally, the location would promote compact development and not contribute
23 to or promote strip commercial development.
- 24 **(4) Site design.** Along an arterial or collector street, no more than one-half mile
25 from its intersection with an arterial or collector street, not abutting a single-family
26 residential zoning district (RR, LDR or MDR), and all of the following site design
27 conditions:
- 28 **a.** Any intrusion into a recorded subdivision is limited to a corner lot.
29 **b.** A system of service roads or shared access is provided to the maximum
30 extent made feasible by lot area, shape, ownership patterns, and site and
31 street characteristics.
32 **c.** Adverse impacts to any adjoining residential uses are minimized by placing
33 the more intensive elements of the use, such as solid waste dumpsters and
34 truck loading/unloading areas, furthest from the residential uses.
- 35 **(5) Documented compatibility.** A compatibility analysis prepared by the applicant
36 provides competent substantial evidence of unique circumstances regarding the
37 potential uses of parcel that were not anticipated by the alternative criteria, and
38 the proposed use, or rezoning as applicable, will be able to achieve long-term
39 compatibility with existing and potential uses. Additionally, the following
40 conditions exist:

- 1 a. The parcel has not been rezoned by the landowner from the mixed-use,
2 commercial, or industrial zoning assigned by the county.
- 3 b. If the parcel is within a county redevelopment district, the use will be
4 consistent with the district's adopted redevelopment plan, as reviewed and
5 recommended by the Community Redevelopment Agency (CRA).
- 6 **(f) Rezoning to Commercial.** Commercial zoning may be established only within the
7 Mixed-Use Urban (MU-U) or Commercial (C) future land use categories. The district
8 is appropriate to provide transitions between areas zoned or used as high density
9 mixed-use and areas zoned or used as heavy commercial or industrial. Rezoning to
10 Commercial is subject to the same location criteria as any new non-residential use
11 proposed within the Commercial district.

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

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

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

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

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

32 **(3) Retail services.**

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

- 1 f. Rental of automobiles, trucks, utility trailers and recreational vehicles.
- 2 g. Repair services, including appliance repair, furniture refinishing and
- 3 upholstery, watch and jewelry repair, small engine and motor services, and
- 4 major motor vehicle and boat service and repair, but excluding outdoor work
- 5 or storage.
- 6 h. Restaurants, including on-premises consumption of alcoholic beverages and
- 7 drive-in and drive-through service. The parcel boundary of any restaurant
- 8 with drive-in or drive-through service shall be at least 200 feet from any LDR
- 9 or MDR zoning district unless separated by a 50-foot or wider street right-of-
- 10 way.
- 11 i. Taxi and limousine services.

12 See also conditional uses in this district.

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

- 14 a. Broadcast stations with satellite dishes and antennas, including towers.
- 15 b. Cemeteries, including family cemeteries.
- 16 c. Community service facilities, including auditoriums, libraries, museums, and
- 17 neighborhood centers.
- 18 d. Educational facilities, including preschools, K-12, colleges, and vocational
- 19 schools.
- 20 e. Emergency service facilities, including law enforcement, fire fighting, and
- 21 medical assistance.
- 22 f. Funeral establishments.
- 23 g. Homeless shelters.
- 24 h. Hospitals.
- 25 i. Places of worship.
- 26 j. Public utility structures, including telecommunications towers, but excluding
- 27 industrial uses not otherwise permitted.

28 See also conditional uses in this district.

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

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

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

3 c. Marinas, private and commercial.

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

5 See also conditional uses in this district.

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

7 a. Borrow pits, new or expanded, only with site-specific BCC approval.

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

12 c. Marinas, industrial.

13 See also conditional uses in this district.

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

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

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

19 c. Veterinary clinics, excluding outside kennels.

20 See also conditional uses in this district.

21 **(8) Other uses.**

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

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

25 c. Building or construction trades shops and warehouses, including on-site
26 outside storage.

27 d. Bus leasing and rental facilities.

28 e. Deposit boxes for donation of used items when placed as an accessory
29 structure on the site of a charitable organization.

30 f. Outdoor adjacent display of plants by garden shops and nurseries.

31 g. Outdoor sales.

32 h. Outdoor storage of trailered boats and operable recreational vehicles,
33 excluding repair, overhaul or salvage activities.

34 i. Parking garages and lots, commercial.

35 j. Sales and outdoor display of prefabricated storage sheds.

36 k. Self-storage facilities, including vehicle rental as an accessory use.

- 1 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
2 the BOA may conditionally allow the following uses within the HC/LI district:
- 3 **(1) Residential.** Caretaker residences not among the permitted uses of the district
4 and for permitted non-residential uses.
- 5 **(2) Retail services.** Restaurants not among the permitted uses of the district.
6 [added for consistency with C-1]
- 7 **(3) Public and civic.** Cinerators, cremation services, direct disposal
8 establishments.
- 9 **(4) Recreation and entertainment.**
- 10 a. Motorsports facilities on lots 20 acres or larger.
- 11 b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
12 [added, and min. area consistent with other districts]
- 13 c. Shooting ranges, outdoor.
- 14 **(5) Industrial and related.**
- 15 a. Asphalt and concrete batch plants if within the Industrial (I) future land use
16 category and within areas zoned GID prior to adoption of HC/LI zoning.
- 17 b. Salvage yards, including the handling of metals, paper, tires, bottles and
18 cans, motor vehicles, and appliances.
- 19 c. Solid waste collection points, solid waste transfer facilities, materials recovery
20 facilities, recovered materials processing facilities, recycling facilities and
21 operations, resource recovery facilities and operations, and volume reduction
22 plants, excluding any hazardous waste storage.
- 23 **(6) Agricultural and related.** Kennels or animal shelters not interior to veterinary
24 clinics.
- 25 **(7) Other uses.**
- 26 a. Structures of permitted uses exceeding the district structure height limit.
- 27 b. Heliports.
- 28 **(d) Site and building requirements.** The following site and building requirements apply
29 to uses within the HC/LI district:
- 30 **(1) Density.** Dwelling unit density limited to vested residential development.
31 Lodging unit density not limited by zoning.
- 32 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial (C)
33 and Industrial (I) future land use categories, and 2.0 within Mixed-Use Urban
34 (MU-U).
- 35 **(3) Structure height.** A maximum structure height of 150 feet above highest
36 adjacent grade. [proposed new height limit from 120]
- 37 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 38 **(5) Lot width.** No minimum lot width required by zoning.

- 1 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent
2 maximum semi-impervious and impervious cover) for all uses. A maximum 75
3 percent of lot area occupied by principal and accessory buildings on lots of non-
4 residential uses.
- 5 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
6
7 **a. Front and rear.** Fifteen feet in both front and rear.
8 **b. Sides.** Ten feet on each side, including any group of attached townhouses.
9 For structures exceeding 35 feet above highest adjacent grade, an additional
two feet for each additional 10 feet in height.
- 10 **(8) Other requirements.**
11 **a. Access.** For any industrial use south of Well Line Road, site access shall be
12 provided by curb cuts on an arterial or collector street. Alternatively, a private
13 or public street may link the site to an arterial or collector, provided that the
14 private or public street does not traverse a residential subdivision or
15 predominantly residential neighborhood between the site and the arterial or
16 collector street. [6.05.18.F]
17 **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
18 regulations and standards.
- 19 **(e) Location criteria.** All new non-residential uses proposed within the HC/LI district
20 that are not part of a planned unit development or not identified as exempt by district
21 regulations shall be on parcels that satisfy at least one of the following location
22 criteria: [7.20.06]
23 **(1) Proximity to intersection.** Along an arterial street and within one-quarter mile
24 of its intersection with an arterial street.
25 **(2) Site design.** Along an arterial street, no more than one-half mile from its
26 intersection with an arterial street, and all of the following site design conditions:
27 **a.** Not abutting a RR, LDR or MDR zoning district
28 **b.** Any intrusion into a recorded residential subdivision is limited to a corner lot
29 **c.** A system of service roads or shared access is provided to the maximum
30 extent feasible given the lot area, lot shape, ownership patterns, and site and
31 street characteristics.
32 **d.** Adverse impacts to any adjoining residential uses are minimized by placing
33 the more intensive elements of the use, such as solid waste dumpsters and
34 truck loading/unloading areas, furthest from the residential uses.
35 **e.** Location in an area where already established non-residential uses are
36 otherwise consistent with the HC/LI, and where the new use would constitute
37 infill development of similar intensity as the conforming development on
38 surrounding parcels. Additionally, the location would promote compact
39 development and not contribute to or promote strip commercial development.

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

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

8 b. If the parcel is within a county redevelopment district, the use will be
9 consistent with the district's adopted redevelopment plan, as reviewed and
10 recommended by the Community Redevelopment Agency (CRA).

11 **(f) Rezoning to HC/LI.**

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

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

29 **Sec. 3-2.12 Industrial district (Ind).** **[ID-2 (100%)]**

30 **(a) Purpose.** The Industrial (Ind) district establishes appropriate areas and land use
31 regulations for a broad range of industrial uses. The primary intent of the district is
32 to accommodate general assembly, outdoor storage, warehousing and distribution,
33 major repair and services, manufacturing, salvage and other such uses and activities
34 that contribute to a diverse economic base but cannot satisfy the compatibility
35 requirements and higher performance standards of other districts. The Industrial
36 district is also intended to provide appropriate locations and standards that minimize
37 dangers to populations and the environment from heavy industrial activities, and to
38 preserve industrial lands for the continuation and expansion of industrial production.
39 Non-industrial uses within the district are limited to ensure the preservation of
40 adequate areas for industrial activities. New or expanded residential development is
41 generally prohibited.

42 **(b) Permitted uses.** Permitted uses within the Industrial district are limited to the
43 following:

- 1 **(1) Residential.** No new residential uses, including accessory dwelling units, except
2 caretaker residences for permitted non-residential uses. Caretaker and vested
3 single-family dwellings include manufactured (mobile) homes.
- 4 **(2) Retail sales.** No retail sales except as permitted industrial and related uses.
- 5 **(3) Retail services.** No retail services except as permitted industrial and related
6 uses.
- 7 **(4) Public and civic.**
- 8 a. Cemeteries, including family cemeteries.
- 9 b. Cinerators, cremation services, direct disposal establishments.
- 10 c. Emergency service facilities, including law enforcement, fire fighting, and
11 medical assistance.
- 12 d. Funeral establishments.
- 13 e. Public utility structures, including telecommunications towers.
- 14 **(5) Recreation and entertainment.** No recreation or entertainment uses.
- 15 **(6) Industrial and related.**
- 16 a. Bulk storage.
- 17 b. Industrial uses, light and heavy, including research and development, printing
18 and binding, distribution and wholesale warehousing, processing of raw
19 materials, manufacturing of finished and semi-finished products, salvage
20 yards, solid waste transfer and processing facilities, materials recovery and
21 recovered materials processing facilities, landfills, concrete and asphalt batch
22 plants, power plants, and mineral extraction. New or expanded borrow pits
23 only with site-specific BCC approval.
- 24 c. Solid waste collection points.
- 25 **(7) Agricultural and related.** No agricultural or related uses except as permitted
26 industrial and related uses.
- 27 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval.
- 28 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
29 the BOA may conditionally allow a permitted use of the Industrial district to exceed
30 the district structure height limit.
- 31 **(d) Site and building requirements.** The following site and building requirements apply
32 to uses within the Industrial district:
- 33 **(1) Density.** Dwelling unit density limited to vested residential development.
- 34 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.
- 35 **(3) Structure height.** A maximum structure height of 150 feet above highest
36 adjacent grade.
- 37 **(4) Lot area.** No minimum lot area unless prescribed by use.

- 1 **(5) Lot width.** A minimum lot width of 100 feet at the street right-of-way.
- 2 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent
- 3 maximum semi-impervious and impervious cover) for all uses. A maximum of 75
- 4 percent of lot area occupied by principal and accessory buildings.
- 5 **(7) Structure setbacks.** For all principal structures, minimum setbacks of 25 feet in
- 6 both front and rear, and 15 feet on each side.

7 **(8) Other requirements.**

- 8 **a. Access.** For any industrial use south of Well Line Road, site access shall be
- 9 provided by curb cuts on an arterial or collector street. Alternatively, a private
- 10 or public street may link the site to an arterial or collector, provided that the
- 11 private or public street does not traverse a residential subdivision or
- 12 predominantly residential neighborhood between the site and the arterial or
- 13 collector street. [6.05.19.G]
- 14 **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
- 15 regulations and standards.

16 **(e) Location criteria.** All new industrial uses proposed within the Industrial district that

17 are not part of a planned unit development shall be on parcels that satisfy all of the

18 following location criteria: [7.20.07]

- 19 **(1)** Located so that the negative impacts of the uses on the functions of natural
- 20 systems are avoided if possible, and minimized when unavoidable.
- 21 **(2)** Accessible to essential public facilities and services at the levels of service
- 22 adopted in the Comprehensive Plan.
- 23 **(3)** Located on parcels of land large enough to adequately support the type of
- 24 industrial development proposed and minimize any adverse impacts upon
- 25 surrounding properties through effective buffering so that the proposed use is
- 26 compatible with surrounding uses. [6.05.19.D.2]

27 **(f) Rezoning to Ind.** Industrial zoning may be established only within the Industrial (I)

28 future land use category. The district is appropriate where conflicts with other uses

29 can be minimized through orderly zoning transitions and effective buffering, and

30 where sufficient access to transportation and other public facilities is available.

31 Rezoning to Industrial is subject to the same location criteria as any new industrial

32 use proposed within the Industrial district.

33 **Sec. 3-2.13 Recreation district (Rec).** [S-1 (100%)]

34 **(a) Purpose.** The Recreation (Rec) district establishes appropriate areas and land use

35 regulations for outdoor recreational uses and open space. The primary intent of the

36 district is to preserve and maintain parcels of land necessary or used for a system of

37 public and private parks providing both active and passive recreational activities and

38 amenities. Indoor recreation facilities are allowed within the Recreational district if

39 customarily incidental to the principal outdoor uses. Non-recreational uses are

40 severely limited to ensure the preservation of district lands and provision of

1 adequate areas for public recreation. New or expanded residential development is
2 generally prohibited.

3 **(b) Permitted uses.** Permitted uses within the Recreation district are limited to the
4 following:

5 **(1) Residential.** No new residential uses, including accessory dwelling units, except
6 caretaker residences for permitted non-residential uses. Caretaker and vested
7 single-family dwellings include manufactured (mobile) homes if allowed by any
8 adjoining zoning.

9 **(2) Retail sales.** Retail sales customarily incidental to permitted recreational uses.

10 **(3) Retail services.** Retail services customarily incidental to permitted recreational
11 uses.

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

13 a. Bird and wildlife sanctuaries.

14 b. Parks and greenbelt areas.

15 c. Public utility structures, including telecommunication towers.

16 See also conditional uses in this district.

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

18 a. Recreation facilities, outdoor, including parks, playgrounds, walking and
19 hiking trails, campgrounds, off-highway vehicle trails, swimming pools,
20 baseball fields, tennis courts, and golf courses, but excluding shooting
21 ranges.

22 b. Marinas, commercial only.

23 See also conditional uses in this district.

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

25 **(7) Agricultural and related.** No agricultural or related uses.

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 Recreation district:

29 **(1) Public and civic.** Emergency service facilities, including law enforcement, fire
30 fighting, and medical assistance.

31 **(2) Recreation and entertainment.** Outdoor shooting ranges.

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

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

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

36 **(3) Structure height.** No maximum structure height unless prescribed by use.

- 1 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 2 **(5) Lot width.** No minimum lot width required by zoning.
- 3 **(6) Lot coverage.** Minimum pervious lot coverage of 80 percent (20 percent
- 4 maximum semi-impervious and impervious cover) for all uses.
- 5 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 6 **a. Front and rear.** Twenty-five feet in front and rear.
- 7 **b. Sides.** On each side, five feet or 10 percent of the lot width at the front
- 8 building line, whichever is greater, but not required to exceed 15 feet.
- 9 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
- 10 regulations and standards.
- 11 **(e) Location criteria.** No location criteria established by the Recreation district.
- 12 **(f) Rezoning to Recreation.** Recreation zoning may be established within all future
- 13 land use categories except Industrial and Conservation.

14 **Sec. 3-2.14 Conservation district (Con).** [SDD public or conservation land (100%)]

15 **(a) Purpose.** The Conservation (Con) district establishes appropriate areas and land

16 use regulations for the conservation of important natural resources. The primary

17 intent of the district is to conserve wetlands, marshes, watersheds, coastal dunes,

18 wildlife habitats and other environmentally sensitive lands, but allow for passive

19 recreational opportunities and amenities consistent with the Conservation future land

20 use category. Non-conservation uses are severely limited to ensure the

21 conservation of district resources and provision of appropriate areas for public

22 recreation. Non-residential uses within the Conservation district are limited to

23 activities that will have minimal impacts and where the educational benefits of the

24 uses are determined to outweigh those impacts. New or expanded residential

25 development is generally prohibited.

26 **(b) Permitted uses.** Permitted uses within the Conservation district are limited to the

27 following:

- 28 **(1) Residential.** No new residential uses, including accessory dwelling units, except
- 29 caretaker residences for permitted non-residential uses. Caretaker and vested
- 30 single-family dwellings include manufactured (mobile) homes if allowed by any
- 31 adjoining zoning.
- 32 **(2) Retail sales.** No retail sales.
- 33 **(3) Retail services.** No retail services.
- 34 **(4) Public and civic.**
- 35 **a.** Bird and wildlife sanctuaries.
- 36 **b.** Educational use of natural amenities for public benefit.
- 37 **c.** Family cemeteries.
- 38 **d.** Parks and trails for passive recreation only.

- 1 e. Preservation and conservation lands.
2 See also conditional uses in this district.
- 3 **(5) Recreation and entertainment.** Only passive recreation and entertainment
4 uses.
- 5 **(6) Industrial and related.** No industrial or related uses.
- 6 **(7) Agricultural and related.** See conditional uses in this district.
- 7 **(8) Other uses.** Borrow pit reclamation, only with site-specific BCC approval.
- 8 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
9 the BOA may conditionally allow the following uses within the Conservation district:
- 10 **(1) Public and civic.** Public utility structures, including telecommunication towers.
- 11 **(2) Agricultural and related.** The keeping of horses or other domesticated *equines*
12 on site for public riding, and stables for such animals, on lots 10 acres or more.
- 13 **(d) Site and building requirements.** The following site and building requirements
14 apply to uses within the Conservation district:
- 15 **(1) Density.** Dwelling unit density limited to vested development.
- 16 **(2) Floor area ratio.** A maximum floor area ratio of 0.5 for all uses.
- 17 **(3) Structure height.** A maximum structure height of 45 feet above highest
18 adjacent grade unless otherwise prescribed by use.
- 19 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 20 **(5) Lot width.** No minimum lot width required by zoning.
- 21 **(6) Lot coverage.** Minimum pervious lot coverage of 80 percent (20 percent
22 maximum semi-impervious and impervious cover) for all uses.
- 23 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 24 a. **Front and rear.** Twenty-five feet in front and rear.
- 25 b. **Sides.** On each side, five feet or 10 percent of the lot width at the front
26 building line, whichever is greater, but not required to exceed 15 feet.
- 27 **(8) Other requirements.**
- 28 a. **Horse shelters.** Stables or other structures for sheltering horses or other
29 domesticated *equines* shall be at least 50 feet from any property line and at
30 least 130 feet from any dwelling on the property of another landowner.
- 31 b. **Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development
32 regulations and standards.
- 33 **(e) Location criteria.** No location criteria established by the Conservation district.
- 34 **(f) Rezoning to Conservation.** Conservation zoning may be established within all
35 future land use categories. The district is suitable for all lands that have natural
36 limitations to development due to sensitive environmental character, both publically

1 owned conservation lands and private lands subject to similarly restrictive
2 conservation easements.

3 **Sec. 3-2.15 Public district (Pub).**

4 **(a) Purpose.** The Public (Pub) district establishes appropriate areas and land use
5 regulations for publicly owned parcels with public uses generally having greater
6 potential for adverse off-site impacts.

7 **(b) Permitted uses.** Permitted uses within the Public district are limited to the following:

8 **(1) Residential.** No new residential uses, including accessory dwelling units, except
9 caretaker residences for permitted non-residential uses.

10 **(2) Retail sales.** No retail sales except within permitted business parks.

11 **(3) Retail services.** No retail services except within permitted business parks.

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

13 c. Correctional facilities, including detention centers, jails, and prisons.

14 d. Educational facilities.

15 e. Other public institutional uses

16 **(5) Recreation and entertainment.** No recreation or entertainment uses.

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

18 a. Borrow pits, new or expanded, only with site-specific BCC approval.

19 b. Industrial uses within permitted industrial parks.

20 c. Recovered materials processing facilities (RMPF).

21 d. Solid waste transfer, processing, and disposal facilities, including materials
22 recovery facilities (MRF), recycling facilities and operations, resource
23 recovery facilities, volume reduction plants, and landfills.

24 **(7) Agricultural and related.** No agricultural or related uses.

25 **(8) Other uses.**

26 a. Borrow pit reclamation only with site-specific BCC approval.

27 b. Conversion of suitable public lands for business or industrial park
28 development.

29 **(c) Conditional uses.** No conditional uses are available within the Public district.

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

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

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

1 **(3) Structure height.** A maximum structure height of 150 feet above adjacent
2 grade.

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

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

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

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

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

9 b. **Sides.** Ten feet on each side. For structures exceeding 35 feet above
10 highest adjacent grade, an additional two feet for each additional 10 feet in
11 height.

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

14
15 **Article 3 Overlay districts.**

16 **Sec. 3-3.1 Purpose of article.**

17 This article establishes overlay zoning districts that apply to areas of the county for
18 which specific aesthetic, historic preservation, resource protection, redevelopment, or
19 other public concerns have been identified. The overlays impose supplemental
20 requirements to manage development not sufficiently managed by underlying zoning
21 districts and may modify the allowable uses, site and building requirements, and other
22 provisions of the underlying zoning.

23 **Sec. 3-3.2 Community redevelopment.**

24 **(a) Generally.** Community redevelopment areas within the county, and plans to reduce
25 identified slum and blighted conditions within those areas, have been adopted by the
26 Board of County Commissioners (BCC). The redevelopment plans provide guidance
27 to enhance quality of life, encourage private sector reinvestment, promote sound
28 economic development, and provide recommendations for capital improvement
29 projects and other public sector enhancements. Redevelopment overlay zoning
30 districts are established in this article to support these adopted redevelopment plans
31 through land development regulations.

32 **(b) Community Redevelopment Agency (CRA).** As part of the redevelopment
33 strategy for designated redevelopment areas, the BCC created the Community
34 Redevelopment Agency (CRA) and authorized tools for redevelopment. Within the
35 LDC compliance review processes the CRA shall determine compliance with
36 redevelopment overlay district regulations, particularly regarding land use and site
37 and building requirements. In evaluating compliance, the CRA may identify
38 circumstances requiring a departure from some overlay requirements and may grant
39 exceptions accordingly. Although financial hardship alone is not a basis to grant an

1 exception, the CRA may consider the following when requested to grant exceptions
2 to overlay zoning district requirements:

- 3 (1) Individual and public safety.
- 4 (2) Unique site conditions or building characteristics.
- 5 (3) Adverse effects of standards on the use of the property.
- 6 (4) Public benefit.

7 (c) **Crime prevention through design.** When designing any element within a
8 redevelopment overlay district, including site layout, buildings, streets, signs,
9 landscaping, and parking, Crime Prevention Through Environmental Design
10 (CPTED) principles shall be used. The CRA shall evaluate the following CPTED
11 guidelines for development within the districts:

- 12 (1) **Territorial reinforcement.** All building entrances, parking areas, pathways, and
13 other elements should incorporate appropriate features that create or extend a
14 "sphere of influence," express ownership, and clearly distinguish private areas
15 from public ones.
- 16 (2) **Natural surveillance.** The site layout, building, and landscape design should
17 promote the ability to "see and be seen." Physical features and activities should
18 be oriented and designed in ways that maximize the ability to see throughout the
19 site.
- 20 (3) **Activity support.** The site layout and building design should encourage
21 legitimate activity in public spaces.
- 22 (4) **Access control.** Walkways, fences, lighting, signage, and landscape should be
23 located and designed to clearly guide people and vehicles to and from the proper
24 entrances, directing the flow of people while decreasing the opportunity for crime.

25 **Sec. 3-3.3 Barrancas Overlay (Barr-OL). [6.07.02]**

26 (a) **Purpose.** The Barrancas Overlay (Barr-OL) district establishes supplemental land
27 use regulations to support the objectives of the adopted Barrancas area community
28 redevelopment plan. The intent of the additional land use controls is to enhance the
29 character of an area changed by the realignment of Barrancas Avenue and
30 undergoing revitalization, and to alleviate the harmful effects of industrial pollutants
31 on the waters of Bayou Chico.

32 (b) **Waterfront mixed-use area.**

33 (1) **Function.** Within the Barr-OL overlay district a waterfront mixed-use (WMU)
34 area is established to take advantage of the deep water characteristics of Bayou
35 Chico and preserve commercial and recreational waterfront. The intent of the
36 area is to promote more consistent shoreline development and encourage
37 residential uses along and around the waterfront; protect unique natural
38 resources within and around the bayou; and preserve and encourage water-
39 dependant and water-related support uses that do not degrade the natural
40 resources of the bayou or prevent their restoration. [6.05.33]

1 **(2) Location.** The WMU area generally includes all land bounded on the north and
2 east by the waters of Bayou Chico, and on the south and west by Olde
3 Barrancas Avenue, Weis Lane, and Lakewood Road extending northwest from
4 Weis Lane. The area extends from the east line of Lot 10, Block 3 of Lakewood
5 subdivision (PB 2, P 30-E) to the east line of lots 5 and E of Brent Island
6 subdivision (PB 4, P 78), but excludes: the area bounded by Lakewood Road,
7 Audusson Avenue, and Browns Lane; Millwood Terrace subdivision (PB 12, P
8 22); and the area of a 13-lot development (Marina Villas, LLC) on the west side
9 of Mahogany Mill Road and contiguous with the north side of Millwood Terrace.
10 The waterfront mixed-use area is officially defined within the Geographical
11 Information System (GIS) of the county.

12 **(c) Permitted uses.** Permitted uses vary by location within the Barr-OL district.

13 **(1) District-wide.** The following uses, if permitted by the underlying zoning district,
14 are modified as noted throughout the overlay district: [6.07.02.D]

- 15 a. For any mix of permitted residential and non-residential uses within the same
16 building the non-residential uses shall occupy the first or bottom floor(s) and
17 the residential uses shall occupy the second or upper floors. [6.07.02.D.4]
- 18 b. Motor vehicle service and repair is limited to small-scale (gross floor area
19 6000 sq.ft. or less per lot) minor services and repair, indoor only. [6.07.02.E.2]
- 20 c. Multi-family dwellings shall be in condominium form of ownership.
21 [6.07.02.D.3]
- 22 d. Sidewalk sales and tent sales are allowed only as temporary events
23 accessory to the permitted retail uses within the overlay and shall be
24 conducted immediately adjacent to the principal business for no more than 14
25 days within a calendar year. The business shall make all necessary
26 arrangements to keep public rights-of-way unobstructed and obtain all
27 required permits. [6.07.02.I.2.c(8)]

28 **(2) Within WMU.** The following uses are permitted within the WMU area, regardless
29 of their status in the underlying zoning district:

- 30 **a. Water-dependent uses.**
 - 31 1. Boat maintenance and repair yards that comply with the best management
32 practices of the Florida Clean Boatyard Program of the Florida
33 Department of Environmental Protection (FDEP).
 - 34 2. Expansion of existing bulk product facilities and terminal facilities (as
35 defined in Florida Statutes) if the expansion is no closer than 300 feet to
36 any residential use and provides noise and visual buffering from adjacent
37 parcels and public rights-of-way.
 - 38 3. Commercial storage of boats.
 - 39 4. Commercial marine transport and excursion services, including ferries,
40 captained charter services, sport fishing, and water taxis.

- 1 5. Harbor and marine supplies and services, and ship chandleries, including
2 the fueling of vessels.
- 3 6. Marinas that comply with the best management practices of the Florida
4 *Clean Marina* Program of the FDEP, including those berthing tugboats,
5 fireboats, and pilot boats and providing similar services.
- 6 7. Public landings for the loading and unloading of boats and ships.
- 7 8. Marine research, education, and laboratory facilities.
- 8 9. Seafood packaging and distribution for sales.
- 9 **b. Water-related support uses.**
- 10 1. Fabrication of marine-related goods.
- 11 2. Fabrication, repair, and storage of fishing equipment.
- 12 3. Marine products wholesaling, distribution, and retailing.
- 13 4. Marine repair services and machine shops.
- 14 **c. Other uses.** Residential uses, including multi-family, but not required to be
15 part of a predominantly commercial development.
- 16 **(d) Conditional uses.** The Barr-OL district does not modify the conditional uses of any
17 underlying zoning districts except for those uses prohibited by the overlay.
- 18 **(e) Prohibited uses.** Prohibited uses vary by location within the Barr-OL district.
- 19 **(1) District-wide.** The following uses are prohibited throughout the overlay district
20 regardless of their status in the underlying zoning district, except as noted:
- 21 **a.** Billboards.
- 22 **b.** Boarding or rooming houses.
- 23 **c.** Campgrounds or recreational vehicle parks.
- 24 **d.** Carnival type amusements and amusement arcades.
- 25 **e.** Commercial storage of boats, except within the waterfront mixed-use (WMU)
26 area.
- 27 **f.** Commercial outdoor storage of recreational vehicles.
- 28 **g.** Deposit boxes for donation of used items.
- 29 **h.** Fortune tellers, palm readers, psychics, and similar personal services.
- 30 **i.** Manufactured (mobile) homes and manufactured home subdivisions and
31 parks.
- 32 **j.** Motor vehicle painting and outdoor motor vehicle repair or storage.
- 33 **k.** Pawn shops and check cashing services.
- 34 **l.** Self-storage facilities.
- 35 **m.** Warehouses, distribution and wholesale, except within the WMU area.

1 **(2) Within WMU.** The following uses are prohibited within the WMU area,
2 regardless of their status in the underlying zoning district:

- 3 a. Heavy industry, including salvage yards, materials recovery facilities, mineral
4 extraction, concrete and asphalt batch plants, sewage treatment plants,
5 chemical plants, and new bulk product facilities or terminal facilities as
6 defined in Florida Statutes (Chapter 376).
- 7 b. Facilities for marine pollution control, oil spill cleanup, and servicing of marine
8 sanitation devices.
- 9 c. Storage facilities for any materials that are toxic or hazardous substances or
10 nutrients (i.e., elements or compounds essential as raw material for organic
11 growth and development, such as carbon, nitrogen, or phosphorus), or that
12 become one when left to stand or when exposed to water, but not including
13 petroleum and petroleum related products regulated by the Florida Pollutant
14 Discharge Prevention and Control Act.

15 **(f) Site and building requirements.** Site and building requirements vary by location
16 within the Barr-OL district.

17 **(1) District-wide.** The following requirements apply throughout the overlay district:

- 18 a. **Structure height.** Except within the WMU area, a maximum structure height
19 of 45 feet above highest adjacent grade. Any lower height required by use or
20 underlying zoning district shall govern. [6.07.02.1.1]
- 21 b. **Materials and colors.** Building materials and colors shall avoid adverse
22 visual impacts on surrounding properties. Accessory structures shall use the
23 same or similar materials, color, and style of the primary structure's facade if
24 visible from a public way. [6.07.02.1.2.a & 3]
- 25 c. **Street orientation.** Buildings shall create desirable pedestrian environments
26 between the buildings and adjacent streets through clear and visible
27 orientation to the streets. [6.07.02.1.2.b&c]

28 **(2) Within MDR[R-2 & R-3] or HDR[R-4] zoning.** The following requirements apply
29 if the underlying zoning is Medium Density Residential (MDR) or High Density
30 Residential (HDR):

- 31 a. **Entry.** Each building front facade shall include the primary entry door, be
32 street facing, and include a porch or stoop. [6.07.02.1.2.b(2)]
- 33 b. **Parking.** All off-street parking shall be located in the rear yard or within a
34 garage. For residential uses, any front-facing attached garage shall be set
35 back from the primary front facade. [6.07.02.1.2.b(1)&(3)]

36 **(3) Within HDMU[R-5 & R-6] or Commercial[C-1] zoning.** The following
37 requirements apply if the underlying zoning is High Density Mixed-use (HDMU)
38 or Commercial (Com):

- 39 a. **Structure setbacks.** Front and side structure setbacks shall be consistent
40 with adjacent structures [to the extent allowed by underlying zoning?]. Rear
41 setbacks shall be as required by the underlying zoning district. Where

1 setback patterns are not clearly established, buildings shall be built to within
2 10 feet of property lines.

3 **b. Building orientation.** Buildings shall be oriented so that the principal
4 facades are parallel or nearly parallel to the streets they face. On corner
5 sites, buildings shall occupy the corner. [6.07.02.1.2.c(2)]

6 **c. Entry.** Entrances shall be well lit, visible from the street, and easily
7 accessible. Walkways separate from driveways shall lead to front doors
8 where practical. [6.07.02.1.2.c(3) & (4)]

9 **d. Parking.** Off-street parking areas shall be connected by walkways to the
10 buildings they serve and comply with the following: [6.07.02.1.2.c(5)]

11 **1. Residential.** Parking for residential uses shall be located in the rear yard
12 or within a garage. Any front facing attached garage shall be set back at
13 least eight feet from the primary front facade and not exceed 25 percent of
14 that façade [area?] if the lot width is greater than 40 feet.

15 **2. Non-residential.** Parking for non-residential uses shall be located in the
16 rear or side yards unless provided as shared central parking through an
17 easement or common ownership among contiguous properties. Curb cuts
18 for such shared parking shall be limited to one 20-foot wide access. Liner
19 buildings or landscaping shall be used to screen parking from view from
20 the street.

21 **e. Screening.** All service and loading areas shall be entirely screened from off-
22 site view. [6.07.02.1.2.c(7)]

23 **f. Scale.** Buildings shall be designed in proportions to reflect human pedestrian
24 scale and movement, and to encourage interest at the street level, which is
25 best achieved when the ratio of street (not right-of-way) width to building
26 height is between 1:2 and 1:3. [6.07.02.1.2.c(6)]

27 **g. Outdoor dining.** Outdoor dining areas shall be appropriately separated from
28 public walkways and streets using railings, wrought iron fences, landscaping,
29 or other suitable materials such that a minimum unobstructed pedestrian path
30 at least six feet wide is allowed along public rights-of-way. [6.07.02.1.2.c(9)]

31 **(4) Within WMU area.** The following requirements apply within the waterfront
32 mixed-use (WMU) area:

33 **a. Structure height.** A maximum structure height of 100 feet above highest
34 adjacent grade. [6.05.33.F.4]

35 **b. Structure setbacks.** For all principal structures, minimum setbacks of ten
36 feet on each side, including any group of attached townhouses. For
37 structures exceeding 35 feet above highest adjacent grade, an additional two
38 feet for each additional 10 feet in height. [6.05.33.F.5]

39 Front porches, stoops, and balconies that extend beyond the primary building
40 plane may encroach to within five feet of the property line. Steps leading to a

1 front porch or stoop may encroach further, but not beyond the property line or
2 onto public sidewalks.

3 Front and side setback lines should be consistent with adjacent structures.
4 Where setback lines are not clearly established, buildings shall be built to
5 within 10 feet of property lines.

6 **c. Building orientation.** Buildings shall be oriented so that the principal facade
7 is parallel or nearly parallel to the streets they face. On corner sites, buildings
8 shall occupy the corner. [6.05.33.F.10]

9 **d. Entry.** Walkways separate from driveways shall lead to front doors where
10 practical. [6.05.33.F.11]

11 **e. Parking.** Parking and other non-habitable areas may comprise the first two
12 floors of a mixed-use structure. Off-street parking areas shall be connected
13 by walkways to the buildings they serve and comply with the following:
14 [6.05.33.F.9]

15 **1. Residential.** Parking for residential uses shall be located in the rear yard
16 or within a garage. Any front facing attached garage shall be set back at
17 least 10 feet from the primary front facade and not exceed 25 percent of
18 that facade [area?] if the lot width is greater than 40 feet.

19 **2. Parking structures.** Access to parking structures shall be limited to the
20 side or rear of the structures and their street facades shall be concealed
21 by liner buildings or be screened so as to provide the appearance of being
22 an occupied use; i.e., with articulated building fronts, windows, etc.

23 **f. Screening.** All service and loading areas and outdoor storage shall be
24 entirely screened from off-site view by opaque fencing consisting of chain link
25 fence with slats or privacy fence of wood, PVC, or vinyl, or by concrete or
26 stucco walls. [6.05.33.F.7] [6.07.02.I.5]

27 **g. Signs.** Site signage is limited to one freestanding monument sign per
28 development parcel, scaled primarily for pedestrians, and not to exceed 100
29 square feet in area and 12 feet in height, except for multi-tenant development
30 where the sign may be up to 300 square feet. Sign colors, materials, and
31 lighting shall avoid adverse visual impacts on surrounding properties. Wall
32 signs shall not obstruct design details, windows, or cornices of the buildings
33 to which they are attached. For individual tenants in a multi-tenant
34 development, wall signs shall not exceed 20 square feet per sign. [6.07.02.I.8]

35 **h. Resource protection.**

36 **1. Natural features.** Natural features shall be protected and integrated into
37 site design and development where possible. [6.07.02.I.6]

38 **2. Shorelines.** Natural vegetated shoreline erosion control solutions shall be
39 implemented where there is a high likelihood of success and
40 effectiveness. County evaluation of shoreline protection shall consider
41 bathymetry, wave climate, sediment quality, and adjacent and surrounding
42 shorelines. [6.05.33.G.2]

1 **3. Septic tanks.** If septic tanks are permitted they shall be located at least
2 100 feet from the mean high water line (MHWL) of the bayou.

3 [6.05.33.G.4]

4 **i. Dock materials.** All docks, bulkheads, and seawalls constructed of treated
5 wood products should use products registered for marine use by the U.S.
6 Environmental Protection Agency or the Florida Department of Agriculture
7 and Consumer Services. Other recommended materials include concrete,
8 coated steel, recycled plastic, PVC, vinyl, and fiberglass. [6.05.33.F.8]

9 **Sec. 3-3.4 Brownsville Overlay (Brn-OL). [6.07.03]**

10 **(a) Purpose.** The Brownsville Overlay (Brn-OL) district establishes supplemental land
11 use regulations to support the objectives of the adopted Brownsville area community
12 redevelopment plan. The intent of the additional land use controls is to enhance the
13 character of an area undergoing revitalization, support existing commercial corridors,
14 and protect the unique and historic character of the Brownsville community.

15 **(b) Permitted uses.** Within the Brn-OL district, for any mix of permitted residential and
16 non-residential uses within the same building, the non-residential uses shall occupy
17 the first or bottom floors and the residential uses shall occupy the second or upper
18 floors.

19 **(c) Conditional uses.** The Brn-OL district does not modify the conditional uses of any
20 underlying zoning districts except for those uses prohibited by the overlay.

21 **(d) Prohibited uses.** The following uses are prohibited in the Brn-OL district regardless
22 of their status in the underlying zoning district:

23 **(1) Billboards.**

24 **(2) Manufactured (mobile) homes, and manufactured home subdivisions and parks.**

25 **(e) Site and building requirements.** The following site and building requirements
26 apply only to non-residential uses within the Brn-OL district:

27 **(1) Structure height.** . No structure height shall exceed 45 feet above highest
28 adjacent grade. Any lower height required by use or underlying zoning district
29 shall govern.

30 **(2) Materials and detailing.** New structures, additions, and renovations shall use
31 materials and detailing that maintain the distinct character and harmony of the
32 redevelopment district. Vinyl or metal siding is prohibited on the primary facades
33 of buildings adjacent to public rights-of-way. Accessory structures shall use the
34 same or similar materials, color, and style of the primary structure's façade if
35 visible from a public way.

36 **(3) Setbacks.** New construction along Mobile Highway or Cervantes Street shall be
37 set back a distance similar to that of adjacent buildings unless customer parking
38 is provided adjacent to the street in support of CPTED principles. Exceptions
39 may be granted if the setback is pedestrian oriented and contributes to the
40 quality and character of the streetscape.

1 **(4) Facades.**

- 2 **a. Front facades.** Front building facades more than 80 feet in width shall be
- 3 divided into increments by changes in materials, bay windows, wall offsets, or
- 4 similar methods.
- 5 **b. Rear façade.** A minimum of 15 feet of a building’s rear façade facing a public
- 6 right of way, parking area, or open space shall consist of transparent
- 7 materials, not including reflective glass.

8 **(5) Natural features.** Natural features shall be protected and integrated into site

9 design and development where possible.

10 **(6) Signs.** Site signage is limited to one freestanding monument sign per

11 development parcel, scaled primarily for pedestrians, and not to exceed 100

12 square feet in area and 12 feet in height, except for multi-tenant development

13 where the sign may be up to 300 square feet. Sign colors, materials, and lighting

14 shall avoid adverse visual impacts on surrounding properties. Wall signs shall

15 not obstruct design details, windows, or cornices of the buildings to which they

16 are attached. For individual tenants in a multi-tenant development, wall signs

17 shall not exceed 20 square feet per sign.

18 **(7) Lighting.** Lighting should serve to illuminate facades, entrances, and signage to

19 provide an adequate level of personal safety while enhancing the aesthetic

20 appeal of the buildings. Building and signage lighting must be indirect, with the

21 light source hidden from direct pedestrian and motorist view.

22 **(8) Parking.** Off-street parking shall be located in the rear. If the lot orientation

23 cannot accommodate adequate rear parking, parking may be located on the side.

24 **(9) Buffers and screening of outdoor storage.** All outside storage shall be

25 screened from public view. The screening shall use the same materials, color,

26 and style as the primary building for architectural compatibility with the primary

27 building. If the outside storage area is separate from the building it serves the

28 following shall apply:

29 **a. Type.** Only fences constructed of legitimate fencing materials (may or may

30 not be opaque) or masonry, concrete or stucco walls may supplement buffers.

31 Specifically, garage doors and sheets of roofing material do not qualify for

32 fencing or wall materials.

33 **b. Screening of outdoor storage.** Opaque fencing shall mean chain link fence

34 with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot

35 concrete or stucco wall may also be used to screen outdoor storage.

36 **Sec. 3-3.5 Englewood Overlay (Eng-OL). [6.07.04]**

37 **(a) Purpose.** The Englewood Overlay (Eng-OL) district establishes supplemental land

38 use regulations to support the objectives of the adopted Englewood area community

39 redevelopment plan. The intent of the additional land use controls is to enhance the

40 character of an area undergoing revitalization, support existing commercial areas,

41 and protect the unique and historic character of the Englewood neighborhood.

- 1 **(b) Permitted uses.** Within the Eng-OL district, for any mix of permitted residential and
2 non-residential uses within the same building, the non-residential uses shall occupy
3 the first or bottom floors and the residential uses shall occupy the second or upper
4 floors.
- 5 **(c) Conditional uses.** The Eng-OL district does not modify the conditional uses of any
6 underlying zoning districts.
- 7 **(d) Prohibited uses.** The following uses are prohibited in the Eng-OL district
8 regardless of their status in any underlying zoning district:
- 9 **(1) Billboards.**
- 10 **(2) Manufactured (mobile) homes, and manufactured home subdivisions and parks.**
- 11 **(e) Non-residential site and building requirements.** The following non-residential
12 site and building requirements apply within the Eng-OL district
- 13 **(1) Structure height.** New or redeveloped buildings, or building additions, shall
14 complement the existing pattern of building heights. No structure shall exceed
15 45 feet in height and any lower height required by the underlying zoning district
16 shall govern.
- 17 **(2) Materials and detailing.** New structures, additions and renovations shall be
18 constructed to be long-lasting and use materials and detailing that maintain the
19 distinct character and harmony of the Brownsville Community Redevelopment
20 District. Vinyl or metal siding is prohibited on the primary facades of buildings
21 adjacent to public rights-of-way. All accessory structures shall use the same
22 materials, color, and/or style of the primary façade if visible from a public way.
- 23 **(3) Setbacks.** New construction shall be set back a distance similar to that of
24 adjacent buildings unless customer parking is provided adjacent to the street in
25 support of CPTED principles. Exceptions may be granted if the setback is
26 pedestrian oriented and contributes to the quality and character of the
27 streetscape.
- 28 **(4) Facades.**
- 29 **a. Front facades.** A front building facade more than 80 feet in width shall be
30 divided into increments by changes in materials, bay windows, wall offsets, or
31 similar methods.
- 32 **b. Rear façades.** A minimum of 15 feet of a building's rear façade facing a
33 public right of way, parking area, or open space shall consist of transparent
34 materials, not including reflective glass.
- 35 **(5) Natural features.** Natural features shall be protected and integrated into site
36 design and development where possible. The applicant shall demonstrate how
37 the development protects and incorporates existing vegetation.
- 38 **(6) Landscaping.** Water conservation is encouraged through proper landscape
39 plant selection, installation and maintenance practices. Native plant species are
40 required. All non-residential development applications shall include a landscape
41 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.** Site signage is limited to one freestanding monument sign per
4 development parcel, scaled primarily for pedestrians, and not to exceed 100
5 square feet in area and 12 feet in height, except for multi-tenant development
6 where the sign may be up to 300 square feet. Sign colors, materials, and lighting
7 shall avoid adverse visual impacts on surrounding properties. Wall signs shall
8 not obstruct design details, windows, or cornices of the buildings to which they
9 are attached. For individual tenants in a multi-tenant development, wall signs
10 shall not exceed 20 square feet per sign.

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 primary
24 building and the building it is adjacent to. If the outside storage area is separate
25 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. 3-3.6 Palafox Overlay (Pfox-OL). [6.07.05]**

34 **(a) Purpose.** The Palafox Overlay (Pfox-OL) district establishes supplemental land use
35 regulations to support the objectives of the adopted Palafox area community
36 redevelopment plan. The intent of the additional land use controls is to enhance the
37 character of an area undergoing revitalization and support a mix of commercial,
38 industrial, and residential uses within the Palafox area.

39 **(b) Permitted uses.** Within the Pfox-OL district, for any mix of permitted residential
40 and non-residential uses within the same building, the non-residential uses shall
41 occupy the first or bottom floor and the residential uses shall occupy the second or
42 upper floors.

- 1 **(c) Conditional uses.** The Pfox-OL district does not modify the conditional uses of
2 any underlying zoning districts.
- 3 **(d) Prohibited uses.** The following uses are prohibited in the Pfox-OL district
4 regardless of their status in any underlying zoning district:
- 5 **(1)** Manufactured (mobile) homes. The construction of modular homes is not
6 prohibited.
- 7 **(2)** Manufactured (mobile) home subdivisions and parks.
- 8 **(e) Non-residential site and building requirements.** The following non-residential
9 site and building requirements apply within the Pfox-OL district
- 10 **(1) Structure height.** New or redeveloped buildings, or building additions, shall
11 complement the existing pattern of building heights. No structure shall exceed
12 45 feet in height and any lower height required by the underlying zoning district
13 shall govern.
- 14 **(2) Materials and detailing.** New structures, additions and renovations shall be
15 constructed to be long-lasting and use materials and detailing that maintain the
16 distinct character and harmony of the Brownsville Community Redevelopment
17 District. Vinyl or metal siding is prohibited on the primary facades of buildings
18 adjacent to public rights-of-way. All accessory structures shall use the same
19 materials, color, and/or style of the primary façade if visible from a public way.
- 20 **(3) Setbacks.** New construction shall be set back a distance similar to that of
21 adjacent buildings unless customer parking is provided adjacent to the street in
22 support of CPTED principles. Exceptions may be granted if the setback is
23 pedestrian oriented and contributes to the quality and character of the
24 streetscape.
- 25 **(4) Facades.**
- 26 **a. Front facades.** A front building facade more than 80 feet in width shall be
27 divided into increments by changes in materials, bay windows, wall offsets, or
28 similar methods.
- 29 **b. Rear façade.** A minimum of 15 feet of a building's rear façade facing a public
30 right of way, parking area, or open space shall consist of transparent
31 materials, not including reflective glass.
- 32 **(5) Natural features.** Natural features shall be protected and integrated into site
33 design and development where possible. The applicant shall demonstrate how
34 the development protects and incorporates existing vegetation.
- 35 **(6) Landscaping.** Water conservation is encouraged through proper landscape
36 plant selection, installation and maintenance practices. Native plant species are
37 required. All non-residential development applications shall include a landscape
38 plan as part of compliance review. The plan shall include the areas of natural
39 vegetation to be protected, location and species of all plants to be installed, and
40 an irrigation plan.

1 (7) **Signs.** Site signage is limited to one freestanding monument sign per
2 development parcel, scaled primarily for pedestrians, and not to exceed 100
3 square feet in area and 12 feet in height, except for multi-tenant development
4 where the sign may be up to 300 square feet. Sign colors, materials, and lighting
5 shall avoid adverse visual impacts on surrounding properties. Wall signs shall
6 not obstruct design details, windows, or cornices of the buildings to which they
7 are attached. For individual tenants in a multi-tenant development, wall signs
8 shall not exceed 20 square feet per sign.

9 (8) **Lighting.** Lighting in the overlay district should serve to illuminate facades,
10 entrances and signage to provide an adequate level of personal safety while
11 enhancing the aesthetic appeal of the buildings. Building and signage lighting
12 must be indirect, with the light source hidden from direct pedestrian and motorist
13 view.

14 (9) **Parking.** Parking in the overlay district must adequately serve the users without
15 detracting from the compact design that makes it a successful commercial
16 center. Off-street parking must be located in the rear. If the lot orientation
17 cannot accommodate adequate rear parking, parking on the side would then be
18 permitted.

19 (10) **Buffers and screening of outdoor storage.** All outside storage must be
20 screened from public view. The screening must use the same materials, color,
21 and/or style as the primary building for architectural compatibility with the primary
22 building and the building it is adjacent to. If the outside storage area is separate
23 from the building it serves the following shall apply:

24 a. **Type.** Only fences constructed of legitimate fencing materials (may or may
25 not be opaque) or masonry, concrete or stucco walls may supplement buffers.
26 Specifically, garage doors and sheets of roofing material do not qualify for
27 fencing or wall materials.

28 b. **Screening of outdoor storage.** Opaque fencing shall mean chain link fence
29 with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot
30 concrete or stucco wall may also be used to screen outdoor storage.

31 **Sec. 3-3.7 Scenic Highway Overlay (SH-OL). [6.07.06]**

32 (a) **Purpose.** The Scenic Highway Overlay (SH-OL) district establishes supplemental
33 land use regulations to support the Pensacola Scenic Bluffs Highway Master Plan.
34 The intent of the additional land use controls is to further the objectives of the plan,
35 especially its protection of the unique scenic vista and environmental resources of
36 the U.S. Highway 90 corridor and adjacent Escambia Bay shoreline. Controls
37 established by the overlay work to alleviate the harmful effects of erosion and runoff
38 caused by clearing natural vegetation and changing existing contours within the
39 corridor, and to preserve the bluffs, wetland areas and scenic views along the bay
40 for continued public access to and enjoyment of those views.

41 (b) **Boundary.** The Scenic Highway Overlay district includes all parcels adjoining the
42 west side of the Pensacola Scenic Bluffs Highway (U.S. Highway 90 or Scenic
43 Highway) and all property between the highway and Escambia Bay on the east side

1 of the highway, north from the Pensacola city limit along the highway for
2 approximately five miles to the county line at Escambia River.

3 **(c) Permitted uses.** All of the uses permitted within the underlying zoning districts are
4 permitted, subject to the site and building requirements of the overlay district.

5 **(d) Site and building requirements.**

6 **(1) Structure height.** Structures between Scenic Highway and Escambia Bay shall
7 have a maximum height of 35 feet as measured from the highest adjacent grade.
8 Non-residential uses may exceed the height limit if granted conditional use
9 approval by the Board of Adjustment. In addition to the other conditional use
10 criteria, the requested height must be found not to interfere with the scenic
11 attractiveness of the location as viewed from any plausible direction, and for
12 every two feet in height over 35 feet, there shall be an additional one foot of front
13 and side setback at the ground level.

14 **(2) Lot coverage.** Maximum land area coverage by all structures, parking areas,
15 driveways and other impervious surfaces shall not exceed 50 percent of the
16 gross site area.

17 **(3) Setback.** All structures shall be located a minimum of 50 feet from the Scenic
18 Highway right-of-way unless precluded by lot configuration or topography.

19 **(4) Building separation.** The minimum distance between structures shall be 15
20 feet, and there shall be at least 100 feet between single-family dwellings and
21 multi-family dwellings, residential group living, or public lodging.

22 **(5) Multi-use path.** Based on the corridor management plan, a multi-use path on
23 the east side of Scenic Highway is intended to run the full length of the corridor
24 within the right-of-way, but at the maximum distance possible from the roadway
25 pavement. Developers of property within the overlay are encouraged to
26 maximize the innovative integration of a path extension into their development,
27 but outside of the right-of-way on public property or on easements donated by
28 private property owners.

29 **(6) Tree protection.**

- 30 a. A canopy tree protection zone is hereby established for all land within 20 feet
31 of the right of way of Scenic Highway and Highway 90 from the Pensacola
32 city limit to the Santa Rosa County line. No person or agency shall cut,
33 remove, trim or in any way damage any tree in the canopy tree protection
34 zone without a permit. Except in unique cases, permitted pruning shall not
35 remove more than 30 percent of the existing tree material. Utility companies
36 are not permitted to prune more than 30 percent of the existing tree canopy.
- 37 b. Heritage Oak trees shall be preserved.
- 38 c. Clearing of natural vegetation within the corridor shall require a land
39 disturbance permit and is generally prohibited except for the minimum area
40 needed for construction of allowable structures or view enhancement.

1 **(7) Landscaping.** For developments otherwise subject to LDC landscaping
2 requirements, a minimum 10-foot wide landscaped strip shall be required along
3 any Scenic Highway frontage, and shall contain one tree for every 35 linear feet
4 of frontage. The trees shall be of sufficient height at planting such that a six-foot
5 view shed exists at planting. Preservation of existing plant communities within the
6 required landscaped areas can be used to satisfy these requirements.

7 **(8) Orientation of non-residential buildings.** Orientation of non-residential
8 buildings shall be away from residential development within or adjacent to the
9 district. Layout of parking and service areas, access, landscaping, yards, courts,
10 walls, signs, lighting and control of noise and other potentially adverse influences
11 shall be such as to promote protection of such residential development, and will
12 include adequate buffering.

13 **(9) Fences.** No fence within the overlay may be solid. No chain link fence shall be
14 located between Scenic Highway and the principal building. Any other type of
15 fence in this area shall not exceed three feet. Where single story structures are
16 higher than the roadbed, there should be no wall, fence, structure or plant
17 material located between the front building line and the roadbed that will obstruct
18 the view from automobiles on the scenic route.

19 **(10) Structure location.** All structures will be reviewed to assure conformance with
20 the following criteria:

- 21 a. The location shall afford maximum views of the bay from the street right-of-
22 way.
- 23 b. The location shall minimize impact on the natural bluff and plant material
24 (other than pruning to enhance views).
- 25 c. Provide underground utilities.

26 **Sec. 3-3.8 Warrington Overlay (Warr-OL). [6.07.01]**

27 **(a) Purpose.** The Warrington Overlay (Warr-OL) district establishes supplemental land
28 use regulations to support the objectives of the adopted Warrington area community
29 redevelopment plan. The intent of the additional land use controls is to enhance the
30 character of an area undergoing revitalization, especially along those commercial
31 corridors that provide primary access or gateways to the adjoining military
32 installations within the Warrington area.

33 **(b) Permitted uses.** Within the Warr-OL district, for any mix of permitted residential
34 and non-residential uses within the same building, the non-residential uses shall
35 occupy the first or bottom floor and the residential uses shall occupy the second or
36 upper floors.

37 **(c) Conditional uses.** The Warr-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 Warr-OL district
40 regardless of their status in any underlying zoning district:

- 41 **(1)** Portable food vendors.

- 1 (2) Manufactured (mobile) homes. The construction of modular homes is not
2 prohibited.
- 3 (3) Manufactured (mobile) home subdivisions or parks.
- 4 (e) **Non-residential site and building requirements.** The site and building
5 requirements of non-residential uses within the Warr-OL are modified as follows:
- 6 (1) **Structure height.** New buildings, additions and redeveloped buildings shall
7 complement the existing pattern of building heights. No structure shall exceed
8 45 feet in height and any lower height required by the underlying zoning district
9 shall govern.
- 10 (2) **Setbacks.** New construction must maintain the existing alignment of facades
11 along the street front. Exceptions may be granted if the setback is pedestrian
12 oriented and contributes to the quality and character of the streetscape.
- 13 (3) **Materials and detailing.** New structures, additions and renovations shall be
14 constructed to be long-lasting and use materials and detailing that maintain the
15 distinct character and harmony of the Warrington Community Redevelopment
16 District. Vinyl or metal siding is prohibited on the primary facades of buildings
17 adjacent to public rights-of-way. All accessory structures shall use the same
18 materials, color, and/or style of the primary façade if visible from a public way.
- 19 (4) **Facades.**
- 20 a. **Front façade.** A front building facade more than 80 feet in width shall be
21 divided into increments by changes in materials, bay windows, wall offsets, or
22 similar methods.
- 23 b. **Rear façades.** A minimum of 15 feet of a building's rear façade facing a
24 public right of way, parking area, or open space shall consist of transparent
25 materials, not including reflective glass.
- 26 (5) **Awnings.** Awnings are encouraged to enhance the character of Warrington
27 while providing sun protection for display windows, shelter for pedestrians, and a
28 sign panel for businesses.
- 29 (6) **Natural features.** Natural features shall be protected and integrated into site
30 design/development where possible. The applicant shall demonstrate how the
31 development protects and incorporates existing vegetation.
- 32 (7) **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 (8) **Buffers and screening of outdoor storage.** All outside storage must be
39 screened from public view. The screening must use the same materials, color,
40 and/or style as the primary building for architectural compatibility with the primary

1 building and the building it is adjacent to. If the outside storage area is separate
2 from the building it serves the following shall apply:

3 **1. Type.** Only fences constructed of legitimate fencing materials (may or may
4 not be opaque) or masonry, concrete or stucco walls may supplement buffers.
5 Specifically, garage doors and sheets of roofing material do not qualify for
6 fencing or wall materials.

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

10 **(9) Signs.** Site signage is limited to one freestanding monument sign per
11 development parcel, scaled primarily for pedestrians, and not to exceed 100
12 square feet in area and 12 feet in height, except for multi-tenant development
13 where the sign may be up to 300 square feet. Sign colors, materials, and lighting
14 shall avoid adverse visual impacts on surrounding properties. Wall signs shall
15 not obstruct design details, windows, or cornices of the buildings to which they
16 are attached. For individual tenants in a multi-tenant development, wall signs
17 shall not exceed 20 square feet per sign.

18 **(10) Lighting.** Lighting in the overlay district should serve to illuminate facades
19 entrances and signage to provide an adequate level of personal safety while
20 enhancing the aesthetic appeal of the buildings. Building and signage lighting
21 must be indirect, with the light source(s) hidden from direct pedestrian and
22 motorist view.

23 **(11) Parking.** Parking in the overlay district must adequately serve the users without
24 detracting from the compact design that makes it a successful commercial
25 center. Off-street parking must be located in the rear. If the lot orientation cannot
26 accommodate adequate rear parking, parking on the side will be permitted.

27 **(12) If within HC/LI zoning.** Development within the HC/LI zoning district is subject
28 to the following design standards.

29 **a. Landscaping.** A minimum 10-foot wide landscaped strip is required on all
30 roadway frontages. The strip shall contain one tree and 10 shrubs for every
31 35 linear feet of frontage. Preservation of existing plants within the required
32 landscaped areas can be used to satisfy this requirement. Buffers required
33 adjacent to residential districts shall include a minimum of two trees and 15
34 shrubs for every 35 linear feet of required buffer length.

35 **b. Vehicular use areas.** Areas other than public rights-of-way, designed to be
36 used for parking, storage of vehicles for rent or sales, or movement of
37 vehicular traffic, shall be separated by a minimum five-foot wide landscaped
38 strip from any boundary of the property on which the vehicular use area is
39 located. The strip shall contain shrubs or ground covers with a minimum
40 mature height of 24 inches and a maximum height of 30 inches. Plant
41 material shall be spaced 18 inches to 24 inches apart, depending on mature
42 size.

- 1 **c. Parking lots.** Interior parking areas shall have one landscape island
2 containing at least one tree and shrubs or ground covers as per the above
3 specifications, for every eight contiguous spaces.
- 4 **d. Irrigation system.** An irrigation system shall be installed for all landscaped
5 areas of the site. All systems shall include rain sensors and all system
6 materials used shall be ASTM approved.
- 7 **e. Existing development.** Any change of use to a HC/LI use within the overlay
8 district must meet the above standards.
- 9 **f. Rezoning.** Rezoning of Commercial zoned property to a more intense
10 zoning district is prohibited if located on an arterial roadway.

DRAFT

1 **Article 4 Perdido Key districts.**

2 **Sec. 3-4.1 Purpose of article.**

3 This article establishes the zoning districts that apply to all areas of Perdido Key under
4 the jurisdiction of the BCC. Each district establishes its own permitted and conditional
5 land uses, site and building requirements, and other provisions consistent with the
6 stated purposes of the district and the Mixed-Use Perdido Key (MU-PK) future land use
7 category. In addition to the dwelling and lodging unit density limits of MU-PK, district
8 provisions are subject to all other applicable provisions of the LDC.

9 **Sec. 3-4.2 Low Density Residential district, Perdido Key (LDR-PK). [R-1PK]**

10 **(a) Purpose.** The Low Density Residential (LDR-PK) district establishes appropriate
11 areas and land use regulations for residential uses at low densities and non-
12 residential uses that are compatible with the residential neighborhoods and natural
13 resources of the island. [6.05.06]

14 **(b) Permitted uses.** Permitted uses within the LDR-PK district are limited to the
15 following:

16 **(1) Residential.**

17 1. Single-family dwellings, attached or detached, including townhouses but
18 excluding manufactured (mobile) homes.

19 2. Two-family and multi-family dwellings.

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

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

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

23 a. Offices for government agencies or public utilities, small scale (gross floor
24 area 6000 sq.ft. or less per lot).

25 b. Places of worship.

26 c. Public utility structures, excluding telecommunications towers.

27 d. Warehousing or maintenance facilities for government agencies or for public
28 utilities.

29 See also conditional uses in this district.

30 **(5) Recreation and entertainment.** Marinas, private only. See also conditional
31 uses in this district.

32 **(6) Other uses.** [reserved]

33 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
34 the BOA may conditionally allow the following uses within the LDR-PK district:

35 **(1) Residential.** Home occupations with non-resident employees.

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

- 1 a. Emergency service facilities, including law enforcement, fire fighting, and
2 medical assistance.
- 3 b. Public utility structures exceeding the district structure height limit, excluding
4 telecommunications towers.
- 5 **(3) Recreation and entertainment.**
- 6 a. Golf courses, tennis centers, swimming pools and similar active outdoor
7 recreational facilities, including associated country clubs.
- 8 b. Parks, public.
- 9 c. Recreational facilities, public.
- 10 **(d) Site and building requirements.** The following site and building requirements
11 apply to uses within the LDR-PK district:
- 12 **(1) Density.** A maximum density of two dwelling units per acre.
- 13 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.
- 14 **(3) Structure height.** A maximum building height of 35 feet above the habitable first
15 floor. However, the roof of an accessory boathouse shall not exceed 20 feet
16 above mean sea level.
- 17 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 18 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
19 20 feet at the street right-of-way, the following minimum lot widths are required:
- 20 a. **Single-family detached.** Forty feet at both the street right-of-way and front
21 building line for single-family detached dwellings.
- 22 b. **Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
23 building line for two-family dwellings.
- 24 c. **Townhouses and other.** One hundred feet at the front building line for
25 townhouse groups and multi-family dwellings. No minimum lot width required
26 by zoning for other uses.
- 27 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent
28 maximum semi-impervious and impervious cover) for all uses, and minimum
29 open space of 35 percent of total parcel area.
- 30 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 31 a. **Front and rear.** Twenty-five feet in the front. Ten percent of the lot depth in
32 the rear, but not required to exceed 25 feet.
- 33 b. **Sides.** Ten feet at each end unit of a townhouse group. On each side of all
34 other structures, five feet or 10 percent of the lot width at the front building
35 line, whichever is greater, but not required to exceed 15 feet.
- 36 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
37 regulations and standards.

1 **Sec. 3-4.3 Medium Density Residential district, Perdido Key (MDR-PK). [R-2PK]**

2 **(a) Purpose.** The Medium Density Residential (MDR-PK) district establishes
3 appropriate areas and land use regulations for residential uses at medium densities
4 and non-residential uses that are compatible with the residential neighborhoods and
5 natural resources of the island. [6.05.08]

6 **(b) Permitted uses.** Permitted uses within the MDR-PK district are limited to the
7 following:

8 **(1) Residential.**

9 a. Single-family dwellings, attached or detached, including townhouses but
10 excluding manufactured (mobile) homes.

11 b. Two-family and multi-family dwellings.

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

13 **(3) Retail services.** Child care facilities.

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

15 a. Kindergartens.

16 b. Offices for government agencies or public utilities, small scale (gross floor
17 area 6000 sq.ft. or less per lot).

18 c. Places of worship.

19 d. Public utility structures, excluding telecommunications towers.

20 e. Warehousing or maintenance facilities for government agencies or for public
21 utilities.

22 See also conditional uses in this district.

23 **(5) Recreation and entertainment.** Marinas, private only. See also conditional
24 uses in this district.

25 **(6) Other uses.** [reserved]

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

28 **(1) Residential.** Home occupations with non-resident employees

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

30 a. Emergency service facilities, including law enforcement, fire fighting, and
31 medical assistance.

32 b. Public utility structures exceeding the district structure height limit, excluding
33 telecommunications towers.

34 **(3) Recreation and entertainment.**

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

- 1 **b.** Parks, public.
- 2 **c.** Recreation facilities, public.
- 3 **(d) Site and building requirements.** The following site and building requirements
4 apply to uses within the MDR-PK district:
- 5 **(1) Density.** A maximum density of 4.5 dwelling units per acre.
- 6 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.
- 7 **(3) Structure height.** A maximum building height of four stories or two stories less
8 than any adjacent building greater than four stories that existed on June 1, 1997,
9 whichever is greater.
- 10 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 11 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
12 20 feet at the street right-of-way, the following minimum lot widths are required:
- 13 **a. Single-family detached.** Forty feet at both the street right-of-way and front
14 building line for single-family detached dwellings.
- 15 **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
16 building line for two-family dwellings.
- 17 **c. Townhouses and other.** One hundred feet at the front building line for
18 townhouse groups and multi-family dwellings. No minimum lot width required
19 by zoning for other uses.
- 20 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent
21 maximum semi-impervious and impervious cover) for all uses, and minimum
22 open space of 35 percent of total parcel area.
- 23 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 24 **a. Front and rear.** Twenty-five feet in the front. Ten percent of the lot depth in
25 the rear, but not required to exceed 25 feet.
- 26 **b. Sides.** Ten feet at each end unit of a townhouse group. On each side of all
27 other structures, five feet or 10 percent of the lot width at the front building
28 line, whichever is greater, but not required to exceed 15 feet.
- 29 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
30 regulations and standards.

31 **Sec. 3-4.4 High Density Residential district, Perdido Key (HDR-PK). [R-3PK]**

32 **(a) Purpose.** The High Density Residential (HDR-PK) district establishes appropriate
33 areas and land use regulations for residential uses at high densities with compatible
34 low intensity office and other retail service facilities. [6.05.10]

35 **(b) Permitted uses.** Permitted uses within the HDR-PK district are limited to the
36 following:

37 **(1) Residential.**

- 1 a. Single-family dwellings, attached or detached, including townhouses but
2 excluding manufactured (mobile) homes.
- 3 b. Two-family and multi-family dwellings.
- 4 **(2) Retail sales.** No retail sales.
- 5 **(3) Retail services.** Small scale (gross floor area 6000 sq.ft. or less per lot) retail
6 services limited to the following:
- 7 a. Child care facilities.
- 8 b. Professional services, including those of realtors, bankers, accountants,
9 engineers, architects, dentists, physicians, and attorneys.
- 10 c. Restaurants, including on-premises consumption of alcoholic beverages, if
11 part of a condominium development offering resort-style amenities (e.g.,
12 swimming pools, spa, fitness center, salon, retail shops, clubhouse, water
13 sports, tennis, golf).
- 14 **(4) Public and civic.**
- 15 a. Kindergartens.
- 16 b. Offices for government agencies or public utilities, small scale (gross floor
17 area 6000 sq.ft. or less per lot).
- 18 c. Places of worship.
- 19 d. Public utility structures, excluding telecommunications towers.
- 20 e. Warehousing or maintenance facilities for government agencies or for public
21 utilities.
- 22 See also conditional uses in this district.
- 23 **(5) Recreation and entertainment.** Marinas, private only. See also conditional
24 uses in this district.
- 25 **(6) Other uses.** [reserved]
- 26 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
27 the BOA may conditionally allow the following uses within the HDR-PK district:
- 28 **(1) Residential.** Home occupations with non-resident employees.
- 29 **(2) Public and civic.**
- 30 a. Emergency service facilities, including law enforcement, fire fighting, and
31 medical assistance.
- 32 b. Public utility structures exceeding the district structure height limit, excluding
33 telecommunications towers.
- 34 **b. Recreation and entertainment.**
- 35 a. Golf courses, tennis centers, swimming pools and similar active outdoor
36 recreational facilities, including associated country clubs.

- 1 **b.** Parks, public.
- 2 **c.** Recreation facilities, public.
- 3 **(d) Site and building requirements.** The following site and building requirements
4 apply to uses within the HDR-PK district:
- 5 **(1) Density.** A maximum density of 12 dwelling units per acre.
- 6 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.
- 7 **(3) Structure height.** A maximum building height of eight stories or two stories less
8 than any adjacent building greater than eight stories that existed on June 1,
9 1997, whichever is greater.
- 10 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 11 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
12 20 feet at the street right-of-way, the following minimum lot widths are required:
- 13 **a. Single-family detached.** Forty feet at both the street right-of-way and front
14 building line for single-family detached dwellings.
- 15 **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
16 building line for two-family dwellings.
- 17 **c. Townhouses and other.** One hundred feet at the front building line for
18 townhouse groups and multi-family dwellings. No minimum lot width required
19 by zoning for other uses.
- 20 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent
21 maximum semi-impervious and impervious cover) for all uses, and minimum
22 open space of 35 percent of total parcel area.
- 23 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 24 **a. Front and rear.** Twenty feet in the front. Ten percent of the lot depth in the
25 rear, but not required to exceed 25 feet.
- 26 **b. Sides.** Ten feet at each end unit of a townhouse group. On each side of all
27 other structures, five feet or 10 percent of the lot width at the front building
28 line, whichever is greater, but not required to exceed 15 feet.
- 29 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
30 regulations and standards.

31 **Sec. 3-4.5 Commercial district, Perdido Key (Com-PK). [C-1PK]**

- 32 **(a) Purpose.** The Commercial district (Com-PK) establishes appropriate areas and
33 land use regulations primarily for the retailing of commodities and selected services.
34 The regulations are intended to permit and encourage essential neighborhood
35 commercial uses while protecting nearby residential properties from adverse impacts
36 of commercial activity. [6.05.15]
- 37 **(b) Permitted uses.** Permitted uses within the Com-PK district are limited to the
38 following:

1 **(1) Residential.**

- 2 a. Single-family dwellings, attached or detached, including townhouses but
3 excluding manufactured (mobile) homes.
4 b. Two-family and multi-family dwellings.

5 **(2) Retail sales.** Retail sales, excluding outdoor display or sales. Sales of alcoholic
6 beverages shall be at least 100 feet from any residential zoning district (LDR-PK,
7 MDR-PK, and HDR-PK) as measured between the exterior wall of the store and
8 the boundary of the residential zoning.

9 **(3) Retail services.**

- 10 a. Motor vehicle service and repair, including fuel sales, but excluding paint and
11 body work and any outdoor work or storage.
12 b. Bed and breakfast inns.
13 c. Child care facilities.
14 d. Personal services, including those of beauty shops, health clubs, pet
15 groomers, dry cleaners and tattoo parlors.
16 e. Professional services, including those of realtors, bankers, accountants,
17 engineers, architects, dentists, physicians, and attorneys.
18 f. Restaurants. Those selling alcoholic beverages for on-premise consumption
19 shall be at least 100 feet from any residential zoning district (LDR-PK, MDR-
20 PK, and HDR-PK) as measured between the exterior wall of the restaurant
21 and the boundary of the residential zoning.

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

- 23 a. Educational facilities, including K-12.
24 b. Offices for government agencies or public utilities, small scale (gross floor
25 area 6000 sq.ft. or less per lot).
26 c. Kindergartens.
27 d. Places of worship.
28 e. Public utility structures, excluding telecommunications towers.
29 f. Warehousing or maintenance facilities for government agencies or for public
30 utilities.

31 See also conditional uses in this district.

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

- 33 a. Bars and nightclubs at least 100 feet from any residential zoning district
34 (LDR-PK, MDR-PK, and HDR-PK) as measured between the exterior wall of
35 the business and the boundary of the residential zoning.
36 b. Marinas, private and commercial.

37 See also conditional uses in this district.

- 1 **(6) Other uses.** [reserved]
- 2 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
3 the BOA may conditionally allow the following uses within the Com-PK district:
- 4 **(1)** Campgrounds and recreational vehicle parks on lots five acres or larger.
- 5 **(2)** Other commercial recreation, entertainment, or amusement facilities not among
6 the permitted uses of the district, including those for tennis, golf and miniature
7 golf, pinball and other arcade amusements, bingo, waterslides, and amusement
8 rides, but excluding off-highway vehicle uses, outdoor shooting ranges, and
9 motorsports facilities. Carnival-type amusements shall be at least 500 feet from
10 any residential district.
- 11 **(d) Site and building requirements.** The following site and building requirements
12 apply to uses within the Com-PK district:
- 13 **(1) Density.** A maximum density of three dwelling units per acre. Density may be
14 increased or decreased by density transfer to or from other commercially zoned
15 Perdido Key lands (Com-PK, CC-PK, CG-PK, or PR-PK). Transfers are limited
16 to contiguous land (exclusive of public streets) under unified control and may
17 occur across public streets, excluding transfers to any parcels south of Perdido
18 Key Drive.
- 19 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.
- 20 **(3) Structure height.** A maximum building height of four stories
- 21 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 22 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
23 20 feet at the street right-of-way, the following minimum lot widths are required:
- 24 **a. Single-family detached.** Forty feet at both the street right-of-way and front
25 building line for single-family detached dwellings.
- 26 **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
27 building line for two-family dwellings.
- 28 **c. Multi-family and other.** One hundred feet at the front building line for
29 townhouse groups and three-family (triplex) and four-family (quadruplex)
30 dwellings. No minimum lot width required by zoning for other dwellings or
31 non-residential uses.
- 32 **(6) Lot coverage.**
- 33 **a. Pervious area.** Minimum pervious lot coverage of 25 percent (75 percent
34 maximum semi-impervious and impervious cover) for all uses.
- 35 **b. Building area.** All principal and accessory buildings on a lot shall not exceed
36 25 percent lot coverage if the height of any building is two and one-half
37 stories or more. If the lot is divided by any public right-of-way, the coverage
38 limit applies to each portion separately unless the dividing right-of-way
39 creates public access to a waterway. If such access is created, coverage

1 shall be based on the entire parcel area less the area of the dividing right-of-
2 way.

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

4 **a. Front and rear.** Twenty feet in the front for all single-family, two-family,
5 three-family (triplex), and four-family (quadruplex) dwellings, but 15 feet for all
6 other dwellings and any non-residential uses. Fifteen feet in the rear for all
7 uses.

8 **b. Sides.** Ten feet at each end unit of a townhouse group and 10 feet on any
9 side of a structure abutting a residential district if that side is not separated
10 from the residential district by a public street, body of water, or similar
11 manmade or natural buffer. Five feet on all other sides and for all other
12 structures.

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

15 **Sec. 3-4.6 Commercial Core district, Perdido Key (CC-PK). [CCPK]**

16 **(a) Purpose.** The Commercial Core (CC-PK) district establishes appropriate areas and
17 land use regulations primarily for intense residential development and retailing of
18 resort-related commodities and services. The regulations are intended to permit and
19 encourage mixed-use development, including residential and lodging uses at high
20 densities, and commercial uses associated with resort areas. [6.05.15.01]

21 **(b) Permitted uses.** Permitted uses within the Com-PK district are limited to the
22 following:

23 **(1) Residential.**

24 **a.** Single-family dwellings, attached or detached, including townhouses but
25 excluding manufactured (mobile) homes.

26 **b.** Two-family and multi-family dwellings.

27 **(2) Retail sales.** Retail sales, excluding outdoor display or sales. Sales of alcoholic
28 beverages shall be at least 100 feet from any residential zoning district (LDR-PK,
29 MDR-PK, and HDR-PK) measured as the shortest distance between any exterior
30 wall of the store and the boundary line of the residential zoning.

31 **(3) Retail services.**

32 **a.** Motor vehicle service and repair, including fuel sales, but excluding paint and
33 body work and any outdoor work or storage.

34 **b.** Bed and breakfast inns.

35 **c.** Child care facilities.

36 **d.** Hotels and motels, including condo-hotels, at a maximum density of 25 units
37 per acre.

38 **e.** Personal services, including those of beauty shops, health clubs, pet
39 groomers, dry cleaners and tattoo parlors.

- 1 f. Professional services, including those of realtors, bankers, accountants,
2 engineers, architects, dentists, physicians, and attorneys.
- 3 g. Restaurants. Those selling alcoholic beverages shall be at least 100 feet
4 from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK)
5 measured as the shortest distance between any exterior wall of the restaurant
6 and the boundary line of the residential zoning.

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

- 8 a. Educational facilities, including K-12.
- 9 b. Offices for government agencies or public utilities, small scale (gross floor
10 area \leq 6000 sq.ft. per lot).
- 11 c. Kindergartens.
- 12 d. Places of worship.
- 13 e. Public utility structures, excluding telecommunications towers.
- 14 f. Warehousing or maintenance facilities for government agencies or for public
15 utilities.

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

- 17 a. Bars and nightclubs at least 100 feet from any residential zoning district
18 (LDR-PK, MDR-PK, and HDR-PK) as measured between the exterior wall of
19 the business and the boundary of the residential zoning.
- 20 b. Campgrounds and recreational vehicle parks on lots five acres or larger.
- 21 c. Marinas, private and commercial.
- 22 d. Other commercial recreation, entertainment, or amusement facilities,
23 including those for tennis, golf and miniature golf, pinball and other arcade
24 amusements, bingo, waterslides, and amusement rides, but excluding off-
25 highway vehicle uses, outdoor shooting ranges, and motorsports facilities.
26 Carnival-type amusements shall be at least 500 feet from any residential
27 district.

28 **(6) Other uses.** [reserved]

29 **(c) Conditional uses.** No conditional uses within the CC-PK district.

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

- 32 **(1) Density.** A maximum density of 13 dwelling units per acre or 25 lodging units
33 per acre, or any combination of dwelling and lodging such that one dwelling unit
34 equals 25/13 lodging units.

35 Density may be increased or decreased by density transfer to or from other
36 commercially zoned Perdido Key lands (Com-PK, CC-PK, CG-PK, or PR-PK).
37 Transfers are limited to contiguous land (exclusive of public streets) under unified
38 control and may occur across public streets, excluding transfers to any parcels
39 south of Perdido Key Drive.

- 1 **(2) Floor area ratio.** A maximum floor area ratio of 6.0 for all uses.
- 2 **(3) Structure height.** A maximum building height of 30 stories for hotels and 20
- 3 stories for all other buildings.
- 4 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 5 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
- 6 20 feet at the street right-of-way, the following minimum lot widths are required:
 - 7 **a. Single-family detached.** Forty feet at both the street right-of-way and front
 - 8 building line for single-family detached dwellings.
 - 9 **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
 - 10 building line for two-family dwellings.
 - 11 **c. Townhouses and other.** One hundred feet at the front building line for
 - 12 townhouse groups. No minimum lot width required by zoning for multi-family
 - 13 dwellings or other uses.
- 14 **(6) Lot coverage.**
 - 15 **Pervious area.** Minimum pervious lot coverage of 30 percent (70 percent
 - 16 maximum semi-impervious and impervious cover) for all single-family
 - 17 (attached or detached), two-family, and triplex and quadruplex forms of multi-
 - 18 family dwellings. For all other uses, minimum pervious lot coverage of 20
 - 19 percent (80 percent maximum semi-impervious and impervious cover)
- 20 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
 - 21 **a. Front and rear.** Twenty feet in the front and 15 feet in the rear
 - 22 **b. Sides.** Ten feet at each end unit of a townhouse group and 10 feet on any
 - 23 side of a structure abutting a residential district if that side is not separated
 - 24 from the residential district by a public street, body of water, or similar
 - 25 manmade or natural buffer. On all other sides and for all other structures, five
 - 26 feet or 10 percent of the lot width at the front building line, whichever is
 - 27 greater, but not required to exceed 15 feet.
- 28 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development
- 29 regulations and standards.

30 **Sec. 3-4.7 Commercial Gateway district, Perdido Key (CG-PK). [CGPK]**

31 **(a) Purpose.** The Commercial Gateway (CG-PK) district establishes appropriate areas
32 and lands use regulations for gateways into Perdido Key. The intent is to provide an
33 identity to the Key as a visually attractive, family style, resort community. The district
34 is characterized by resort-related commercial uses, including hotels and motels, as
35 well as high density residential development. [6.05.15.02]

36 **(b) Permitted uses.** Permitted uses within the Com-PK district are limited to the
37 following:

- 38 **(1) Residential.**

1 a. Single-family dwellings, attached or detached, including townhouses but
2 excluding manufactured (mobile) homes.

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

4 **(2) Retail sales.** Retail sales, excluding outdoor display or sales. Sales of alcoholic
5 beverages shall be at least 100 feet from any residential zoning district (LDR-PK,
6 MDR-PK, and HDR-PK) measured as the shortest distance between any exterior
7 wall of the store and the boundary line of the residential zoning.

8 **(3) Retail services.**

9 a. Motor vehicle service and repair, including fuel sales, but excluding paint and
10 body work and any outdoor work or storage.

11 b. Bed and breakfast inns.

12 c. Child care facilities.

13 d. Hotels and motels, including condo-hotels, at a maximum density of 25 units
14 per acre.

15 e. Personal services, including those of beauty shops, health clubs, pet
16 groomers, dry cleaners and tattoo parlors.

17 f. Professional services, including those of realtors, bankers, accountants,
18 engineers, architects, dentists, physicians, and attorneys.

19 g. Restaurants. Those selling alcoholic beverages shall be at least 100 feet
20 from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK)
21 measured as the shortest distance between any exterior wall of the restaurant
22 and the boundary line of the residential zoning.

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

24 a. Educational facilities, including K-12.

25 b. Offices for government agencies or public utilities, small scale (gross floor
26 area \leq 6000 sq.ft. per lot).

27 c. Kindergartens.

28 d. Places of worship.

29 e. Public utility structures, excluding telecommunications towers.

30 f. Warehousing or maintenance facilities for government agencies or for public
31 utilities.

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

33 a. Bars and nightclubs at least 100 feet from any residential zoning district
34 (LDR-PK, MDR-PK, and HDR-PK) as measured between the exterior wall of
35 the business and the boundary of the residential zoning.

36 b. Campgrounds and recreational vehicle parks on lots five acres or larger.

37 c. Marinas, private and commercial.

- 1 **d.** Other commercial recreation, entertainment, or amusement facilities,
2 including those for tennis, golf and miniature golf, pinball and other arcade
3 amusements, bingo, waterslides, and amusement rides, but excluding off-
4 highway vehicle uses, outdoor shooting ranges, and motorsports facilities.
5 Carnival-type amusements shall be at least 500 feet from any residential
6 district.
- 7 **(6) Other uses.** [reserved]
- 8 **(c) Conditional uses.** No conditional uses within the CG-PK district.
- 9 **(d) Site and building requirements.** The following site and building requirements
10 apply to uses within the CG-PK district:
- 11 **(1) Density.** A maximum density of 12.5 dwelling units per acre or 25 lodging units
12 per acre, or any combination of dwelling and lodging such that one dwelling unit
13 equals two lodging units.
- 14 Density may be increased or decreased by density transfer to or from other
15 commercially zoned Perdido Key lands (Com-PK, CC-PK, CG-PK, or PR-PK).
16 Transfers are limited to contiguous land (exclusive of public streets) under unified
17 control and may occur across public streets, excluding transfers to any parcels
18 south of Perdido Key Drive.
- 19 **(2) Floor area ratio.** A maximum floor area ratio of 6.0 for all uses.
- 20 **(3) Structure height.** A maximum building height of 10 stories
- 21 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 22 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
23 20 feet at the street right-of-way, the following minimum lot widths are required:
- 24 **a. Single-family detached.** Forty feet at both the street right-of-way and front
25 building line for single-family detached dwellings.
- 26 **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
27 building line for two-family dwellings.
- 28 **c. Townhouses and other.** One hundred feet at the front building line for
29 townhouse groups. No minimum lot width required by zoning for multi-family
30 dwellings or other uses.
- 31 **(6) Lot coverage.**
- 32 **a. Pervious area.** Minimum pervious lot coverage of 30 percent (70 percent
33 maximum semi-impervious and impervious cover) for all single-family, two-
34 family (duplex), three-family (triplex), and four-family (quadruplex) dwellings,
35 and minimum pervious lot coverage of 15 percent for all other uses.
- 36 **b. Building area.** The maximum area of a development parcel occupied by all
37 principal and accessory buildings is limited by the height of the highest
38 building according to the following table:

Height of highest building on development parcel	Maximum building coverage as a percent of parcel area
At least 2½ stories, but less than 5 stories	25%
At least 5 stories, but less than 7 stories	23%
At least 7 stories, but less than 9 stories	21%
At least 9 stories, but no more than district limit	19%

1 The area applicable to these building coverage limits cannot be divided by
2 any public street or right-of-way except one that creates public access to a
3 waterway. If otherwise divided, the limits apply to each portion of the divided
4 parcel as if separate parcels.

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

- 6 **a. Front and rear.** Twenty feet in the front and 15 feet in the rear.
- 7 **b. Sides.** Ten feet on any side of a structure abutting a residential district if that
8 side is not separated from the residential district by a public street, body of
9 water, or similar manmade or natural buffer. Five feet on all other sides and
10 for all other structures.

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

13 **Sec. 3-4.8 Planned Resort district, Perdido Key (PR-PK). [PRPK]**

14 **(a) Purpose.** The Planned Resort (PR-PK) district establishes appropriate areas and
15 land use regulations for large-scale planned resorts. The district allows for
16 destination-type mixed uses that include residential and hotel development and
17 supporting recreational and commercial facilities, all developed within a master
18 planned area that includes extensive open space, adequate internal pedestrian and
19 bicycle circulation, creative design, resort-related amenities, and adequate buffering.
20 [6.05.15.03]

21 **(b) Permitted uses.** Permitted uses within the PR-PK district are limited to the
22 following:

23 **(1) Residential.**

- 24 **a.** Single-family dwellings, attached or detached, including townhouses and zero
25 lot line development, but excluding manufactured (mobile) homes.
- 26 **b.** Two-family and multi-family dwellings.

27 **(2) Retail sales.** Retail sales, excluding outdoor display or sales. Sales of alcoholic
28 beverages shall be at least 100 feet from any residential zoning district (LDR-PK,
29 MDR-PK, and HDR-PK) measured as the shortest distance between any exterior
30 wall of the store and the boundary line of the residential zoning.

31 **(3) Retail service.**

- 1 a. Motor vehicle service and repair, including fuel sales, but excluding paint and
2 body work and any outdoor work or storage.
- 3 b. Bed and breakfast inns.
- 4 c. Child care facilities.
- 5 d. Hotels and motels, including condo-hotels, at a maximum density of 25 units
6 per acre.
- 7 e. Personal services, including those of beauty shops, health clubs, pet
8 groomers, dry cleaners and tattoo parlors.
- 9 f. Professional services, including those of realtors, bankers, accountants,
10 engineers, architects, dentists, physicians, and attorneys.
- 11 g. Restaurants. Those selling alcoholic beverages shall be at least 100 feet
12 from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK)
13 measured as the shortest distance between any exterior wall of the restaurant
14 and the boundary line of the residential zoning.

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

- 16 a. Educational facilities, including K-12.
- 17 b. Offices for government agencies or public utilities, small scale (gross floor
18 area 6000 sq.ft. or less per lot).
- 19 c. Kindergartens.
- 20 d. Places of worship.
- 21 e. Public utility structures, excluding telecommunications towers.
- 22 f. Warehousing or maintenance facilities for government agencies or for public
23 utilities.

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

- 25 a. Bars and nightclubs at least 100 feet from any residential zoning district
26 (LDR-PK, MDR-PK, and HDR-PK) as measured between the exterior wall of
27 the business and the boundary of the residential zoning.
- 28 b. Campgrounds and recreational vehicle parks on lots five acres or larger.
- 29 c. Marinas, private and commercial.
- 30 d. Other commercial recreation, entertainment, or amusement facilities,
31 including those for tennis, golf and miniature golf, pinball and other arcade
32 amusements, bingo, waterslides, and amusement rides, but excluding off-
33 highway vehicle uses, outdoor shooting ranges, and motorsports facilities.
34 Carnival-type amusements shall be at least 500 feet from any residential
35 district.

36 **(6) Other uses.** Storage areas for personal use only by residents and guests of the
37 planned resort. Such areas shall be screened by opaque fencing a minimum of
38 six feet in height and supplemented with landscape material.

- 1 **(c) Conditional uses.** No conditional uses within the PR-PK district.
- 2 **(d) Site and building requirements.** The following site and building requirements
3 apply to uses within the PR-PK district:
- 4 **(1) Density.** A maximum density of 5 units per acre or 25 lodging units per acre, or
5 any combination of dwelling and lodging such that one dwelling unit equals five
6 lodging units.
- 7 Density may be increased or decreased by density transfer to or from other
8 commercially zoned Perdido Key lands (Com-PK, CC-PK, CG-PK, or PR-PK).
9 Transfers are limited to contiguous land (exclusive of public streets) under unified
10 control and may occur across public streets, excluding transfers to any parcels
11 south of Perdido Key Drive.
- 12 Building allocation, provision of open spaces, and preservation areas may be
13 permitted among and between the planned resort district, commercial core
14 district, commercial gateway district and the commercial district, provided the
15 proposed development is a master planned development.
- 16 **(2) Floor area ratio.** A maximum floor area ratio of 6.0 for all uses.
- 17 **(3) Structure height.** A maximum building height of 10 stories.
- 18 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 19 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
20 20 feet at the street right-of-way, the following minimum lot widths are required:
- 21 **a. Single-family detached.** Forty feet at both the street right-of-way and front
22 building line for single-family detached dwellings.
- 23 **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front
24 building line for two-family dwellings.
- 25 **c. Townhouses and other.** One hundred feet at the front building line for
26 townhouse groups. No minimum lot width required by zoning for multi-family
27 dwellings or other uses.
- 28 **(6) Lot coverage.** A maximum 40 percent of development parcel area occupied by
29 all principal and accessory buildings. Minimum pervious lot coverage of 30
30 percent (70 percent maximum semi-impervious and impervious cover) for all
31 single-family, two-family (duplex), three-family (triplex), and four-family
32 (quadruplex) dwellings, and minimum pervious lot coverage of 15 percent for all
33 other uses.
- 34 **(7) Structure setbacks.** All structures a minimum 50 feet from any publicly
35 dedicated right-of-way. For all principal structures, additional minimum setbacks
36 are:
- 37 **a. Front and rear.** Twenty feet in the front and 15 feet in the rear.
- 38 **b. Sides.** Ten feet on each side.
- 39 **(8) Other requirements.**

- 1 **a. Master plan.** A master plan of the entire development site for any resort
2 development.
- 3 **b. Development area.** A minimum 10 acres for any resort development.
- 4 **c. Open space.** A minimum 30 percent of total site area as open space, and at
5 least 50 percent of the front yard remaining as open space.
- 6 **d. Building separation.**
- 7 1. A minimum 15 feet between structures, excluding zero lot-line
8 development. For structures over 35 feet in height, for every two feet in
9 height over 35 feet from highest adjacent grade, an additional one foot of
10 separation at the ground level.
- 11 2. A minimum 100 feet between multi-family, hotel, or motel structures and
12 any area designated for single-family dwellings.
- 13 **e. Sidewalks.** Sidewalks providing pedestrian linkages to residential areas,
14 recreational areas, commercial areas, and any locations where there is the
15 potential conflict between pedestrian and vehicular traffic. Such conflict areas
16 shall be marked with appropriate pavement markings to clearly indicate
17 pedestrian crossings.
- 18 **f. Protection of residential uses.** Orientation of commercial buildings away
19 from adjacent residential uses. Layout of parking and service areas, access,
20 landscape areas, courts, walls, signs, and lighting, and the control of noise
21 and other potential adverse impacts, shall promote protection of residential
22 uses and include adequate buffering.
- 23 **g. Site plan approval.** Unified control of the entire area proposed for
24 development and substantial conformance to the master plan for that area.
25 The site plan shall include documentation of maximum project density, overall
26 requirements for open space and preservation areas, building coverage, and
27 allocation for incidental commercial uses. Development successors in title
28 shall be bound by the approved site plan. Revision to an approved site plan
29 shall remain in conformance with the master plan.

30 **Sec. 3-4.9 Recreation district, Perdido Key (Rec-PK). [S-1PK]**

- 31 **(a) Purpose.** The Recreation (Rec) district establishes appropriate areas and land use
32 regulations to preserve and maintain land for outdoor recreational uses and open
33 space. [6.05.20]
- 34 **(b) Permitted uses.** Permitted uses within the Recreation district are limited to the
35 following:
- 36 **(1) Residential.** No new residential uses, including accessory dwelling units, except
37 vested single-family dwellings.
- 38 **(2) Retail sales.** Retail sales customarily incidental to permitted recreational uses.
- 39 **(3) Retail services.** Retail services customarily incidental to permitted recreational
40 uses.

- 1 **(4) Public and civic.**
2 **a.** Bird and wildlife sanctuaries.
3 **b.** Parks and greenbelt areas.
4 **c.** Public utility structures, excluding telecommunication towers.
5 See also conditional uses in this district.
6 **(5) Recreation and entertainment.**
7 **a.** Recreation facilities, outdoor, including parks, playgrounds, walking and
8 hiking trails, campgrounds, off-highway vehicle trails, swimming pools,
9 baseball fields, tennis courts, and golf courses, but excluding shooting
10 ranges.
11 **b.** Marinas, commercial only.
12 See also conditional uses in this district.
13 **(6) Industrial and related.** No industrial or related uses.
14 **(7) Agricultural and related.** No agricultural or related uses.
15 **(8) Other uses.** {reserved]
16 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
17 the BOA may conditionally allow emergency service facilities, including law
18 enforcement, fire fighting, and medical assistance within the Recreation district.
19 **(d) Site and building requirements.**
20 **1. Density.** Dwelling unit density limited to vested development.
21 **2. Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.
22 **3. Structure height.** No maximum structure height unless prescribed by use.
23 **4. Lot area.** No minimum lot area unless prescribed by use.
24 **5. Lot width.** No minimum lot width prescribed by zoning.
25 **6. Lot coverage.** Minimum pervious lot coverage of 80 percent (20 percent
26 maximum semi-impervious and impervious cover) for all uses.
27 **7. Structure setbacks.** For all principal structures, minimum setbacks are:
28 **a. Front and rear.** Twenty-five feet in front and rear.
29 **b. Sides.** On each side, five feet or 10 percent of the lot width at the front
30 building line, whichever is greater, but not required to exceed 15 feet.
31 **8. Other requirements.** Refer to chapters 4 and 5 for additional development
32 regulations and standards.
33

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.**

5 **Sec. 3-5.1 Building heights. [13.15.00]**

6 **(a) Low and medium density districts.** In the following zoning districts the maximum
7 height shall be 35 feet above the bottom of the lowest horizontal structural member
8 of the first habitable floor area; the first habitable floor shall be at or above the
9 minimum elevation established for the applicable flood zone. The overall height of
10 the structure may not exceed 45 feet above the finished ground level grade:

- 11 (1) Low density residential.
- 12 (2) Medium density residential.
- 13 (3) Medium density residential/commercial.
- 14 (4) General retail.
- 15 (5) Recreation retail.

16 **(b) High density and non-residential districts.** In the following districts, the maximum
17 height shall be 12 habitable stories plus not more than two stories of parking or
18 storage:

- 19 (1) High density residential.
- 20 (2) High-density residential/commercial.

21 **(c) Commercial Core Area.** The maximum height shall be 18 habitable stories plus not
22 more than two stories for parking or storage, excepting Gulf front property which is
23 not leased to a private party as of June 4, 1998, commonly referred to as "Casino
24 Beach", and the Gulf from leasehold immediately to the east of and adjoining such
25 property, all of which property shall be limited to three stories in height, habitable or
26 otherwise (from the Hampton Inn, incorporating Crab's and westerly to the area
27 immediately east of the Holiday Inn). This area is defined as being from the east line
28 of Blocks C and H First Addition to Villa Sabine (p.b.5, p.75) to Avenida 10 (the
29 commercial core).

30 **(d) Vested properties.** The following properties are deemed vested insofar as the
31 application of the height restrictions imposed by this ordinance:

- 32 (1) *Pensacola Beach Land Trust Property (east of Calle Marbella)* - vested for 21
33 stories for each eight towers pursuant to the lease agreement between
34 Pensacola Beach Land Trust Property and the Santa Rosa Island Authority dated
35 June 30, 1997.
- 36 (2) *Santa Rosa Towers Condominium (Fort Pickens Road)* - vested 17 stories (16
37 stories above parking), pursuant to the Final Judgment issued March 13, 1997 in
38 Santa Rosa Dunes Association, Inc. And Lamar N. Coxe, Jr. v. Santa Rosa
39 Island Authority; Escambia County, Florida; Gulfview Partnership and Santa
40 Rosa Towers, Ltd. Case No. 96-1231-CA-01.
- 41 (3) *Gulfview Partnership parcel adjacent to Santa Rosa Towers* - vested to 17
42 stories (16 stories above parking), pursuant to the 1986 lease agreement

1 between Gulfview Partnership and the Santa Rosa Island Authority and the
 2 option agreement between Gulfview Partners and Santa Rosa Towers, Ltd.,
 3 dated April 3, 1998.

4 **Sec. 3-5.2 Low density residential (LDR-PB).** Areas delineated as low density
 5 residential are restricted to the development of single family detached homes at
 6 densities up to and including four units per acre.

7 **(1) Site and building requirements.**

8 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

9 **Notes:**

- 10 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
 11 allowed.
 12 2. Front is defined as side facing main street or access. If water front property, then
 13 side facing water is rear.
 14 3. If facing County Road 399 setback shall be 50 feet.
 15 4. If sound front, building front setback may be reduced to a minimum of 20 feet.
 16 5. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions
 17 may be based on 10 percent of the average of the front and rear lines, but in no case
 18 shall be less than 10 feet unless otherwise specified.
 19 6. If Gulf front, building line shall be the most restrictive of 50 feet landward of the crest
 20 of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line
 21 (CCCL). In Lafitte Cove, as per recorded plat. In Villa Sabine, as per recorded plat.
 22 7. If sound front (Villa Primera and Villa Segunda subdivisions) building setback shall
 23 be established as 30 feet upland of the mean high water line, for structures deemed in
 24 compliance with current flood elevation requirements and whose shoreline has been
 25 stabilized. All other structures shall maintain a building setback of 50 feet upland of the
 26 vegetation line.
 27 8. First floor level of lowest habitable floor must be in compliance with current flood
 28 insurance rate map issued by the National Flood Insurance Program, or this chapter,
 29 whichever is greater.
 30 9. Enclosures below established base flood level must be accomplished through
 31 "break-away" wall construction, and such enclosures may not be used for habitable
 32 purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a
 33 combination thereof.)
 34

35 **Setbacks.** Listed below are required setbacks for the existing single-family detached
 36 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 **(a) Permitted uses.** The following types of uses are permitted under MDR-PB:

- 6 (1) Duplexes.
- 7 (2) Triplexes.
- 8 (3) Multiple Dwellings.

9

10 **(b) Site and building requirements.**

11

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.

12

Notes:

13

1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.

14

2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.

15

3. If facing County Road 399 setback shall be 50 feet.

16

17

- 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 50 feet landward of the crest of
5 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 8. If sound front, building setback line shall be 50 feet upland of the vegetation line.

15 **Sec. 3-5.4 Medium density residential/commercial (MDR/C-PB).** Areas delineated
16 as medium density residential/commercial are for mixed uses including medium density
17 residential, motel, hotel and limited accessory retail uses. Densities shall be in the range
18 of five to 15 units per acre for residential use and for a mix of residential and motel/hotel
19 uses. For developments consisting solely of motel/hotel development, where the
20 application of the five to 15 density range will result in a reduction of the existing number
21 of units, or where such density restrictions will impede efficient motel/hotel
22 development, the Santa Rosa Island Authority may, but shall not be obligated to,
23 recommend conditional use approval to the Escambia County Board of Adjustments
24 such that motel/hotel development may be increased up to a maximum of 20 units per
25 acre. This special exception shall not apply to condominium dwellings which are made
26 available for rental use.

27 **(a) Permitted uses.** The following types of uses are permitted under MDR/C-PB:

- 28 (1) Duplexes.
- 29 (2) Triplexes.
- 30 (3) Multiple dwellings. [multi-family?]
- 31 (4) Motel and hotels.
- 32 (5) Restaurants.
- 33 (6) Tourist related retail goods.
- 34 (7) Marinas, etc.
- 35 (8) Cocktail lounges and package stores.
- 36 (9) Miscellaneous convenience goods stores.
- 37 (10) Professional offices.
- 38 (11) Realty and property rental offices.
- 39 (12) Personal service establishments.

40 **(b) Conditional uses.** The following types of use are conditional uses under
41 MDR/C-PB:

42 Temporary structures.

43 **(c) Site and building requirements.**

1 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

2 Notes:

- 3 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
- 4 allowed.
- 5 2. Front is defined as side facing main street or access. If water front property, then
- 6 side facing water is rear.
- 7 3. If facing County Road 399 setback shall be 50 feet.
- 8 4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions
- 9 may be based on ten percent of the average of the front and rear lines, but in no case
- 10 shall be less than ten feet unless otherwise specified.
- 11 5. If Gulf front, building line shall be the most restrictive of 50 feet landward of the crest
- 12 of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line
- 13 (CCCL).
- 14 6. First floor level of lowest habitable floor must be in compliance with current flood
- 15 hazard map and flood insurance rate map issued by the National Flood Insurance
- 16 Program, or this chapter, whichever is greater.
- 17 7. Enclosures below established base flood level must be accomplished through
- 18 "break-away" wall construction, and such enclosures may not be used for habitable
- 19 purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a
- 20 combination thereof).
- 21 8. If sound front, building setback line shall be 50 feet upland of the vegetation line.

22 **Sec. 3-5.5 High density residential (HDR-PB).** Areas delineated for high density
 23 residential shall be developed for multiple dwelling development in the range of 16 to 30
 24 units per acre. [13.03.04]

25 **(a) Permitted uses.** The following types of use are permitted in HDR-PB:

26 Multiple dwelling.

27 **(b) Site and building requirements.**

28 TABLE HDR-PB

Minimum Building Setbacks 1, 2, 3	Maximum Coverage*	Parking	Special Requirements 5
Front 60 feet 2	3 to 4 stories - 25%	If maximum lot	1. Maximum 30 units per

Side 4 Rear 60 feet	5 to 7 stories - 23% 8 to 9 stories - 21% Over 9 stories - 19% *Net building coverage maximum percent of land built over	coverage is attained there will be a minimum of 1 parking space per unit inside building. See Chapter 5	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
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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.)
6. If sound front, building setback line shall be 50 feet upland of the vegetation line.

Sec. 3-5.6 High density residential/commercial (HDR/C-PB). Areas delineated as high density residential/commercial are for mixed uses including high density residential, hotel and limited accessory retail uses. Densities shall be in the range of 16 to 30 units per acre for residential uses and for a mix of residential and hotel uses. For development consisting solely of hotel development, where the application of the 16 to 30 density range will result in a reduction of the existing number of units, or where such density restrictions will impede efficient hotel development, the SRIA may, but shall not be obligated to, recommend conditional use approval to the BOA such that hotel development may be increased up to a maximum of 50 units per acre. This conditional use shall not apply to condominium dwellings which are made available for rental use.

[13.03.05]

(a) Permitted uses. The following types of use are permitted under HDR/C-PB:

- (1) Condominiums.
- (2) Motels and hotels.
- (3) Restaurants.
- (4) Tourist related retail goods.
- (5) Marinas, etc. [etc.?]
- (6) Cocktail lounges and package stores.
- (7) Miscellaneous convenience goods stores.

- 1 (8) Professional offices.
- 2 (9) Realty and property rental offices.
- 3 (10) Personal service establishments.
- 4 (b) Conditional uses. The following types of use are conditional uses in HDR/C-PB:
- 5 Temporary structures.
- 6 (c) Site and building requirements.

7 TABLE HDR/C-PB

Minimum Building Setbacks 1, 2, 3	Maximum Coverage*	Parking Project Access Points	Special Requirements 5
Types of Commercial Uses 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		

- 8 Notes:
- 9 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
 - 10 allowed.
 - 11 2. Front is defined as side facing main street or access. If water front property, the side
 - 12 facing water is rear.
 - 13 3. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest
 - 14 of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line
 - 15 (CCCL). If sound front, building setback shall be established as 50 feet upland of the
 - 16 vegetation line.
 - 17 4. Side setbacks to be determined on an individual basis.
 - 18 5. First floor level of lowest habitable floor must be in compliance with current flood
 - 19 hazard map and flood insurance rate map issued by the National Flood Insurance

1 Program, or this chapter, whichever is greater. No floodproofing methods will be allowed
 2 in the velocity ("V") zone. All enclosures below base flood level must be of "break-away"
 3 type construction. Such enclosures may not be used for habitable purposes. (Habitable
 4 includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)
 5 6. If sound front, building setback line shall be 50 feet upland of the vegetation line.

6 **Sec. 3-5.7 General retail (GR-PB).** Areas delineated as general retail may be
 7 developed for uses pertaining to retail sales and services including motels (in
 8 accordance with the density provisions of medium density residential/commercial),
 9 restaurants, service stations, marinas, cocktail lounges, tourist related retail goods and
 10 professional services, sundries, convenience stores, groceries, professional offices,
 11 realty offices, personal service establishments, and substantially similar uses as
 12 determined by the Santa Rosa Island Authority Board. [13.03.06]

13 **(a) Permitted uses.** The following types of uses are permitted in GR-PB:

- 14 (1) Motels and hotels.
- 15 (2) Restaurants, indoor and drive-in.
- 16 (3) Grocery stores.
- 17 (4) Miscellaneous convenience goods stores.
- 18 (5) Professional offices.
- 19 (6) Realty and property rental offices.
- 20 (7) Personal service establishments.
- 21 (8) Convenience goods stores.
- 22 (9) Professional offices.
- 23 (10) Personal service establishments.
- 24 (11) Realty and property rental offices.
- 25 (12) Marinas.
- 26 (13) Temporary structures.

28 **(b) Site and building requirements.**

29 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

30 *Notes:*

- 31 1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
- 32 2. Front is defined as side facing main street or access. If water front property, then 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. 3-5.8 Recreation retail (Rec/R-PB).** Areas delineated as recreation retail are
 15 for retail establishments relating directly to a specific adjacent beach or other recreation
 16 area. Permitted uses include sandwich, fast food and other eating establishments,
 17 beachwear and tourist related sundry shops, gift shops, amusements and rental of
 18 recreation facilities, e.g. surfboards, jet skis, sailboats, and substantially similar uses as
 19 determined by the county. [13.03.07]

20 **(a) Permitted uses.** The following types of uses are permitted in Rec/R-PB:

- 21 (1) Restaurants, indoor and drive-in.
 22 (2) Convenience goods stores.
 23 (3) Tourist related retail goods.
 24 (4) Tourist related personal and professional services.
 25 (5) Temporary structures.
 26

27 **(b) Site and building requirements.**

28 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.

29 *Notes:*

- 30 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
 31 allowed.
 32 2. Front is defined as side facing main street or access. If water front property, then
 33 side facing water is rear.
 34 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 guidelines
 16 established for hotel uses within the high density residential/commercial districts. This
 17 district also permits uses permitted in the recreation retail district. [13.03.08]

18 **(a) Permitted uses.** The following types of uses are permitted in CH-PB:

- 19 (1) Motels and hotels.
- 20 (2) Restaurants.
- 21 (3) Tourist related retail goods.
- 22 (4) Marinas, etc.
- 23 (5) Cocktail lounges and package stores.
- 24 (6) Miscellaneous convenience goods stores.
- 25 (7) Professional offices.
- 26 (8) Realty and property rental offices.
- 27 (9) Personal service establishments.
- 28 (10) Temporary structures.
- 29

30 **(b) 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 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

32 *Notes:*

- 33 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
- 34 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 gulf front, building line shall be the most restrictive of 50 feet landward of the crest
- 4 of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line
- 5 (CCCL). If sound front, building setback shall be established as 50 feet upland of the
- 6 vegetation line.
- 7 4. Side setbacks to be determined on an individual basis.
- 8 5. First floor level of lowest habitable floor must be in compliance with current flood
- 9 hazard map and flood insurance rate map issued by the National Flood Insurance
- 10 Program, or this chapter, whichever is greater. No floodproofing methods will be allowed
- 11 in the velocity ("V") zone. All enclosures below base flood level must be of "break-away"
- 12 type construction. Such enclosures may not be used for habitable purposes. (Habitable
- 13 includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)

14 **Sec. 3-5.10 Preservation (PR-PB).** Areas delineated as preservation are

15 environmentally sensitive and permanently set aside for the maintenance of all natural

16 features. Such areas shall not be leased and public access may be restricted as

17 deemed necessary by the SRIA Board. [13.03.09.]

18 **(a) Permitted uses.** The following types of uses are permitted in PR-PB:

- 19 (1) Areas permanently set aside for preservation in natural state.
 - 20 (2) Areas temporarily set aside for natural revegetation.
- 21

22 **Sec. 3-5.11 Conservation/recreation (Con/Rec-PB).** Areas delineated as

23 conservation/recreation are those set aside as open space where the need for

24 recreation is balanced with the need for environmental conservation. Important natural

25 site features, including dune formations, wetlands and areas of native vegetation shall

26 not be eliminated or damaged. Depending on the specific characteristics of each site

27 appropriate recreation uses may include, public parking, beach access boardwalks,

28 nature trails, boat launching areas, docking facilities, picnic areas, restrooms, and other

29 such related uses as may be approved by the Santa Rosa Island Authority consistent

30 with legal requirements presently in force. Other uses may be approved by the county

31 subject to appropriate studies which demonstrate that such uses are environmentally

32 sound and in the public interest. Although all gulf front beaches are places in the

33 Conservation/Recreation Category only dune crosswalks and parking nodes shall be

34 approved east of Avenida 10. The Santa Rosa Island Authority Board also retains the

35 authority to establish temporary preservation areas within areas designated for

36 conservation/recreation where such designations are needed to restrict public access

37 and restore native vegetation. [13.03.10]

38 **(a) Permitted uses.** The following types of uses are permitted in Con/Rec-PB:

- 39 (1) Picnic shelters and related facilities.
- 40 (2) Service concessions.
- 41 (3) Public beaches.
- 42 (4) Public safety facilities.
- 43 (5) Public rest shelters and restrooms.
- 44 (6) Open parks and play areas.
- 45 (7) Public parking areas.

- 1 (8) Boat launching facilities.
- 2 (9) Lifeguard facilities.
- 3 (10) Nature trails.
- 4 (11) Conservation areas.
- 5 (12) Walkways to preserve dunes.
- 6 (13) Small concession limited to food and drinks.

7 **Sec. 3-5.12 Government and civic (G/C-PB).** Areas designated for government and
8 civic uses are intended to accommodate public services and civic facilities including
9 government offices and operations, public utilities, schools, religious institutions, places
10 of worship, community service organizations, and substantially similar uses as
11 determined by the county. [\[13.03.11\]](#)

12

13 **(a) Permitted uses.** The following types of uses are permitted under G/C-PB:

- 14 (1) Santa Rosa Island Authority uses.
- 15 (2) Law enforcement uses.
- 16 (3) Public safety uses.
- 17 (4) Public utility and service structures.
- 18 (5) Schools.
- 19 (6) Places of worship.

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Chapter 4

LOCATION AND USE REGULATIONS

Article 1 General Provisions

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Sec. 4-1.2 Purpose of article.

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Article 2 Floodplain Management

Sec. 4-2.1 Purpose of article.

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Sec. 4-2.4 Flood hazard reduction.

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Article 3 Santa Rosa Island Authority Floodplain Management

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Article 5 Natural Resources

Sec. 4-5.1 Purpose of article.

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Sec. 4-5.6 Coastal high-hazard areas.

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Sec. 4-5.8 Barrier Island Lighting.

Sec. 4-5.9 Wellhead protection

Sec. 4-5.10 Docks, Piers, and Marinas

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Article 6 Historical and Archaeological Resources

- Sec. 4-6.1 Purpose of this article.
- Sec. 4-6.2 General provisions.

Article 7 Supplemental Use Regulations

- Sec. 4-7.1 Purpose of article.
- Sec. 4-7.2 General provisions.
- Sec. 4-7.3 Accessory uses and structures.
- Sec. 4-7.4 Adult entertainment.
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- Sec. 4-7.6 Borrow pits and reclamation.
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- Sec. 4-7.8 Manufactured (mobile) homes.
- Sec. 4-7.9 Outdoor storage and display.
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- Sec. 4-7.11 Telecommunication towers.
- Sec. 4-7.12 Temporary uses and structures.
- Sec. 4-7.13 Zero lot line subdivisions.

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1 **Article 1 General Provisions**

2 **Sec. 4-1.1 Purpose of chapter.**

3 **(a)General.** This chapter establishes county land use regulations necessary to
4 implement Comprehensive Plan policies requiring the management of specific uses and
5 locations. Location-based regulations additionally limit the uses allowed by zoning
6 regulations and prescribe conditions for those uses when in proximity to essential
7 resources, recognized hazards, and other constraints. Use-based regulations establish
8 additional requirements to assure that specific uses will be compatible with surrounding
9 uses. Compliance with the provisions of this chapter is evaluated by the administrative
10 authorities described in Chapter 1 according to the compliance review processes
11 prescribed in Chapter 2. More specifically, this chapter is intended to: [LDC 6.00.00]

- 12 (1) Protect navigable airspace and aviation facilities, wetlands, groundwater and
13 surface waters, beaches and shorelines, critical habitat area, historical and
14 archaeological resources, and other community resources.
- 15 (2) Protect and conserve property values and property rights, balancing individual
16 rights with the interests of the community to create a healthy, safe and orderly
17 living environment. [LDC 4.01.01.J]
- 18 (3) Provide for adequate light, air, and privacy, and protect life and property in areas
19 subject to natural or manmade hazards. [LDC 4.01.01.F]

20 **Sec. 4-1.2 Purpose of article.**

21 This article establishes general provisions that apply broadly to all location-based and
22 use-based regulations within the chapter. The regulations applicable to specific
23 locations and uses are prescribed in the remaining articles of this chapter.

24 **Sec. 4-1.3 General conditions.**

25 **(a) Applicability.** The standards of this chapter apply to all land uses and development
26 activities as established within each article and are independent of the review
27 processes used to determine compliance with them.

- 28 (1) **New uses and structures.** Any new use that is established, including a change
29 of use, or any building or other structure that is constructed, or tract of land
30 developed, for any principal or accessory use allowed by the Land Development
31 Code (LDC), is subject to the standards of this chapter. [LDC 7.00.01.A & C]
- 32 (2) **Existing uses and structures.** Any existing use of land that is extended,
33 enlarged or moved, or any existing building or other structure that is extended,
34 enlarged, moved, structurally altered or reconstructed, is subject to the standards
35 of this chapter with respect to such changes and any existing nonconformity.
36 [LDC 7.00.01.B]

37 **(b) Nonconformance with chapter regulations.** Lawfully established and maintained
38 uses, structures, lots, and site conditions that no longer comply with one or more of
39 the regulations established in this chapter may continue in productive use, subject to

1 the nonconformance provisions of the regulations and Chapter 1. [CP FLU 1.4.1]
2 [LDC 9.00.00, 9.00.01]

3 **(c) Relief from standards.** Modification of the land use regulations of this chapter is
4 generally contrary to good development practices. However, the county recognizes
5 that land is not uniform and the same regulation may not affect all sites equally.
6 Accordingly, regulations allow variances for limited site-specific relief through the
7 approval of the Planning Official or the Board of Adjustment (BOA), or the Santa
8 Rosa Island Authority (SRIA) for Pensacola Beach properties. However, the
9 regulation must be specifically identified as eligible and the variance must be within
10 the limits prescribed. No provisions of the chapter preclude the establishment of
11 variance limits or conditions by the approving authority.

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1 **Article 2 Floodplain Management (Revised Dec 5, 2013)**

2 **Sec. 4-2.1 Purpose of article.** ["MO" refers to state's model floodplain ordinance]

3 **(a) General.** This article establishes land use regulations that implement
4 Comprehensive Plan policies requiring reduced exposure of people and property to
5 natural hazards. It is the intent of these regulations, in coordination with the flood load
6 and flood resistant construction requirements of the *Florida Building Code (FBC)*, to
7 establish minimum requirements for development within flood hazard areas to
8 safeguard public health, safety, and general welfare and to minimize public and private
9 losses due to flooding. More specifically, it is the intent of this article to: [MO 101.1&3]

- 10 (1) Identify flood prone areas consistent with federally defined areas of flood hazard,
11 and comply with requirements of the National Flood Insurance Program (NFIP)
12 for community participation as prescribed in federal regulations. [MO 101.3(8)]
- 13 (2) Exceed minimum NFIP requirements where practical to further reduce flood risk
14 and support discounted flood insurance premium rates through participation in
15 the NFIP's Community Rating System (CRS).
- 16 (3) Inform potential land owners and developers of the flood hazard risks associated
17 with their land, as identified by the Federal Emergency Management Agency
18 (FEMA). [LDC 10.00.01.G]
- 19 (4) Minimize damage to public and private facilities and the unnecessary disruption
20 of commerce, access and public services during times of flooding. Additionally,
21 minimize the need for future expenditure of public funds for flood control projects
22 and response to and recovery from flood events. [MO 101.3(1),(5)&(7)]
- 23 (5) Provide for the sound use and development of flood hazard areas and require
24 the use of appropriate construction practices to prevent or minimize future flood
25 damage. [MO 101.3(2)&(6)]
- 26 (6) Manage filling, grading, dredging, mining, paving, excavation, drilling operations,
27 storage of equipment or materials, and other activities which may increase flood
28 damage or erosion potential. [MO 101.3(3)]
- 29 (7) Manage the alteration of flood hazard areas, watercourses, shorelines and other
30 natural features to minimize damaging erosion, habitat destruction, diminished
31 water quality treatment and other adverse impacts on the natural and beneficial
32 functions of the floodplain, and encourage the conservation of such features
33 through compatible uses. [LDC 10.00.00.C & F, 10.03.01.M] [MO 101.3(4)]

34 **Sec. 4-2.2 General administration.**

35 **(a) Approval required.** All land uses and development activities that are wholly or
36 partially within any flood hazard area require prior county review and approval for
37 compliance with the regulations of this article unless the use or activity is specifically
38 identified in the LDC as exempt from these regulations. Uses and activities subject to
39 these regulations include subdivision of land; land clearing, filling, grading, and other
40 site improvements and utility installations; construction, alteration, remodeling,

1 enlargement, improvement, replacement, repair, relocation or demolition of buildings,
2 structures, and facilities; placement, installation, or replacement of manufactured
3 (mobile) homes and manufactured buildings; installation or replacement of tanks;
4 placement of recreational vehicles; installation of swimming pools; and permanent
5 storage of materials or equipment. The requirements of this article shall be
6 implemented according to the general administrative provisions of Chapter 1 and the
7 floodplain administration provisions of this section. [LDC 10.01.04][MO 101.2, 102.2]

8 **(b) Modification of regulations.** Variances to the strict application of the regulations of
9 this article may only be granted as specifically allowed by the variance provisions of
10 this article and the compliance review processes of Chapter 2.

11 **(c) Existing development.** For the purposes of this article, an existing structure is any
12 structure for which the “start of construction” commenced before September 30,
13 1977, the effective date of the first Escambia County floodplain management
14 regulations. Similarly, an existing manufactured (mobile) home park or subdivision
15 is one in which the construction of facilities for servicing the manufactured home lots
16 (including at a minimum the installation of utilities, the construction of streets, and
17 either final site grading or the pouring of concrete pads) was completed before
18 September 30, 1977. [MO]

19 **(d) Relation to other laws and restrictions.** The provisions of this article shall not be
20 deemed to nullify any other provisions of local, state or federal law, and they are not
21 intended to repeal or abrogate any existing ordinances, including **other land**
22 **development regulations** and the *Florida Building Code*. These floodplain
23 management regulations shall not impair any deed restriction, covenant or
24 easement, but any land that is subject to such interests shall also be governed by
25 these regulations. [MO 102.4&5]

26 **(e) Interpretation.** In the interpretation and application of the provisions of this article,
27 all provisions shall be liberally construed in favor of the Board of County
28 Commissioners, and deemed neither to limit nor repeal any other powers granted
29 under state statutes. [MO 102.6]

30 **(f) Florida Building Code and ASCE 24.** The provisions of this article are intended to
31 be administered and enforced in conjunction with the *Florida Building Code* (FBC).
32 However, the county is obligated by participation in the National Flood Insurance
33 Program to regulate all development in flood hazard areas, including development
34 exempt from the FBC. Such exempt development shall otherwise comply with
35 ASCE 24, *Flood Resistant Design and Construction*, a standard developed and
36 published by the American Society of Civil Engineers. Where cited, ASCE 24 refers
37 to the edition of the standard referenced by the FBC. Structures and facilities that
38 are exempt by Florida Statutes from the FBC include the following and any others as
39 further provided by law: [MO 101.4, 104.2, 202]

40 1) Railroads and ancillary facilities associated with the railroad.

41 2) Nonresidential farm buildings on farms (as provided in Florida Statutes).

- 1 3) Temporary buildings or sheds used exclusively for construction purposes.
- 2 4) Mobile or modular structures used as temporary offices.
- 3 5) Those structures or facilities of electric utilities (as defined in Florida Statutes)
- 4 which are directly involved in the generation, transmission, or distribution of
- 5 electricity.
- 6 6) Family mausoleums not exceeding 250 square feet in area, which are
- 7 prefabricated and assembled on site or preassembled and delivered on site and
- 8 have walls, roofs, and a floor constructed of granite, marble, or reinforced
- 9 concrete.
- 10 7) Temporary housing provided by the Department of Corrections to any prisoner in
- 11 the state correctional system.
- 12 8) A building or structure which is less than 1000 square feet, is constructed and owned for
- 13 hunting, and is repaired or reconstructed to the same dimension and condition as existed
- 14 on January 1, 2011, provided the building or structure is: not rented or leased or used as a
- 15 principal residence; not located within the 100-year floodplain according to the current
- 16 Flood Insurance Rate Maps (FIRM); and not connected to an off-site electric power or
- 17 water supply.
- 18 (g) **Warning.** The degree of flood protection required by the provisions of this article and
- 19 the *Florida Building Code*, as amended by the county, is considered the minimum
- 20 reasonable for regulatory purposes and is based on scientific and engineering
- 21 considerations. Larger floods can and will occur. Flood heights may be increased by
- 22 man-made or natural causes. The provisions of this article do not imply that land
- 23 outside of mapped special flood hazard areas, or uses permitted within such flood
- 24 hazard areas, will be free from flooding or flood damage.
- 25 The flood hazard areas and base flood elevations contained in the Flood Insurance
- 26 Study and shown on Flood Insurance Rate Maps, and the corresponding floodplain
- 27 management requirements of the *Code of Federal Regulations*, may be revised by
- 28 the Federal Emergency Management Agency (FEMA). Such federal revisions require
- 29 the county to revise LDC regulations to remain eligible for participation in the
- 30 National Flood Insurance Program. Accordingly, no guaranty of vested use, existing
- 31 use, or future use is implied or expressed by compliance with the provisions of this
- 32 article. [MO 101.5]
- 33 (h) **Disclaimer of Liability.** The provisions of this article shall not create liability on the
- 34 part of the Board of County Commissioners or any officer or employee of the county for
- 35 any flood damage that results from reliance on these provisions or any lawful
- 36 administrative decision based upon them. [MO 101.6]
- 37 (i) **Flood hazard areas.** Required flood hazard reduction is primarily based on
- 38 geographic areas or flood zones defined by FEMA according to varying levels of
- 39 flood hazard risk.
- 40 (1) **Establishment.** The *Flood Insurance Study for Escambia County, Florida and*
- 41 *Incorporated Areas* dated September 29, 2006, and the accompanying Flood
- 42 Insurance Rate Maps (FIRM), are adopted here by reference as a part of the
- 43 provisions of this article and shall serve as the minimum basis for establishing

1 flood hazard areas. Studies and maps for the remaining unincorporated areas of
2 Escambia County (Community No. 120080) are available in the county offices of
3 the Planning Official. [MO 102.3]

4 **(2) Delineation and definition.** Flood zones are delineated on the FIRM and
5 indicate the severity or type of flooding expected. The adopted baseline flood
6 probability, or base flood, for the zones is a flood having a one-percent chance of
7 being equaled or exceeded in any given year. This base flood is commonly
8 referred to as the “100-year flood” or the “one-percent annual chance flood.” The
9 base flood elevation (in relation to the actual ground elevation) published in the
10 Flood Insurance Study establishes the base floodplain and sets limits for
11 regulatory purposes. [MO 202]

12 a. **Flood zone X.** Flood zone X indicates an area above the base flood
13 elevation and, therefore, not subject to the base flood and not defined by
14 FEMA as an area of special flood hazard. However, flood zone X is not an
15 area without flood hazard risk for development. Elevations above the one-
16 percent annual chance (100-year) base flood, but below the 0.2-percent
17 annual chance (500-year) flood, suggest a moderate flood hazard. Minimal
18 flood hazard is anticipated for elevations above the 0.2-percent-annual
19 chance flood.

20 b. **Flood zones A, AE, AH and AO.** Flood zones A, AE, AH and AO are areas
21 subject to the base flood. Flood zone A indicates an area of special flood
22 hazard for which no detailed hydraulic analyses has been performed and,
23 therefore, an area with no flood depth or base flood elevations determined.
24 Flood zones AE, AH and AO indicate areas of special flood hazard with base
25 flood elevations at selected intervals or average flood depths, both derived
26 from detailed analyses. More specifically, zones AH and AO indicate areas
27 with base flood depths from one to three feet where a clearly defined channel
28 does not exist, where the path of flooding is unpredictable, and where velocity
29 flow may be evident. Such flooding is characterized by ponding or sheet flow.

30 c. **Floodways.** Floodways indicate the channels of rivers or other riverine
31 watercourses and the adjacent land areas that must be reserved and remain
32 open to allow discharge of the base flood without cumulatively increasing the
33 water surface elevation more than one foot. Floodways are extremely
34 hazardous areas due to the velocity and erosion potential of debris-carrying
35 floodwaters.

36 d. **Flood zones V and VE.** Flood zones V and VE indicate coastal areas of
37 special flood hazard subject to the additional hazards of high water levels and
38 high velocity wave action from storms. Within VE zones base flood elevations
39 shown at selected intervals are derived from detailed analyses.

40
41 **(3) FIRM changes.** If a flood map change affects a large area, FEMA may publish a
42 changed FIRM with a new effective date. Alternatively, when a revision can be
43 adequately described in writing or through use of a small annotated map panel, a

1 Letter of Map Change may be issued as an official determination amending or
2 revising the effective FIRM. Letter of Map Change is a general term used to refer
3 to either of the following determinations: [MO 202]

4 a. **Letter of Map Amendment.** A Letter of Map Amendment (LOMA) is a
5 determination based on technical data showing that a property was incorrectly
6 included in a special flood hazard area. A LOMA amends the effective FIRM
7 and establishes that a specific property, portion of a property, or structure is
8 not located in a special flood hazard area.

9 b. **Letter of Map Revision.** A Letter of Map Revision (LOMR) is a
10 determination based on technical data that may show changes to flood zones,
11 flood elevations, special flood hazard area boundaries and floodway
12 delineations, and other planimetric features.

13 (4) **Submission of additional data.** In addition to the information provided by the
14 Flood Insurance Study and FIRM, data may be required according to the
15 provisions of this article to establish flood hazard areas and base flood
16 elevations.

17 a. **Elevations.** Where field surveyed topography prepared by a Florida
18 registered professional surveyor or digital topography accepted by the county
19 indicates that ground elevations are below the closest applicable BFE, even
20 in areas not delineated as a special flood hazard area on a FIRM, the area
21 shall be considered as flood hazard area and subject to the requirements of
22 this article and, as applicable, the requirements of the *Florida Building Code*.
23 If elevations are above the BFE the area shall be regulated as special flood
24 hazard area unless the applicant requesting development approval obtains a
25 Letter of Map Change from FEMA that removes the area from the special
26 flood hazard area. [MO 102.3.1]

27 b. **Requested changes.** When additional hydrologic, hydraulic or other
28 engineering data, studies, and additional analyses are submitted to support
29 an application, the applicant has the right to seek a Letter of Map Change
30 from FEMA to change the base flood elevations or boundaries of flood hazard
31 areas or floodways shown on FIRMs and to submit such data to FEMA for
32 that purpose. The analyses shall be prepared by a Florida registered
33 professional engineer in the format required by FEMA. Submittal
34 requirements and processing fees are the responsibility of the applicant.
35 [MO105.2(4),105.4]

36 (j) **Multiple hazard areas or elevations.** When a structure is located in multiple flood
37 hazard areas with varying base flood elevations, or the same flood hazard area with
38 multiple base flood elevations, the requirements for the flood hazard area with the
39 most stringent requirements and the highest base flood elevation shall apply.

40 (k) **Design flood elevations.** The base flood or 100-year flood is the adopted
41 regulatory or design flood. However, as a margin of safety compensating for
42 unknown factors that contribute to greater flood heights, such as wave action and
43 the hydrologic effects of watershed urbanization, development shall provide an

1 additional three feet of height or “freeboard” above the minimum elevations required
2 by the base flood. This augmented design flood elevation reflects the uncertainties
3 inherent in flood hazard modeling, topography, mapping limitations, and floodplain
4 encroachments; it accounts for future increases in flood stages if additional
5 development occurs in the floodplain; and it results in significantly lower insurance
6 rates for current and future owners due to lower flood risk. [MO 202][LDC 10.02.00]

7 **(I) Approvals and permits.**

8 **(1) Review required.** Anyone who intends to undertake any development activity
9 within the scope of this article, including buildings, structures and facilities
10 exempt from the *Florida Building Code*, shall first make application to the county
11 through the appropriate LDC compliance review process prescribed in Chapter 2
12 and shall obtain the required approvals and permits. Applications for
13 development in any special flood hazard area shall include the following to aid in
14 determining compliance with the floodplain management regulations of this
15 article: [44CFR 60.3(b)(1)][MO 104.1 & 3][LDC 10.01.04, 10.02.03.A]

- 16 a. Identification and description of the proposed development, including the use
17 and occupancy intended.
- 18 b. A street address, property reference number or legal description that
19 identifies and definitively locates the development site.
- 20 c. A site plan or other construction documents as specified in Chapter 2.
- 21 d. A statement of the valuation of the proposed work.
- 22 e. The signature of the applicant or the applicant's authorized agent.
- 23 f. Other data and information as may be required by the Floodplain
24 Administrator.

25 **(2) Limit of approval.** Approval for development within a flood hazard area in
26 compliance with the provisions of this article does not permit or approve any
27 violation of the provisions of the *Florida Building Code*, or any other ordinance of
28 the county. The issuance of approvals based on submitted applications,
29 construction documents, and information shall not prevent the Floodplain
30 Administrator from requiring the correction of errors and omissions. [MO 104.4]

31 **(3) Expiration.** A permit which authorizes the actual commencement of
32 development activity within a flood hazard area shall become invalid unless the
33 work authorized by the permit is commenced within 180 days after its issuance,
34 or if the work authorized is suspended or abandoned for a period of 180 days
35 after the work commences. Extensions for periods of not more than 180 days
36 each may be requested in writing to the approving authority and granted if
37 justifiable cause can be demonstrated. [MO 104.5]

38 **(4) Suspension or revocation.** The Floodplain Administrator, and the Building
39 Official as applicable, is authorized to suspend or revoke a permit or approval for
40 development within a flood hazard area if it was issued in error, on the basis of
41 incorrect, inaccurate or incomplete information, or in violation of this article or any
42 other ordinance, regulation or requirement of the county. [MO 104.6]

1 (5) **Approval disclaimer.** Approvals and building permits for development within a
2 flood hazard area shall include a disclaimer that all other applicable state and
3 federal permits must be obtained by the applicant before commencement of the
4 permitted development. Additionally, once those other permits are obtained, the
5 applicant shall provide copies to be maintained on file with county development
6 approval records. [44CFR 60.3(a)(2)][MO 104.7][LDC 10.02.03.B, 10.03.01.K]

7 (6) **Violations.** Any development activity that is regulated by this article and begins
8 without an issued approval or permit, is in conflict with an issued approval or
9 permit, or does not fully comply with the provisions of this article, shall be a
10 violation of this article. A structure without the documentation of elevation of the
11 lowest floor, other required design certifications, or other evidence of compliance
12 required by this article or the *Florida Building Code* is presumed to be a violation
13 until such time as that documentation is provided. [MO 108.1]

14
15 For development that is not within the scope of the *Florida Building Code*, but is
16 regulated by this article and determined to be a violation, the Floodplain
17 Administrator is authorized to serve notices of violation or stop work orders to the
18 owner of the property involved, to the owner's agent, or to those performing the
19 work. Any person who continues any work after having been served with a
20 notice of violation or a stop work order, except work that the person is directed to
21 perform to remove or remedy a violation or unsafe condition, shall be subject to
22 penalties as prescribed by law or ordinance. [MO 108.2 & 3]

23 (m) **Construction documents.** The site plan or other construction documents for any
24 development subject to the requirements of this article shall include the following as
25 applicable to the LDC compliance review process and proposed development:
26 [MO105.1]

27 (1) **Boundaries and elevations.** Delineation and identification of flood hazard
28 areas, including floodway and flood zone boundaries, base flood elevation(s),
29 and ground elevations if necessary for review of the proposed development.
30 Where any portion of a proposed subdivision lies within a flood hazard area, the
31 flood hazard information, including design flood elevations as appropriate, shall
32 be shown on the preliminary and final plats. [MO105.1(1), 302.2(1)]

33 (2) **Data.** Base flood elevations or floodway data established in compliance with the
34 provisions of this article where not included on the FIRM or in the Flood
35 Insurance Study. [MO105.1(2)]

36 (3) **Grades.** Location, extent, amount, and proposed final grades of any filling,
37 grading, or excavation. [MO105.1(5)]

38 (4) **Fill.** Where the placement of fill is proposed, the amount, type, and source of fill
39 material; compaction specifications; a description of the intended purpose of the
40 fill areas; and evidence that the proposed fill areas are the minimum necessary to
41 achieve the intended purpose. [MO105.1(6)]

42 (5) **CCCL.** Delineation of the Coastal Construction Control Line (CCCL) or notation
43 that the site is seaward of the CCCL. [MO105.1(7)]

1 (6) **Dune alteration.** Extent of any proposed alteration of sand dunes, provided
2 such alteration is approved by the Florida Department of Environmental
3 Protection. [MO105.1(8)]

4 (7) **Watercourse alteration.** Existing and proposed alignment of any proposed
5 alteration of a watercourse. [MO105.1(9)]

6 (n) **Inspections.** Development in a flood hazard area for which county approval is
7 required is subject to inspection for compliance with the elevation and other flood
8 hazard reduction requirements of this article. For all new construction and
9 substantial improvements of structures, a Florida registered professional engineer,
10 architect, or surveyor shall certify on a FEMA *Elevation Certificate* all elevation data
11 (in relation to mean sea level) necessary to document compliance with the
12 provisions of this article. In coordination with the Building Official, the Floodplain
13 Administrator shall review and file these elevation certifications with the county
14 floodplain development approval. [44CFR 60.3(b)(5)(i), 44CFR 60.3(c)(4)][MO
15 106.1][LDC 10.02.03.E & F]

16 (1) **Lowest floor elevation.** Upon placement of the lowest floor of the lowest
17 enclosed area of a structure (including basement), and prior to further vertical
18 construction, the owner of the structure or the owner's agent shall submit to the
19 county a completed initial *Elevation Certificate* for the lowest floor. As part of the
20 final inspection, a final *Elevation Certificate* for the lowest floor shall also be
21 submitted. An unfinished or flood-resistant enclosure, usable solely for vehicle
22 parking, building access or limited storage in an area other than a basement is
23 not considered a building's lowest floor if the enclosure maintains the structure's
24 compliance with all applicable non-elevation design requirements. For floodplain
25 management purposes, a basement is that portion of a building having its floor
26 below ground level on all sides. [44CFR 59.1 & 60.3(b)(5)(i)]
27 [MO 106.1.2.1, 106.1.2.2]

28 (2) **Manufactured homes.** The Building Official shall inspect manufactured (mobile)
29 homes that are installed or replaced in flood hazard areas to determine
30 compliance with the requirements of this section and the conditions of the issued
31 permit. Upon placement of a manufactured home, an *Elevation Certificate* for the
32 lowest floor shall be submitted to the county. [MO 106.1.3]

33 **Sec. 4-2.3 Floodplain administrator.** The County Administrator is designated the
34 Floodplain Administrator for all areas within unincorporated Escambia County.
35 [MO 103.1]

36 (a) **General authority.** The Floodplain Administrator is authorized and directed to
37 administer and enforce the floodplain management provisions of this article, and
38 shall have the authority to make interpretations of these provisions consistent with
39 the purpose and intent of the article. The Administrator may establish policies and
40 procedures to clarify the application of these provisions. However, the
41 interpretations, policies, and procedures of the Administrator shall not have the
42 effect of waiving any requirements specifically provided without the granting of a
43 variance as prescribed in this article. [MO 103.2]

1 (b) **Review and approvals.** The Floodplain Administrator, in coordination with
2 appropriate offices of the county, shall perform the following general duties for LDC
3 compliance review of applications proposing development within flood hazard areas:
4 [MO 103.3]

5 (1) **Review.** Review applications and plans to determine whether proposed new
6 development or modifications to existing development will be located in flood
7 hazard areas, and if so, will be reasonably safe from flooding and comply with
8 the requirements of this article. [MO 103.3(1),(2)&(6)][LDC 10.02.03.A]

9 (2) **Interpret boundaries.** Interpret flood hazard area boundaries, subject to the
10 appeal provisions of the LDC, where such interpretation is necessary to
11 determine the exact location of the boundaries. [MO 103.3(3)][LDC 10.02.03.J]

12 (3) **Acquire and use information.** Provide available flood elevation and flood
13 hazard information. Where base flood elevation and floodway data have not
14 been provided by the FIRM, obtain, review, and reasonably utilize any base flood
15 elevation and floodway data available from a federal, state or other source to
16 apply appropriate flood hazard reduction standards. Determine whether
17 additional flood hazard data shall be obtained from other sources or developed
18 by an applicant. [44CFR 60.3(b)(4)][MO 103.3(4)&(5), 105.2(2)]
19 [LDC 10.02.03.K, 10.03.06.B]

20 (4) **Issue approvals/denials.** Issue approvals for development in flood hazard
21 areas, other than buildings and structures that are subject to the *Florida Building*
22 *Code*, when compliance with the provisions this article is demonstrated, or deny
23 the same in the event of noncompliance. [MO 103.3(7)]

24 (5) **Coordinate with Building Official.** Coordinate with and provide comments to
25 the Building Official to assure that applications, plan reviews, and inspections for
26 buildings and structures in flood hazard areas comply with the applicable
27 provisions of this article. [MO 103.3(8)]

28 (c) **Improvements to existing structures.** For building permit applications to improve
29 existing buildings and other structures, including alterations, relocations,
30 enlargements, replacements, repairs, changes of occupancy, additions,
31 rehabilitations, renovations, substantial improvements, repairs of substantial
32 damage, and any other improvement of or work on such structures, the Floodplain
33 Administrator, in coordination with the Building Official, shall perform the following:
34 [MO 103.4]

35 (1) **Establish procedures.** Establish procedures for administering and documenting
36 determinations of substantial improvement and substantial damage.
37 [MO 103.8(1)]

38 (2) **Estimate value.** Estimate the market value of the structure before the start of
39 construction of the proposed work, or require the applicant to obtain an appraisal
40 of the market value prepared by a qualified independent appraiser. In the case
41 of repair, the market value of the structure shall be the market value before the
42 damage occurred and before any repairs are made. [MO 103.4(1)]

1 (3) **Compare costs.** Compare the cost to perform the improvement, the cost to
2 repair a damaged structure to its pre-damaged condition, or the combined costs
3 of improvements and repairs, if applicable, to the market value of the structure.
4 [MO 103.4(2)]

5 (4) **Determine applicability.** Determine and document whether the proposed work
6 constitutes substantial improvement or repair of substantial damage.
7 [MO 103.4(3)]

8 (5) **Notify applicant.** Notify the applicant if it is determined that the work constitutes
9 substantial improvement or repair of substantial damage and that compliance
10 with the flood resistant construction requirements of the *Florida Building Code*
11 and this article is required. [MO 103.4(4)]

12 (d) **Floodplain management records.** Regardless of any limitation on the period
13 required for retention of public records, the Floodplain Administrator shall maintain
14 and permanently keep and make available for public inspection all records that are
15 necessary for the administration of this article and the flood resistant construction
16 requirements of the *Florida Building Code*. The records shall be available for public
17 inspection at the offices of the Planning Official.

18 The records subject to these retention requirements include: Flood Insurance Rate
19 Maps; Letters of Map Change; records of issuance of permits and denial of permits;
20 determinations of whether proposed work constitutes substantial improvement or
21 repair of substantial damage; required design certifications and documentation of
22 elevations specified by the *Florida Building Code* and this article; notifications to
23 adjacent communities, FEMA, and the state alterations of watercourses; assurances
24 that the flood carrying capacity of altered watercourses will be maintained;
25 documentation related to appeals and variances, including justification for issuance
26 or denial; and records of enforcement actions taken pursuant to the LDC and the
27 flood resistant construction requirements of the *Florida Building Code*.
28 [44CFR 60.3(b)(5)(iii), 60.6(a)(5) & (6)] [MO 103.9] [10.02.03.B & L]

29 (e) **Other specific duties.** The Floodplain Administrator shall perform other specific
30 duties that include the following:

31 (1) **Coordinate notices and orders.** Coordinate with appropriate local agencies for
32 the issuance of all necessary notices or orders to ensure compliance with this
33 article. [MO 103.6]

34 (2) **Make inspections.** In coordination with the Building Official, inspect all
35 development for which floodplain development approval is required, including
36 structures and facilities exempt from the *Florida Building Code*, to determine
37 compliance with the requirements of this article and the conditions of issued
38 floodplain development approvals. Additionally, in coordination with county Code
39 Enforcement officials, inspect flood hazard areas to determine if development is
40 undertaken without the issuance of permits. [MO 103.7,106.1]

41 (3) **Review documentation.** Review required design certifications and
42 documentation of elevations specified by this article and the *Florida Building*

1 Code to determine that such certifications and documentations are complete.
2 [MO 103.8(4)]

3 (4) **Advise of insurance unavailability.** Advise applicants for new buildings and
4 other structures, including substantial improvements, that are located in any unit
5 of the Coastal Barrier Resources System established by the federal Coastal
6 Barrier Resources Act and the Coastal Barrier Improvement Act of 1990 that
7 federal flood insurance is not available on such construction. Areas subject to
8 this limitation are identified on FIRMs as "Coastal Barrier Resource System
9 Areas" and "Otherwise Protected Areas." [MO 103.8(6)]

10 (5) **Comment and recommend.** Review and evaluate proposed amendments to
11 the floodplain management provisions of the LDC or any requested variances to
12 them, and provide comments and recommendations for hearings and other
13 related proceedings.

14 (6) **Coordinate FIS/FIRM revisions.** Coordinate all revisions or amendments to the
15 Flood Insurance Study (FIS) or FIRM with the applicant, state, and FEMA,
16 including the following.

17 a. **Data submission.** Require applicants who submit hydrologic and hydraulic
18 engineering analyses in support of permit applications to submit to FEMA,
19 within six months of data availability, the data and information necessary to
20 maintain the Flood Insurance Rate Maps if the analyses propose to change
21 base flood elevations, flood hazard area boundaries, or floodway
22 designations. [MO 103.8(3)]

23 b. **Jurisdictional changes.** Notify FEMA and the state when the corporate
24 boundaries of Escambia County or the jurisdictional limits to Pensacola
25 Beach and the Santa Rosa Island Authority are modified. [MO 103.8(5)]

26 (7) **Waive submissions.** Waive the submission of floodplain management
27 information not required to be prepared by a registered design professional if the
28 nature of the proposed development is such that the review of such information is
29 not necessary to determine compliance with the provisions of this article.
30 [MO105.1]

31 **Sec. 4-2.4 Flood hazard reduction.**

32 (a) **General requirements.** All development, including man-made changes to improved
33 or unimproved real estate, shall be reasonably safe from flooding and located,
34 constructed, and otherwise consistent with the need to minimize or eliminate flood
35 damage. More specifically, development in flood hazard areas shall comply with the
36 flood hazard reduction requirements of this section which are generally arranged in
37 increasing order of flood hazard risk. The flood risk associated with flood zones A,
38 AE, AH and AO requires all proposed development within those zones to comply
39 with the following flood hazard reduction requirements: [44CFR 60.3(a)(3)&(4)]
40 [MO 302.1(1), 303.1(1), 307.1(1)][10.03.03.A]

41 (1) **ASCE 24.** Buildings and other structures and facilities that are exempt from the
42 *Florida Building Code*, including substantial improvement or repair of substantial

1 damage of such structures and facilities, shall be designed and constructed in
2 accordance with the flood load and flood resistant construction requirements of
3 ASCE 24. [MO 301.1]

4 (2) **Pre-construction elevation.** The pre-construction elevation of the development
5 site shall be documented on a FEMA *Elevation Certificate* and a benchmark
6 located within the development parcel consistent with the certificate. [10.02.02.E]

7 (3) **Floodproofing.** Floodproofing of structures, where required or allowed, shall be
8 designed and constructed so that below the required flood protection level the
9 structure, together with its attendant utilities and sanitary facilities, is watertight
10 with walls substantially impermeable to the passage of water and with all
11 structural components capable of resisting hydrostatic and hydrodynamic flood
12 forces, including flood velocities, duration, rate of rise, effects of buoyancy, and
13 anticipated debris impacts.

14 Where structures are intended to be made watertight, a Florida registered
15 professional engineer or architect shall develop or review structural design,
16 specifications, and plans for construction, and shall certify that the design and
17 methods of construction are in accordance with accepted standards of practice
18 for meeting the applicable provisions of this article. [44CFR 60.3(c)(3) & (4)]
19 [LDC 10.03.01.L]

20 (4) **Adequate anchorage.** All new construction and substantial improvements of
21 structures shall be designed (or modified) and adequately anchored to prevent
22 flotation, collapse, or lateral movement of the structure resulting from
23 hydrodynamic and hydrostatic loads, including the effects of buoyancy during
24 conditions of the design flood. [44 CFR 60.3(a)(3)][MO 307.1(3)][10.03.01.A]

25 (5) **Limitations on fill.** Subject to the limitations of this article, fill shall be designed
26 to be stable under conditions of flooding, including rapid rise and rapid drawdown
27 of floodwaters and prolonged inundation, and protected against flood-related
28 erosion and scour. In addition to these requirements, if intended to support
29 buildings and structures (A zones only), fill shall comply with the requirements of
30 the *Florida Building Code*. [MO 303.5]

31 (6) **Materials and methods.** All new construction and substantial improvements of
32 structures shall be constructed by methods and practices that minimize flood
33 damage and constructed with flood damage-resistant materials capable of
34 withstanding direct and prolonged contact with floodwaters without sustaining
35 any damage that requires more than cosmetic repair. [44CFR 60.3(a)(3)]
36 [MO 202 & 307.1][LDC 10.03.01.C & D]

37 (7) **Service facilities.** All new construction and substantial improvements of
38 structures shall be constructed with mechanical, plumbing, and electrical systems
39 at least three feet above the base flood elevation, except that minimum electric
40 service required to address life safety and electric code requirements is permitted
41 below this minimum elevation if it conforms to the provisions of the electrical part
42 of building code for wet locations. [44CFR 60.3(a)(3)(iv)][MO 307.1(5)]
43 [LDC 10.03.01.E]

- 1 (8) **Public utilities.** All proposed development shall have all public utilities and
2 facilities such as sewer, gas, electrical and water systems located and
3 constructed to minimize or eliminate flood damage. [44 CFR 60.3(a)(4)(ii)]
4 [MO 302.1(2), 303.1(2)][LDC 10.03.03.B]
- 5 (9) **Adequate drainage.** All proposed development shall have adequate drainage
6 provided to reduce exposure to flood hazards. Drainage paths around structures
7 on slopes shall be provided to guide floodwaters around and away from the
8 structures. The adequacy of drainage shall be based on compliance with the
9 stormwater management standards of Chapter 5. [44 CFR 60.3(a)(4) & (c)(11)]
10 [MO 302.1(3), 303.1(3)][LDC 10.03.02.A & B, 10.03.03.C]
- 11 (10) **Water supply facilities.** All new and replacement water supply facilities shall be
12 designed in accordance with the water well construction standards in Florida
13 Administrative Code and ASCE 24 to minimize or eliminate infiltration of
14 floodwaters into the systems. [44CFR 60.3(a)(5)][MO 303.3][LDC 10.03.01.F]
- 15 (11) **Sanitary sewage facilities.** All new and replacement sanitary sewage facilities,
16 private sewage treatment plants (including all pumping stations and collector
17 systems), and on-site waste disposal systems shall be designed in accordance
18 with the standards for onsite sewage treatment and disposal systems in Florida
19 Administrative Code and ASCE 24 to minimize or eliminate infiltration of
20 floodwaters into the facilities and discharge from the facilities into flood waters,
21 and impairment of the facilities and systems. [44CFR 60.3(a)(6)][MO 303.2]
22 [LDC 10.03.01.G&H]
- 23 (12) **BFEs for large-scale development.** Where base flood elevations (BFEs) are
24 not included on the FIRM or in the Flood Insurance Study, all new subdivision
25 proposals and other proposed developments greater than 50 lots or five acres
26 shall include data prepared through hydrologic and hydraulic analyses
27 performed, documented, and certified by a Florida registered professional
28 engineer in accordance with standard engineering practice. [44CFR 60.3(b)(3)]
29 [MO 105.1(3), 302.2(2)][LDC 10.03.03.D, 10.03.06.B.3]
- 30 (13) **Non-FIRM data.** Where base flood elevation and floodway data are not
31 provided by the FIRM, the applicant shall utilize data provided by the Floodplain
32 Administrator or obtain data from a federal, state, or other source to confirm the
33 required flood hazard reduction. If such data are not available, or are determined
34 by the Floodplain Administrator to not reasonably reflect flooding conditions or to
35 be otherwise inadequate, the Administrator shall require one of the following:
36 [44CFR 60.3(b)(4)] [MO105.2]
- 37 a. **Analysis.** The applicant shall provide base flood elevation data prepared
38 through hydrologic and hydraulic analyses performed, documented, and
39 certified by a Florida registered professional engineer consistent with
40 standard engineering practice. [MO105.2(3)(a)]
- 41 b. **Height above grade.** The base flood elevation shall be specified as two feet
42 above the highest adjacent grade at the location of the development, provided

1 there is no evidence indicating flood depths have been or may be greater
2 than two feet. [MO105.2(3)(b)][10.03.04.A.1 & B.1]

3
4 Accordingly, when base flood elevations are established, all new construction,
5 substantial improvements or other development shall meet all applicable
6 elevation and non-elevation flood hazard reduction requirements.
7 [LDC10.03.06.B&F]

8 **(14) Watercourse alterations.** Any river, creek, stream, channel or other
9 topographic feature in, on, through, or over which water flows at least periodically
10 is considered a watercourse for the purposes of this article. Alteration of a
11 watercourse includes any dam, impoundment, channel relocation, change in
12 channel alignment, channelization, or change in cross-sectional area of the
13 channel or the channel capacity, or any other form of modification which may
14 alter, impede, retard or change the direction and/or velocity of the riverine flow of
15 water during conditions of the base flood. [MO 202]

16 **a. Capacity maintenance.** All applicants requesting the alteration or relocation
17 of portions of any watercourse shall assure the county through hydrologic and
18 hydraulic analyses performed, documented, and certified by a Florida
19 registered professional engineer consistent with standard engineering
20 practice that the flood-carrying capacity within the altered or relocated portion
21 of the watercourse will be maintained and not decreased. The applicant shall
22 submit the analysis to FEMA. [44CFR 60.3(b)(7)][MO 105.3(3)]
23 [LDC10.02.03.D, and 10.03.06.D]

24 **b. Notifications.** In riverine situations all applicants requesting the alteration or
25 relocation of portions of a watercourse shall notify adjacent communities, the
26 Florida Department of Emergency Management, and the Northwest Florida
27 Water Management District prior to any modification of the watercourse, and
28 shall submit copies of such notifications to FEMA. [44CFR 60.3(b)(6)]
29 [MO 103.8(2)][LDC 10.02.03.C, and 10.03.06.C]

30 **(15) Manufactured (mobile) homes.** All manufactured (mobile) homes shall be
31 installed by an installer that is licensed in compliance with Florida Statutes, and
32 shall comply with the requirements of Florida Administrative Code and this
33 section. [44CFR 60.3(b)(8)][MO 304.1][LDC 10.03.01.B and 10.03.06.E]

34 **a. Foundations.** All new and replacement manufactured homes shall be
35 installed on permanent, reinforced foundations that are designed in
36 compliance with the foundation requirements of the *Florida Building Code,*
37 *Residential* (Sec. R322) and the provisions of this section. [44CFR 60.3(c)(6)]
38 [MO 304.2(1)&(2)]

39 **b. Anchoring.** All new and replacement manufactured homes shall be installed
40 using methods and practices which minimize flood damage and shall be
41 securely anchored to an adequately anchored foundation system to resist
42 flotation, collapse or lateral movement. Methods of anchoring may include
43 use of over-the-top or frame ties to ground anchors. This anchoring

1 requirement is in addition to applicable state and county anchoring
2 requirements for wind resistance. [44CFR 60.3(b)(8)&(c)(6)] [MO 304.3]

3 **c. Elevation.** All manufactured homes that are placed, replaced, or
4 substantially improved on sites at any of the following locations shall be
5 elevated such that the bottom of the frame is at or above the elevation
6 required, as applicable to the flood hazard area, in the *Florida Building Code*
7 (*FBC*), *Residential* (Sec. R322):

- 8 1. Outside of a manufactured home park or subdivision.
- 9 2. In a new or substantially improved manufactured home park or
10 subdivision.
- 11 3. In an expansion to an existing manufactured home park or subdivision.
- 12 4. In an existing manufactured home park or subdivision in which a
13 manufactured home has incurred substantial damage as the result of a
14 flood.

15 On any other sites, manufactured homes may be elevated either as required
16 by FBC Section R322 or elevated such that the bottom of the frame is
17 supported by reinforced piers or other foundation elements of at least
18 equivalent strength that are not less than six feet in height above grade.
19 [44CFR 60.3(c)(6) & (12)][MO 304.4.1 & 2][LDC 10.03.02.D]

20 **d. Enclosures.** Enclosed areas below elevated manufactured homes shall
21 comply with the requirements of the *Florida Building Code, Residential* (Sec.
22 R322) for such enclosed areas, as applicable to the flood hazard area.
23 [MO 304.5]

24 **e. Utility equipment.** Utility equipment that serves manufactured homes,
25 including electric, heating, ventilation, plumbing, and air conditioning
26 equipment and other service facilities, shall comply with the requirements of
27 the *Florida Building Code, Residential* (Sec. R322), as applicable to the flood
28 hazard area. [MO 304.6]

29 **(16) Solid waste disposal sites.** All new solid waste disposal sites are prohibited.
30 [10.03.01.N]

31 **(17) Critical facilities.** New critical facilities, including police, fire, and emergency
32 response facilities; hospitals; schools; nursing homes; facilities that produce, use,
33 or store hazardous materials or hazardous waste; and other facilities that are
34 similarly sensitive to flood hazard shall only be permitted within an area of special
35 flood hazard if no feasible alternative site is available. In addition to having the
36 lowest floor elevated to at least three feet above the base flood elevation, access
37 routes to these facilities from the public right-of-way shall be elevated to or above
38 the base flood elevation to the extent possible. Floodproofing and sealing
39 measures shall be taken to ensure that toxic substances will not be displaced by
40 or released into floodwaters. Specifically, if any structural storage facility for
41 chemicals, explosives, flammable liquids, other hazardous or toxic materials, or
42 buoyant materials cannot feasibly be located outside of a flood hazard area, it
43 shall be flood proofed. [LDC10.03.01.L]

Comment [t2]: Local freeboard requirement
adopted Sep 7, 2006

1 (18) Residential structures within AE and AH. All new construction and substantial
2 improvements of residential structures within any AE or AH zones shall have the
3 lowest floor (including basement) elevated to at least three feet above the base
4 flood elevation. [44CFR 60.3(c)(2)][LDC 10.03.02.A]

Comment [t3]: Local freeboard requirement adopted 2013

5 (19) Residential structures within AO. All new construction and substantial
6 improvements of residential structures within any AO zone shall have the lowest
7 floor (including basement) elevated above the highest adjacent grade at least as
8 high as the depth number specified on the FIRM plus three feet. If no depth
9 number is specified, the elevation shall be at least five feet above the highest
10 adjacent grade. [44CFR 60.3(c)(7)][LDC 10.03.04.A]

Comment [t4]: FEMA Minimum 2' + 3' local required freeboard (2013)

11 (20) Non-residential structures within AE and AH. Except on Pensacola Beach, all
12 new construction and substantial improvements of non-residential structures
13 within any AE or AH zones shall have the lowest floor (including basement)
14 elevated to at least three feet above the base flood elevation. If not elevated, the
15 construction and improvements shall be completely floodproofed to that level.
16 [44CFR 60.3(c)(3)][LDC 10.03.02.B]

Comment [t5]: Local freeboard requirement adopted 2013

17 (21) Non-residential structures within AO. All new construction and substantial
18 improvements of non-residential structures within any AO zone shall have the
19 lowest floor (including basement) elevated above the highest adjacent grade at
20 least as high as the depth number specified on the FIRM plus three feet. If no
21 depth number is specified, the elevation shall be at least five feet above the
22 highest adjacent grade. If not elevated, the construction and improvements shall
23 be completely floodproofed to that level. [44CFR 60.3(c)(8)][LDC 10.03.02.B]

Comment [t6]: FEMA Minimum 2' + 3' local required freeboard (2013)

24 (22) Structures seaward of the CCCL. Buildings and other structures extending, in
25 whole or in part, seaward of the coastal construction control (CCCL) line shall be
26 designed and constructed to comply with the more restrictive applicable
27 requirements of the *Florida Building Code, Building* (Sec. 3109 & 1612) or *Florida*
28 *Building Code, Residential* (Sec. R322). Minor structures and non-habitable
29 major structures as defined in Article 3 for marine shorelines shall be designed
30 and constructed to comply with the intent and applicable provisions of this
31 section and ASCE 24. [MO 301.2]

32 (23) Enclosure below lowest floor. For all new construction and substantial
33 improvements of elevated buildings, fully enclosed areas below the lowest floor
34 shall not be partitioned into multiple rooms, finished, temperature controlled, or
35 used for human habitation. Access to the enclosed areas shall be the minimum
36 necessary for the allowed use of vehicle parking (garage door), limited storage of
37 maintenance equipment used on the premises (standard exterior door), or entry
38 to the living area (stairway or elevator). The enclosed areas shall be designed to
39 automatically equalize hydrostatic flood forces on exterior walls by allowing for
40 the entry and exit of floodwaters. Designs for meeting this requirement shall
41 either be certified by a Florida registered professional engineer or architect, or
42 meet or exceed the following minimum criteria:

- 1 a. **Minimum opening area.** A minimum of two openings having a total net area
2 of not less than one square inch for every square foot of enclosed area
3 subject to flooding shall be provided.
- 4 b. **Maximum opening height.** The bottom of all openings shall be no higher
5 than one foot above grade.
- 6 c. **Opening coverings.** Openings may be equipped with screens, louvers,
7 valves, or other coverings or devices provided that each opening permits the
8 automatic entry and exit of floodwaters. [44CFR 60.3(c)(5)][LDC 10.03.02.C]

9 (24) **Base flood increase.** No new construction, substantial improvements, or other
10 development (including fill) shall be permitted within a riverine flood hazard area
11 for which base flood elevations are included in the Flood Insurance Study or on
12 the FIRM, but in which floodways have not been designated, unless it has been
13 demonstrated through hydrologic and hydraulic analyses performed,
14 documented, and certified by a Florida registered professional engineer
15 consistent with standard engineering practice that the cumulative effect of the
16 proposed development, when combined with all other existing and anticipated
17 flood hazard area encroachments, will not increase the base flood elevation more
18 than one foot at any point within the community. This requirement does not
19 apply in isolated flood hazard areas not connected to a riverine flood hazard area
20 or in flood hazard areas identified as AO or AH zones. [MO 105.3(2)]
21

22 Development activities which will increase the water surface elevation of the
23 base flood by more than one foot may be allowed, provided that the developer or
24 applicant, with the county's endorsement, first applies for a conditional FIRM
25 revision, fulfills the federal requirements for such a revision, and receives the
26 approval of FEMA. [44CFR 60.3(c)(10) &(13)][LDC 10.03.02.E.1.a & b]

27 (25) **Recreational vehicles.** Recreational vehicles placed temporarily in flood hazard
28 areas shall be on the site for fewer than 180 consecutive days or be fully licensed
29 and ready for highway use. A recreational vehicle is considered ready for
30 highway use if it is licensed and insured in compliance with Florida motor vehicle
31 regulations, is in safe operable condition, is on its wheels or jacking system, is
32 attached to the site only by quick disconnect type utilities and security devices,
33 and has no permanent attachments such as additions, rooms, stairs, decks and
34 porches. Recreational vehicles that do not meet these limitations for temporary
35 placement shall meet the requirements of this section for manufactured homes.
36 [44CFR 60.3(c)(14)][MO 305][LDC 10.03.02.D.5]

37 (26) **Tanks.** Tanks in flood hazard areas shall comply with the following:

- 38 a. **Underground.** Underground tanks shall be anchored to prevent flotation,
39 collapse or lateral movement resulting from hydrodynamic and hydrostatic
40 loads during conditions of the design flood, including the effects of buoyancy
41 assuming the tank is empty. [MO 306.1]
- 42 b. **Above-ground.** Above-ground tanks shall be elevated to at least three feet
43 above the base flood elevation and attached to a supporting structure that is

1 designed to prevent flotation, collapse or lateral movement during conditions
2 of the design flood. Tank-supporting structures shall meet the foundation
3 requirements of the applicable flood hazard area. [MO 306.3]

4
5 Tanks that do not meet these elevation requirements are not permitted in
6 coastal high hazard areas (V zones). However, such tanks may be permitted
7 in other flood hazard areas (A zones) if anchored or otherwise designed and
8 constructed to prevent flotation, collapse or lateral movement resulting from
9 hydrodynamic and hydrostatic loads during conditions of the design flood,
10 including the effects of buoyancy assuming the tank is empty and the effects
11 of flood-borne debris. [MO 306.2]

12 **c. Inlets and vents.** Tank inlets, fill openings, outlets and vents shall be
13 elevated to at least three feet above the base flood elevation or fitted with
14 covers designed to prevent the inflow of floodwater or outflow of the contents
15 of the tanks during conditions of the design flood. Additionally, they shall be
16 anchored to prevent lateral movement resulting from hydrodynamic and
17 hydrostatic loads, including the effects of buoyancy, during conditions of the
18 design flood. [MO 306.4]

19 **(b) Floodways.** In addition to the preceding flood hazard reduction standards of zones
20 A, AE, AH, and AO, the increased flood hazard risk within floodways requires
21 compliance with the following flood hazard reduction provisions:

22 **(1) Encroachment without flood level increase.** Encroachment of development
23 within a regulatory floodway is prohibited unless it has been demonstrated
24 through hydrologic and hydraulic analyses performed, documented, and certified
25 by a Florida registered professional engineer in accordance with standard
26 engineering practice that the proposed encroachment would not result in any
27 increase in flood levels during the occurrence of the base flood discharge.
28 Encroachments prohibited without such demonstration include new construction,
29 substantial improvements, land disturbing activity involving fill or regrading, site
30 improvements, and the following: [44CFR 60.3(d)(3)][MO105.3(1), 303.4]
31 [LDC 10.03.02.F.1]

32 **a. Fences.** Fences that have the potential to block the passage of floodwaters,
33 such as stockade fences and wire mesh fences. [MO 307.2]

34 **b. Retaining walls, sidewalks and driveways.** Retaining walls, d sidewalks,
35 and driveways that involve the placement of fill. [MO 307.3]

36 **c. Roads and watercourse crossings in regulated floodways.** Roads and
37 watercourse crossings, including roads, bridges, culverts, low-water crossings
38 and similar means that allow vehicles or pedestrians to travel from one side of
39 a watercourse to the other side. Additionally, alteration of a watercourse that
40 is part of a road or watercourse crossing shall meet the requirements of this
41 section to obtain certified hydrologic and hydraulic analyses demonstrating
42 that the flood-carrying capacity within the altered or relocated portion of the
43 watercourse will be maintained and not decreased, and submittal of the
44 analysis to FEMA. [MO 105.3(3), 307.4]

- 1 (2) **Encroachment with flood level increase.** Regardless of any other provisions
 2 of this article, the county may allow encroachment of development within the
 3 regulatory floodway that would result in an increase in base flood elevations,
 4 provided that the developer first applies for a conditional FIRM and floodway
 5 revision, fulfills the federal requirements for such revisions, and receives the
 6 approval of FEMA. [44CFR 60.3(d)(4)][MO 105.3(1)][LDC 10.03.02.F.4]
- 7 (3) **Placement of mobile homes prohibited.** The placement of a manufactured
 8 (mobile) home within a regulatory floodway is prohibited, except within existing
 9 manufactured home parks or subdivisions. [10.03.02.F.3 & G.13]
- 10 (c) **Flood zones V and VE.** In addition to the applicable preceding flood hazard
 11 reduction standards of floodways and zones A, AE, AH, and AO, the increased flood
 12 hazard risk within the V and VE coastal high-hazard zones requires compliance with
 13 the following flood hazard reduction provisions:
- 14 (1) **Design certification.** For all new construction and substantial improvements of
 15 structures, a Florida registered professional engineer or architect shall develop
 16 and/or review the structural design, specifications, and plans for construction,
 17 and shall certify that the design and methods of construction are in accordance
 18 with accepted standards of practice for complying with the provisions of this
 19 article. In coordination with the Building Official, the Floodplain Administrator
 20 shall review and file these design certifications with the county floodplain
 21 development approval. [44CFR 60.3(e)(4)][LDC 10.02.03.G, H & I, 10.03.02.G.5]
- 22 (2) **Structure location.** All new construction and substantial improvements shall be
 23 located landward of the mean high water line in conformance with the marine,
 24 estuarine, and riverine shorelines (MERS) and coastal construction control line
 25 (CCCL) provisions of the LDC. [44CFR 60.3(e)(3), LDC10.03.02.G.1]
- 26 (3) **Structure elevation.** All new construction and substantial improvements shall
 27 be elevated on pilings or columns so that the bottom of the lowest horizontal
 28 structural member of the lowest floor (excluding pilings or columns) is elevated to
 29 at least three feet above the base flood elevation. For structures located
 30 seaward of the 1986 Coastal Construction Control Line (PB 13, P 23) the bottom
 31 of the lowest horizontal structural member of the lowest floor shall be elevated to
 32 the minimum flood elevation established by the Florida Department of
 33 Environmental Protection if that elevation is greater than three feet above the
 34 FIRM base flood elevation. [44CFR 60.3(e)(4)(i)][LDC10.03.02.G.2, 3 & 14]
- 35 (4) **Structure anchoring.** For all new construction and substantial improvements,
 36 the pile or column foundation and the attached structure shall be anchored to
 37 resist flotation, collapse, and lateral movement due to the effects of wind and
 38 water loads acting simultaneously on all building components. Water loading
 39 values used shall be those associated with the base flood. Wind loading values
 40 used shall be those required by the Florida Building Code. [44CFR 60.3(e)(4)(ii)]
 41 [LDC10.03.02.G.4]
- 42 (5) **Space below lowest member.** All new construction, improvements, alterations,
 43 repairs, or reconstruction shall maintain the space below the lowest horizontal

Comment [t7]: Local freeboard requirement adopted 2006

Comment [t8]: Local freeboard requirement adopted 2006

1 structural member either free of obstruction or constructed with non-supporting
2 breakaway walls, open wood latticework, or insect screening, all designed to
3 collapse under wind and water loads without causing collapse, displacement, or
4 other structural damage to the elevated portion of the building or supporting
5 foundation system. Any space below the lowest horizontal structural member
6 shall be useable solely for parking of vehicles, building access, or storage. Such
7 space shall not be partitioned into multiple rooms, finished, temperature
8 controlled, or used for human habitation. [44CFR 60.3(e)(5)]
9 [LDC 10.03.02.G.2, 9.d, 10 &12]

10 (6) **Breakaway walls.** For the purposes of this article, a breakaway wall shall have
11 a design safe loading resistance of no less than ten and no more than 20 pounds
12 per square foot. Use of a breakaway wall that exceeds this maximum (either by
13 design or when required by local or state codes) shall be permitted only if the
14 wall is designed to collapse from a water load less than that which would occur
15 during the base flood, and the elevated portion of the building and supporting
16 foundation system will not be subject to collapse, displacement, or other
17 structural damage due to the effects of wind and water loads acting
18 simultaneously on all building components, structural and non-structural. Water
19 loading values used shall be those associated with the base flood. Wind loading
20 values used shall be those required by the Florida Building Code.
21 [44CFR 60.3(e)(5)][LDC 10.03.02.G.9]

22 (7) **Concrete slabs for nonstructural uses.** Concrete slabs used as parking pads,
23 enclosure floors, landings, decks, walkways, patios and similar nonstructural
24 uses are permitted beneath or adjacent to buildings and structures if the design
25 and construction of the slabs complies with all of the following: [MO 307.5]

- 26 a. Maximum slab thickness of not more than four inches.
- 27 b. Structurally independent of the foundation system of the building or other
28 structure.
- 29 c. Frangible and not reinforced, so as to minimize debris during flooding that is
30 capable of causing significant damage to any structure.

31 (8) **Decks and patios.** In addition to the requirements of the *Florida Building Code*,
32 in coastal high hazard areas decks and patios shall be located, designed, and
33 constructed in compliance with all of the following: [MO 307.6]

- 34 a. **Structurally attached.** A deck that is structurally attached to a building or
35 other structure shall have the bottom of the lowest horizontal structural
36 member at or above the design flood elevation plus three feet, and any
37 supporting members that extend below that elevation shall comply with the
38 foundation requirements that apply to the building or structure, which shall be
39 designed to accommodate any increased loads resulting from the attached
40 deck.
- 41 b. **Below design flood.** A deck or patio that is located below the design flood
42 elevation shall be structurally independent from buildings or structures and
43 their foundation systems, and shall be designed and constructed either to

1 remain intact and in place during design flood conditions or to break apart into
2 small pieces to minimize debris during flooding that is capable of causing
3 structural damage to the building or structure or to adjacent buildings and
4 structures.

5 **c. Analysis required.** A deck or patio that has a vertical thickness of more than
6 12 inches or that is constructed with more than the minimum amount of fill
7 necessary for site drainage shall not be approved unless an analysis
8 prepared by a qualified registered design professional demonstrates no
9 harmful diversion of floodwaters or wave run-up and wave reflection that
10 would increase damage to the building or structure or to adjacent buildings
11 and structures.

12 **d. Analysis not required.** A deck or patio that has a vertical thickness of 12
13 inches or less and that is at natural grade or on nonstructural fill material that
14 is similar to and compatible with local soils and is the minimum amount
15 necessary for site drainage may be approved without requiring analysis of the
16 impact on diversion of floodwaters or wave run-up and wave reflection.

17 **(9) Fill.** The use of fill for structural support in coastal high hazard areas is
18 prohibited. Non-structural fill may be allowed under the following conditions:
19 [44CFR 60.3.(e)(6)][MO 307.8]

20 **a. Minor.** Minor grading and the placement of minor quantities of non-structural fill
21 shall be permitted for landscaping and for drainage purposes under and around
22 buildings. [MO 307.8(1)]

23 **b. Grade.** Non-structural fill with finished slopes steeper than one to five (vertical to
24 horizontal) shall be permitted only if an analysis prepared by a qualified
25 registered design professional demonstrates no harmful diversion of
26 floodwaters or wave run-up and wave reflection that would increase damage
27 to adjacent buildings and structures. [MO 307.8(2)]

28 A design for such fill shall only be approved after the applicant has provided a
29 certified analysis by a Florida registered professional engineer or architect, or
30 a Florida certified professional soil scientist documenting that: (1) particle
31 composition of fill material does not have a tendency for excessive natural
32 compaction; (2) volume and distribution of fill will not increase the water
33 surface elevation of the base flood or cause wave deflection to adjacent
34 properties; and (3) slope of fill will not cause wave run-up or ramping.
35 [LDC 10.03.02.G.7 & 15]

36 **(10) Sand dune alteration.** The alteration of sand dunes in a manner that would
37 increase potential flood damage is prohibited. Alteration of sand dunes shall be
38 permitted only if approved by the Florida Department of Environmental Protection
39 and only if demonstrated through analyses performed, documented, and certified
40 by a Florida registered professional engineer in accordance with standard
41 engineering practice that the proposed alteration will not increase the potential
42 for flood damage. [44CFR 60.3.(e)(7)][MO 105.3(4), 303.6][LDC 10.03.02.G.8]

43 Where authorized by the FDEP or applicable county approval, sand dune
44

1 construction and restoration of sand dunes under or around elevated buildings
2 are permitted without additional engineering analysis or certification of the
3 diversion of floodwater or wave run-up and wave reflection if the scale and
4 location of the dune work is consistent with local beach-dune morphology and the
5 vertical clearance is maintained between the top of the sand dune and the lowest
6 horizontal structural member of the building. [MO 307.8(3)]

7 **(11) Other development.** Development activities other than buildings and structures
8 shall be permitted only if also authorized by the appropriate federal, state or local
9 authority; if located outside the footprint of, and not structurally attached to,
10 buildings and other structures; and if analyses prepared by qualified registered
11 design professionals demonstrate no harmful diversion of floodwaters or wave
12 run-up and wave reflection that would increase damage to adjacent buildings and
13 structures. Such other development activities include: [MO 307.7]

- 14 a. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control
15 structures.
- 16 b. Solid fences and privacy walls, and fences prone to trapping debris, unless
17 designed and constructed to fail under flood conditions less than the design
18 flood or otherwise function to avoid obstruction of floodwaters.
- 19 c. On-site sewage treatment and disposal as filled or mound systems.

20 **(12) Manufactured (mobile) homes.** The placement of manufactured homes outside
21 of an existing manufactured home park or subdivision is prohibited. A
22 replacement manufactured home may be placed on a lot in an existing
23 manufactured home park or subdivision if it complies with the elevation and
24 anchoring standards of this section. [44CFR 60.3.(e)(8)]
25 [LDC 10.03.02.F.3 & G.13]

26 **(13) Recreational vehicles.** The placement of recreational vehicles outside of a duly
27 licensed campground or an existing manufactured home park or subdivision is
28 prohibited. [44CFR 60.3.(e)(9)][LDC 10.03.02.G.13]

29 **Sec. 4-2.5 Variances.**

30 **(a) General eligibility.** The floodplain management regulations of the LDC and the flood
31 resistant construction requirements of the *Florida Building Code* are essential to the
32 community's participation in the NFIP and(CRS). A variance to these requirements is
33 generally contrary to good floodplain management practices. Variances may expose
34 insurable property to higher flood damage risks and prompt FEMA to question county
35 compliance with NFIP criteria and federal flood insurance eligibility. However, where
36 compliance with the requirements creates an exceptional hardship on an applicant for
37 development approval the Board of Adjustment (BOA) may approve or deny a
38 request for a site-specific modification to the following in compliance with Florida
39 Statutes and the quasi-judicial variance process prescribed in Chapter 2: [44CFR
40 60.6(a)] [MO 107.1]

- 1 (1) **Flood hazard reduction.** The flood hazard reduction requirements of these
2 floodplain management regulations. This variance option does not apply to
3 compliance review processes.
- 4 (2) **Flood resistant construction.** The flood resistant construction requirements of
5 the *Florida Building Code*. This variance option does not apply to the building
6 code provisions for structures seaward of a coastal construction control line.
- 7 (b) **Specific limitations.** In addition to the general variance conditions prescribed in
8 Chapter 2, a variance to flood hazard reduction provisions shall comply with all of
9 the following conditions: [44CFR 60.6(a)][MO 107.3][LDC 10.02.04, 13.20.09]
- 10 (1) **Timing.** No variance shall be granted after the fact. Any structure that does not
11 comply with a county flood hazard reduction requirement and was constructed
12 after adoption of that requirement without a variance granted to it shall be in
13 violation of the requirement and not eligible for a variance to remedy the non-
14 compliance.
- 15 (2) **Necessary minimum.** A variance shall only be granted upon a formal
16 determination by the reviewing board that it is the minimum necessary,
17 considering the flood hazard, to relieve the hardship. Where not elevating to the
18 minimum flood protection level is justified by the applicant, as much elevation as
19 possible without exceptional hardship shall otherwise be provided. And where
20 appropriate, other LDC requirements shall be varied to provide the needed flood
21 protection. [44CFR 60.6.(a)(4)]
- 22 (3) **Lot size and surroundings.** Variances may be granted for new construction
23 and substantial improvements of a structure on a lot of one-half acre or less in
24 size contiguous to and surrounded by lots with existing structures constructed
25 below the base flood elevation. Deviations from this lot size limit may be
26 proposed, but as the lot size increases beyond one-half acre the technical
27 justification required to grant a variance increases. [44CFR 60.6(a)(2)]
- 28 (4) **Historic structures.** Variances may be granted for the repair, improvement, or
29 rehabilitation of bona fide historic structures that are eligible for the exception to
30 the flood resistant construction requirements of the *Florida Building Code* upon a
31 determination that the proposed repair, improvement, or rehabilitation will not
32 preclude the structure's continued designation as a historic structure, and the
33 variance is the minimum necessary to preserve the historic character and design
34 of the structure. If the proposed work precludes the continued designation as a
35 historic structure, a variance shall not be granted and the structure and any
36 repair, improvement, or rehabilitation shall be subject to the requirements of the
37 *Florida Building Code*.
- 38 Prior to the granting of a variance to substantially improve a historic structure the
39 proposed work shall be reviewed by either a certified local historic board or the
40 State Historic Preservation Officer. For any variance granted, all other
41 measures to reduce future flood damages, such as raising air conditioners and
42 using flood resistant materials, shall be implemented. [44CFR 60.6(a), local
43 official's guide] [MO 107.4]

1 (5) **Functionally dependent uses.** A variance for new construction, substantial
2 improvement, or other development necessary for the conduct of a functionally
3 dependent use shall additionally require that the structure or other development
4 be protected by methods and materials that minimize flood damage during the
5 base flood and create no additional threats to public safety. A functionally
6 dependant use is one that cannot perform its intended purpose unless located or
7 carried out in close proximity to water, and includes only docking facilities, port
8 facilities necessary for the loading and unloading of cargo or passengers, and
9 shipbuilding and ship repair facilities. The term does not include long-term
10 storage or related manufacturing facilities. [44CFR 59.1 & 60.6(a)(7)]
11 [MO 107.5, 202]

12 (c) **Applicant responsibilities.** Applicants for variances to the flood hazard reduction
13 requirements of this section or the flood resistant construction requirements of the
14 *Florida Building Code* shall comply with the following: [MO 107.7]

15 (1) **Demonstration.** In addition to the good and sufficient cause and substantial
16 hardship conditions required by the general variance provisions of Chapter 2, the
17 applicant shall demonstrate the following conditions: [44CFR 60.6(a)(3)(i)&(ii)]
18 [MO 107.7(1)]

19 a. **Consequences.** The granting of the variance will not result in increased
20 flood heights, additional threats to public safety, extraordinary public expense,
21 or create nuisances, cause fraud on or victimization of the public, or conflict
22 with existing laws or ordinances. [44CFR 60.6(a)(3)(iii)][MO 107.7(2)(b)]

23 b. **Regulatory floodways.** Within any designated regulatory floodway, the
24 variance will not result in an increase in flood levels during the base flood
25 discharge. Such a conclusion shall be supported by hydrologic and hydraulic
26 analyses performed, documented, and certified by a Florida registered
27 professional engineer in accordance with standard engineering practice.
28 [44CFR 60.6(a)(1)] [MO 107.3.1]

29 (2) **Evaluation.** The applicant shall provide in writing, and the reviewing board shall
30 consider, an evaluation of each of the following, with conclusions regarding
31 technical issues supported by evaluations from qualified professionals:
32 [MO 107.6][LDC 10.02.04.E]

33 a. **Dangers.** The danger to life and property due to flooding or erosion damage,
34 and the danger that materials and debris may be swept onto other lands
35 resulting in further injury or damage. [MO 107.6(1)&(2)]

36 b. **Susceptibility to damage.** The susceptibility of the proposed development
37 and its contents to flood damage and the effect of such damage on current
38 and future owners. [MO 107.6(3)]

39 c. **Services provided.** The importance of the services provided by the
40 proposed development to the community. [MO 107.6(4)]

41 d. **Waterfront necessity.** The necessity to the development of a waterfront
42 location, where applicable.

- 1 e. **Alternative locations.** The availability of alternative locations for the
2 proposed use which are subject to lower risk of flooding or erosion.
3 [MO 107.6(5)]
- 4 f. **Proposed use.** The relationship of the proposed use to the Comprehensive
5 Plan and flood plain management program for the area, and the compatibility
6 of the use with existing and anticipated development. [MO 107.6(6)&(7)]
- 7 g. **Site access.** The safety of access to the property in times of flood for
8 ordinary and emergency vehicles. [MO 107.6(8)]
- 9 h. **Expected conditions.** The expected heights, velocity, duration, rate of rise
10 and sediment transport of the floodwaters, and the effects of wave action if
11 applicable, expected at the site. [MO 107.6(9)]
- 12 i. **Costs of services.** The costs of providing governmental services during and
13 after flood conditions, including maintenance and repair of public utilities and
14 facilities such as sewer, gas, electrical, and water systems, streets, and
15 bridges. [MO 107.6(10)]
- 16 j. **Environmental damage.** The potential for and degree of environmental
17 damage as a result of flooding, including consideration of individual and
18 cumulative adverse impacts. [MO 107.6(11)]

- 19 (3) **Public records.** Upon the granting of a variance to a flood hazard reduction
20 requirement, the applicant shall record the official notification of that action in the
21 public records of Escambia County to appear in the chain of title of the affected
22 parcel of land. [MO 107.7(3)]

23 **(d) County responsibilities.**

- 24 (1) **Applicant notification.** Upon the granting of a variance to allow construction of
25 the lowest floor of a new building or substantial improvement of a building below
26 the required elevation, the Floodplain Administrator shall notify the applicant in
27 writing of the difference between the established base flood elevation and the
28 reduced elevation granted, stating that the cost of federal flood insurance will be
29 commensurate with the increased risk resulting from the reduced floor elevation
30 (up to amounts as high as \$25 for \$100 of insurance coverage), and stating that
31 construction below the base flood elevation increases risks to life and property.
32 [44CFR 60.6(a)(5)][MO107.7(4)]
- 33 (2) **Records.** The Floodplain Administrator shall maintain a record of all variance
34 actions for required reporting to FEMA, the State of Florida, and other agencies.
35 Records shall include applicant notifications and variance hearing findings.
36 [44CFR 60.6(a)(5) & (6)]

37

1 **Article 3 Santa Rosa Island Authority (Existing SRIA Ordinance)**

Comment [m9]: Tim please discuss process – dates vary

2
3 **Sec. 4-3.1 Floodplain management on Pensacola Beach under the control of**
4 **the Santa Rosa Island Authority**

5 **(a) Statutory authorization.** The Legislature of the State of Florida has delegated the
6 responsibility to local government units to adopt regulations designed to promote the
7 public health, safety, and general welfare of its citizenry. Therefore, Escambia
8 County does hereby adopt the following floodplain management regulations by the
9 Santa Rosa Island Authority.

10 **(b) Findings of fact.**

11 **(1)** The flood hazard areas of Pensacola Beach—Santa Rosa Island Authority are
12 subject to periodic inundation, which results in loss of life and property, health and
13 safety hazards, disruption of commerce and governmental services, extraordinary
14 public expenditures for flood protection and relief, and impairment of the tax base,
15 all of which adversely affect the public health, safety and general welfare.

16
17 **(2)** These flood losses are caused by the cumulative effect of obstructions in
18 floodplains causing increases in flood heights and velocities, and by the
19 occupancy in flood hazard areas by uses vulnerable to floods or hazardous to
20 other lands which are inadequately elevated, flood-proofed, or otherwise
21 unprotected from flood damages.

22
23 **(c) Statement of purpose.** It is the purpose of this ordinance to promote the public
24 health, safety and general welfare and to minimize public and private losses due to
25 flood conditions in specific areas by provisions designed to:

- 26 **(1)** Protect human life, health, safety and welfare,
27 **(2)** Minimize expenditure of public money for costly flood control projects,
28 **(3)** Minimize the need for rescue and relief efforts associated with flooding and
29 generally undertaken at the expense of the general public,
30 **(4)** Minimize prolonged business interruptions,
31 **(5)** Minimize damage to public facilities and utilities such as water and gas mains,
32 electric, telephone and sewer lines, roadways, bridges, and culverts located in
33 floodplains,
34 **(6)** Help maintain a stable tax base by providing for the sound use and development
35 of flood prone areas in such a manner as to minimize flood blight areas, and
36 **(7)** Ensure that potential homebuyers are notified that property is in a flood hazard
37 area.

38 **(d) Methods of reducing flood losses.** In order to accomplish its purpose, this
39 ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities,
- (2) Requiring that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span,
- (3) Regulate the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters,
- (4) Regulate filling, grading, dredging, and other development which may increase flood damage, and
- (5) Regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

Sec. 4-3.2. Definitions. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted as the meaning they have in common usage as applied to the ordinance. The Santa Rosa Island Authority is hereinafter referred to as S.R.I.A.

Appurtenant structure (accessory structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures are detached garages, carports, storage sheds.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The term "special flood hazard area", for purposes of these regulations, is synonymous with the phrase "area of special flood hazard".

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "regulatory flood").

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

Building—See *Structure*.

Certification means a certification by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound

1 engineering practices. Certification of structural works is a statement that the
2 works are designed in accordance with sound engineering practices to provide
3 protection from the base flood. Certification of "as built" conditions is a statement
4 that the structure(s) has been built according to the plans being certified, is in
5 place, and is fully functioning.

6 *Coastal high hazard area* means, for floodplain management purposes, an area
7 of special flood hazard extending from offshore to the inland limit of a primary
8 frontal dune along an open coast and any other area subject to high velocity
9 wave action from storms or seismic sources. The area is designated on the FIRM
10 as Zone V1—V30, VE, or V.

11 *Community* means any state or area or political subdivision thereof, or any Indian
12 tribe or authorized tribal organization, Alaska Native village or authorized native
13 organization, which has authority to adopt and enforce flood plain management
14 regulations for the areas within its jurisdiction.

15 *Critical facility* means a facility for which even a slight chance of flooding might be
16 too great. Critical facilities include, but are not limited to schools, nursing homes,
17 hospitals, police, fire and emergency response installations, installations which
18 produce, use or store hazardous materials or hazardous waste.

19 *Cross bracing* means an industry accepted form of diagonal timber bracing used
20 on foundations under coastal homes.

21 *Development* means any man-made change to improved or unimproved real
22 estate, including, but not limited to buildings or other structures, mining, dredging,
23 filling, grading, paving, excavating, drilling operations, or storage of materials or
24 equipment.

25 *Elevated building* means a non-basement building built to have the lowest floor
26 elevated above the ground level by foundation walls, shear walls, posts, piers,
27 pilings, or columns. Residential and nonresidential structures in AE zones must
28 be constructed to meet VE zone standards.

29 *Existing construction* means, for the purposes of determining insurance rates,
30 structures for which the "start of construction" commenced before the effective
31 date of the FIRM or before January 1, 1975, for FIRMs effective before that date
32 (May 26, 1970). This term may also be referred to as "existing structures".

33 *Fifty-foot setback* is the line of jurisdiction established pursuant to the provisions
34 of F.S. § 161.052, in which construct is prohibited within 50 feet of the line of

1 mean high water at any riparian coastal location fronting the Gulf of Mexico or the
2 Atlantic coast shoreline.

3 *Flood or flooding* means a general and temporary condition of partial or complete
4 inundation of normally dry land areas from:

5 **(1)** The overflow of inland or tidal waters;

6 **(2)** The unusual and rapid accumulation or runoff of surface waters from any
7 source.

8 *Flood elevation determination* means a determination by the administrator of the
9 water surface elevations of the base flood, that is, the flood level that has a one
10 percent or greater chance of occurrence in any given year.

11 *Flood elevation study* means an examination, evaluation and determination of
12 flood hazards and, if appropriate, corresponding water surface elevations, or an
13 examination, evaluation and determination of mudslide (i.e., mudflow) and/or
14 flood-related erosion hazards.

15 *Flood insurance rate map (FIRM)* means an official map of a community, on
16 which FEMA has delineated both the areas of special flood hazard and the risk
17 premium zones applicable to the community.

18 *Flood insurance study (FIS)* means an examination, evaluation and
19 determination of flood hazards and, if appropriate, corresponding water surface
20 elevations.

21 *Floodplain or floodprone area* means any land area susceptible to being
22 inundated by water from any source (see definition of "flooding").

23 *Floodplain* means any land area susceptible to being inundated by water from
24 any source (see definition of "flooding").

25 *Floodplain management* means the operation of an overall program of corrective
26 and preventive measures for reducing flood damage, including but not limited to
27 emergency preparedness plans, flood control works, floodplain management
28 regulations.

29 *Floodplain management regulations* means this ordinance and other zoning
30 ordinances, subdivision regulations, building codes, health regulations, special
31 purpose ordinances (such as a floodplain ordinance, grading ordinance and
32 erosion control ordinance), and other applications of police power. This term
33 describes federal, state or local regulations, in any combination thereof, which
34 provide provisions for the purpose of flood damage prevention and reduction.

1 *Flood proofing* means any combination of structural and nonstructural additions,
2 changes, or adjustments to structures which reduce or eliminate flood damage to
3 real estate or improved real property, water and sanitary facilities, structures and
4 their contents.

5 *Freeboard* means a factor of safety usually expressed in feet above a flood level
6 for purposes of floodplain management. "Freeboard" tends to compensate for the
7 many unknown factors that could contribute to flood heights greater than the
8 height calculated for a selected size flood and floodway conditions, such as wave
9 action, bridge openings, and the hydrological effect of urbanization of the
10 watershed.

11 *Functionally dependent facility* means a facility which cannot be used for its
12 intended purpose unless it is located or carried out in close proximity to water.
13 The term includes only docking facilities, port facilities that are necessary for the
14 loading and unloading of cargo or passengers, and shipbuilding and ship repair
15 facilities, but does not include long-term storage or related manufacturing
16 facilities.

17 *Highest adjacent grade* means the highest natural elevation of the ground
18 surface prior to construction next to the proposed walls of a structure.

19 *General manager of the community* means the official of the community who is
20 charged with the authority to implement and administer laws, ordinances and
21 regulations for that community.

22 *Increased cost of compliance (ICC)* means the coverage by a standard flood
23 insurance policy under the NFIP that provides for the payment of a claim for the
24 cost to comply with the State of Florida and Pensacola Beach—Santa Rosa
25 Island Authority floodplain management laws and ordinances after a direct
26 physical loss by flood, when Pensacola Beach—Santa Rosa Island Authority
27 declares the structure to be "substantially" or "repetitively" flood-damaged. ICC
28 coverage is provided for in every standard NFIP flood insurance policy, and will
29 help pay for the cost to flood proof, relocate, elevate, or demolish the structure.

30 *Lowest floor* means the lowest floor of the lowest enclosed area (including
31 basement). An unfinished or flood resistant enclosure, used solely for parking of
32 vehicles, building access, or storage, in an area other than a basement, is not
33 considered a building's lowest floor, provided that such enclosure is not built so
34 as to render the structure in violation of the nonelevation design requirements of
35 this ordinance.

1 *Map* means the flood hazard boundary map (FHBM) or the flood insurance rate
2 map (FIRM) for a community.

3 *Mean sea level* means, for purposes of the National Flood Insurance Program,
4 the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which
5 base flood elevations shown on a community's flood insurance rate map are
6 referenced.

7 *New construction* means, for floodplain management purposes, structures for
8 which the start of construction commenced on or after May 26, 1970, the
9 effective date of the initial adoption of a floodplain management regulation and
10 includes any subsequent improvements to such structures.

11 *Participating community*, also known as an *eligible community*, means a
12 community in which FEMA has authorized the sale of flood insurance.

13 *Pool equipment* means any electrically powered equipment (pool pumps and
14 accessories) servicing the pool, excluding pool heaters.

15 *Primary frontal dune* means a continuous or nearly continuous mound or ridge of
16 sand with relatively steep seaward and landward slopes immediately landward
17 and adjacent to the beach and subject to erosion and overtopping from high tides
18 and waves during major coastal storms. The inland limit of the primary frontal
19 dune occurs at the point where there is a distinct change from a relatively steep
20 slope to a relatively mild slope.

21 *Program deficiency* means a defect in a community's floodplain management
22 regulations or administrative procedures that impairs effective implementation of
23 those floodplain management regulations or of the standards in §§ 60.3, 60.4,
24 60.5, or 60.6 [sic].

25 *Recreational vehicle* means a vehicle which is:

- 26 (1) Built on a single chassis;
27 (2) Four hundred square feet or less when measured at the largest horizontal
28 projection;
29 (3) Designed to be self-propelled or permanently towable by a light duty truck;
30 and
31 (4) Designed primarily not for use as a permanent dwelling, but may be allowed
32 when the single family residence on the leasehold has been rendered unfit for
33 human habitation and can only be occupied by the owner/leaseholder.
34

1 *Remedy a violation* means to bring the structure or other development into
2 compliance with state or local floodplain management regulations, or, if this is not
3 possible, to reduce the impacts of its noncompliance. Ways that impacts may be
4 reduced include protecting the structure or other affected development from flood
5 damages, implementing the enforcement provisions of the ordinance or
6 otherwise deterring future similar violations, or reducing federal financial
7 exposure with regard to the structure or other development.

8 *Repetitive loss* means flood-related damages sustained by a structure on two
9 separate occasions during a ten-year period ending on the date of the event for
10 which the second claim is made, for which the cost of repairs at the time of each
11 such flood event, on the average, equaled or exceeded 25 percent of the market
12 value of the structure before the damages occurred.

13 *Sand dunes* mean naturally occurring accumulations of sand in ridges or mounds
14 landward of the beach.

15 *Special flood hazard area (SFHA)* means an area having special flood hazard
16 and shown on an FHBM or FIRM as Zones AE and VE. (See also "Area of
17 special flood hazard".)

18 *Start of construction* (for other than new construction or substantial
19 improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)),
20 includes substantial improvement, and means the date the building permit was
21 issued, provided the actual start of construction, repair, reconstruction,
22 rehabilitation, addition placement, or other improvement was within 180 days of
23 the permit date. The actual start means either the first placement of permanent
24 construction of a structure on a site, such as the pouring of slab or footings, the
25 installation of piles, or any work beyond the stage of excavation. Permanent
26 construction does not include land preparation, such as clearing, grading and
27 filling; nor does it include the installation of streets and/or walkways; nor does it
28 include excavation for a basement, footings, piers, or foundations or the erection
29 of temporary forms; nor does it include the installation on the property of
30 accessory buildings, such as garages or sheds not occupied as dwelling units or
31 not part of the main structure. For a substantial improvement, the actual start of
32 construction means the first alteration of any wall, ceiling, floor, or other structural
33 part of a building, whether or not that alteration affects the external dimensions of
34 the building.

35 *Structure* means, for floodplain management purposes, a walled and roofed
36 building, including a gas or liquid storage tank, that is principally above ground,
37 as well as a manufactured home.

1 *Substantial damage* means damage of any origin sustained by a structure
2 whereby the cost of restoring the structure to its before damaged condition would
3 equal or exceed 50 percent of the market value of the structure before the
4 damage occurred.

5 *Substantial improvement* means any reconstruction, rehabilitation, or other
6 improvement of a structure, the cost of which equals or exceeds 50 percent of
7 the market value of the structure before the start of construction of the
8 improvement. Nonconforming structures may not be extended, expanded or
9 enlarged. The term includes structures that have incurred substantial damage,
10 regardless of the actual work performed. The term does not, however, include
11 any project for improvement of a structure to correct existing violations of state or
12 local health, sanitary, or safety code specifications which have been identified by
13 the local code enforcement official and which are the minimum necessary to
14 assure safe living conditions.

15 *Thirty-year erosion projection* is the projection of long-term shoreline recession
16 occurring over a period of 30 years based on shoreline change rate information
17 obtained from historical measurements.

18 *Thirty-year setback* means a distance equal to 30 times the average annual long
19 term recession rate at a site, measured from the reference feature.

20 *VE Zone*—See *Coastal high hazard area*.

21 *Variance* means a grant of relief by the board of adjustments from the
22 requirements of this ordinance.

23 *Violation* means the failure of a structure or other development to be fully
24 compliant with this ordinance. A structure or other development without the
25 elevation certificate, other certifications, or other evidence of compliance required
26 in this ordinance is presumed to be in violation until such time as that
27 documentation is provided.

28 *Water surface elevation* means the height, in relation to the National Geodetic
29 Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of
30 various magnitudes and frequencies in the floodplains of coastal or riverine
31 areas.

32 *Zone of imminent collapse* means an area subject to erosion adjacent to the
33 shoreline of an ocean, bay, or lake and within a distance equal to ten feet plus
34 five times the average annual long-term erosion rate for the site, measured from
35 the reference feature.

1 **Sec. 4-3.3 General provisions**

2 **(a) Lands to which this ordinance applies.** This ordinance shall apply to all areas
3 of special flood hazard within the jurisdiction of Pensacola Beach—Santa Rosa
4 Island Authority, Florida.

5
6 **(b) Basis for establishing the areas of special flood hazards.** The areas of
7 special flood hazard identified by FEMA Flood Insurance Study (FIS) for
8 Escambia County, Florida, dated February 23, 2000, with the accompanying
9 maps (Flood Insurance Rate Map (FIRM) #12033C0000 Index (Revised: July 17,
10 2002) (Community Panel Numbers 125138 557, 558, 559, 577, 578, 579, 581)
11 (Revised: February 23, 2000) specific Flood Insurance Rate Map panels
12 applicable for the community) and other supporting data, and any subsequent
13 revisions thereto, are hereby adopted by reference and declared to be a part of
14 this ordinance.

15
16 **(c) Designation of flood damage prevention ordinance administrator.** The Santa
17 Rosa Island Authority of Pensacola Beach hereby appoints the general manager
18 or his designee to administer and implement the provisions of this ordinance, and
19 is hereinafter referred to as the floodplain management administrator, or the
20 floodplain administrator.

21
22 **(d) Establishment of development permit.** A development permit shall be required
23 for all proposed construction or other development, including the placement of
24 manufactured homes, in conformance with the provisions of this ordinance.

25 **(e) Compliance.** No structure or land shall hereafter be located, extended,
26 converted or structurally altered without full compliance with the requirements of
27 this ordinance, the SRIA lease agreement and other applicable laws and
28 regulations.

29
30 **(f) Abrogation and greater restrictions.** This ordinance is not intended to repeal,
31 abrogate, or impair any existing easements, covenants, or deed restrictions.
32 However, where this ordinance and another conflict or overlap, whichever
33 imposes the more stringent restrictions shall prevail.

34
35 **(g) Interpretation.** In the interpretation and application of this ordinance all
36 provisions shall be:

- 37 **a.** Considered as minimum requirements;
38 **b.** Deemed neither to limit nor repeal any other powers granted under state
39 statutes.

1 **(h) Warning and disclaimer of liability.** The degree of flood protection required by
2 this ordinance is considered reasonable for regulatory purposes and is based on
3 scientific and engineering consideration. Larger floods can and will occur on rare
4 occasions. Flood heights may be increased by manmade or natural causes. This
5 ordinance does not imply that land outside the areas of special flood hazard or
6 uses permitted within such areas will be free from flooding or flood damages.
7 This ordinance shall not create liability on the part of the Santa Rosa Island
8 Authority of Pensacola Beach or by any officer or employee thereof for any flood
9 damages that result from reliance on this ordinance or any administrative
10 decision lawfully made thereunder.

11
12 **Sec. 4-3.4 Administration.**

13
14 **(a) Permit procedures.** A development permit application shall be submitted the SRIA
15 and Escambia County, prior to undertaking any development activities, to the SRIA
16 administrator and Escambia County building floodplain management administrator
17 on forms furnished by him or her, and must include, but not be limited to, the
18 following: plans in triplicate drawn to scale showing the nature, location, dimensions,
19 and elevations of the area under consideration for development; existing structure(s)
20 and other features; proposed structure(s), existing and proposed infrastructure,
21 earthen fill, storage of materials or equipment, drainage facilities, perimeter
22 setbacks, environmental features such as base floodplain areas, wetlands, coastal
23 barrier resource system areas (as established by the U.S. Department of Interior,
24 Fish and Wildlife Service) the coastal construction control line as established by the
25 Florida Department of Environmental Protection (see section 13.05.01.C.1., Plot
26 plan) and other protected areas; and the location of the foregoing. Specifically, the
27 following information, but may not be limited to, certified by a professional who is
28 authorized to certify such information in the state, is required:

29
30 **(1) Application stage:**

- 31 **a.** Elevations of the area of development in relation to NGVD (such as a
32 contour map) for both existing and proposed development;
33 **b.** Elevation in relation to NGVD of the lowest floors of all proposed
34 structures;
35 **c.** Elevation in relation to NGVD to which any nonresidential structure will
36 be floodproofed;
37 **d.** Floodproofing certificate, meeting the floodproofing criteria. Elevation,
38 in relation to NGVD, of the bottom of the lowest horizontal structural
39 member in AE and VE zones;
40 **e.** FEMA elevation certificate (most current version);
41 **f.** Existing and proposed infrastructure; and

1 g. Description of the extent to which any watercourse will be altered or
2 relocated as result of proposed development.

3
4 **(2) Construction stage:**

5 a. Upon placement of the lowest floor, or floodproofing by whatever
6 construction means, it shall be the duty of the permit holder to submit
7 to the floodplain management administrator a FEMA elevation
8 certificate of the elevation of the lowest floor or floodproofed elevation
9 (as built), in relation to NGVD. Said certification shall be prepared by or
10 under the direct supervision of a registered land surveyor or
11 professional engineer who is authorized to certify such information in
12 the state, and certified by same. Any work undertaken prior to
13 submission of the certification shall be at the permit holder's risk.

14 b. The floodplain management administrator shall review the lowest floor
15 elevation and floodproofing certificate. Should these documents be
16 found not in conformance with the requirements of this ordinance, the
17 permit holder shall immediately cease further work, and shall correct
18 any deficiencies. Failure of the permit holder to submit the surveyed
19 lowest floor elevation and floodproofing certificate, and failure to
20 correct said deficiencies required hereby, shall be the cause to issue a
21 stop-work order for the project.

22
23 **(b) Duties and responsibilities of the floodplain administrator.** Duties of the
24 administrator shall include, but are not be limited to the following:

- 25 (1) Review all development permits to assure that the requirements of this ordinance
26 have been fully met;
- 27 (2) Review proposed development to assure that all necessary permits have been
28 obtained from those governmental agencies from which approval is required by
29 federal or state law, including Section 404 of the Federal Water Pollution
30 Control Act, as amended, or by wide-area agencies, prior to issuing a
31 development permit. Such documentation is to be maintained on file with the
32 development permit;
- 33 (3) Review and verify the VE zone certifications for new and substantially improved
34 structures in coastal high hazard areas;
- 35 (4) Review certified plans and specifications for compliance with the requirements
36 of this ordinance;
- 37 (5) Verify and record the actual elevation (in relation to NGVDI) of the lowest floor
38 of all new and substantially improved residential structures, in accordance with
39 section 13.20.08;

- 1 (6) Verify and record the actual elevation (in relation to NGVD) to which the new
2 and substantially improved nonresidential structures in AE zones have been
3 floodproofed, in accordance with section 13.20.08;
- 4 (7) Where community officials determine a structure has been substantially
5 damaged, assure market value estimates are reasonably accurate and that the
6 cost estimate reasonably reflects the actual costs to fully repair the damage,
7 make any other improvements to the structure, and notify the owner of the
8 community's determination. The local permit official may require that the permit
9 applicant or owner of the building supply the information necessary (e.g.,
10 appraisals, construction costs estimates, elevation certificate, etc.) to make the
11 determination;
- 12 (8) Interpret the exact location of boundaries of the areas of special flood hazard.
13 When there appears to be a conflict between a mapped boundary and actual
14 field conditions, the floodplain management administrator shall make the
15 necessary interpretation. The person contesting the location of the boundary
16 shall be given a reasonable opportunity to appeal the interpretation as provided
17 for in this ordinance;
- 18 (9) Coordinate with planning, zoning, and public works and other departments in
19 Escambia County, Florida, the Santa Rosa Island Authority, to assure that the
20 requirements of this ordinance are fully met;
- 21 (10) Participate actively in evaluating variance requests and provide input and
22 recommendations in variance hearings/proceedings;
- 23 (11) Coordinate all revision or amendment requests to the FIS and/or FIRM or both,
24 with the requester, state, and FEMA, as well as the changes to the Pensacola
25 Beach—Santa Rosa Island Authority jurisdictional limits with the state and
26 FEMA; and
- 27 (12) Requirement to submit new technical data.
28 The Santa Rosa Island Authority's base flood elevations may increase or
29 decrease resulting from physical changes affecting flooding conditions. As soon
30 as practicable, but not later than six months after the date such information
31 becomes available, the Santa Rosa Island Authority shall notify FEMA of the
32 changes by submitting technical or scientific data. Such a submission is
33 necessary so that upon confirmation of those physical changes affecting
34 flooding conditions, risk premium rates and flood plain management
35 requirements will be based upon current data.

36
37 **Sec. 4-3.5 Standards for flood hazard reduction.**

38 **(a) General standards.** In all areas of special flood hazard, determined by FEMA, the
39 following provisions shall apply:

- 40 (1) Submit adequate documentation along with permit application for proposed
41 construction or other development, including the placement of fill and

1 manufactured homes, so that a determination may be made whether or not
2 such construction or other development is proposed within floodprone areas.

3 **(2)** New construction, substantial improvements, and other development proposals
4 shall assure that all necessary permits have been obtained from those
5 governmental agencies from which approval is required by federal or state law,
6 including Section 404 of the Federal Water Pollution Control Act, as amended,
7 or by wide-area agencies.

8 **(3)** All new construction and substantial improvements shall be designed (or
9 modified) and adequately anchored to prevent flotation, collapse, or lateral
10 movement of the structure resulting from hydrodynamic and hydrostatic loads,
11 including the effects of buoyancy.

12 **(4)** All new construction and substantial improvements shall be constructed with
13 materials and utility elements resistant to flood damage.

14 **(5)** All new construction or substantial improvements shall be constructed by
15 methods and practices that minimize flood damage.

16 **(6)** Electrical, heating, ventilation, plumbing, air conditioning equipment and other
17 service facilities, including duct work, shall be designed and/or located so as to
18 prevent water from entering or accumulating within the components during
19 conditions of flooding.

20 **(7)** Subdivision proposals and other proposed new development, shall be assured
21 that they will be reasonably safe from flooding. If a subdivision proposal or
22 other proposed new development is in a floodprone area, any such proposals
23 shall assure that:

24 **a.** All such proposals are consistent with the need to minimize flood damage
25 within the floodprone area;

26 **b.** All public utilities and facilities, such as sewer, electrical, and water
27 systems are located and constructed to minimize or eliminate flood
28 damage; and

29 **c.** Adequate drainage is provided to reduce exposure to flood hazards.

30
31 **(8)** New and replacement water supply systems shall be designed to minimize or
32 eliminate infiltration of floodwaters into the systems.

33 **(9)** New and replacement sanitary sewage systems shall be designed to minimize
34 or eliminate infiltration of flood waters into the systems and discharges from
35 the systems into flood waters, and on-site waste disposal systems shall be
36 located and constructed to avoid impairment to them or contamination from
37 them during flooding.

38 **(10)** New construction and substantial improvements, when located in multiple
39 flood zones with varying base flood elevations or in same flood zone with
40 multiple base flood elevations shall meet the requirements for the flood zone
41 with the most stringent requirements and the highest base flood elevation.

1 (11) Cross bracing is NOT permitted except above BFE and perpendicular to the
2 shoreline on a structure that has no breakaway walls. Cross bracing may not
3 be used as part of the structural calculations to meet the required design
4 criteria.

5 (12) All pool equipment must be strapped down or elevated above BFE to prevent
6 floatation during a storm.

7
8 (b) **Specific standards for AE zones** In all areas of special flood hazard where base
9 flood elevation data have been provided, the following provisions shall apply:

10 (1) *Residential structures.* All new construction or substantial improvements of
11 residential structures in Zones AE shall be elevated on pilings so that the
12 bottom of the lowest horizontal structural member of the lowest floor (excluding
13 the pilings) is elevated to at least three feet above the base flood elevation.

14 (2) *Nonresidential structures.* All newly constructed or substantially improved
15 nonresidential structures shall be elevated so that the bottom of the lowest
16 horizontal structural member of the lowest floor (excluding the pilings) is
17 elevated to at least three feet above the base flood elevation. Nonresidential
18 structures may not be floodproofed in lieu of being elevated.

19 (3) *Elevated structures.* Provide that all new construction and substantial
20 improvements have the space below the lowest floor either free of obstruction
21 or constructed with nonsupporting breakaway walls, open wood lattice work, or
22 insect screening intended to collapse under wind and water loads without
23 causing collapse, displacement, or other structural damage to the elevated
24 portion of the building or supporting foundation system. For the purpose of this
25 section, a breakaway wall shall have a design safe loading resistance of not
26 less than ten and no more than 20 pounds per square foot. Use of breakaway
27 walls which exceed a design safe loading resistance of 20 pounds per square
28 foot (either by design or when so required by local or state codes) may be
29 permitted only if a registered professional engineer or architect certifies that
30 the designs proposed meet the following conditions:

31 (a) Breakaway wall collapse shall result from water load less than that which
32 would occur during the base flood; and

33 (b) The elevated portion of the building and supporting foundation system
34 shall not be subject to collapse, displacement, or other structural damage
35 due to the effects of wind and water loads acting simultaneously on all
36 building components (structural and nonstructural). Water loading values
37 used shall be those associated with the base flood. Wind loading values
38 used shall be those required by applicable state or local building
39 standards.

1 (4) Designs for meeting this requirement must either be certified by a professional
2 engineer or architect, who is authorized to such information in the state, or
3 meet or exceed the following minimum criteria.

4 (5) A minimum of two openings having a total net area of not less than one square
5 inch for every square foot of enclosed area subject to flooding shall be
6 provided:

7 a. The bottom of all openings shall be no higher than one foot above grade;
8 and

9 b. Openings may be equipped with screens, louvers, valves, or other
10 coverings or devices provided that they result in the minimum required net
11 area of the openings and permit the automatic entry and exit of
12 floodwaters.

13 (6) Access to the enclosed area shall be minimum necessary to allow for parking
14 of vehicles (garage door) or limited storage of maintenance equipment used in
15 connection with the premises (standard exterior door) or entry to the living
16 area (stairway or elevator).

17 (7) The interior portion of such enclosed areas shall not be partitioned, finished, or
18 temperature-controlled.

19 (8) Where elevation requirements exceed six feet above the highest adjacent
20 grade, a copy of the lease amendment restriction prohibiting the conversion of
21 the area below the lowest floor to a use or dimension contrary to the building's
22 originally approved design, shall be presented as a condition of issuance of
23 the final certificate of occupancy.

24 (9) All recreational vehicles placed on sites must either:

25 a. Be on the site for fewer than 180 consecutive days;

26 b. Meet the requirements for new construction, including anchoring.

27 c. A recreational vehicle must be ready for highway use if it is on its wheels
28 or jack system, is attached to the site only by quick disconnect type utility
29 and security devices, and has no permanently attached additions.

30
31 **c. Coastal high hazard area (Zone VE)** Located within areas of special flood hazard
32 areas established in section 13.20.06.B. are coastal high hazard areas, designated
33 as Zone VE. These areas have special flood hazards associated with high velocity
34 waters from hurricane surges and, therefore, the following provisions shall apply:

35 (1) All new construction and substantial improvements in Zone VE shall be
36 elevated on pilings so that:

37 a. The bottom of the lowest horizontal structural member of the lowest floor
38 (excluding the pilings) is elevated to at least three feet above the base
39 flood elevation; and

40 b. The pile foundation and structure attached thereto is anchored to resist
41 flotation, collapse, and lateral movement due to the effects of wind and

1 water loads acting simultaneously on all building components. Water
2 loading values used shall be those associated with the base flood. Wind
3 loading values used shall be those required by applicable state or local
4 building standards. A registered professional engineer or architect, who is
5 authorized to certify such information by the state, shall develop or review
6 the structural design, specifications and plans for the construction, and
7 shall certify that the design and methods of construction to be used are in
8 accordance with accepted standards of practice for meeting the provisions
9 of this section.

- 10 **c.** Obtain the elevation (in relation to NGVD) of the bottom of the lowest
11 horizontal structural member of the lowest floor (excluding pilings) of all
12 new and substantially improved structures. The floodplain administrator
13 shall maintain a record of all such information.
- 14 **d.** All new construction shall be located landward of the reach of mean high
15 tide.
- 16 **e.** Provide that all new construction and substantial improvements have the
17 space below the lowest floor either free of obstruction or constructed with
18 non-supporting breakaway walls, open wood lattice work, or insect
19 screening intended to collapse under wind and water loads without
20 causing collapse, displacement, or other structural damage to the elevated
21 portion of the building or supporting foundation system. For the purpose of
22 this Section, a breakaway wall shall have a design safe loading resistance
23 of not less than ten and no more than 20 pounds per square foot. Use of
24 breakaway walls which exceed a design safe loading resistance of 20
25 pounds per square foot (either by design or when so required by local or
26 state codes) may be permitted only if a registered professional engineer or
27 architect certifies that the designs proposed meet the following conditions:

- 28
- 29 **1.** Breakaway wall collapse shall result from water load less than that
30 which would occur during the base flood; and
- 31
- 32 **2.** The elevated portion of the building and supporting foundation
33 system shall not be subject to collapse, displacement, or other
34 structural damage due to the effects of wind and water loads acting
35 simultaneously on all building components (structural and
36 nonstructural). Water loading values used shall be those associated
37 with the base flood. Wind loading values used shall be those required
38 by applicable state or local building standards.

- 39
- 40 **f.** The enclosed space below the lowest floor shall be useable solely for
41 parking of vehicles, building access, or storage. Such space shall not

1 be partitioned into multiple rooms, finished, temperature-controlled, or
2 used for human habitation.

- 3 **g.** The use of fill for structural support of buildings is prohibited.
4 Development involving fill in coastal high hazard area shall not be
5 permitted unless it has been demonstrated through appropriate
6 engineering analyses that the subject fill does not cause any adverse
7 impacts to the structure on site or adjacent structures due to wave
8 ramping or deflection.
- 9 **h.** Prohibit man-made alteration of sand dunes that would increase
10 potential flood damage.
- 11 **i.** Recreational vehicles placed on sites shall be in conformance with the
12 requirements of section 13.20.08.B.9.

13
14 **(d) Critical facilities.** Critical facilities constructed within the SFHA shall have the
15 lowest floor elevated to at least three feet above the base flood elevation at the site.
16 Floodproofing and sealing measures must be taken to ensure that toxic substances
17 will not be displaced by or released into floodwaters. Access routes elevated to or
18 above the level of the base flood elevation shall be provided to all critical facilities to
19 the maximum extent possible.

20
21 **Sec 4-3.6 Variances**

22
23 **(a) Variances of this floodplain ordinance.** The board shall hear and decide appeals
24 when it is alleged an error in any requirement, decision, or determination is made by
25 the floodplain management administrator in the enforcement or administration of this
26 ordinance.

27 **(b) Considerations in granting variance requests.** In acting upon such applications,
28 the {appointed board} shall consider all technical evaluations, all relevant factors,
29 provisions specified in other sections of this ordinance, and:

- 30 (1) The danger that materials may be swept onto other lands to the injury of others;
31 (2) The danger of life and property due to flooding or erosion damage;
32 (3) The susceptibility of the proposed facility and its contents to flood damage and
33 the effect of such damage on the individual owner;
34 (4) The importance of the services provided by the proposed facility to the
35 community;
36 (5) The necessity to the facility of a waterfront location, where applicable;
37 (6) The availability of alternative locations for the proposed use which are not
38 subject to flooding or erosion damage;
39 (7) The compatibility of the proposed use with existing and anticipated
40 development;

- 1 **(8)** The relationship of the proposed use to the comprehensive plan and floodplain
2 management program for that area;
- 3 **(9)** The safety of access to the property in times of flood for ordinary and
4 emergency vehicles;
- 5 **(10)** The expected heights, velocity, duration, rate of rise, and sediment of transport
6 of the floodwaters and the effects of wave action, if applicable, expected at the
7 site;
- 8 **(11)** The costs of providing governmental services during and after flood conditions,
9 including maintenance and repair of public utilities and facilities such as sewer,
10 gas, electrical, and water systems, and streets and bridges; and
- 11 **(12)** The request for variance is not an after-the-fact request.

12
13 **(c) Conditions for variances.**
14

- 15 **(1)** Variances may only be issued when there is:
16 **a.** A showing of good and sufficient cause;
17 **b.** A determination that failure to grant the variance would result in exceptional
18 hardship; and
19 **c.** A determination that the granting of a variance will not result in increased flood
20 heights, additional threats to public expense, create nuisance, cause fraud on
21 or victimization of the public, or conflict with existing local laws or ordinances.
22 **d.** That the exceptional hardship referred to in criteria above applies to the
23 physical characteristics of the property in question, not to economic or other
24 personal hardships of the owner or inhabitants of the structure.
- 25
- 26 **(2)** Variances may only be issued upon a determination that the variance is the
27 minimum necessary deviation from the requirements of this ordinance.
- 28 **(3)** Variances may be issued for new construction and substantial improvements and
29 for other development necessary for the conduct of a functionally dependent use
30 provided that:
31 **(a)** The criteria of paragraphs a through c. of section 13.20.09.C.1. are met;
32 and
33 **(b)** The structure or other development is protected by methods that minimize
34 flood damages during the base flood and create no additional threats to
35 public safety.

36

37 **(d) Variance notification.** Any applicant to whom a variance is granted shall be notified
38 in writing over the signature of the community official that:

- 39 **(1)** The issuance of a variance to construct a structure below the base flood
40 elevation will result in increased premium rates for flood insurance up to
41 amounts as high as \$25.00 for \$100.00 of insurance coverage; and

- 1 (2) Such construction below the base flood level increases risks to life and
2 property. A copy of the notice shall be recorded by the floodplain
3 management administrator in the office of the community recorder and shall
4 be recorded in a manner so that it appears in the chain of title of the affected
5 parcel of land.
6 (3) The floodplain management administrator shall maintain a record of all
7 variance actions, including justification for their issuance or denial, and report
8 such variances issued in its annual biennial report submitted to FEMA.
9

10 (e) **Special conditions.** Upon consideration of the factors listed in section 13.20.09,
11 and the purposes of this ordinance, the Santa Rosa Island Authority may attach
12 such conditions to the granting of variances, as it deems necessary to further the
13 purposes of this ordinance.
14

15 **Article 4 Airport and Airfield Environs (Revised April 6, 2006)**

16 **Sec. 4-4.1 Purpose of article.**

17 This article establishes land use regulations that implement Comprehensive Plan
18 policies requiring the prevention of airport and airfield hazards and incompatible land
19 uses around those facilities. It is the intent of these regulations to ensure the continued
20 safe and efficient use of navigable airspace and operation of airports, airfields and other
21 air navigation or communication facilities within the county. Airport and airfield hazards
22 effectively reduce the size of areas available for the landing, taking off and maneuvering
23 of aircraft, tending to destroy or impair both the present and future utility of aviation
24 facilities and any public investment in them. Incompatible uses and activities have the
25 potential for being hazardous to persons and property on the ground as well as aircraft
26 operations. [LDC 11.00.00, 11.00.01]

27 **Sec. 4-4.2 General provisions.**

28 (a) **Approval required.** All land uses and development activities in proximity to airports
29 and airfields require county review and approval for compliance with the regulations
30 of this article unless the use or activity is specifically identified in the LDC as exempt
31 from these regulations. The regulations include both obstruction limitations for flight
32 safety and land use restrictions for areas exposed to noise and accident risk.
33 (CP MOB 4.1.1 & 4.1.2)

34 (b) **Modification of regulations.** Variances to the strict application of the regulations of
35 this article may only be granted as specifically allowed by the variance provisions of
36 this article and the compliance review processes of Chapter 2.

37 (c) **Applicable airports and airfields.** The following facilities, each with an established
38 elevation of the highest point above mean sea level of its runways or landing areas,
39 are protected by the provisions of this article: [LDC 11.00.02]

40 Pensacola International Airport: 121 feet

1 Ferguson Airport: 27 feet

2 Coastal Airport: 110 feet

3 Naval Air Station (NAS) Pensacola, Sherman Field: 28feet

4 Navy Outlying Landing Field (NOLF) Saufley: 85 feet

5 Navy Outlying Landing Field (NOLF) Site 8: 110 feet

6 **(d) Source standards.** The obstruction provisions of this article are derived from
7 federal obstruction standards in *Safe, Efficient Use, and Preservation of the*
8 *Navigable Airspace*, 14 CFR pt. 77, and Unified Facilities Criteria (UFC) 3-260-01,
9 Airfield and Heliport Planning and Design. The land use compatibility provisions are
10 derived from *Airport Noise Compatibility Planning*, 14 CFR pt. 150, and the Air
11 Installations Compatible Use Zones (AICUZ) program as described in OPNAV
12 Instruction 11010.36B. However, whenever the provisions of this section reference
13 federal standards or recommendations, the latest version is intended unless the
14 context clearly indicates otherwise.

15 **(e) Notifications.**

16 **(1) Federal Aviation Administration.** Any person proposing any construction or
17 alteration requiring notice to the Federal Aviation Administration (FAA) shall file
18 such notice according to the applicability, form and time of notice requirements
19 established in federal "preservation of navigable airspace" regulations.
20 Subsequently, the FAA will make a determination of any hazard to air navigation
21 and the appropriateness of any obstruction marking and lighting or other
22 measures necessary for the continued safety of air navigation. However, FAA
23 determinations are not approvals or permits for any construction or development.
24 Approval and permitting remain responsibilities of the state and county which
25 have authority to require the air safety measures recommended by the FAA and
26 to deny a construction or alteration permit regardless of FAA determinations.
27 [14CFR 77.5][LDC 11.04.01.B]

28 **(2) State of Florida.** All variances to airport or airfield provisions of the LDC, or any
29 amendments to them, shall be filed with the State of Florida in compliance with
30 the provisions of this article. Any state permits required for structures exceeding
31 federal standards for obstructions to air navigation shall be obtained according to
32 Florida Statutes. [FS 333.025, 333.03(5)]

33 **(3) Airport and airfield officials.** Notification to airport or airfield officials is required
34 for any property that is within a designated airport or airfield height limitation zone
35 or planning district and is the subject of an application for rezoning, all site
36 development, subdivision or Board or Adjustment (BOA) approval, or as
37 otherwise determined appropriate by the Planning Official. Those officials
38 identified in the interlocal agreement between Escambia County and the U.S.
39 Navy shall be notified regarding military airfields, and the director of the
40 Pensacola International Airport shall be notified regarding that facility.
41 Notification shall include access to application documents, a request to review
42 and comment on proposed actions, and a request for recommendations to the
43 county regarding application approval. [LDC 11.01.02]

1 (f) **Interior noise reduction.** In areas of high noise exposure from normal airport and
2 airfield operations, interior noise reduction methods are required to maintain
3 compatibility for some uses. Anticipated high noise exposure is represented by
4 noise zones according to a FAA standard measure of the 24-hour day-night average
5 sound level (Ldn). Noise reduction required by the applicable noise zone shall be
6 identified on building construction plans and accomplished according to nationally
7 accepted sound attenuation methods. For the habitable space within any new
8 building or building addition, the following noise reductions are required by exposure:
9 [FS 333.03(2)(c)][LDC 11.02.01.B.2, 11.03.00.D]

10 (1) **Below 65 Ldn.** For noise exposures less than 65 Ldn, no interior noise reduction
11 is required.

12 (2) **Between 65 and 70 Ldn.** For noise exposures between 65 and 70 Ldn, an
13 interior noise level reduction of at least 25 decibels (dB) is required for residential
14 uses or educational facilities, and is recommended for other noise sensitive uses.

15 (3) **Between 70 and 75 Ldn.** For noise exposures between 70 and 75 Ldn, an
16 interior noise level reduction of at least 30 dB is required for residential,
17 educational, public assembly or reception, office, and other noise sensitive uses.

18 (4) **Above 75 Ldn.** For noise exposures above 75 Ldn, residential and educational
19 uses are prohibited regardless of noise reduction measures, but an interior noise
20 level reduction of at least 35 dB is required for public assembly or reception,
21 office, and other noise sensitive uses.

22 (g) **Divided parcels and buildings.** Generally, when a parcel is divided by an airport
23 or airfield planning district boundary, only that portion of the parcel within the district
24 is subject to district requirements. Requirements of the areas or zones that make
25 up a planning district are similarly limited. However, when any part of a parcel is
26 within an airfield planning district, the aviation easement provisions apply to the
27 entire parcel. Also, for any new building or addition proposed within more than one
28 noise zone, the more stringent sound reduction requirements apply to the entire
29 building or addition. [LDC 11.02.01.B.4, 11.03.00.F]

30 (h) **Transfer of development rights.** At such time as the county may establish a
31 comprehensive program for transfer of development rights, parcels within the airport
32 and airfield planning districts shall be eligible as sending parcels, but shall not be
33 included in that program as receiving parcels. [LDC 11.02.01.D]

34 **Sec. 4-4.3 Hazards to air navigation.**

35 (a) **Hazards prohibited.** No permit or other approval to construct a new structure or
36 establish a new use shall be granted that would allow the establishment or creation
37 of an airport or airfield hazard. Additionally, no approval shall be granted that would
38 allow a nonconforming use, structure or site condition to become a higher
39 obstruction or greater hazard to air navigation. [FS 333.07(1)(a)]

40 (b) **Obstruction hazards.** A hazard to air navigation is presumed to exist when an
41 object of natural growth or terrain, or of permanent or temporary construction or
42 alteration, including mobile objects and equipment or materials used, exceeds any

1 federally established standards for identifying obstructions to air navigation or
2 navigational aids or facilities. Those standards apply regardless of other LDC height
3 limits. However, an object is not considered an obstruction hazard by the if an
4 aeronautical study by the FAA concludes that the object is not a hazard to air
5 navigation.

6 **(1) Height limit maps.** An object is or would be an obstruction to air navigation if it
7 is of greater height than any of the federally established limits for airports and
8 airfields. Those limits are mapped for each of the airports and airfields identified
9 in this article and are specifically adopted here by reference as the *Airport and*
10 *Airfield Height Limitation Zone Maps* of Escambia County. The maps are
11 declared to be part of the LDC, with the information shown on them having the
12 same force and effect as the text of the LDC. The height limitation zone maps
13 represent the primary, clear zone, approach, horizontal, conical, transitional and
14 other imaginary surfaces applicable to the takeoff and landing areas of each
15 airport or airfield. The maps are maintained digitally in the county's "Geographic
16 Information System" (GIS). [LDC 11.04.02]

17 **(2) Other height limits.** In addition to the established height limit surfaces for each
18 airport and airfield, an object is or would be an obstruction to air navigation if it is
19 of greater height than any of the following federally established height limits
20 related to airports and airfields: [14CFR 77.17(a) & (b)]

- 21 a. **Site of object.** A height of 499 feet above ground level at the site of the
22 object.
- 23 b. **From airport/airfield.** A height that is 200 feet above ground level or above
24 the established airport/airfield elevation, whichever is higher, within three
25 nautical miles of the established reference point (approximate geometric
26 center of runways) of Pensacola International Airport, NAS Pensacola
27 Sherman Field, or NOLF Saufley; and that height increasing at the rate of 100
28 feet for each additional nautical mile from the airport or airfield, up to a
29 maximum of 499 feet.
- 30 c. **Other heights.** Other established heights, including those relating to the
31 traverse ways of vehicles and other mobile objects, and airport and airfield
32 approach, departure, takeoff and landing areas.

33 **(3) Exceeding height limits.** Except as otherwise provided, no object shall be
34 constructed or altered in such a way as to exceed the height limitations
35 established here unless a variance is first obtained according to the provisions of
36 this article. [LDC 11.04.00] [11.04.01.A]

37 **(4) Obstruction marking and lighting.** Any permit granted for an obstruction to air
38 navigation shall, as a condition of approval, require the owner to install, operate,
39 and maintain at their expense any marking or lighting of the obstruction that has
40 been recommended in a FAA aeronautical study determination, or as otherwise
41 required by Florida Statutes. The county may also condition permit approval on
42 any other obstruction marking and lighting recommendations provided by the
43 operators of airports or airfields within the county.

- 1 (c) **Non-obstruction hazards.** The use or development of land shall not create or
2 contribute to interference with the operation of aircraft, including the following non-
3 obstruction hazards to air navigation: [11.01.06]
- 4 (1) **Dangerous lighting.** No lights or illumination, whether for streets, parking, signs
5 or other structures, shall be arranged and operated in a manner that is
6 misleading or dangerous to aircraft operating from or in the vicinity of an airport
7 or airfield, as determined by the operator of the airport or airfield.
- 8 (2) **Smoke or glare.** No operations of any type shall produce smoke, glare or other
9 visual hazards within three statute miles of any designated airport or airfield, or
10 any usable runway, with the exception of permitted projects or activities.
- 11 (3) **Electronic interference.** No operations of any type shall produce electronic
12 interference with navigation signals or radio communication between an airport or
13 airfield and any aircraft.
- 14 (4) **Landfills.** No sanitary landfill shall be operated within 10,000 feet of any
15 runway used or planned to be used by turbojet or turboprop aircraft, or within
16 5,000 feet of any runway used only by piston engine aircraft. Additionally, no
17 landfill of any type shall be located so that it attracts or sustains hazardous bird
18 movements from feeding, water or roosting areas into or across the runways or
19 approach and departure patterns of aircraft. County approval of proposed landfill
20 locations meeting these restrictions remains subject to conditions recommended
21 by the operators of any affected airports or airfields.

22 **Sec. 4-4.4 Airport and airfield planning districts.**

- 23 (a) **Pensacola International Airport Planning District.** The Pensacola International
24 Airport Planning District (PNSPD) is established to provide enhanced protection in
25 support of the continued operation of the Pensacola International Airport for areas
26 that are close enough to the airport to influence or be influenced by its activities.
27 The PNSPD imposes additional restrictions on surrounding development that
28 primarily address noise and safety concerns created by flight operations and
29 potential interferences with those operations.
- 30 (1) **Establishment.** The PNSPD is established through its definition and adoption
31 within the LDC. The Pensacola International Airport Influence Planning District
32 Overlay maps for noise zones and educational facility restrictions are specifically
33 adopted here by reference and declared to be part of the LDC, with the
34 information shown on the maps having the same force and effect as the text of
35 the LDC. The PNSPD maps are maintained digitally in the county's "Geographic
36 Information System" (GIS). [LDC 11.01.01]
- 37 (2) **Real estate disclosure.** All real estate transactions for property within the
38 *Pensacola International Airport Real Estate Disclosure Area* shall include a form
39 disclosing the proximity of the site to the airport. The disclosure is intended to
40 inform a potential property owner or occupant of the nearby airport and alert
41 them to possible incompatibilities of the intended property use with airport
42 operations. The disclosure form shall be attached to all listing agreements, sales
43 and rental contracts, subdivision plats, and marketing materials provided to

1 prospective buyers, renters and lessees. The form need not be included in
2 advertisements directed to the public at large. Disclosure is required as soon as
3 practicable, but shall occur before the making or acceptance of an offer to buy,
4 rent or lease. [LDC 11.03.00.E]

5 **(b) Military airfield Influence planning districts.** Airfield influence planning districts
6 (AIPDs) are established to provide enhanced protection in support of the continued
7 operation of military airfields for areas that are close enough to those airfields to
8 influence or be influenced by their activities. AIPDs impose additional restrictions on
9 surrounding development that primarily address noise and safety concerns created
10 by flight operations and potential interferences with those operations. If military
11 operations permanently cease at an airfield, the supplemental requirements of its
12 AIPDs will no longer apply to surrounding lands. [LDC 11.00.01, 11.01.01]

13 **(1) General characteristics.** Airfield influence planning districts are combinations of
14 noise zones, clear zones, accident potential zones, and other areas of influence
15 that overlap and combine to define a broad range of airfield influences on
16 surrounding land use. The range of influences is divided between two planning
17 districts: AIPD-1 composed of areas closest to an airfield and, therefore, with
18 highest noise exposure and accident risk; and AIPD-2 composed of areas further
19 from the airfield than AIPD-1, but that still may influence or be influenced by
20 airfield operations.

21 **(2) Clear zones and accident potential zones.** Clear zones and accident potential
22 zones identify areas near airfield runways where aircraft accidents are most
23 likely, if they do occur. The zones are defined by the type of aircraft for which the
24 runway is primarily used. Clear zones extend immediately beyond the ends of
25 runways and designate areas of high accident potential. Accident potential
26 zones (APZs) generally extend beyond clear zones and designate areas that
27 remain impacted by accident potential. APZ-1 identifies areas that retain a
28 significant potential for accidents. APZ-2 identifies areas beyond APZ-1 that
29 retain lower but measurable potential for accidents. [LDC 11.00.02]

30 **(3) Establishment.** AIPDs and their constituent zones and areas are established
31 through their definition and adoption within the LDC. The Airfield Influence
32 Planning District Overlay maps for NAS Pensacola, NOLF Saufley, and NOLF 8
33 are specifically adopted here by reference and declared to be part of the LDC,
34 with the information shown on the maps having the same force and effect as the
35 text of the LDC. The AIPD maps are maintained digitally in the county's
36 "Geographic Information System" (GIS).

37 **(4) General AIPD requirements.**

38 **a. Real estate disclosure.** All real estate transactions for property within an
39 AIPD shall include a form disclosing the proximity of the site to the military
40 airfield. The disclosure is intended to inform a potential property owner or
41 occupant of the nearby airfield and alert them to possible incompatibilities of
42 the intended property use with airfield operations. The disclosure form shall
43 be attached to all listing agreements, sales and rental contracts, subdivision
44 plats, and marketing materials provided to prospective buyers, renters and

1 lessees. The form need not be included in advertisements directed to the
2 public at large. Disclosure is required as soon as practicable, but shall occur
3 before the making or acceptance of an offer to buy, rent or lease.
4 [LDC 11.02.01.B.3]

- 5 **b. Avigation easement.** For any parcel within an AIPD where subdivision or
6 any site plan approval is requested, the application shall include an executed
7 avigation easement or proof of the public recording of an executed easement.
8 The purpose of the easement is to grant a clear property right to maintain
9 flight operations in the airspace above the property. The easement shall be in
10 a form approved by the County Attorney and recorded with the property deed
11 to run in perpetuity with the land. [LDC 11.02.01.B.1]
- 12 **c. Rezoning.** Rezoning is allowed within AIPDs, but density remains limited to
13 the maximum density allowed by the AIPD, regardless of the zoning. The
14 AIPD density limits shall govern. [LDC 11.02.02.A.6]

15 **(5) AIPD-1 requirements.** Airfield Influence Planning District 1 (AIPD-1) defines
16 areas of greatest protection for an airfield. AIPD-1 lies within a boundary
17 connecting the outermost limits of an installation's clear zones, accident potential
18 zones, or other areas necessary to achieve adequate protections. The following
19 requirements apply to all lands within an AIPD-1 district: [LDC 11.02.01.A,
20 11.02.02.B]

21 **a. Prohibited concentrations of population.** Any use at such a scale that
22 gatherings concentrating more than 25 people per acre and within a structure
23 would be expected on a regular basis is prohibited. Such uses include sports
24 stadiums, amphitheatres, auditoriums, clubhouses, churches, schools,
25 hospitals, assisted living facilities, hotels and motels, restaurants, nightclubs
26 and other establishments. [11.02.02.A.1, 11.02.02.C.1.c.(6)]

27 **b. Residential density.** Residential density is limited by the applicable zone or
28 area with the AIPD according to the following: [LDC 11.02.02.B]

- 29 **1. Clear zones.** Areas designated as "Clear Zone" are allowed no
30 residential density except vested single-family dwellings on existing lots of
31 record.
- 32 **2. Area A.** Areas designated as "Area A" are allowed no residential density
33 except vested single-family dwellings on existing lots of record.
- 34 **3. APZ-1.** Areas designated as "Accident Potential Zone 1" (APZ-1) and
35 aligned with airfield runways are allowed no residential density except
36 vested single-family dwellings on existing lots of record. All other APZ-1
37 areas are limited to one dwelling unit per 2.5 acres.
- 38 **4. APZ-2.** Areas designated as "Accident Potential Zone 2" (APZ-2) and
39 aligned with airfield runways are limited to two dwelling units per acre. All
40 other APZ-2 areas are limited to three dwelling units per acre.

- 1 **5. Area B.** Areas designated as "Area B" are limited to three dwelling units
2 per acre and only subject to the minimum lot area of the applicable zoning
3 district.
- 4 **c. Dwellings.** Residential development is limited to detached single-family
5 dwellings, including manufactured (mobile) homes if allowed by applicable
6 zoning district. No single-family attached or multifamily dwellings are
7 permitted. The planning district also prohibits the clustering of dwellings,
8 including mobile home parks, whether by density transfers, planned unit
9 development or other means. [LDC 11.02.02.A.4 and D]
- 10 **d. Minimum lot area.** The required minimum lot area shall be the inverse of the
11 established maximum density except where noted. For example, a maximum
12 density of three dwelling units per acre inversely requires at least one acre
13 per three dwelling units, so the minimum lot size for one dwelling unit is
14 one-third acre. [LDC 11.02.02.A.5 and D]
- 15 **e. Parks and recreational facilities.** Outdoor sports facilities, parks and
16 recreation areas are permitted, but all their structures are restricted to those
17 that are accessory to the outdoor use, such as bleachers, backstops, picnic
18 tables, public restrooms, concession stands, etc. [LDC 11.02.02.A.2]
- 19 **f. Conditional uses.** The following uses require conditional use approval by
20 the Board of Adjustment (BOA), regardless of whether they are permitted
21 within the applicable zoning district:
- 22 1. Borrow pits and borrow pit reclamation.
23 2. Solid waste collection points, transfer stations, or processing facilities.
24 3. Salvage yards.
- 25 **g. Prohibited uses.** The following uses are prohibited:
- 26 1. Animal feedlots and similar facilities that concentrate animal feed and
27 waste.
28 2. Electrical transmission lines above ground.
29 3. Stables designed to house more than four horses or other domesticated
30 equine.
31 4. Telecommunications towers.
32 5. Outdoor storage if permanent, excluding farm equipment.
33 6. Motor vehicle sales, new or used.
- 34 **(6) AIPD-2 requirements.** AIPD-2 is additional areas extended beyond AIPD-1 that
35 is sufficiently close to the airfield to require some protections. AIPD-2
36 requirements are the same for all airfields. Densities and minimum lot sizes of
37 the underlying zoning districts are not modified by AIPD-2. [LDC 11.02.01.A,
38 11.02.02.B]
- 39

1 **Sec. 4-4.5 Variances.**

2 **(a) General eligibility.** A variance to the airport and airfield regulations of the LDC is
3 generally contrary to the safe and efficient use of navigable airspace and the
4 operation of airports and airfields. However, where compliance with the
5 requirements creates an exceptional hardship on an applicant for development
6 approval, the Board of Adjustment (BOA) may, in compliance with Florida Statutes
7 and the quasi-judicial variance process prescribed in Chapter 2, approve or deny a
8 request for a site-specific modification to the air navigation obstruction standards of
9 this article for the erection, alteration, or modification of any structure that would
10 cause those standards to be exceeded. Additionally, a variance to the educational
11 facility construction prohibition associated with the Pensacola International Airport
12 may be requested. No other variances, however, are applicable to the requirements
13 of the airport and airfield environs. [FS 333.03(3)][LDC 11.01.03]

14 **(b) Specific limitations.** In addition to the general variance review and approval
15 requirements prescribed in Chapter 2, available variances to airport and airfield
16 environs provisions shall comply with all of the following conditions:

17 **(1) State review.** As required by state regulations, the applicant shall provide a
18 copy of the variance application to the Florida Department of Transportation
19 (FDOT) by certified mail to allow a 45-day opportunity for department comment.
20 The county may proceed with consideration of the application in a public hearing
21 only upon receipt of FDOT review comments or a waiving of that right.
22 [FS 333.07(2)]

23 **(2) Required findings.** A variance may only be granted where the applicant
24 demonstrates, and the BOA establishes in its findings, all of the following
25 conditions as applicable:

26 **a. No hazard.** For an obstruction to air navigation, a valid aeronautical study by
27 the FAA has concluded that the object is not a hazard to air navigation.

28 **b. Public policy.** For a prohibited educational facility, the public policy reasons
29 for allowing the construction outweigh the health and safety concerns
30 prohibiting such a location. [FS 333.03(3)]

31 **c. No objections.** U.S. Navy officials, the director of the Pensacola
32 International Airport, or other operators of airports or airfields within the
33 county have no substantial objections to the variance, or their objections will
34 be addressed through conditions of the variance approval.

35 **d. Hardship.** A literal application or enforcement of the regulations would result
36 in practical difficulty or unnecessary hardship. [FS 333.07(2)(a)]

37 **e. Public interest.** The relief granted would not be contrary to the public
38 interest. [FS 333.07(2)(a)]

39 **f. Intent.** The relief granted would do substantial justice and be in accordance
40 with the intent of county and state regulations. [FS 333.07(2)(a)]

41 **(3) Conditions of approval.** Any variance granted by the BOA is subject to the
42 following conditions:

- 1 a. Any reasonable conditions that the BOA finds necessary to accomplish the
2 purposes of county and state regulations. [FS 333.07(2)(a)]
- 3 b. A variance granted for an obstruction to air navigation shall require the owner
4 to install, operate and maintain at his expense any marking or lighting of the
5 obstruction that has been recommended in a FAA aeronautical study
6 determination, or as otherwise required by Florida Statutes. The BOA may
7 also condition approval on any other obstruction marking and lighting
8 recommendations provided by the operators of airports or airfields within the
9 county. [FS 333.07(3), FAC 14-60.009(4)][LDC 11.01.06.E & F]
- 10 c. The applicant shall provide FDOT a copy of the county decision on an
11 obstruction variance application within ten days of issuance of the decision.
12 [FAC14-60.009(3)(b)]

DRAFT

1 **Article 5 Natural Resources**

2 **Sec. 4-5.1 Purpose of article.**

3 This article establishes land use regulations that implement Comprehensive Plan
4 policies requiring the protection, conservation, and appropriate use of natural resources.

5 **Sec. 4-5.2 General provisions.**

6 (a) **Approval required.** All land uses and development activities which impact
7 environmentally sensitive lands require prior county review and approval for
8 compliance with the regulations of this article unless the use or activity is specifically
9 identified in the Land Development Code (LDC) as exempt from these regulations.
10 The Board of County Commissioners (BCC) has determined the following land and
11 water resources to be environmentally sensitive lands: [CP 3.04; INF 5.1, CON 1.1,
12 1.3, 1.4] [LDC 12.16.00]

- 13 (1) Wetlands as defined by the State of Florida.
- 14 (2) Shoreline protection zones as defined in this article.
- 15 (3) Aquatic preserves and the Escambia River Wildlife Management Area as defined
16 or authorized by Florida Statutes.
- 17 (4) Outstanding Florida Waters as listed in the rules of Florida Administrative Code
18 (Ch. 62-302.700).
- 19 (5) Habitats of threatened and endangered species as defined by the U.S. Fish and
20 Wildlife Service (FWS), the Florida Fish and Wildlife Conservation Commission
21 (FWC), or other state or federal agencies.
- 22 (6) Essential fish habitat, including seagrasses, defined as those waters and
23 substrate necessary for fish to spawn, breed, feed, or grow to maturity. (See
24 Magnuson-Stevens Act, 16 U.S.C. 1802 (101)).
- 25 (7) Floodplain areas identified on the Federal Emergency Management Agency's
26 Flood Insurance Rate Map as areas of special flood hazard subject to a one
27 percent or greater annual chance of flooding.
- 28 (8) Wellhead protection areas as defined in this article, including potable water wells,
29 cones of influence, and potable water well fields.
- 30 (9) Surface waters identified as impaired under Section 303(d) of the Clean Water
31 Act

32 (b) **Modification of regulations.** Variances to the strict application of the regulations of
33 this article may only be granted according to the compliance review processes of
34 Chapter 2, and only if such modifications maintain the stated purposes of this article,
35 are specifically allowed by its provisions, and comply with all stated conditions.

36 (c) **Environmental trust fund.** The Escambia County Environmental Lands Trust Fund
37 (ECELTF) is established for use in managing wetlands and other environmentally
38 sensitive lands in the county. The county is authorized and directed here to

Comment [t10]: Added to reflect County responsibilities under CWA

1 establish the fund and to receive and disburse all monies according to the following
2 provisions:[LDC 7.13.03.G, H & I]

3 **(1) Fund sources.** The ECELTF shall receive monies from the following sources:

- 4 a. All revenues collected pursuant to mitigation and enforcement of this article.
- 5 b. All monies accepted by Escambia County in the form of grants, allocations,
6 donations, contributions, or appropriations for the acquisition, restoration,
7 enhancement, management, mapping, and/or monitoring of environmentally
8 sensitive lands.
- 9 c. All interest generated from the deposit or investment of ECELTF monies.

10 **(2) Fund maintenance and disbursements.** The ECELTF shall be maintained in
11 trust by the county solely for the purposes prescribed here, in a separate and
12 segregated fund of the county that shall not be commingled with other county
13 funds until disbursed, and only disbursed for the following purposes:

- 14 a. Acquisition (including by eminent domain), restoration, enhancement,
15 management, mapping, and/or monitoring of environmentally sensitive lands
16 and conservation easements within Escambia County.
- 17 b. All costs associated with acquisitions, including appraisals, surveys, title
18 search work, real property taxes, documentary stamps, surtax fees, and other
19 transaction costs.
- 20 c. Costs of administering the activities enumerated in this section.

21 **(d) Resource identification.** Where the potential for on-site wetlands or the habitat of
22 threatened or endangered species is indicated, a site-specific survey shall be
23 conducted and shall include the delineation of all such lands on the subject parcel.
24 The survey shall be evaluated for the protection of significant resources prior to
25 clearing, grading or other alterations, and the delineations shall be used in the
26 determination of buildable area on the lot or parcel. [CP CON 1.1.3][LDC 7.13.02,
27 12.16.01]

28 **(e) Avoidance, minimization, and mitigation.** If a proposed land use or development
29 activity includes impacts to protected natural resources, the application for county
30 compliance review and approval shall include written documentation that adverse
31 impacts to those resources have been avoided to the maximum extent practicable.
32 For unavoidable adverse impacts, the application shall demonstrate that the impacts
33 have been minimized to the greatest extent practicable. Only with such
34 demonstration will the county review and consider a mitigation plan for those
35 impacts. [LDC 7.13.03.C]

36 **(1) Clustering.** Where lands proposed for development contain wetlands or the
37 habitat of threatened or endangered species, development may be clustered
38 within non-environmentally sensitive areas to avoid adverse impacts and
39 promote full utilization of property rights.

40 **(2) Mitigation.** A land use or development activity shall not cause a net adverse
41 impact on resource functions that is not offset by mitigation. Methods to
42 compensate for adverse direct or indirect impacts are required when uses or

1 activities degrade estuaries, wetlands, surface waters, submerged aquatic
2 vegetation, threatened and endangered species habitat and other protected
3 natural resources.

- 4 **(3) Mitigation plans.** A mitigation plan shall be submitted to the County and
5 include provisions for the replacement of the predominant functional values of
6 the lost resources, specify the criteria by which success will be measured, and
7 specify any necessary maintenance entity and its responsibilities. [7.13.03.D]

8 **Sec. 4-5.3 Wetlands. (Reference Chapter 2, Article 1 Environmental DSM)**
9 [7.13.00]

10 **Protection required.** Wetlands as defined in Florida Administrative Code (Ch. 62-
11 340) shall be protected from draining, dredging, filling, excavating, building, pollution,
12 and other alterations or acts that will reduce or otherwise adversely impact their
13 ecological functions and public benefits. (CP Con 1.3.6, COA 2.3.3.e)

14 Upland buffers with a minimum width of 15-ft and an average width of 25-ft shall be
15 provided abutting those wetlands under the regulatory jurisdiction of the State of
16 Florida under 62-340, F.A.C. (Director)

17 Upland buffers shall not be required for development activities that completely avoid
18 impacts to wetlands.

Comment [t11]: Director recommends reducing
buffer from 30' to minimum buffer required by
NFWFMD. Cost N/A

Comment [t12]: Secondary impacts to
wetlands/water quality occur. Conflicts with
existing ordinance. BCC to address this addition.
Staff recommends removal. Cost N/A.

20 **(a) Conditional exemptions.**

21 **(1) Single-family dwelling.** When insufficient uplands exist for construction of one
22 single-family dwelling on a lot of record less than five acres in size, application for
23 the construction is exempt from the regulations of this section if the total area of
24 dredging or filling in wetlands for the dwelling and its associated improvements
25 does not exceed 4000 square feet, and if the total area of clearing in wetlands
26 (including the area of dredging and filling for the dwelling and associated
27 improvements) does not exceed 6000 square feet on the contiguous property
28 owned by the applicant. [LDC 7.13.01]

29 **(2) Agriculture and silviculture.** Bona fide agricultural or silvicultural operations on
30 land classified by the Escambia County Property Appraiser as "agricultural" for
31 ad valorem tax purposes are exempt from the regulations of this section.
32 [7.13.03.Q]

33 **(3) Utility activities.** Utility company activities that provide service to an individual
34 single-family dwelling, or their activities that take place within existing utility
35 easements or public street rights-of-way containing existing utility lines, or within
36 easements or rights-of-way otherwise approved for utility use by the county, are
37 exempt from the regulations of this section. [7.13.03.P]

38 **(b) Mitigation for impacts.** Mitigation for adverse impacts to wetlands shall be based
39 on the *Uniform Mitigation Assessment Method* (UMAM) prescribed by Florida
40 Administrative Code (Ch. 62-345). [LDC 7.13.03.C]

41 **(c) Enforcement.** In addition to the general LDC compliance enforcement provisions of
42 Chapter 1, for any violations of LDC erosion control provisions impacting wetlands,

1 violators shall begin remedial action immediately and have seven calendar days to
2 complete restoration of the impacted area to pre-impact conditions or better. For
3 other violations of the wetland protection provisions of this article, violators shall
4 begin remedial action planning immediately and have 21 calendar days to complete
5 restoration of the impacted area to pre-impact conditions or better. With
6 documented evidence of good faith restoration efforts the Planning Official may
7 authorize an extension to the time period for completion of the required action for
8 extenuating circumstances. [7.13.06]

9
10 **Sec. 4-5.4 Threatened and endangered species habitat.**
11 **(Reference Chapter 2, Article 1 Environmental DSM)**

12 **(a) Protection required.** To maintain and enhance the valuable diversity and
13 distribution of plant and animal species within the county, preserve the ecological
14 values and functions of their habitats, provide for habitat corridors and minimize
15 habitat fragmentation, threatened and endangered species habitat shall be protected
16 from adverse impacts. For the purposes of this article, threatened or endangered
17 species are those listed as "threatened", "endangered", or "species of special
18 concern" by the US Fish and Wildlife Service (FWS) or Florida Fish and Wildlife
19 Conservation Commission (FWC); and threatened or endangered species habitat is
20 any area that contains or shows factual evidence of such listed species. [CP 1.1.6]

21 **(b) Mitigation.** No development approval may be granted without an approved
22 mitigation plan if the permitted activities would threaten the life or habitat of any
23 threatened or endangered species. (Con 1.1.6)

24 **(c) Perdido Key beach mouse.**

25 **(1) Identified habitat.** Approximately 240 acres of private property containing
26 primary, secondary and scrub dunes on Perdido Key have been identified as
27 habitat for the Perdido Key Beach Mouse (PKBM), a federally listed endangered
28 species.

29 **(2) Special assessment.** For properties involved in mitigation for Perdido Key
30 Beach Mouse habitat impacts and those electing to provide in-lieu fee mitigation,
31 a mechanism is established for imposition and collection of a recurring annual
32 assessment. The assessment is fairly and reasonably apportioned among the
33 properties in the PKBM habitat area and is based upon the extent of the impact
34 on the habitat. Those properties responsible for the annual assessments derive
35 a benefit from the improvements and services provided from the conservation
36 and natural resource protection.

37 **a. Per unit.** New developments or redevelopments on Perdido Key within the
38 designated PKBM habitat that have elected mitigation for habitat impacts
39 shall be assessed an annual, recurring special assessment of \$201.00 per
40 dwelling unit on the subject site. Lodging and commercial assessments shall
41 be based on an equivalent rate not to exceed the maximum residential
42 density allowed for the subject parcel.

1 **b. Procedure.** Upon issuance of a certificate of occupancy for any unit subject
2 to this assessment, the subject parcel identification number(s) shall be
3 reported to the Escambia County Office of Management and Budget to
4 process for collections.

5 **1. Method of collection.** Collection shall be by the uniform method of
6 collection provided for by Florida Statutes (§197.3632).

7 **2. Duration.** Recurring annual collections shall continue until such time as
8 these assessment provisions are repealed by the BCC.

9 **3. Appeal.** Any property owner who asserts his assessment is in error may
10 appeal in writing to the Escambia County Office of Management and
11 Budget.

12 **Sec. 4-5.5 Marine, estuarine and riverine shorelines (MERS).**

13 **(a) Dune protection and restoration.** Adverse impacts to the primary dune system on
14 Santa Rosa Island and Perdido Key shall be avoided to the greatest extent practical,
15 and minimized and mitigated when unavoidable. [LDC 12.01.00.C.2 & 3, 12.06.00]

16 **(b) Beach renourishment.** Beach renourishment may be used to stabilize erosion
17 prone areas. All renourishment activities shall be performed in accordance with
18 accepted engineering and environmental practices.

19 **(c) Protection required.** Land uses and development activities along marine, estuarine
20 and riverine shorelines shall avoid construction that can jeopardize the stability of the
21 beach-dune system, accelerate erosion, inadequately protect upland structures, endanger
22 adjacent properties, and interfere with public beach access. [CP OBJ COA 2.1]

23
24 **(a) Marine shorelines**

25 **(1) Marine shoreline protection zone.** A marine shoreline protection zone is
26 established along the shorelines of Santa Rosa Island and Perdido Key,
27 extending from the mean high water line (MHWL) of the Gulf of Mexico
28 landward to the 1975 Coastal Construction Control Line (CCCL) as recorded
29 the official records of Escambia County (Plat Book 9, Page 72 A-P). No
30 construction is authorized within the Marine shoreline protection zone with
31 the following exceptions:

32 **(2) Dune walkovers.** Elevated pile-supported dune and beach walkover
33 structures may be permitted within the shoreline protection zone provided
34 the existing dune system is enhanced or re-vegetated if adversely impacted
35 during construction. [LDC 12.01.00.D, 12.01.01.A.3.a]

36 **(3) Beach and dune preservation and enhancement.** Sand fencing and other
37 beach restoration and dune protection methods approved by the county may
38 be permitted within the shoreline protection zone in accordance with
39 accepted engineering and environmental practice. Beach restoration and
40 dune protection methods shall not be interpreted to allow armoring of the
41 marine shoreline.

- 1 (4) **Sundecks, patios, walkways.** Sundecks, patios, walkways, etc. may be
 2 constructed within the shoreline protection zone on Santa Rosa Island on a
 3 case by case basis consistent with the SRIA board policy manual.
 4 [LDC 12.01.01.A.3.b]
- 5 (5) **Vegetation.** Except as otherwise allowed by these marine shoreline
 6 provisions, the removal or destruction of native vegetation within the
 7 shoreline protection zone is prohibited. [LDC12.01.00.C.2]
- 8 (6) **Reconstruction and redevelopment.** Only to prevent a taking, a variance
 9 to allow construction of a replacement structure within the previous footprint
 10 may be requested from the BOA for Pensacola Beach Gulf-front properties
 11 that have an insufficient building area to rebuild or redevelop, provided that
 12 intrusion into the shoreline protection zone is reduced to the maximum extent
 13 practical. [LDC 12.01.01.A.3.c]
- 14 (7) **Variances.** No variances are otherwise available to authorize the prohibited
 15 construction: [LDC 12.01.00.C.1 & 4]
- 16 (8) **New Construction.** For new construction and substantial improvement to a
 17 Gulf front development, the minimum dune mitigation shall include a dune
 18 walkover.

19 (b) **Estuarine shorelines.**

- 20 (1) **Applicability.** The estuarine shoreline provisions of this section apply to all
 21 shorelines of subtidal habitats and adjacent tidal wetlands of brackish
 22 waterbodies. These estuarine systems include bays, sounds, lagoons,
 23 bayous, rivers mouths, saltwater marshes and canals. [LDC 7.08.00.B,
 24 12.01.01.A.1 & 2]
- 25 (2) **Estuarine shoreline protection zone.** An estuarine shoreline protection
 26 zone is established along the estuarine shorelines extending 15 feet landward
 27 of the mean high water line (MHWL).
- 28 (3) **Natural shoreline stabilization.** The shorelines of estuarine systems shall
 29 be retained in their natural state to the extent possible. Because natural
 30 methods of shoreline protection (i.e. living shorelines) provide an opportunity
 31 for natural recovery, erosion prone areas shall be stabilized with appropriate
 32 native vegetation in accordance with accepted engineering and environmental
 33 practices and/or criteria set forth in 62-346.051(14), F.A.C. wherever
 34 practical.
- 35 (4) **Construction Setbacks.** No new construction is allowed along an estuarine
 36 shoreline within the established shoreline protection zone, except the
 37 following:
- 38 a. **Structures.** Walkways, boardwalks, gazebos, docks, piers, boathouses,
 39 seawalls, bulkheads, or other retaining walls, and structures necessary for
 40 permitted water dependent and water related uses may be permitted within
 41 the shoreline protection zone. [7.08.00.B & C.2, 12.01.01.A.2]

Comment [t13]: Director recommends codifying existing County policy to require walkovers. Consistent with requirements of pending Habitat Conservation Plan. Walkovers minimizes storm damage to publicly funded dune restoration and private investments. Cost: 100' walkway ~\$15,000.

Comment [t14]: Director recommends reduction of setback. Existing language requires a 30 foot setback, but allows a reduction to 15 feet under certain conditions. The 15 foot minimum has been consistently applied over time along estuaries. Cost: N/A

1 **b. Armored shorelines.** Because the use of rigid shore protection
2 structures, including riprap and rock revetments, may cause significant
3 environmental impacts, and erosion of neighboring properties such structures
4 may only be permitted within the shoreline protection zone where vegetative
5 or other natural methods of shoreline stabilization have been determined by
6 the county to not be practical. Prior to the construction of any significant rigid
7 shore protection structure the applicant shall submit the following to the
8 county for review and approval: [LDC 7.08.00.E]

9 1. **Shoreline erosion statement.** A description of the features of the site
10 and surrounding area, and the proposed measures to be implemented for
11 prevention of erosion and other adverse impacts to adjacent properties
12 from the construction shall be provided.

13 2. **Hold harmless agreement.** An executed agreement, in a form approved
14 by the County Attorney, to hold the county, its officers and employees
15 harmless from any damages to persons or property that may result from
16 authorized construction. [LDC 4.06.06.L]

Comment [t15]: Armored shorelines typically negatively impact neighboring properties. The development of this statement will assist in developing mitigation actions to protect the landowners property as well as minimize impacts to neighboring properties. Cost:\$200-\$500

17 **(c) Riverine shorelines.**

18 **(1) Applicability.** The riverine shoreline provisions of this section apply to all
19 shorelines of surface water habitats that periodically or continuously contain
20 flowing water and their associated wetlands. These riverine systems include
21 rivers, tributaries, perennial streams and intermittent streams, but do not include
22 ditches, swales, or other manmade features created for stormwater control.

23 **(2) Riverine shoreline protection zone.** A riverine shoreline protection zone is
24 established along riverine shorelines, extending 30 feet landward from the
25 ordinary high water line. [LDC 7.08.00.B]

26 **(3) Natural shoreline stabilization.** The shorelines of riverine systems shall be
27 retained in their natural state to the extent possible. Because natural methods of
28 shoreline protection provide an opportunity for natural recovery, erosion prone
29 areas shall be stabilized with appropriate native vegetation in accordance with
30 accepted engineering and environmental practice wherever practical. The
31 removal or destruction of existing native submergent and emergent vegetation in
32 and along the littoral zone shall be prohibited, unless determined by the county to
33 be necessary for the protection of life and property. [LDC 7.08.00.D]

34 **(4) Construction Setbacks.** No new construction is allowed along a riverine
35 shoreline within the established shoreline protection zone, except the following:
36 [LDC 7.08.00.B]

37 a. **Structures.** Walkways, boardwalks, gazebos, docks, piers, boathouses,
38 seawalls, bulkheads, or other retaining walls, and structures necessary for
39 permitted water dependent and water related uses may be permitted within
40 the shoreline protection zone.

41 b. **Road Crossings.** To allow access to developable uplands, roads may be
42 permitted to cross riverine systems if the proposed crossing complies with all
43 other requirements of the LDC.

- 1 c. **Armored shorelines.** Rigid shoreline protection structures may be allowed
2 within the riverine shoreline protection zone according to the same limitations
3 required for estuarine shorelines.

Comment [t16]: Armored shorelines typically negatively impact neighboring properties. The development of this statement will assist in developing mitigation actions to protect the landowners property as well as minimize impacts to neighboring properties. Cost:\$200-\$500

4 **Sec. 4-5.6 Coastal high-hazard areas. (Reference Chapter 2, Article 1**
5 **Environmental DSM)**

6 (a) **Protection required.** To reduce the exposure of people and property to natural
7 hazards, population concentrations shall be directed away from coastal high-hazard
8 areas, and development and any public expenditure that subsidizes development
9 there shall be limited. For the purposes of this section, the coastal high-hazard area
10 (CHHA) is the area below the elevation of the Category 1 storm (hurricane) surge
11 line as established by the state's Sea, Lake, and Overland Surges from Hurricanes
12 (SLOSH) computerized storm surge model. The county-adopted *Coastal High-*
13 *Hazard Area Map* is the delineation of the CHHA. (CP COA 1.2.1)

14 (b) **Hazard reduction.**

- 15 (1) **Hurricane evacuation.** The county shall review development and maintain
16 information regarding the impact of development on hurricane evacuation times
17 established by the Comprehensive Plan. When it is demonstrated that the
18 roadways affected by proposed development have sufficient capacity at their
19 adopted levels of service (i.e., the development passes the test for
20 transportation concurrency), the impact on evacuation times is acceptable.
21 [LDC 12.08.00]
- 22 (2) **Prohibited uses.** Group homes, nursing homes, or other uses that have
23 special evacuation requirements; manufactured (mobile) home developments;
24 and schools are all prohibited as new uses within the CHHA [LDC 12.08.00]

25 **Sec. 4-5.7 Barrier island sand. (Reference Section 1-5 DSM)[12.05.00]**

26 (a) **Protection required.** The county recognizes that the white sands of Perdido Key
27 and Pensacola Beach promote tourism and enhance the quality of life of the
28 residents of the county, and that the permanent discoloration, darkening or staining
29 of the sands would harm the public welfare. To maintain, preserve and protect the
30 natural function and color of these fine to medium grained white sands, the
31 importation, use, and relocation of red clay and other materials that tend to discolor,
32 darken or stain the natural white sands of Perdido Key and Santa Rosa Island is
33 prohibited. Additionally, transportation of prohibited materials when exposed to wind
34 or water shall be prevented on the islands by containment and removal. Approved
35 and prohibited material specifications are provided in Section 1-5 of Design
36 Standards Manual (DSM).

37 (b) **Applicability.** There shall be no distinction made regarding the applicability of the
38 provisions of this section between Perdido Key and Santa Rosa Island soil material.
39 However, the county may, upon specific consideration, differentiate between the
40 allowable soil material of the Gulf front beach, Gulf front (primary) dunes, sound side
41 beach, interior (secondary) dunes and forested ecosystems.

- 1 (c) **Permit Required.** All projects involving the placement of sand or other construction
2 or landscaping materials on Santa Rosa Island or Perdido Key shall require county
3 approval of a representative sample of the materials according to the compliance
4 review processes of Chapter 2 prior to transport on the barrier islands. [12.05.06]
- 5 (d) **Prohibited importation, transfer and use.** The following prohibitions on the
6 importation, transfer and use of some materials on barrier islands are based on
7 approved and prohibited materials as prescribed in this section: [12.05.03]
- 8 (1) No person may import or cause to be imported onto Santa Rosa Island or
9 Perdido Key any construction or landscaping material which is not an approved
10 material.
- 11 (2) No person may use, or transfer for use, any prohibited material in connection
12 with any paving, road surfacing, filling, landscaping, construction work or any
13 other improvement to real property on Perdido Key or Santa Rosa Island,
14 whether leased or not.
- 15 (3) No person may transfer from parcel to parcel any construction material which is
16 not an approved material where such material is to be used in connection with
17 any paving, road surfacing, filling, landscaping, construction work or any other
18 improvement to real property on Perdido Key or Santa Rosa Island, whether
19 leased or not.
- 20 (e) **Removal of prohibited materials.** [12.05.04]
- 21 (1) **General.** Any time reconstruction, redevelopment, improvement or use of a site
22 on Santa Rosa Island or Perdido Key uncovers or exposes "prohibited materials"
23 as defined in DSM Chapter 2, Section 1-5 those materials must be immediately
24 removed from the site and relocated off the barrier island.
- 25 (2) **Utilities.** Any time a utility company, authority, or franchisee, which has acquired
26 use of the county's rights-of-way, easements or other interest by permission,
27 agreement or law to provide services to consumers, shall uncover or expose any
28 prohibited material during the installation, maintenance, repair or removal of its
29 system on Santa Rosa Island or Perdido Key, it shall remove from the barrier
30 island the prohibited material disturbed by the work and replace it with approved
31 materials. The prohibited materials shall be removed in such a manner as to
32 avoid their release by wind, water, or other means onto adjacent lands or waters.
- 33 (3) **BCC approved exemption.** The BCC may exempt the application of these
34 removal provisions for particular projects or parts of projects upon determination
35 by a four-fifths vote of the board that an emergency exists and that an immediate
36 exemption is required to protect the public health, safety or welfare.
- 37 (4) **Removal time.** The requirement for immediate removal of prohibited materials
38 may be relaxed if the materials are confirmed to be contained in such a way as to
39 preclude their transfer by wind, water or other means within the parcel or onto
40 adjacent parcels or waters, and if the delay is otherwise consistent with the
41 purpose and intent of this section. However, prohibited materials may remain on
42 the site where exposed or on the barrier island for no more than 48 hours. The

1 county shall promulgate approved methods of containing and transporting
2 prohibited materials required to be removed. [12.05.05]

3
4 **Sec. 4-5.8 Barrier Island lighting (Pensacola Beach)**
5 **(Reference Chapter 2, Article 1 Environmental DSM) (7/11/13).**

6 **(a) General.** Marine shorelines shall be protected from all artificial (manmade) light
7 sources and the adverse impacts of such lighting on nesting sea turtles, their hatchlings,
8 and other endangered coastal wildlife shall be minimized. For the purposes of these
9 lighting regulations, "within line-of-sight from the beach" means directly visible from a
10 height of two feet or less above the beach along the mean high water line. [LDC
11 13.23.00]

12 **(1) Exemptions.** The following lights are exempt from beachfront lighting
13 regulations under the conditions noted: [LDC 13.23.01]

- 14 a. **Navigation.** Lights mandated by federal regulations for illuminating
15 obstructions in navigable airspace and lights required by the U.S. Coast
16 Guard for boat navigation, provided they have been reviewed and approved
17 in conformance with requirements of the federal Endangered Species Act.
- 18 b. **U.S. flag.** Lighting fixtures that are directed upward onto the flag of the
19 United States if the flag is not within line-of-sight from the beach.
- 20 c. **Holidays.** Traditional holiday lights used outside the sea turtle nesting
21 season which begins May 1 and continues through October 31 each year.

22 **(2) New construction.** All non-exempt lighting for new coastal construction on
23 Escambia County barrier islands, including redevelopment and substantial
24 improvements, shall comply with the following standards: [LDC 13.23.02]

- 25 a. **Wildlife lighting.** Any exterior lighting on Pensacola Beach within line-of-
26 sight from a marine beach, shall be consistent with Florida Fish and Wildlife
27 Conservation Commission (FWC) standards for wildlife lighting to minimize
28 the potential for adverse affects on the nocturnal behaviors of nesting and
29 hatchling sea turtles and other wildlife.
- 30 b. **Dune walkovers.** Lighting of dune walkovers and elevated crossovers to the
31 beach is prohibited seaward of the crest of the primary dune.
- 32 c. **Tinted glass.** The glass in all exterior windows and glass doors shall be
33 treated to achieve an industry-approved, inside-to-outside light transmittance
34 value of 45 percent or less.
- 35 d. **Interior lights.** Interior stairwells, elevators and enclosed parking garages
36 that allow light to pass through windows or other openings shall utilize wildlife
37 lighting or tinted glass as described in this section.
- 38 e. **Lighting plan.** Before granting any building permit, the county shall
39 determine that all proposed construction complies in all respects with the
40 lighting standards of this section. Detailed project lighting plans shall be
41 submitted to the county showing the type and location of all exterior light

1 sources. The plans shall identify the location, number and type of all lighting
2 fixtures to be used. A letter from the FWC documenting approval of the
3 lighting plan may be submitted to the county in lieu of the county lighting plan
4 if FWC approval is required by the state for site development for Pensacola
5 Beach.

6 **f. Review.** Before granting any building permit, the Santa Rosa Island Authority
7 shall determine that all proposed construction complies in all respects with the
8 standards imposed in this section. Detailed project lighting plans shall be
9 submitted to the SRIA showing the location of all exterior light sources. The
10 plans must identify the location, number and type of lighting to be used for all
11 fixtures.

12 **g. Inspection.** Prior to final site inspection approval for any new development
13 within direct line-of-sight from the beach, the site inspection to confirm
14 compliance with these beachfront lighting standards shall include a night
15 survey with all beachfront lighting turned on. A written inspection report shall
16 identify the date and time of inspection, extent of compliance with lighting
17 standards, areas of observed noncompliance, and actions taken to remedy
18 noncompliance.

19 **(3) Nonconforming lighting.** All existing artificial light sources on Pensacola
20 Beach, including utility owned outdoor lighting, shall comply with the standards
21 for new construction by January 1, 2018, unless identified in this section as
22 exempt. [LDC 13.23.03]

23
24 **Sec. 4-5.9 Wellhead protection. (Reference Chapter 2, Article 1 Environmental**
25 **DSM) (July 7, 1999)**

26 **(a) Protection required.** For the protection of public health, safety and welfare the use,
27 handling, production and storage of certain deleterious substances and
28 contaminants which may impair present and future public potable water supply wells
29 and well fields shall be limited in proximity to wellheads. [CP CON 1.4.1]
30 [LDC 7.12.01]

31 **(b) Wellhead protection areas.**

32 **(1) 7-Year time of travel contours.** The 7-year time of travel contour is a
33 continuous line of points from which water takes up to 7 years to reach the
34 wellhead point of withdrawal. The contour is based on the composite vertical and
35 horizontal travel time analysis of the well.

36 **(2) 20-Year time of travel contours.** The 20-year time of travel contour is a
37 continuous line of points from which water takes up to 20 years to reach the
38 wellhead point of withdrawal. The contour is based on the composite vertical and
39 horizontal travel time analysis of the well.

40 **(3) Radius.** Any wells north of Barrineau Park Road (County Road 196) that do not
41 have the benefit of a 7-year time of travel model shall have a 500-foot radius
42 zone.

1 (c) Restrictions on development. [7.12.03]

- 2 (1) **200-foot radius.** Within 200 feet of any well, the only activities allowed are those
3 associated with the well or existing single-family residential uses, open spaces
4 and recreation facilities, but not including impervious surfaces.
- 5 (2) **Seven-year time of travel area.** The following land uses are prohibited within
6 the established 7-year travel time contour, or within the 500-foot radius of any
7 well north of County Road 196.
- 8 a. Sanitary landfills or construction and debris pits.
 - 9 b. Facilities for the bulk storage, handling or processing of materials on the
10 Florida Substance List as per Florida Statutes.
 - 11 c. Activities that require the outside storage, use, production or bulk
12 transportation of regulated substances: agricultural chemicals, petroleum
13 products, hazardous/toxic wastes, industrial chemicals, medical wastes, etc.
 - 14 d. Feedlots or other concentrated animal facilities.
 - 15 e. Wastewater treatment plants, and related percolation ponds; septic tank or
16 other on-site treatment facilities for commercial and industrial uses.
 - 17 f. Mines, borrow pits and other mineral resource extraction.
 - 18 g. Excavation of waterways or drainage facilities which intersect the water table.
 - 19 h. Drainage wells or other facilities which provide for the disposal of stormwater
20 directly into the aquifer absent normal percolation.
 - 21 i. Discharges to ground water of industrial wastewater.
 - 22 j. Phosphogypsum stacks and lateral expansions of phosphogypsum stack
23 systems.
 - 24 k. Class I and Class III underground injection control wells.
 - 25 l. Class V underground injection control wells.
 - 26 m. Aboveground and underground tank storage of hazardous wastes.
- 27 (3) **Twenty-year time of travel area.** Within the 20-year time of travel area, all site
28 plans or change of use applications involving the land uses listed in #2 above,
29 shall be subject to review by one representative each of the water provider and
30 county technical staff to evaluate risk to the public water supply.

31
32 (d) Development standards. [7.12.04]

- 33 (1) **Site plan requirements.** Where applicable, all site plans which accompany
34 applications for development approval shall depict the location of all active and
35 inactive or protected wellheads within 500 feet of the property, and the
36 development approvals shall be conditioned upon the submission of a
37 management plan which provides for the proper abandonment of existing

1 unused wells, in conformance with requirements of the NFWMD and the
2 public supply systems.

- 3 (2) **Groundwater/wellhead impact report.** For all proposed development within
4 a 7-year or 20-year time of travel contour, except a single-family dwelling, a
5 groundwater/wellhead impact report shall be prepared and submitted to the
6 county (DSM Chapter 2, Sec 1-6). The water provider, at its discretion, may
7 waive this reporting requirement with record of that decision provided to the
8 county.

Comment [t17]: Per ECUA

- 9
10 (3) **Abandoned wells.** Where wells have been abandoned or no longer function,
11 they shall be sealed and plugged in compliance with the requirements of the
12 Northwest Florida Water Management District (NFWMD) and Florida
13 Administrative Code (Ch. 17.28).

- 14 (e) **New public water supply wells.** All applications for development approval must
15 specify whether new protected wellheads will be required to service the
16 development. When such new protected wellheads are required, the applicant
17 shall demonstrate that:

- 18
19 (1) There will be no significant adverse impact on minimum groundwater levels
20 at the protected wellhead; and
21 (2) There will be no significant adverse impact from saltwater intrusion at the
22 protected wellhead.
23 (3) The applicant shall provide notice to all non-residential zoned landowners
24 within 500 feet or within a proposed 7-year time of travel protection area as
25 to potential limitations regarding the use of their property due to the new
26 potable well prior to the County approval process.

Comment [t18]: Advises public of potential land use restrictions associated with installation of new well. Provides a measure of protection for the County from Burt Harris claims from wellhead protection overlays. Cost will be dependent on number of impacted landowners.

- 27
28 (f) **Area of water resources concern.** Whenever adverse groundwater withdrawal
29 impacts have been identified through water quality monitoring activities, all
30 development approvals that may contribute to increasing the use of impaired
31 groundwater wells shall be coordinated with the NFWMD and the ECUA and
32 other public supply systems. Among other things, lower permit thresholds,
33 maximum and minimum withdrawal levels, other stipulated conditions regarding
34 water use, and any provisions of the Florida Administrative Code including
35 relevant portions of § 40A-2.801 et seq. may be employed to regulate, control or
36 restrict water resource withdrawal activities. [CP OBJ INF 5.1]
37

38 **Sec. 4.5.10 Docks, Piers, and Marinas (Reference Chapter 2, Article 3 Docks,**
39 **Piers, and Marinas DSM)**

40
41 **Setbacks required.** Piers, docks, and marinas setback lines shall be ten percent
42 of the waterfront at MHWL, but not less than five feet from a property boundary.
43 Specific construction standards and additional setbacks are located in Chapter 2
44 Article 3 of DSM [LDC 13.12, 7.05.00]

1 **Article 6 Historical and Archeological Resources.**

2 **Sec. 4-6.1 Purpose of article.**

3 This article establishes land use regulations that implement Comprehensive Plan
4 policies requiring the identification and preservation of significant archeological and
5 historic sites and structures. [FLU 1.2.2]

6 **Sec. 4-6.2 General provisions. [CP FLU 1.2.1]**

7 **(a) Identification of resources.** The potential for on-site historical and archeological
8 sites shall be determined through review of the Florida Master Site File, Florida's
9 official inventory of historical and cultural resources maintained by the Florida
10 Department of State, and probability maps found in the technical manual.

11 **(b) Protection required.** To protect historical and archeological sites, land uses and
12 development activities require prior county review and approval for compliance with
13 the regulations of this article unless the use or activity is specifically identified in the
14 LDC as exempt from these regulations. Additionally, these regulations apply to any
15 historical or archeological artifact discovered during any phase of construction until
16 such time as the artifact has been protected or proven insignificant. [LDC 12.10.01]

17 **(c) Cessation of activities.** Any time historical or archeological artifacts or resources
18 are discovered during the process of construction or development activities, such
19 activities impacting the artifact or resource shall immediately cease until such time
20 as a determination of significance has been provided. [FLU 1.2.2] [LDC 12.10.03]

21 **(1) Partial cessation.** If the location of the artifact or resource is such that the area
22 can be protected while construction or development activities continue elsewhere
23 on the site, such protection shall be allowed. However, if the location or nature of
24 the artifact or resource is such that any site disturbing activities would impact the
25 artifact or resource, then activities on the entire site shall cease.

26 **(2) Extension of approval time.** If the cessation of construction or development
27 activities goes beyond the time limits established by development orders,
28 building permits or any other county approvals issued according to the provisions
29 of the LDC, then the time for completion of such activities shall be extended to
30 allow for the successful completion of the development or construction.

31 **(d) Determination of significance.**

32 **(1) Artifacts.** The determination of whether or not an artifact is of significant
33 importance and afforded protection by federal or state regulation shall be
34 concluded no later than ten business days after discovery and notification to the
35 county. [LDC 12.10.01]

36 **(2) State approved.** The determination of the significance of any artifact or
37 historical or archeological evidence found on any construction site or on any site
38 listed on the Florida Master Site File shall be made by those persons, firms or
39 corporations approved to make such determination by the Florida Department of
40 State, Division of Historical Resources. [LDC 12.10.02]

1 (e) **Available resources.** The county shall use any available resources of the Florida
2 Department of State, Division of Historical Resources, in the identification of historic
3 structures within the county. The county will utilize guidance, direction and technical
4 assistance received from the agency to insure protection of identified historic
5 structures, sites and areas. Additionally, the county will utilize state assistance
6 together with the assistance of the University of West Florida and others in
7 identifying newly discovered historic or archeological resources. The identification
8 will include an analysis to determine the significance of the resource. [FLU 1.2.1]
9 [LDC 12.10.00]

10 (f) **Clustering provisions found in Article 5 may be utilized for this resource.**

Comment [t19]: Provides design flexibility if needed to avoid resource. Cost: N/A

DRAFT

1 **Article 7 Supplemental Use Regulations.**

2 **Sec. 4-7.1 Purpose of article.**

3 This article establishes land use regulations that implement Comprehensive Plan
4 policies requiring the compatibility of adjacent uses. It is the intent of these regulations
5 to ensure compatibility between uses that are not ensured by zoning district regulations
6 alone. Unlike zoning and other location-based regulations, the requirements of this
7 article regulate certain uses based on their characteristics and potential conflicts with
8 other uses. These use-based regulations supplement and sometimes modify the
9 provisions of the applicable zoning district. They are intended to objectively address the
10 unique compatibility challenges of specific uses, allowing those uses by right and
11 avoiding case-by-case discretionary conditional use approval.

12 **Sec. 4.7.2 General provisions.**

13 (a) **Approval required.** All land uses and development activities specifically identified
14 within this article require county review and approval for compliance with the
15 regulations of this article unless the use or activity is specifically identified in the LDC
16 as exempt from these regulations.

17 (b) **Modification of regulations.** Variances to the strict application of the regulations of
18 this article may only be granted according to compliance review processes of
19 Chapter 2, and only if such modifications maintain the stated purposes of this article,
20 are specifically allowed by its provisions, and comply with all stated conditions.

21 **Sec. 4.7-3 Accessory uses and structures.**

22 (a) **General conditions.** A use or structure that is subordinate in extent and purpose
23 and is customarily incidental to the principal use or structure on the same lot shall be
24 allowed as an accessory use or structure in compliance with the provisions of the
25 applicable zoning district and this section.

26 (1) **Subordinate.** An accessory use shall demonstrate that it is a subordinate use
27 and not simply a different, alternative or additional use. Multiple uses on a parcel
28 may each be classified as a principal use, so the determination of subordinate
29 uses shall, at a minimum, consider:

30 a. **Area.** The area devoted to the use in relation to the principal use. However,
31 the fact that a use occupies less area does not necessarily make the use
32 accessory.

33 b. **Time.** The time devoted to the use in relation to the principal use. For
34 example, a seasonal activity may be accessory in relation to a year-round
35 primary use, but a year-round use would not be subordinate to a seasonal
36 primary use.

37 c. **Intensity.** The relative intensity of the use and the resulting impacts on the
38 land and neighboring properties.

39 d. **Employees.** The number of employees assigned to a use. However, an
40 accessory use need not always have fewer employees than the principal use.

- 1 (2) **Customarily incidental.** An accessory use shall demonstrate that it has
2 commonly, habitually, and by long practice been established as reasonably
3 associated with the primary use. A rare association of uses does not qualify as
4 customary, but the uses need not be joined in a majority of the instances of the
5 principal use. In addition to being subordinate, an incidental use must have a
6 reasonable relationship to the principal use; clearly associated, attendant or
7 connected. A use is customarily incidental when it is so necessary or so
8 commonly to be expected in connection with the principal use that it cannot be
9 reasonably supposed that the LDC intended to prevent it.
- 10 (3) **Establishment.** Unless otherwise specifically allowed by the provisions of the
11 LDC, accessory uses and structures may only be established concurrently with
12 or following the lawful establishment of a validating principal use or structure.
- 13 (4) **Structures.** Accessory structures shall be detached from principal structures
14 and may be limited in location or size.
- 15 (a) **Locations.** Accessory structures are limited to side and rear yards except as
16 allowed by the following or other LDC provisions: [LDC 2.10.07.G]
- 17 1. **On large lots.** Accessory buildings, including accessory dwelling units,
18 on lots ten acres in size or larger may be located within front yards if not
19 less than 60 feet from the front lot line.
- 20 2. **On waterfront lots.** Accessory buildings may be located in the front
21 yards of waterfront lots if not less than 60 feet from the front lot line and
22 granted conditional use approval by the Board of Adjustment (BOA).
23 [LDC 2.10.07.B, 6.03.01.E]
- 24 3. **Encroachment by gas pumps.** Pumps and pump islands for retail fuel
25 sales may be located within required front yards if they are not less than
26 20 feet from any street right-of-way. [LDC 2.10.03.D]
- 27 4. **Encroachment by septic systems.** Whenever lots are to be served by
28 on-site sewage treatment and disposal systems (e.g., septic tank and
29 drain field), the systems may be located in any required yard as necessary
30 to obtain sufficient open space, provided the system is no closer than five
31 feet to any lot line. [LDC 2.10.01.E, 6.02.03]

32 **(b) Structures on Santa Rosa Island**

- 33 (1) In cases which involve the Coastal Construction Control Line (CCCL), a
34 permit must first be obtained from the Florida Department of Environmental
35 Protection, Bureau of Beaches and Coastal Systems, prior to issuance of
36 SRIA development approval.
- 37 (2) No swimming pools or gazebo type structures may extend seawards of the
38 state's 1975 CCCL or 50 feet landward of the crest of the primary dune line;
39 whichever is the most restrictive.
- 40 (3) No temporary structures are allowed without approval of the SRIA board.
41 Requests for approval to construct additional storage space may be
42 submitted providing the construction is attached to the dwelling, and meets

1 building code requirements. Detached structures are allowed only in
2 conformance with the following guidelines for detached/accessory structures.
3 Detached/accessory structures are discouraged; however, requests may be
4 considered by the SRIA board if the following standards are met:

- 5 a. The design of the detached/accessory structure must be
6 compatible with the design of the residence.
- 7 b. The structure must comply with current FEMA construction
8 guidelines.
- 9 c. All applicable building code and development code requirements must
10 be followed.
- 11 d. The detached/accessory structure shall be constructed within
12 established building setback lines.
- 13 e. The maximum area for detached elevated decks shall be 200 square
14 feet. The maximum height shall be 35 feet. In no case may these
15 structures exceed the height of the residence.
- 16 f. Detached/accessory structures on waterfront lots shall be considered
17 on an individual basis.* In no case may these structures extend
18 further seaward than the adjoining residences.
- 19 g. The wall of a detached/accessory structure shall be no closer than six
20 feet to the wall of the main structure. No part of a detached/accessory
21 structure shall be closer than four feet to any part of the main
22 structure.
- 23 h. An open covered walkway no more than six feet wide may connect
24 the main structure to the detached/accessory structure.

25 *Examples of detached/accessory structures: . (Subsequent to November
26 1984 provisions of SRIA.) Private garages, storage buildings, children's
27 playhouses, private swimming pools, bathhouses or cabanas, tennis
28 courts, noncommercial greenhouses, uncovered decks, screened
29 enclosures.

Comment [t20]: Find exact date and insert. See e

- 30 (4) When submitting plans for proposed shoreline or near shoreline
31 projects, such as, retainer walls, seawalls, piers, bulkheads, groins,
32 jetties, etc., a recent survey must be included to show relation of
33 proposed project to property lines, structure, approximate mean high
34 water line, vegetation line if any, and such structures on adjacent
35 properties.
 - 36 (5) Subsequent to August 9, 1990 provisions of the SRIA. Prior approval
37 by SRIA staff is required for installation of a satellite dish. Satellite
38 dishes may not be installed on the street side of the dwelling.
- 39 (c) **Size in relation to single-family dwellings.** In addition to limits imposed by
40 the site and building requirements of the applicable zoning district, accessory
41 dwelling units and other structures accessory to a principal single-family
42 dwelling are subject to the following size limits, excluding accessory

1 structures on farms or within agricultural zoning, or docks and piers:

2 [LDC 6.03.01.E]

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

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

9 **Greater than five acres.** On lots larger than five acres, no individual
10 accessory structure may exceed the size of the principal
11 dwelling. Structures larger than the limits established here shall require
12 variance approval from the BOA.

13 **(d) Carports.** All carports, attached or detached, are allowed as accessory
14 structures regardless of their construction material, but shall comply with the
15 following conditions: [LDC 6.03.01.G]

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

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

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

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

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

25 **(e) Chickens and single-family dwellings** The ownership, possession, and
26 raising of live chickens (*Gallus gallus domesticus*) is an allowed accessory use
27 for any single-family dwelling principal use, except on Perdido Key and Santa
28 Rosa Island, regardless of any prohibition of farm animals or minimum lot area
29 for farm animals established by the applicable zoning district. However, such
30 keeping of chickens shall comply with the following standards: [LDC 6.03.01.I]

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

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

36 **(3) Security.** Chickens may roam freely in the fenced rear yard of the
37 principal dwelling from sunrise to sunset. During all other times the
38 chickens shall be kept in secure coops, pens or enclosures that prevent
39 access by predators.

- 1 **(4) Enclosure setbacks.** All chicken pens, coops, or enclosures shall be a
2 minimum of 10 feet from rear and side property lines, and a minimum of
3 20 feet from any residence located on an adjacent lot.
- 4 **(f) Docks and piers.** As an exception to the establishment of a principal use or
5 structure for any accessory use or structure, docks and piers may be
6 permitted as accessory structures on lots exclusively for single-family
7 dwellings regardless of the establishment of any dwellings on the lots.
- 8 **(g) Family day care or foster homes.** A family day care home or family foster
9 home is allowed as an accessory use wherever the host dwelling unit is
10 allowed unless prohibited by the applicable zoning district.
- 11 **(h) Home occupations and home-based businesses.** Home occupations and
12 home-based businesses are limited to the residents of a dwelling unit other
13 than a manufactured (mobile) home, and allowed only as an accessory use to
14 the residential use. A home occupation, or employment at home, is allowed
15 wherever the host dwelling unit is allowed, but shall generally be unnoticeable
16 to adjoining land uses. A home-based business, which is at a greater scale
17 or intensity than a home occupation, is limited to the rural zoning districts
18 (Agr, RR, RMU) and only allowed if impacts to adjoining land uses are
19 minimal. Home occupations and home-based businesses shall comply with
20 each of the following requirements: [LDC 6.03.00.B]
- 21 **(1) Licenses.** All required business, professional, or occupational licenses
22 are obtained prior to commencement of the occupation or business and
23 are maintained for the duration of the activity.
- 24 **(2) Exterior evidence.** For home occupations, there is no evidence visible
25 from outside of the dwelling or accessory building that any part of a
26 building is utilized for an occupation. For home-based businesses, any
27 evidence visible from outside of the dwelling or accessory building that
28 any part of a building is utilized for a business is minimal. Such exterior
29 evidence includes any storage, display, or signage associated with the
30 occupation or business. Signage is limited for both uses according to the
31 signage provisions of Chapter 5.
- 32 **(3) Off-site impacts.** Occupations or business activities shall not create
33 nuisances or adverse off-site impacts, including but not limited to noise,
34 vibration, smoke, dust or other particulates, odors, heat, light or glare, or
35 electromagnetic interference. In a residential neighborhood, no activities
36 are allowed to alter the character of the neighborhood.
- 37 **(4) Structural alterations.** No structural alterations are made that would be
38 inconsistent with the use of the dwelling exclusively as a residence or that
39 would not customarily be associated with dwellings or their accessory
40 buildings.
- 41 **(5) Employees.** Employment in a home occupation is limited to residents of
42 the dwelling unit unless the applicable zoning district allows BOA
43 conditional use approval of non-resident employees. Employment in a

1 home-based business may include no more than two non-resident
2 employees.

3 **(6) Customers.** No customers shall visit the house nor shall there be any
4 other additional traffic or an increase in demand for parking due to trucks
5 or other service vehicles coming to the house.

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

8 **(i) Small wind energy systems.** For the purposes of this section, a small wind
9 energy system is an accessory use consisting of a wind turbine, structural
10 support, and associated control or conversion electronics design to supply
11 some of the on-site electrical power demands of a home, farm, or small
12 business. A small wind energy system is allowed only if constructed and
13 operated in compliance with each of the following requirements:
14 [LDC 6.03.01.G]

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

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

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

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

32 **(5) Appearance.**

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

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

38 **c. Lighting.** System structures are not lighted except to the extent required
39 by the Federal Aviation Administration or other applicable authority.

40 **(j) Swimming pools and pool enclosures.** Screened enclosures for swimming
41 pools may be erected no closer than five feet from the rear or side property

1 line. No pool enclosure shall be allowed on any easement unless authorized
2 by the grantee of the easement through an encroachment agreement.
3 [LDC 2.10.07.D]

4 **Sec. 4-7.4 Adult entertainment.**

5 **(a) General.** All adult entertainment, including adult theaters, adult bookstores, adult
6 performance establishments, and other uses or activities regulated by the adult
7 entertainment provisions of Chapter 18, *Businesses*, Part I, Escambia County Code of
8 Ordinances, shall be located: [LDC 6.05.16.B.20]

- 9 (1) No less than 1000 feet from any existing adult entertainment facility.
10 (2) No less than 300 feet from any existing commercial establishment that sells or
11 dispenses alcoholic beverages in any manner for on-premises consumption.
12 (3) No less than 1000 feet from any existing place of worship, child care facility, K-12
13 educational facility, park or playground.
14 (4) No less than 500 feet from any existing residential use or residential zoning
15 district (RR, LDR, MDR, and HDR).

16 **Sec. 4-7.5 Alcoholic beverage sales.**

17 **(a) Zoning compliance.** Regardless of the sale of liquor, beer or wine as may be
18 permitted by the applicable zoning district, no vendor shall sell alcoholic beverages,
19 whether for on-premises or off-premises consumption, within 1000 feet of a place of
20 worship, child care facility or K-12 educational facility, except as may be allowed by
21 the provisions of this section. This prohibition does not apply to 1APS (beer only) or
22 2APS (beer and wine only) licenses, or to ODP (one, two or three-day) temporary
23 permits, as described in Florida Statutes. [LDC 7.14.01.A]

24 **(b) Measurement.** The distance required between the place of business selling
25 alcoholic beverages and a place of worship, child care facility, or K-12 educational
26 facility shall be measured along the shortest route of ordinary pedestrian travel
27 within public rights-of-way, from the main entrance of the place of business to the
28 main entrance of the place of worship or child care facility; or for an educational
29 facility, to the nearest point of the grounds in use as part of the facility.
30 [LDC 7.14.01.B]

31 **(c) License transfer.** If the county has issued alcoholic beverage zoning compliance
32 confirmation for a specific location as prescribed in Chapter 2, it shall not thereafter
33 be denied to the transferee of a license holder operating a business at the same
34 location if the transferee applies to the county for zoning compliance confirmation
35 within 60 days of the last day of business of the transferring license holder.
36 [LDC 7.14.01.A]

37 **(d) Establishment of new conflicting uses.** Whenever a licensee has obtained a
38 state license permitting the sale of alcoholic beverages on premises, the subsequent
39 establishment of a place of worship, child care facility or educational facility within a
40 distance otherwise prohibited by this section shall not be cause for the revocation of
41 the license nor prevent the subsequent renewal or transfer of the license, or upgrade
42 to a consumption-on-premises (COP) license. [LDC 7.14.01.C]

- 1 (e) **Conditional use.** The Board of Adjustment (BOA) may approve a conditional use
2 for the sale of alcohol within 1000 feet of a place of worship or child care facility if it
3 finds that all of the conditions prescribed in Chapter 2 for conditional use approval
4 have been established. With regard to the condition of general compatibility, the
5 BOA shall consider the extent to which: [LDC 7.14.01.E]
- 6 (1) The existing times of use of the places of worship or child care facilities coincide
7 with the hours of operation of the subject business.
- 8 (2) The 1000-foot minimum distance is not achieved.
- 9 (3) The conflicting uses are visible to each other.
- 10 (4) Any on-premises consumption is outdoors.
- 11 (5) Any conditions or circumstances mitigate any incompatibility.

12 **Sec. 4-7.6 Borrow pits and reclamation.**

- 13 (a) **Approvals.** The extraction, removal and transportation of material excavated from
14 borrow pits, and the filling or other reclamation of such pits after removal of usable
15 materials, requires county site development plan approval. Approvals are subject to
16 the additional requirements of applicable federal, state and regional regulatory
17 authorities. County approval shall be coordinated with the borrow pit and
18 reclamation provisions of Chapter 42, *Environment*, Part I, Escambia County Code
19 of Ordinances. [LDC 7.07.07.E]
- 20 (b) **Excavation setbacks.** The commencement of slope into a borrow pit (the
21 outermost edge of pit excavation) shall be set back a minimum of 25 feet from the
22 boundaries of adjoining property or rights-of-way, with the following exceptions:
23 [LDC 7.07.07.A]
- 24 (1) **Back to back pits.** The setback for slope commencement excludes property
25 boundary lines between active pits using the same excavation area.
- 26 (2) **Slope angles.** Pits with a shallow excavation slope of 6:1 (horizontal to vertical)
27 may reduce the 50-foot setback up to the 25-foot minimum required width for
28 landscape screening and buffer requirements. Pits allowed to exceed the
29 required 2:1 slope as provided in this section shall require a 100-foot setback.
- 30 (3) **Conditions of approval.** Increased setbacks may be required according to the
31 conditions of county approval to protect environmentally sensitive lands or
32 adjacent properties from adverse impacts.
- 33 (c) **Excavation slopes.** Excavation slopes shall be no greater than 2:1 (horizontal to
34 vertical) unless a Florida registered professional engineer or professional geologist
35 certifies that the proposed angle exceeding this slope will not increase the potential
36 for erosion or slumping, considering the type of material excavated and other
37 pertinent conditions. [LDC 7.07.07.C]
- 38 (d) **Traffic requirements.** Borrow pit access shall be limited to routes having the least
39 impact on residential areas, and their use shall comply with all traffic capacity
40 requirements of the LDC. [LDC 7.07.07.D]

- 1 **(e) Hours of operation.** [7.07.07.F]
- 2 **(1) Travel through residential areas.** Borrow pit and reclamation activities,
3 including land clearing debris disposal, that require trucks and heavy equipment
4 to pass through residential areas as their only access route to pit operations are
5 limited to the hours between 6:00 a.m. and 6:00 p.m. Monday through Friday,
6 between 8:00 a.m. and 2:00 p.m. on Saturday, and no Sunday operation.
- 7 **(2) No travel through residential areas.** Borrow pit and reclamation activities that
8 access their operations without passing through residential areas (i.e., via
9 principal and minor arterial roadways) are limited to the hours between 6:00 a.m.
10 and 6:00 p.m. Monday through Saturday, with no Sunday operation.
- 11 **(3) Exceptions.** Exceptions to these operating hours may be authorized by federal,
12 state, or county authorities in cases of emergency or when determined by such
13 authorities to best serve the public interest. Any exceptions require written
14 approval by the County Administrator specifying the reason and allowed period of
15 time for the exception.
- 16 **(f) Fences and gates.** An effective security fence not less than six feet in height above
17 grade with appropriate gates for access is required along the outer perimeter of the
18 excavated area. Additional security features, such as barbed wire above the fence
19 top, are encouraged. Gates for access shall be locked at all times during non-
20 operating hours. Fences and gates shall be maintained in a reasonable condition to
21 remain an effective barrier. [LDC 7.07.07.G]
- 22 **(g) Screening.** Those portions of a borrow pit visible from public right-of-way or
23 adjoining residential use shall be screened with dense landscaping having at least
24 75 percent opacity or achieving it within two years. The landscape screening shall
25 be no less than ten feet in width at any given point and may be placed on either side
26 of the required perimeter fence to achieve maximum dust and noise reduction and
27 visible screening. Earthen berms with a minimum height of three feet can be placed
28 within this buffer area. [LDC 7.07.07.H]
- 29 **(h) Buffers.** In addition to any required landscape screening, a minimum ten-foot wide
30 buffer is required parallel to, and inside, the required borrow pit perimeter fence. No
31 excavation, pit operations, parking, storage or disposal of debris is permitted within
32 the screening or buffer areas. The setback area may not be used for truck or
33 equipment traffic, except as necessary to maintain the setback area and perimeter
34 fence. Pit access points shall be designed perpendicular to the buffer/screening
35 width with the least disturbance to the buffer/screening zone that allows safe vehicle
36 and equipment access to the operating site. [LDC 7.07.07.I]
- 37 **(i) Signs.** "No Trespassing" signs shall be permanently posted and maintained in
38 legible condition at each borrow pit access and perimeter fence corner, and every
39 250 feet or less along the fence. Sign lettering shall not be less than two inches in
40 height. [LDC 7.07.07.J]
- 41 **(j) Reclamation activities.** Borrow pit reclamation activities shall comply with the
42 applicable standards of this section until such time as complete reclamation has
43 occurred in compliance with all federal, state, and county regulations, including

1 Chapter 42, *Environment*, Part I, Escambia County Code of Ordinances.
2 Reclamation involving land clearing debris disposal shall only be permitted to the
3 minimum height above ground level that allows for environmental safety and
4 stormwater runoff consistent with the surrounding environment and intended post-
5 mining land use, not to exceed six feet. Groundwater monitoring wells and/or air
6 monitoring stations may be required for specific types of debris disposal per
7 applicable federal, state, and local regulations and the terms of the required county-
8 approved reclamation plan. [LDC 7.07.07.K]

9 **(k) Exceptions for existing pits and/or their reclamation.** [7.07.07.L]

10 **(1) Traffic.** Traffic requirements are waived for existing pits when strict application
11 would deny access to pit operations.

12 **(2) Permits.** Permit requirements are established in Chapter 42, *Environment*, Part
13 I, Escambia County Code of Ordinances.

14 **(l) Reclamation of existing pits involving land clearing debris disposal.** If
15 reclamation activities involving land clearing debris disposal at existing pits already
16 exceeds ground level as of the date of adoption of this ordinance (Ordinance 2005-
17 23), no further increase in vertical height shall be permitted unless the height
18 increase is certified by a Florida registered professional engineer in accordance with
19 standard engineering practice to be necessary for stormwater considerations and/or
20 environmental safety not to exceed the permitted height as of September 16, 2004.
21 Any such certification for height increases above ground level shall be consistent
22 with the surrounding environment and intended post-mining land use.
23 [LDC 7.07.07.M]

24 **Sec. 4-7.7 Condo-hotels.**

25 **(a) General.** A hotel or motel under a condominium form of ownership (condo-hotel or
26 condotel) shall contain only individual lodging units permanently dedicated to full-time
27 public rental for transient occupancy and be entirely under the control, management and
28 operation of a single entity. The management may, however, permit the owner of an
29 individual unit to occupy the unit without rental charge for up to 12 weeks in any
30 calendar year, provided that when not owner-occupied the unit is made available to the
31 public by the operator for short-term transient rentals of less than 30 days. A condo-
32 hotel shall also satisfy the following requirements:

33 **(1)** The facility is advertised and appropriately marked with signage identifying the
34 condo-hotel as a hotel or motel.

35 **(2)** The facility is served by singly metered utility services and has central telephone
36 and television systems serving all individual units.

37 **(3)** The operator shall be directed by the owners' association or board of directors to
38 make the guest register available for inspection during business hours by
39 authorized agents, officers and employees of the county to verify compliance.

40 **(4)** The operator shall be directed by the owners' association or the board of
41 directors to provide access to all rental records, tax receipts or other documents

1 and records necessary to allow authorized agents, officers and employees of the
2 county to verify compliance with the requirements of this provision.

3 **(5)** The operator shall be directed by the owners' association or board of directors to
4 retain the records referred to above, for a minimum of five years.

5 Condo-hotel units that are offered in fractional shares must have all unoccupied units
6 available for daily transient rental by the operator or an exchange company.
7

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1 **Sec. 4-7.8 Manufactured (mobile) homes.**

2 (a) **General.** When a manufactured (mobile) home is permitted for use in any district, it
3 shall meet all minimum requirements for a detached single-family dwelling in the
4 district. A manufactured home shall not be used for any purpose other than a single-
5 family dwelling and shall not be stored or parked on any public right-of-way. Except
6 for nonconforming uses, and emergency conditions as determined by the SIRA or
7 BCC, manufactured homes are not permitted on Pensacola Beach or Perdido Key.
8 [LDC 7.09.00.A]

9 (b) **As nonconforming use.** Any manufactured home as a nonconforming use may be
10 replaced by another manufactured home of any size without being considered an
11 increase in the extent of nonconformity if the replacement complies with all of the
12 following conditions: [LDC 9.02.01]

13 (1) **Age.** Manufactured after July 13, 1994, and no older than the unit being
14 replaced.

15 (2) **HUD compliance.** Constructed according to U.S Department of Housing and
16 Urban Development (HUD) standards as documented by an attached HUD
17 certification seal.

18 (3) **Setbacks.** Placed according to the setback requirements of the applicable
19 zoning district and, if within a manufactured home park, at least ten feet from any
20 other dwelling unit.

21 (c) **Setback modification.** Within an existing manufactured home park or subdivision
22 the front and rear setbacks may be modified by the Planning Official to
23 accommodate manufactured homes larger than those for which the development
24 was originally designed if smaller units are no longer reasonably available.

25 (d) **Manufactured home parks.** A manufactured home park shall have a minimum of
26 five manufactured home spaces, and no space may be occupied until at least five
27 spaces are completed and ready for occupancy. Additionally, a park shall comply
28 with all applicable state statutes and administrative rules. [LDC 7.09.00.C]

29 (e) **Manufactured home subdivisions.** A manufactured home subdivision shall
30 comply with all subdivision regulations of the LDC and all site and building
31 requirements of the applicable zoning district, except the minimum lot area may be
32 4000 square feet if the subdivision provides sanitary sewer. [7.09.00.D]

33 **Sec. 4-7.9 Outdoor Storage.** [these are preliminary provisions to replace or
34 supplement the current tables]

35 (a) **General.** Where the LDC allows any outdoor storage of equipment, goods, junk,
36 material, or merchandise, the storage shall comply with the regulations of this
37 section unless specifically identified in the LDC as exempt from these regulations.
38 The regulations are intended to allow outdoor storage, including retail display, while
39 assuring it is not a hazard to public health and safety, does not have a depreciating
40 effect on adjacent property values, and does not create nuisance conditions. Unless
41 specifically identified as a principal use, outdoor storage in all zoning districts is

1 limited to items accessory (subordinate and incidental) to a permitted principal use
2 on the same parcel, and complying with the provisions of this section.

3 (b) **Exemptions.** The following storage is exempt from the regulations of this section:

4 **Construction and landscaping.** Construction and landscaping materials and
5 equipment incidental to ongoing construction or landscaping activities within the
6 parcel on which the materials and equipment are stored.

7 (c) **Residential uses.** Outdoor storage for all residential uses is limited to items
8 accessory to the use of a dwelling, on the lot occupied by the dwelling, and
9 complying with the following conditions:

- 10 (1) Rear or side yard storage of firewood for the purpose of consumption only by
11 those residing on the premises.
- 12 (2) Recreational vehicle storage if the vehicle is the property of a person residing on
13 the premises, is licensed and operable, and is stored no closer than five feet from
14 a side or rear lot line. Additionally, such stored vehicles shall not encroach on a
15 public right-of-way or public sidewalk.
- 16 (3) Items not intended for outdoor use or storage shall not be stored outdoors
17 regardless of resistance to deterioration by the elements.

18 (d) **Retail display.** Outdoor retail display shall comply with the following standards:

- 19 (1) **Accessory.** The display shall be accessory to a permitted retail use on the
20 same parcel.
- 21 (2) **Access.** The display shall not be located where it will interfere with any required
22 vehicular or pedestrian access, including access to public rights-of-way, parking
23 stalls, loading zones, driveways, drive aisles, fire lanes, hydrants, alarms,
24 emergency exits, or sidewalks. Additionally, displays shall not interfere with any
25 sight visibility triangles prescribed in Chapter 5, or any utilities, services or
26 drainage systems.
- 27 (3) **Order.** Items displayed shall be maintained in a neat and orderly manner.
- 28 (4) **Height.** The height of items displayed shall not exceed the height of any
29 required screening.
- 30 (5) **Condition of approval.** The location of permissible display area shall be
31 established as a condition of any applicable county approval for a retail use.

1 To regulate outdoor storage and determine the proper screening requirements for such
 2 storage, the following storage categories and standards are established: [6.04.19]

Class	Description for Outdoor Storage
Class 1	<ul style="list-style-type: none"> • Construction materials on active construction sites.
Class 2	<ul style="list-style-type: none"> • Live plants not displayed for sale. • Goods incidental to agriculture or the provision of agricultural services.
Class 3	<ul style="list-style-type: none"> • Vehicles, including recreational, trailers, construction, and watercraft, at dealerships or a mini-warehouse. • Retail funerary sales.
Class 4	<ul style="list-style-type: none"> • Items outdoors during business hours.
Class 5	<ul style="list-style-type: none"> • Vehicles including recreational, trailers, construction, and watercraft excluding vehicles located at residences. • Hazardous or toxic substances • The storage, sale, dismantling, or other processing of used or waste goods or materials that are not intended for reuse in their original forms. • Materials or equipment. • Storage of vehicles or equipment for maintenance, repair, or servicing. • Raw or finished materials incidental to manufacture, processing, fabrication, assembly, treatment, and packaging of products. • The storage incidental to offices or administrative, clerical, or public contact services, together with incidental storage and maintenance of necessary vehicles.

3
4

(A) Standard	(B) Class 1	(C) Class 2	(D) Class 3	(E) Class 4	(F) Class 5
Yard or driveway.					
Rear yard unless the area is screened in accordance with LDC Section 7.01.06.E.					
Standard A-2 buffer is required where abutting any residential district.					
Screened in accordance with LDC Section 7.01.06.E.					

5

6 **Sec. 4-7.10 Recreational vehicles.**

7 Recreational vehicle are designed primarily as temporary living quarters for recreational,
 8 camping, or travel use. Except under the disaster recovery temporary use provisions of
 9 this chapter, the use of a recreational vehicle as living quarters for more than 14 days in
 10 any calendar year is prohibited except in duly licensed campgrounds or mobile home
 11 parks. All recreational vehicles located in residential districts, except for those being

1 stored and not occupied and located on the same lot with the principal structure, shall
2 be removed within 60 days from notification.

3 **Sec. 4-7.11 Telecommunications towers.**

4 **(a)General.** In zoning districts where telecommunications towers are allowed, either
5 generally as a “public utility structure” or specifically as a telecommunications tower,
6 most require conditional use approval by the BOA to exceed the district or other height
7 limit. Such approval is required of all towers in some districts. For the purposes of this
8 section, a telecommunications tower is a pole or similar structure designed to support
9 one or more antennas in a fixed location for transmitting or receiving commercial
10 wireless communications signals. Towers limited to amateur radio, VHF marine, or
11 similar non-commercial operations are not included. [LDC 7.18.00]

- 12 (1) **Antennas.** A commercial communication antenna may be located on an existing
13 nonresidential structure without conditional use approval if the antenna and its
14 supporting structure does not extend more than 50 feet above the existing
15 structure and does not exceed the structure height allowed by the applicable
16 zoning district.
- 17 (2) **Collocation.** To provide marketable services while limiting unnecessary
18 telecommunication towers, approvals for all new towers are conditioned on the
19 applicant providing for collocation. Specifically, if the telecommunication tower is
20 150 feet or lower, collocation shall be provided for at least one other
21 communication service provider; and if greater than 150 feet, collocation shall be
22 provided for two or more additional providers. Additionally, all applicants for
23 telecommunications towers shall submit evidence that reasonable efforts to
24 collocate their equipment on existing structures have been made.
- 25 (3) **Setback from residential zoning.** No commercial communication tower shall
26 be located closer than the height of the tower to a residential zoning district line.
27 Additionally, in districts where commercial communications towers are allowed,
28 all such towers that will exceed 150 feet in height and/or are located within 500
29 feet of a residential use require conditional use approval by the BOA.
- 30 (4) **Lighting.** Ground or security lighting for commercial communication towers shall
31 be shielded to prevent direct visibility from nearby residences.
- 32 (5) **Color.** Commercial communication towers not requiring FAA marking otherwise
33 shall have either a galvanized finish or be painted gray or black.
- 34 (6) **Standards.** Commercial communication towers shall be designed and
35 constructed in compliance with the latest revision of the telecommunication and
36 electronic industries standards (TIA/EIA 222) representing the accepted industry
37 practices in the design of antenna supporting structures.
- 38 (7) **Security.** A minimum six-foot fence or wall shall be required around all
39 commercial communication tower sites. Access shall be through a locked gate
40 and an appropriate anticlimbing device shall be installed on the tower. Fences in
41 residential districts may not exceed a height of six feet; in commercial districts
42 the maximum height is eight feet.

- 1 (8) **Screening.** Landscaping and buffering shall be provided as required by the
2 LDC.
- 3 (9) **Emissions.** No location of a commercial communication tower or
4 communication antenna shall be regulated on the basis of the environmental
5 effects of radio frequency emissions, except to the extent that such towers and
6 antennas comply with the FCC regulations concerning those emissions.
- 7 (10) **Abandonment.** The county shall consider any commercial communication tower
8 whose use has been discontinued for a period of 12 months to be abandoned.
9 The owner/operator of the tower shall have 180 days to reactivate the use of the
10 tower, transfer the tower to another owner/operator, or dismantle and remove the
11 tower.
- 12 (11) **Existing towers.** Existing lawfully erected towers may continue in use, including
13 their routine maintenance. Additional antennas and other communication
14 devices may be co-located on existing towers if the towers are structurally
15 designed to accommodate them and the new combined height does not exceed
16 district height allowed. If an existing tower is a nonconforming use, it can be
17 replaced with a new tower of equal or lesser height on the site of the existing
18 tower or on an alternative site within the same parcel. However, a replacement
19 tower placed on an alternative site within the same parcel shall comply with the
20 standards prescribed in this section. If the tower is nonconforming with regard to
21 height, the requirements of the airport and airfield environs shall apply.
- 22 (12) **Airport/airfield environs.** Any tower located within the airport and airfield
23 environs prescribed by the LDC shall be reviewed for compliance with the
24 standards for those environs.
- 25 (13) **Conditional use.** Conditional use approval to allow a telecommunications tower
26 of greater height does not additionally require a height variance. Where a tower
27 requires conditional use approval, the reviewing board may only grant a
28 conditional use upon a finding by the board that, in addition to the standard
29 conditions, the tower complies with following conditions:
- 30 a. **Siting alternatives.** All other reasonable siting alternatives have been
31 explored and the conditional use is necessary due to extenuating factors such
32 as location of existing uses, trees, structures or other features on or adjacent
33 to the property, or compatibility with existing adjoining uses or with the
34 general character of the area.
- 35 b. **Environmentally sensitive land.** The proposed site of the tower avoids
36 wetlands, habitat of threatened or endangered species, and historical sites to
37 the greatest extent practical. Where adverse impacts have not been avoided
38 they will be mitigated as required by the LDC or as may additionally be
39 required by the approving board.
- 40 (14) **Application requirements.** Application for LDC compliance review of proposed
41 telecommunication towers shall include the following completed documents for
42 use in evaluating compliance, but applications for conditional use approval need
43 not include the geotechnical report or environmental compliance checklist.

- 1 a. A geotechnical exploration report.
- 2 b. An FCC/NEPA environmental compliance checklist.
- 3 c. Letters indicating no objection to the tower from the Federal Communications
- 4 Commission, Federal Aviation Administration, Florida Department of
- 5 Transportation, and Escambia County Emergency Management.
- 6 d. Coverage maps for this tower.
- 7 e. Collocation information.

8 **Sec. 4-7.12 Temporary uses and structures.**

9 **(a) General.** A use which is carried out or a structure which is in place for no more than
10 180 consecutive days shall be considered a temporary use or structure and allowed
11 according to the provisions of this section if not otherwise prohibited by law or
12 ordinance. The LDC allows alternative periods of temporary use or placement, but
13 temporary uses must be discontinued and temporary structures removed on or
14 before the expiration of the allowed time.

15 **(1) Applicable uses and structures.** In addition to the time constraint, temporary
16 uses and structure are limited to the following:

- 17 a. **Allowed uses.** Permitted or conditionally permitted uses within the
18 applicable zoning district.
- 19 b. **Accessory uses.** Accessory uses to permitted or conditionally permitted
20 uses within the applicable zoning district.
- 21 c. **Special events.** Special events which, for the purposes of this section, are
22 outdoor uses or activities not specifically identified as allowed by the
23 applicable zoning, but not otherwise prohibited by law or ordinance, and
24 lasting no more than 14 consecutive days. Such uses and activities include
25 art shows, sidewalk sales, festivals, school carnivals, church bazaars, classic
26 car shows, tournaments, concerts, neighborhood fairs, haunted houses,
27 pumpkin and Christmas tree sales, grand openings and similar short-term
28 events intended or likely to attract crowds.
- 29 d. **Specified uses and structures.** Uses or structures specifically identified in
30 this section as allowable temporary uses or structures within the applicable
31 zoning.

32 **(2) Temporary uses.** A temporary use may be established within a permanent or
33 temporary structure, or outdoors, as allowed by the applicable zoning district, but
34 typically without the construction or alteration of any permanent structure. For
35 the purposes of determining the expiration of a temporary use, cessation of the
36 fundamental characteristics of the use or activity are required. For example, a
37 change in the specific items sold at a sidewalk sale or grand opening would not
38 begin a new temporary use.

39 **(3) Temporary structures.** A temporary structure may be erected on any lot,
40 provided it complies with applicable zoning regulations and is used for a
41 commercial, commercial amusement or recreational purpose, or for a special
42 event.

1 The temporary structure may constitute the principal structure or use on the lot.
2 Temporary structures include tents, portable shelters, wheeled structures,
3 amusement rides, inflatable amusement structures, and constructed amusement
4 structures. [LDC 6.04.16]

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

6 **(1) Construction offices.** A construction office is allowed as temporary use and
7 structure on or near a construction site while a building or other development is
8 under construction. However, the temporary office shall be a State of Florida
9 approved modular building and removed no later than 90 days from the date of
10 issuance of a certificate of occupancy or other applicable final approval of the site
11 construction.

12 **(2) Disaster recovery housing.** Disaster recovery housing is allowed as a
13 temporary use and structure when a fire, flood, windstorm, or other natural or
14 human caused disaster requires the temporary housing of a single-family
15 residential use or a non-residential use to allow repair or replacement of a
16 damaged structure. The following provisions apply to the temporary housing:
17 [LDC 6.04.11]

18 **a. Permit contract.** To receive a permit for a temporary housing structure, the
19 property owner shall enter into a written contract with the county that requires
20 the property owner to remove the temporary structure from the property within
21 ten days after a certificate of occupancy is issued for the new or rehabilitated
22 structure, or upon expiration of the temporary use permit, whichever occurs
23 first. Failure to do so shall authorize the county to remove the structure
24 without further notice and at the expense of the permit holder or property
25 owner. The County Administrator is authorized to execute the contract on
26 behalf of the county. [LDC 6.04.11.D.2]

27 **b. Date of disaster.** If an official disaster declaration is issued, the date of the
28 declaration shall be the date of the disaster for the purpose of permitting.

29 **c. Utilities required.** Electrical power, potable water, and sanitary sewer
30 connections complying with the Florida Building Code shall be provided to
31 the temporary structure. [LDC 6.04.11.D.1]

32 **d. Flood considerations.** Placement of the temporary structure shall comply
33 with all floodplain management regulations. [LDC 6.04.11.D.3]

34 **e. Single-family dwelling.** During post-disaster rehabilitation or reconstruction
35 of a single-family dwelling made unfit for human habitation, the Building
36 Official may permit the use of a manufactured (mobile) home or recreational
37 vehicle as temporary living quarters on the lot of the damaged dwelling,
38 regardless of zoning district requirements. However, no more than one such
39 temporary structure or vehicle may be permitted per lot, and the resident of
40 the damaged dwelling must occupy it. Additionally, the applicant must apply
41 for such permit within six months of the date of the disaster and the maximum
42 length of the temporary use shall be 18 months after the date of the disaster.
43 [LDC 6.04.11.C and D.6]

1 f. **Alternate residential sites.** When the lot of a damaged dwelling is not
2 suitable for placement of a manufactured (mobile) home or recreational
3 vehicle as temporary living quarters, the applicant for the temporary quarters
4 may designate an alternate site for either type of quarters. However, a
5 manufactured home must be a permitted use under the zoning of the
6 alternate site and shall comply with the setback requirements for a accessory
7 dwelling. When an alternate site is designated, both the person whose home
8 has been made uninhabitable and the owner of the alternate site shall join in
9 the application for the permit and the contract for removal. [LDC 6.04.11.D.5]

10 g. **Non-residential use.** During post-disaster rehabilitation or reconstruction of
11 commercial or industrial use structures made unfit for business activities, the
12 Building Official may permit the use of a State of Florida approved modular
13 building as a temporary structure to carry out business activities on the lot of
14 the damaged building. However, such temporary structures may be permitted
15 only for use on the site of the damaged structure and only if there remains
16 adequate parking (including handicap) based on the temporary structure.
17 Additionally, the applicant must apply for such permit within six months of the
18 date of the disaster and the maximum length of the temporary use shall be
19 nine months after the date of the disaster. [LDC 6.04.11.C and D.4]

20 h. **Permit extension.** When any temporary use structure or vehicle permitted
21 under this section is replaced due to damage from a subsequent disaster, the
22 duration of the original temporary use permit shall not be extended unless the
23 Building Official determines the subsequent disaster caused sufficient
24 damage to the permanent structure to require additional repairs that will slow
25 the rehabilitation or reconstruction process. [LDC 6.04.11.D.7]

26 (3) **Encroachments for construction or security.** Signs, lights, fences, and
27 temporary power poles needed for construction or security activities are allowed
28 as temporary structures to encroach the minimum yards required by the
29 applicable zoning. However, the owner of such items shall be responsible for
30 them and shall remove them at the request of the Planning Official or Building
31 Official at no expense to the county. [LDC 6.02.03]

32 (4) **Medical hardship temporary living quarters.** A manufactured (mobile) home
33 or park trailer is allowed as a temporary accessory use and structure within any
34 mainland zoning district that does not otherwise allow such living quarters if
35 approved by the Board of Adjustment (BOA) for use due to medical hardship in
36 compliance with the provisions of Chapter 3. The following standards apply to
37 the temporary use and structure: [LDC 2.05.06, 6.04.10]

38 a. **Maximum structure size.** The accessory living quarters shall not exceed
39 1280 square feet in gross floor area. [LDC 2.05.06.B]

40 b. **Minimum lot size.** The lot where the accessory living quarters will be located
41 shall be at least one-quarter acre if served by public sewer. If a septic tank is
42 used, the lot shall be at least one-half acre. Additionally, the lot shall be
43 sufficient in size to allow compliance with all zoning district lot coverage and
44 setback requirements. [2.05.06.E]

1 c. **Location.** The accessory living quarters shall be located on the same parcel
2 (same property identification number) as the primary residence.
3 [LDC 2.05.06.C]

4 d. **Limited occupancy.** Only the caregiver and their immediate family, or the
5 person in need of medical care shall occupy the accessory living quarters.
6 [2.05.06.D]

7 e. **Hold harmless agreement.** Prior to temporary placement of the accessory
8 living quarters on the approved lot, the landowner shall execute a "hold
9 harmless agreement" acknowledging the county's right to remove the
10 accessory use at the owner's expense if the owner, or his heirs and assigns,
11 fails to remove the within the specified 60-day time period. [LDC 2.05.06.M]

12 f. **Building code compliance.** The installation of the accessory living quarters
13 shall comply fully with the Florida Building Code and is subject to all
14 associated compliance inspections. [LDC 2.05.06.F]

15 g. **Temporary status maintained.** Once the accessory living quarters is placed
16 upon the property, the wheels and axles shall not be removed, and no
17 additions to it shall be constructed except for handicapped access ramps.
18 [LDC 2.05.06.H]

19 (5) **Mobile vending units.** A mobile vending unit is allowed as a temporary use in
20 the Com, HC/LI, Ind, C-1PK, CCPK, CGPK, PRPK zoning districts, subject to the
21 following restrictions: [LDC 6.04.17]

22 a. **License.** The owner of the mobile vending unit must obtain an occupational
23 license from the Escambia County Tax Collector and affix a copy of the
24 occupational license to the mobile vending unit in a conspicuous location.

25 b. **Waste.** The mobile vending unit shall include a waste receptacle and shall be
26 designed and operated so as to prevent and eliminate the scattering of
27 vending, beverage containers, paper products, etc.

28 c. **Placement.** The mobile vending unit shall not be placed within a parking lot
29 drive aisle or required landscape area of a developed site used by another
30 active use; within any driveway, sidewalk, or public right-of-way; in any
31 location obstructing the line of sight for traffic; or in a location otherwise
32 presenting a safety hazard.

33 (6) **Model homes and sales offices.** Within any residential subdivision for which a
34 preliminary plat has been approved by the county, the construction of no more
35 than two principal dwellings for temporary use as model homes or real estate
36 sales offices may be permitted prior to final plat approval. For the "Parade of
37 Homes" or other special circumstances the BCC may authorize at a public
38 hearing the issuance of additional model home permits if additional assurances
39 of infrastructure completion are provided. However, issuance of a model home
40 permit does not authorize issuance of a certificate of occupancy, and no
41 permanent certificate of occupancy may be issued for any dwellings until the final
42 plat is approved by the BCC and recorded as prescribed in Chapter 3.

1 Additionally, the dwellings cannot be permanently occupied as residences until
2 certificates of occupancy are issued. [4.01.03.E]

3 **(7) Portable storage containers.** On a lot where a portable storage container is not
4 allowed as outdoor storage by the applicable zoning, the container may be
5 allowed as a temporary use according to the following provisions:

- 6 a. The on-site use of a container for 30 days or less only requires notification to
7 the Planning Official of the placement by the provider of the container, and
8 tracking by the official for enforcement purposes.
- 9 b. The on-site use of a container for more than 30 days requires issuance of a
10 90-day permit by the Planning Official after a reasonable demonstration by
11 the applicant of temporary circumstances that make the additional on-site
12 storage time necessary. Such circumstances may include damage to or
13 destruction of the principle structure, remodeling, renovation, construction, or
14 relocation. A weatherproof copy of the permit indicating the date of issuance,
15 date of expiration, and address of the approved placement shall be attached
16 to the container. [LDC 6.04.12]
- 17 c. Prior to expiration of the original permit and upon additional demonstration by
18 the applicant of unforeseen circumstances, the Planning Official may grant
19 not more than one 90-day extension to the permit for good cause shown. If
20 granted, a weatherproof copy of the extension shall be attached with the initial
21 permit. [LDC 6.04.12.A.6]
- 22 d. Applicants are generally limited to one portable storage container per
23 principal use. For residential uses the limit is one container per dwelling unit.
24 The use of more than one storage container per principal use may be
25 approved by the Planning Official upon a demonstration of need, such as the
26 scope of work or extent of construction. [LDC 6.04.12.A.1]
- 27 e. The exterior dimensions of a container shall not exceed nine feet in height, 20
28 feet in length, and eight feet in width. [LDC 6.04.12.A.2]
- 29 f. The container shall not obstruct the line of sight for traffic or otherwise present
30 a safety hazard. The placement of containers in fire lanes or public rights-of-
31 way is prohibited. [LDC 6.04.12.A.3]
- 32 g. Front yard placement of a container may only be permitted where no
33 alternative location on the parcel exists, or if placement at an alternative
34 location would create an unreasonable hardship on the owner or occupant.
35 [LDC 6.04.12.A.4]
- 36 h. The provider of a container shall be responsible to ensure that it is in good
37 condition, free from evidence of deterioration, weathering, discoloration,
38 graffiti, rust, rips, tears or other holes or breaks. [LDC 6.04.12.A.4]

39 **(8) Sales offices.** A sales office is allowed as a temporary use and structure on or
40 near a construction site and can be authorized prior to the start of construction,
41 provided a pre-application review of the construction project has been completed
42 by the county. However, the temporary office must be a State of Florida

1 approved modular building and removed within 24 months of such preapplication
2 if construction has not begun. One extension can be authorized by the Planning
3 Official. Also, the owner or sales agent for a residential subdivision may
4 temporarily use or occupy any house constructed within the subdivision as an
5 office for the promotion and sale of lots or houses within the subdivision. The
6 office use or occupancy shall cease when such sales in the subdivision have
7 been completed. [LDC 6.04.05 and 06]

8 **Sec. 4-7.13 Zero lot line subdivisions.**

9 **(a)General.** Regardless of the applicable zoning district, zero lot line subdivision shall
10 comply with the following standards: [7.10.00]

- 11 **(1) Minimum project area.** No minimum project area is required.
- 12 **(2) Minimum lot area.** Minimum lot area for each lot is 2000 square feet.
- 13 **(3) Structure setbacks.** Minimum setbacks for all dwelling units are 20 feet in front
14 and 15 feet in rear. Each dwelling unit shall be placed on one interior side
15 property line with no setback (the zero lot line), and with the side yard setback on
16 the opposite side a minimum of ten feet. In no case shall a zero lot line dwelling
17 be built closer than 15 feet of the lot line of a contiguous parcel that is zoned
18 LDR, MDR, R-1PK or R-2PK and is not within the zero lot line lot development.
- 19 **(4) Minimum lot width.** The minimum lot width for all lots within a zero lot line
20 development shall be 35 feet.
- 21 **(5) Maximum lot building coverage.** The total lot coverage permitted for all
22 buildings on each lot shall not exceed 80 percent.
- 23 **(6) Building height.** The maximum building height shall not exceed 2 1/2 stories or
24 35 feet above the habitable first floor.
- 25 **(7) Platting requirements.** Each dwelling shall be located on its own individual
26 platted lot. The plat shall indicate the zero lot lines and appurtenant easements.
- 27 **(8) Openings on zero lot line side.** The wall of the dwelling located on the lot line
28 shall have no windows, doors, air conditioning units or any other type of
29 openings.
- 30 **(9) Corner lots.** Minimum side yards for corner lots shall not be less than ten feet
31 from the lot line or the street right-of-way line, whichever is greater.
- 32 **(10) Atriums or courts.** Atriums or courts shall be permitted on the zero lot line side
33 when the court or atrium is enclosed and a solid wall at least eight feet high and
34 constructed of the same material as exterior walls of the unit is provided on the
35 zero lot line.
- 36 **(11) Maintenance and drainage easements.** A perpetual four-foot wide wall
37 maintenance and drainage easement shall be provided on the lot adjacent to the
38 zero lot line property line, which, with the exceptions of walls and fences, shall
39 be kept clear of structures. The easement shall be shown on the plat and
40 incorporated into each deed transferring title to the property. The wall shall be

1 maintained in its original color and treatment unless otherwise agreed to in
2 writing by the affected lot owners. Roof overhangs may penetrate the easement
3 on the adjacent lot a maximum of 24 inches, but the roof shall be so designed
4 that water runoff from the dwelling placed on the lot line is limited to the
5 easement area.

6 **(12) Parking.** A minimum of one off-street parking space shall be provided on each
7 platted lot.

8
9 **Sec. 4-7.14 Cinerators**

10 **(a) General.** Conditional Use and Performance Standards for Location of Direct
11 Disposal Establishments and Funeral Establishments with Cinerators.

12
13 **(b) Purpose.** The purpose of this section is to restrict the location of the land uses of
14 "funeral establishment with cinerators" or "direct disposal establishment."

15
16 **(1) Prohibition.** Notwithstanding any provision found in Chapter 3 of this Code,
17 the issuance of permits is prohibited for the installation of a cinerators, as
18 defined in Chapter 6, in either a funeral establishment or a direct disposal
19 establishment within 500 feet of an existing residence, an apartment, a
20 restaurant or other commercial eating establishment, a motel, a hotel, a
21 private or public school (including day care centers)" a nursing home, an
22 assisted living facility, or any other place designed and intended for the
23 temporary or permanent overnight accommodation of human beings. In
24 addition to the above stated prohibition that applies to the existing described
25 land uses, the prohibition extends to issuance of permits for the installation of
26 a cinerators in either a funeral establishment or a direct disposal
27 establishment within 500 feet of vacant property that is zoned LDR, MDR,
28 HDR.

29 **(2) Measurement.** The distance from a proposed facility that would include a
30 cinerator shall be measured by drawing a straight line between the closest
31 property lines of the proposed cinerator location and the property containing
32 the existing land uses or existing zoning described in (1) above.

33 **(3) Establishment of new land uses or zoning changes.** Neither the
34 establishment of new land uses nor the modification of existing zoning of
35 property within the prohibited distances described in (1) above shall convert a
36 previously approved permit authorizing the installation of a cinerator into a
37 nonconforming use. For the purpose of this section only, the issuance of
38 either a development order or a building permit establishes a new land use,
39 until such date as the development order or building permit expires.

40 **(4) Existing cinerators shall be grandfathered.**
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Chapter 5 GENERAL DEVELOPMENT STANDARDS

Article 1 General Provisions

- Sec. 5-1.1 Purpose of chapter.
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Article 2 Adequate Public Facilities (Concurrency)

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Article 3 Division of Land

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8		
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17		
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21	Sec. 5-8.3	Sign permits.
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27	Sec. 5-8.9	Nonconforming signs.
28	Sec. 5-8.10	Message substitution.
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30		
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33	Sec. 5-9.2	Adverse off-site impacts.
34	Sec. 5-9.3	Exterior lighting.
35	Sec. 5-9.4	Fences.
36	Sec. 5-9.5	Corridor Preservation.
37		

1 **Article 1 General Provisions**

2 **Sec. 5-1.1 Purpose of chapter.**

3 **(a) General** This chapter establishes general county development standards
4 necessary to implement Comprehensive Plan policies. Most chapter standards apply
5 without regard to zoning district or location, but all require coordination with the site and
6 building requirements of the applicable zoning district and additional location-based and
7 use-based regulations as referenced in the Land Development Code (LDC).
8 Compliance with the provisions of this chapter is evaluated by the administrative
9 authorities described in Chapter 1 and is according to the compliance review processes
10 prescribed in Chapter 2. More specifically, this chapter is intended to:

- 11 **(1)** Protect existing users of the essential public infrastructure and services by
12 ensuring that adequate facilities are available when needed to support new land
13 uses and development activities. [FLU 1.1.2]
- 14 **(2)** Promote sound communities and healthful living environments through
15 appropriate regulation of the division of land. [FLU 1.1.2]
- 16 **(3)** Avoid congestion on public streets and reduce conflicts among motor vehicles,
17 bicycles, and pedestrians through appropriate management of streets, site
18 access, on-site circulation, and parking.
- 19 **(4)** Appropriately manage stormwater runoff to minimize damage from erosion and
20 flooding and prevent adverse impacts to adjoining property and receiving waters.
21 [CON 1.5.1]
- 22 **(5)** Recognize that a healthy, diverse, and well-managed urban forest is an important
23 public asset, enhancing community character and providing substantial proven
24 economic, environmental, and aesthetic benefits. [CON 1.6.1]
- 25 **(6)** Preserve the county as a desirable community in which to live, vacation, and
26 conduct business through the regulation of signs, lighting, and adverse offsite
27 impacts. [FLU 1.1.2]
- 28 **(7)** Require the correction of the nonconformity to the extent that sufficient land is
29 available within parcels to make the corrections. [FLU 1.1.2, 9.04.03.A]

30 **Sec. 5-1.2 Purpose of article.**

31 This article establishes general provisions that apply broadly to all development
32 standards within the chapter. The regulation of specific components or elements of land
33 uses and development activities is determined by the applicable development standards
34 prescribed in the remaining articles of this chapter. [7.00.00]

35 **Sec. 5-1.3 General conditions.**

36 **(a) Applicability.** The standards of this chapter apply to all land uses and development
37 activities as established within each article and are independent of the review
38 processes used to determine compliance with them.

- 39 **(1) New uses and structures.** Any new use that is established, including a
40 change of use, or any building or other structure that is constructed, or a tract

1 of land developed, for any principal or accessory use allowed by the LDC, is
2 subject to the standards of this chapter.[7.00.01.A & C]

3 **(2) Existing uses and structures.** Any existing use of land that is extended,
4 enlarged, or moved or any existing building or other structure that is
5 extended, enlarged, moved, structurally altered, or reconstructed, is subject to
6 the standards of this chapter with respect to such changes and any existing
7 nonconformity. [7.00.01.B]

8 **(b) Nonconformance with standards.** Lawfully established and maintained uses,
9 structures, lots, and site conditions that no longer comply with one or more of the
10 standards established in this chapter may continue in productive use, subject to the
11 nonconforming provisions of the standards and Chapter 3.[FLU 1.4.1] [9.00.00,
12 9.00.01]

13 **(c) Relief from standards.** Modification of the land use standards of this chapter is
14 contrary to good development practices. The county recognizes that land is not
15 uniform, and the same standard may not affect all sites equally. Accordingly, the
16 chapter allows variances for a limited site-specific relief from some of the standards
17 of this chapter through the planning official or the Board of Adjustment (BOA), or the
18 Santa Rosa Island Authority (SRIA) for Pensacola Beach properties. The standard
19 must be specifically identified as eligible, and the variance within the limits
20 prescribed. [4.2.10]

21 For technical standards (such as those found in the Design Standards Manual (DSM))
22 not otherwise eligible for variances, chapter provisions will give the County Engineer
23 discretion within accepted standards of engineering practice to allow modifications that
24 maintain the stated purposes of the standards. No provisions of the chapter preclude
25 the establishment of limits or conditions of approval for variances or other eligible
26 modifications.

27

1 **Article 2 Adequate Public Facilities (Concurrency)**

2 **Sec. 5-2.1 Purpose of article.** [CMS 1.2 – 1.4]

3 This article establishes land development standards for public facilities that implement
4 Comprehensive Plan policies requiring wastewater, solid waste, stormwater, and
5 potable water, to be available when needed by proposed development. It is the intent of
6 these standards that new development bears its fair share of the costs of providing
7 adequate public facilities. The adequacy of these essential facilities shall be
8 demonstrated in the ability to maintain their adopted levels of service concurrent with all
9 existing and additionally proposed demands. [5.01.00, 5.04.00]

10 **Sec. 5-2.2 Evaluation of facility adequacy.**

11 **(a) Approval required.** All land uses and development activities that place demands
12 on public facilities require prior county review and approval for compliance with the
13 standards of this article unless the use or activity is specifically identified in the LDC
14 as exempt from these standards. All affected public facilities shall have sufficient
15 capacity at their adopted levels of service (LOS) within their respective service
16 areas. No concurrency determination of adequate public facilities shall be issued
17 without this demonstration of capacity. Public facility capacity shall be provided in
18 coordination with the infrastructure standards of this chapter and the related
19 provisions of county ordinances.[5.09.00, 5.14.00]

20 **(b) Exemptions.** Land uses and development activities exempt from concurrency
21 review include the following:[5.08.00]

22 **Non-development.** Activities that do not constitute "development" as defined in
23 Chapter 6 or are not regulated by the LDC.

24 **(1) Interior renovations.** Interior renovations to a building or structure when
25 made to accommodate the same general use.

26 **(2) Single-family homes.** Except for the demand on hurricane evacuation
27 routes, the construction of a single-family home on a lot of records, including
28 the placement of a manufactured (mobile) home.

29 **(3) Facility-specific exemptions.** Other exemptions identified within this article
30 specific to individual facilities.[5.08.00.D]

31 **(c) Modification of standards.** Variances to the strict application of the concurrency
32 management standards of this article are not available from the Planning Official,
33 BOA, or SRIA. Where the provisions of this article specifically allow for some
34 facilities, the County Engineer has discretion within the accepted standards of the
35 engineering practice to apply standards in a manner that maintains the stated
36 purposes of the article.[4.2.10]

37 **(d) LOS and service areas.** The level of service standard defines the capacity in a
38 public facility per unit of demand on that facility. It is an indicator of the extent or
39 degree of service provided by the facility based upon the facility's operational
40 characteristics. A service area represents the geographical limits of demand on a
41 facility. In the quantitative evaluation of public facility adequacy to serve the

1 proposed land use or development activity, the demand for a facility shall be
2 compared to its capacity within the prescribed service area. [5.06.00]

3 **(e) Service demands.** Service demands imposed on public facilities from proposed
4 uses or activities, in addition to demands from existing development and the
5 completion of previously approved development, shall be documented for the
6 facilities as prescribed below:

7 **(1) De minimis.** When the demand on the facility is sufficiently minor as to be
8 negligible, for most facilities, it may be considered a *de minimis* demand, which is
9 concurrent with facility capacity. If a proposed land use or development activity
10 is demonstrated under the provisions of this article to be *de minimis* for
11 stormwater management facilities, it is considered to be *de minimis* for all
12 facilities and, therefore, concurrent for all facilities. [5.12.03]

13 **(2) Substantial.** Review of development proposing substantial demands on
14 facilities, such as developments of regional impact, shall be coordinated with the
15 Florida Department of Transportation (FDOT), the West Florida Regional
16 Planning Council (WFRPC), and other agencies as appropriate. [5.13.00]

17 **(3) Available capacity.** Public facility capacity shall be determined according to the
18 methods prescribed in this article. Capacity may only be credited for facilities that
19 are in place at the time of development approval or that, as a binding condition of
20 the approval, will be in place when the demands of the development occur. If a
21 redevelopment is proposed, facility capacity may be credited for a demonstrated
22 reduction in demand created by the redevelopment. Even where credits are
23 allowed, they shall only be based upon use or conditions of the redevelopment
24 site within the 12 months preceding the capacity evaluation for the
25 redevelopment. [5.13.00]

26 **(f) Capacity allocation period.** Public facility capacities shall be allocated upon final
27 development plan approval according to the compliance review process of Chapter 2
28 and subject to the following sunset provisions: [5.15.00]

29 **(1) Preliminary plats.** Capacities for a preliminary plat and construction plan shall
30 remain allocated for a period of two years from the date of approval unless the
31 approval is lawfully voided or extended.

32 **(2) Site plans.** Capacities for a site development plan shall remain allocated for a
33 period of one year from the date of minor site plan approval and two years from
34 the date of major site plan approval unless the approval is lawfully voided or
35 extended.

36 **(3) Development agreements.** Capacities for longer-term projects or developments
37 of regional impact (DRI) will remain allocated for the periods established in their
38 enforceable development agreements.

39 **(4) Discontinuation.** If construction activity on an approved development ceases or
40 does not continue in good faith, or if phased development falls behind any pre-
41 established schedules for a period of one year, the county shall withdraw those
42 allocated capacities and make them available to other developments. It shall be

1 the responsibility of the applicant to reapply for necessary capacity allocations if
2 continuation of development is desired.

3 **(g) Deficient capacity options.** When it cannot be demonstrated that all public
4 facilities affected by the proposed use or activity have sufficient capacity at their
5 adopted levels of service, a decrease in demand and/or an increase in capacity is
6 necessary to maintain LOS standards. Demand reductions include the scope or
7 scale of the proposed use or activity or phasing its construction to coincide with the
8 phased construction of the required facilities. [CMS 1.3.5] Capacity increases
9 include construction of the necessary facilities such that their completion is a
10 condition of development approval. [5.11.01.B.2] Other facility-specific demand and
11 capacity options available to applicants are addressed by the facility in this article.

12 **(h) Technical guidance.** To provide appropriate technical guidance to applicants in
13 their demonstration of adequate public facility capacity, the county shall maintain
14 and make available a concurrency management system (CMS) procedural manual.
15 The CMS manual shall contain any procedures and supplemental information
16 necessary to implement the provisions of this article. [5.07.00]

17 **Sec. 5-2.3 Roadways.**

18 **General** Escambia County does not require roadway concurrency for development; however,
19 the county monitors and requires intersection analysis (see Concurrency Manual for additional
20 information).

Comment [BP21]: Removed after the State allowed concurrency to be optional.

21 **Sec. 5-2.4 Mass transit.**

22 **(a) General.** The provisions of this section address concurrency for development that
23 places the demand of additional ridership on mass transit.
24

25 **(b) Level of service.** The LOS standard established in the Comprehensive Plan for the
26 evaluation of mass transit facility capacities is a 60-minute maximum period of wait
27 throughout the current Escambia County Area Transit (ECAT) service area and
28 during the hours of service. [MOB 2.2.3]
29

30 **(c) Area of service.** The concurrency service area for mass transit facilities shall be
31 those lands located along the fixed routes of the ECAT system, as they may be
32 established or revised. [5.06.00]
33

34 **(d) Capacity and demand.** Quantitative methods shall be used to evaluate and
35 determine if mass transit facilities have the available capacity at their adopted levels
36 of service to accommodate the demands generated by proposed uses or activities. If
37 total ridership is not greater than the service capacity, the development is concurrent
38 for mass transit impacts, and no further analysis is necessary. The applicant shall
39 rely on the Comprehensive Plan Annual Implementation Report or the annual report
40 establishing projected available capacity as prepared by the director of ECAT.
41 [5.10.02.D]
42

43

1 **Sec. 5-2.5 Wastewater.**

2 **(a) General.** The provisions of this section address concurrency for development that
3 places a demand of additional wastewater generation on sanitary sewage collection,
4 treatment, and disposal facilities. Where a use or activity requires sewer service, but
5 the means is unknown, the applicant shall contact the central sewer provider to
6 determine and document the availability of the service. An existing or proposed
7 septic tank or another on-site sewage treatment and disposal system requires
8 evaluation by the Escambia County Health Department.

9 **(b) Level of service.** The LOS standard established in the Comprehensive Plan for the
10 evaluation of wastewater system capacities is an average of 210 gallons per
11 residential connection per day and a peak of 350 gallons per residential connection
12 per day. For nonresidential uses, the LOS requirements shall be based upon an
13 Equivalent Residential Connection (ERC), as may be recalculated by the service
14 provider from time to time, and on the size of the nonresidential water meter. . [INF
15 1.1.9]

16 **(c) Area of service.** The concurrency service area for wastewater shall be the service
17 area of the franchised provider, Emerald Coast Utilities Authority (ECUA), or any
18 other sanitary sewer provider that may be franchised by Escambia County. All new
19 structures intended for human occupancy located south of Well Line Road shall
20 connect to the ECUA sanitary sewer system unless ECUA has determined that it is
21 not feasible to provide sanitary sewer service to the proposed structures. This does
22 not apply to the ECUA retrofit mandatory connection program...[5.06.00][7.19.00]

23 **(d) Capacity and demand.** Quantitative methods shall be used to evaluate and
24 determine if wastewater facilities have the available capacity at their adopted levels
25 of service to accommodate the demands generated by proposed uses or activities. If
26 total wastewater generation is not greater than the service capacity, then the
27 development is concurrent for wastewater impacts, and no further analysis is
28 necessary. The applicant shall obtain certification of service availability and facility
29 capacity from the provider of wastewater services to the subject parcel in a form
30 acceptable to the County (see CMS manual). If the project is not within the service
31 area of a central sewer system or will not otherwise be served by such a system, the
32 applicant shall submit to the County a valid permit for a septic tank, package plant,
33 or another sewage treatment and disposal system. The permit shall be authorized
34 by the Health Department or Florida Department of Environmental Protection
35 (FDEP). [5.10.02.B]

36 **Sec. 5-2.6 Solid waste.**

37 **(a) General.** The provisions of this section address concurrency for development that
38 places a demand of additional waste generation on solid waste disposal facilities.

39 **(b) Level of service.** The LOS standard established in the Comprehensive Plan for the
40 evaluation of solid waste disposal capacities is six pounds per capita per day.[INF
41 2.1.4]

42 **(c) Area of service.** The concurrency service area for solid waste disposal shall be
43 county wide.[5.06.00]

1 **(d) Capacity and demand.** Quantitative methods shall be used to evaluate and
2 determine if solid waste facilities have the available capacity at their adopted levels
3 of service to accommodate the demands generated by proposed uses or activities. If
4 total waste generation is not greater than the service capacity, the development is
5 concurrent for solid waste impacts, and no further analysis is necessary. The
6 applicant shall rely on the Comprehensive Plan Annual Implementation Report or the
7 annual report establishing the projected available capacity as prepared by the
8 county official responsible for solid waste management. [5.10.02.E]

9 **Sec. 5-2.7 Stormwater management.**

10 **(a) General.** The provisions of this section address concurrency for development that
11 places a demand of additional stormwater runoff on stormwater management
12 facilities.

13 **(b) Level of service.** The LOS standards established in the Comprehensive Plan for
14 the evaluation of stormwater management facility capacities are the following:[INF
15 3.1.9 and 5.10.02.A]

16 **(1) Run-off rates.** See DSM Chapter 1, Stormwater Quantity section[4.4.13]

17 **(2) Compliance.** See DSM Chapter 1, Stormwater Management Systems section for
18 details.

19 **(3) Area-wide systems.** The contribution of the new development (or
20 redevelopment) to any existing, functioning, area-wide drainage system shall not
21 degrade the ability of the area-wide system to adequately retain/detain/store and
22 control stormwater run-off.[5.06.00]

23 **(4) Channels under roads.** See DSM Chapter 1, Stormwater Management Systems
24 section for details.[4.2.6]

25 **(c) Area of service.** The concurrency service area for stormwater management shall be
26 a parcel or site where the proposed land use or development activity is located,
27 unless it is connected to a larger, area-wide drainage system. When connected to
28 an area-wide system, the service area shall be that of the larger system. For the
29 purposes of this provision, "site" includes any area within an approved or proposed
30 subdivision or any area within two or more parcels subject to a joint-use agreement
31 or shared-facilities agreements. [5.06.00, 5.10.02]

32 **(d) Capacity and demand.**

33 **Methodology.** Quantitative methods shall be used to evaluate and determine that
34 stormwater management facilities have the available capacity at their adopted levels
35 of service to accommodate the demands generated by proposed uses or activities.
36 If a Florida registered professional engineer develops the stormwater management
37 plan and detailed construction plans and certifies that the design and methods of
38 construction are in accordance with accepted standards of practice and comply with
39 the stormwater LOS standards, and, if the plan is reviewed and inspected by the
40 County, then the development is concurrent for stormwater impacts, and no further
41 analysis is necessary.[5.11.00]

1 (e) **De minimis determinations.** See DSM Chapter 1, Stormwater Management
2 Systems section. [\[5.12.03\]](#)
3 (f) **Additional standards.** The provision of storm water management facilities shall be
4 consistent with the stormwater management standards of Article 4 of this chapter.

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1 **Sec. 5-2.8 Potable water.**

- 2 **(a) General.** The provisions of this section address concurrency for development that
3 places a demand of additional consumption on potable water procurement,
4 treatment, and distribution facilities.
- 5 **(b) Level of service.** The LOS standard established in the Comprehensive Plan for the
6 evaluation of potable water system capacities is 250 gallons per residential
7 connection per day. For non-residential uses, the LOS requirement is based upon
8 an Equivalent Residential Connection (ERC) to be calculated by the service provider
9 at the time of service application. Although not addressed by the LOS standard, fire
10 safety codes and other considerations may require flow rates, pressure, and other
11 attributes of potable water service to be addressed by proposed development.
- 12 **[INF 4.1.7]**
- 13 **(c) Area of Service.** The service area for potable water shall be the service area of the
14 franchised provider - Cottage Hill Water Works, Peoples Water Service Co., Farm
15 Hill Utilities, Central Water Works, Molino Utilities, Gonzales Utilities Assoc.,
16 Escambia River Electric Coop., BratDavis Ville Water Works, Emerald Coast Utilities
17 Authority (ECUA), or any other potable water provider that may be franchised by
18 Escambia County. **[5.06.00]**
- 19 **(d) Capacity and demand.** Quantitative methods shall be used to evaluate and
20 determine if potable water facilities have available capacity at their adopted levels of
21 service to accommodate the demands generated by proposed uses or activities. If
22 total water consumption is not greater than the service capacity, the development is
23 concurrent for potable water impacts, and no further analysis is necessary. The
24 applicant shall obtain certification of service availability and facility capacity from the
25 provider of potable water services to the subject parcel in a form acceptable to the
26 County (see CMS manual). If the project is not within the service area of a central
27 water system or will not otherwise be served by such a system, the applicant shall
28 submit to the County a valid well permit (extraction or consumptive use) issued by
29 the Northwest Florida Water Management District or another state regulatory
30 agency. **[5.10.02.C]**

31 **Article 3 Division of Land**

32 **Sec. 5-3.1 Purpose of article.**

33 This article establishes land development standards for the division of land that
34 implement Comprehensive Plan policies requiring the uniform subdivision regulations
35 that support and facilitate the desired development patterns. It is the intent of these
36 standards to promote sound communities and healthful living environments as well as to
37 require new development to bear its fair share of the costs of providing adequate public
38 facilities and services. **[FLU 1.1.6] [4.01.01.F, H & I]**

39 **Sec. 5-3.2 General provisions.**

- 40 **(a) Approval required.** The division of land requires County review and approval for
41 compliance with the standards of this article unless the division is specifically
42 identified in the LDC as exempt from these standards.

- 1 **(b) Modification of standards.** Variances to the strict application of the standards of
2 this article are not available from the Planning Official, BOA or SRIA. Where the
3 provisions of this article specifically allow, the County Engineer has discretion within
4 accepted standards of engineering practice to allow for modifications that maintain
5 the stated purposes of the article.
- 6 **(c) Creation of new lots.** No lot shall be created which requires a variance or another
7 exception to the requirements of the LDC to provide sufficient buildable area or other
8 conditions necessary to use a lot for its intended purposes. Additionally, unless
9 established through the family conveyance exception of this section, the creation of
10 any new lot shall comply with the following:
- 11 **(1) Zoning compliant.** Each lot provides the minimum lot area and dimensions
12 required by the applicable zoning district.
- 13 **(2) Right-of-way frontage.** Each lot fronts on a public or private right-of-way,
14 whether improved or unimproved, which conforms to the definition of “street” in
15 Chapter 6. Although such right-of-way typically affords the principal means of lot
16 access, frontage along a right-of-way does not authorize or require access to that
17 street.
- 18 **(3) Subdivision review.** The creation of lots by the division of a parcel into three or
19 more contiguous lots shall comply with the subdivision standards of this article
20 and shall be reviewed for compliance as prescribed in Chapter 2
- 21 **(d) Family conveyance exception.** The division of land need not comply with the other
22 standards of this article if each additional lot created by the division is to be used
23 solely as a homestead by an owner-applicant who is the grandparent, parent, step-
24 parent, adoptive parent, sibling, child, step-child, adopted child, grandchild, aunt,
25 uncle, niece, or nephew of the person who conveyed the lot to that owner-applicant.
26 This family conveyance exception applies only once to any owner-applicant and
27 does not apply to the division of a platted lot. Additionally, such conveyance is
28 prohibited if it would increase any nonconformance of the source parcel or cause
29 that parcel to become nonconforming in any way. Lots created for family
30 conveyance need not comply with the density or other requirements of the
31 applicable zoning district, except as included in the following:
- 32 **[4.01.02.D & E, 4.01.03.D] [FLU 1.1.12; 4.01.03.D & G]**
- 33 **(1) Uses.** Allowable uses of lots are limited to those of the applicable zoning.
- 34 **(2) Access.** Lots having less than 12 feet of street frontage shall provide dedicated
35 vehicular access no less than 18 feet wide.
- 36 **(3) Area.** Lot area shall be the minimum required by the applicable zoning or at
37 least one acre, whichever is less.
- 38 **(4) Setbacks.** All structures shall comply with the minimum setbacks of the
39 applicable zoning.
- 40 **(5) Completion of platting.** Unless otherwise exempt under provisions of the LDC,
41 before any lot may be sold or before any building permit is issued to construct
42 improvements on any lot that makes reference to the final plat, the plat shall be

1 approved by the Board of County Commissioners (BCC) and recorded in the
2 public records of Escambia County. [4.03.01]

3 **Sec. 5-3.3 Subdivision design and maintenance.**

4 **(a) Professional design.** A subdivision developer shall retain the services of a Florida-
5 registered professional engineer to prepare construction plans and specifications in
6 compliance with the subdivision design standards in this article and as it relates in
7 the DSM, other applicable provisions of the LDC, and the *General Paving and*
8 *Drainage Technical Specifications* of the county. All construction plans shall include
9 applicable details taken from the county's standard detail sheets available from the
10 County Engineer.[4.04.11.A.1]

11 **(b) Improvements and facilities.** A subdivision developer shall ensure the installation
12 of the improvements and the facilities remain at or are constructed to the prescribed
13 standards and at no expense to the county; paved roads, stormwater management,
14 and other necessary improvements and facilities [FLU 1.1.6] [4.01.01.B]

15 **(c) Public access. A subdivision** developer shall provide adequate public paved
16 access to the tract to be subdivided, including all necessary paved roads, ditches
17 and rights-of-way, and drainage structures. The access shall lead to an established
18 and publicly maintained street. The developer shall **prepare the** necessary deeds,
19 agreements, and easements for the access and shall attempt to acquire such rights
20 of easements. At the option of the applicant, the county may assist in the acquisition
21 of such easements when the acquisition is in the public interest, governmental action
22 is necessary to acquire the property, and the developer advances all costs and
23 expenses incurred by the county in taking such an action. [4.04.04.B]

24 **(d) Innovations.** Innovations in the design and construction of subdivision
25 improvements are encouraged. Such innovations shall be approved by the county if
26 determined by the County Engineer to achieve the relevant and appropriate criteria
27 or standards for subdivision improvements and if the developer warrants the
28 improvements as required by the LDC. The developer may also be required to post
29 additional negotiated financial surety based on the estimated costs of the total
30 project improvements.[4.04.01]

31 **(e) Lots and blocks.** The lots of a subdivision shall comply with the requirements of
32 the applicable zoning district. Lots and blocks shall comply as per the Chapter 3 of
33 the LDC. [4.04.07] [4.04.03]

34 **(f) Subdivision name.** The proposed name of a subdivision shall not duplicate, or too
35 closely approximate phonetically, the name of any other subdivision in the county
36 except when the subdivision is an additional unit or section of another subdivision by
37 the same applicant or his successors in title.[4.04.01 C]

38 **(g) Monuments.** The subdivision developer shall place Permanent Reference
39 Monuments (PRMs) and Permanent Control Points (PCPs) as required by Florida
40 Statutes (Ch. 177).

41 **Medians and entrance signs.** Medians within subdivision streets shall be privately
42 owned and maintained. Signs may be installed at subdivisions' entrances in
43 compliance with the standards of Article 8 of this chapter if placed within medians or

1 other privately owned land platted within the subdivision. Where medians or other
2 entrance sign parcels are platted, the plat shall provide that each person ultimately
3 owning land in the subdivision shall own an undivided part interest in the median and
4 sign parcels, whether or not the interest is noted in the instrument conveying
5 ownership of the subdivision. This requirement shall be included in any restrictive
6 covenants of the subdivision. [4.04.10]

7 The developer shall note on the plat that ownership of entrance signs and medians
8 and other entrance sign parcels is vested in a homeowner's association having the
9 obligation to assess fees for the maintenance of the signs and land as well as for
10 payment of property taxes pertaining to the land. Each person owning land within
11 the subdivision shall be deemed to agree that the failure of the homeowner's
12 association to maintain the signs or land or to pay taxes on the land shall cause the
13 signs and land to revert to the undivided ownership of the persons owning land
14 within the subdivision, whether or not a reversionary clause is noted in the
15 instrument conveying ownership of subdivision land. [4.04.10]

16 **(h) Areas with high water tables.** Development of residential subdivisions in areas
17 with high water tables shall comply with the requirements provided in the DSM
18 Chapter 1 Roadway Design section. [4.04.09]

19 **(i) Infrastructure.** [2.13.2 C]

20 **(1) Stormwater management.** For any subdivision, the developer shall provide an
21 adequate stormwater management system, including for erosion control, in
22 compliance with the concurrency management stormwater management
23 standards of this chapter and DSM Chapter 1, Stormwater Article.

24 **(2) Streets and access.** For any subdivision, the developer shall provide an
25 adequate street network, including access, in compliance with the monitoring
26 management and street and access standards of this chapter and DSM Chapter
27 1, Transportation Article.

28 **(3) Bridges.** All bridges constructed for residential subdivisions, with the exception
29 of pedestrian bridges, shall be dedicated to the county. If streets are to remain
30 private, a minimum of 20 feet of the bridge approach sections on both sides shall
31 be public.

Comment [BP22]: This was added to ensure public safety.

32 **(4) Underground utilities.** The developer is encouraged to place all subdivision
33 utilities underground. In the event that underground utilities are provided, a gross
34 density bonus of 10% (if allowed by the density limit of the applicable FLU) or a
35 reduction in the minimum lot width of 10% shall be granted by the Planning
36 Official upon the developer's request. [4.04.14]

37 **(5) Utility street crossings.** See DSM Chapter 1, Street Layout section for details
38 regarding utility street crossings. [4.04.03]

39 **(6) Street lights.** The developer is encouraged to install street lights. A street
40 lighting district may be established through the BCC for the installation,
41 operation, and/or maintenance of lights according to the street lighting municipal
42 services benefits units (MSBU) provisions of Chapter 70, *Local Public*
43 *Improvements*, Part I, Escambia County Code of Ordinances. [4.04.14]

1 **(7) Easements.** Drainage easements and rights-of-way shall comply with the
2 stormwater management provisions of this chapter and DSM, Chapter 1,
3 Stormwater Management Systems - Conveyance Systems section and Chapter
4 2, Roadway Design - Minimum Right-of-way widths section. [4.04.04.E, G & H]

5 **(8) Water supply and sewerage.** The subdivision developer shall maintain a valid,
6 unexpired reservation of capacity for water and/or sewer service from the
7 provider whose franchise area serves the subject property. Letters of capacity
8 executed by the service provider shall be provided, and such letters or forms
9 shall constitute documentation of reservation of capacity. [4.04.11]

10 **(9)** Provisions shall be made for the installation of fire hydrants and comply with the
11 following: [4.04.12]

12 **a.** No residence in any subdivision shall be more than 500 feet from a fire
13 hydrant on a six-inch water line. Locations of fire hydrants shall be noted on
14 the subdivision construction plans; or

15 **b.** Where a four-inch water line is located at the entrance to a new subdivision,
16 the developer shall be required to install a six-inch waterline within the new
17 subdivision with flush hydrants so that they can be replaced with fire hydrants
18 when service at the entrance becomes adequate.

19 **c.** If public or community water systems service is not available or the existing
20 water line is less than four inches, the developer shall install a six-inch
21 waterline with stub-outs for fire hydrants unless the engineer of record finds
22 the larger main size to be detrimental to the water quality in the development.

23 **(j) Public dedication.** The county encourages developers of residential subdivisions
24 to request the dedication of subdivision streets and stormwater management
25 systems to the county, but those facilities may alternatively be dedicated to one or
26 more owners of property within the subdivision. If the dedication of subdivision
27 streets and stormwater management systems for public ownership and maintenance
28 is proposed, the following conditions apply:[4.04.02.A & D]

29 **(1) Compliance.** The facilities shall be designed and constructed in compliance with
30 the standards of this chapter.

31 **(2) All facilities.** The streets will not be accepted without the stormwater
32 management system or the stormwater management system without the streets.
33 The facilities shall be dedicated in their entirety to the county.

34 **(3) Permitting.** The facilities will not be accepted without appropriate permitting of
35 those facilities from all applicable local, state, and federal agencies, or proof of
36 exemption.

37 **(4) Lift stations.** No central private wastewater lift stations shall be proposed.

38 **(k) Private ownership.**

39 **(1) Maintenance and taxes.** If the streets and stormwater management system of a
40 subdivision will remain in private ownership, the county shall not be responsible
41 for the maintenance of those facilities or be the owner of an easement upon

1 them. The subdivision developer shall create a homeowner's association or an
2 alternative organization of owners of property within the subdivision and assign it
3 the responsibility for maintaining the streets and stormwater management system
4 and any other privately owned improvements as well as for paying the property
5 taxes due on those lands. [4.01.05.G, 4.04.13.A]

6 **(2) County authority.** Any agreements establishing the persons responsible for
7 maintaining the streets, stormwater management system, and other privately
8 owned subdivision improvements, and for paying property taxes on the lands of
9 those improvements, shall vest in Escambia County the authority to assess
10 reasonable fees upon those persons for the payment of maintenance costs and
11 property taxes for those lands in the event that the improvements and their lands
12 are not maintained or that the taxes on the lands are not paid. These provisions
13 shall also be in any restrictive covenants binding the property. [4.04.13.A]

14 **(3) Covenants and restrictions.** Subdivision covenants and restrictions shall
15 include the documents of the homeowner's association or an alternative
16 organization of owners of property within the subdivision, identifying specific
17 operation and maintenance responsibilities of the organization for streets, the
18 stormwater management system, and all other privately owned improvements,
19 including entrance signs and private recreation areas. [4.02.05.B.20,
20 4.02.07.B.5.s]

21


1 **Article 4 Stormwater Management**

2 **Sec 5-4.1 Purpose of article.**

3 This article establishes land development standards for stormwater management that
4 implement level-of-service and other Comprehensive Plan policies requiring
5 development to properly manage any stormwater runoff it generates. It is the intent of
6 these standards to allow landowners reasonable use of their property while protecting
7 adjoining lands and resources from any detrimental impacts of stormwater produced by
8 land uses and development activities. More specifically, this article is intended to: **[INF**
9 **3.1.7] [4.06.06.F; 7.15.01, 7.15.02]**

- 10 **(a)** Prevent untreated stormwater runoff from adversely impacting receiving water
11 bodies.
- 12 **(b)** Minimize the loss of valuable topsoil by erosion and prevent the sedimentation of
13 streets and surface water bodies.
- 14 **(c)** Facilitate groundwater recharge.
- 15 **(d)** Protect and maintain the natural habitats of fish and wildlife and prevent damage to
16 wetlands.
- 17 **(e)** Reduce capital expenditures for flood-proofing and storm drainage systems where
18 feasible by routing runoff through swales or other natural retention/detention
19 systems to increase stormwater infiltration, settle suspended solids, and remove
20 pollutants.
- 21 **(f)** Require the approval and implementation of stormwater management plans for
22 proposed development as necessary to achieve the purposes of this article.

23 **Sec. 5-4.2 Stormwater impact review.**

24 **(a) Approval required.** No land use or development activity may alter or disrupt
25 existing stormwater runoff patterns or conditions without prior county review and
26 approval for compliance with the standards of this article unless the use or activity is
27 specifically identified in the LDC as exempt from these standards. Uses or activities
28 that may alter or disrupt existing stormwater runoff sufficiently to require a
29 stormwater management plan include the following: **[7.15.03]**

- 30 **(1) Land disturbance.** Grading, digging, cutting, scraping, or excavating of soil;
31 placement of fill materials; substantial removal of vegetation; the drainage of
32 land; and any other forms of land disturbance that would significantly change
33 stormwater runoff. **[7.15.03.A & E]**
- 34 **(2) Lot coverage.** Construction of a structure or the non-*de minimis* alteration of the
35 size of one or more structures; placement of aggregate and paving; and other
36 constructed changes in the proportions of pervious, impervious, and semi-
37 impervious lot coverage. **[7.15.03.F]**
- 38 **(3) Alterations.** Alteration of the shoreline or bank of any watercourse or surface
39 waterbody; or alteration of any ditches, dikes, terraces, berms, swales, piping,

1 inlets, ponds, or other natural or manmade elements affecting the control or
2 management of stormwater. [7.15.03.G & H]

3 **(4) Subdivision.** The subdivision of land, including the replatting of a recorded
4 subdivision. [4.01.05.H; 7.15.03.D]

5 **(b) Exemptions.**

6 **(1) Stormwater management plan exempt.** A stormwater management plan need
7 not be provided for the uses and activities listed in the *DSM Chapter 1,*
8 *Stormwater Management Systems - Exemptions* section. In areas with
9 documented drainage problems, the county may request a reduction in the
10 proposed impervious lot cover or other on-site stormwater impact-reduction
11 measures:

12 **a. New single-family dwellings.** Construction of a single-family dwelling on
13 either a lot of record, a lot created in compliance with the family conveyance
14 provisions of the LDC, or a lot verified as functionally conforming according to
15 the provisions of Chapter 2. The construction shall comply with a county-
16 approved lot grading plan, which provides the same lot information required
17 by this article for subdivision grading and erosion control plans. Additionally,
18 lots relying on conformance verification for stormwater plan exemption shall
19 comply with the individual lot limits prescribed in this part for subdivision along
20 existing streets. [4.02.06.D; 7.15.04.A]

21 **b. Subdivision along existing streets.** See DSM Chapter 1 Stormwater
22 Management Systems - Exemptions section for details.

23 **c. Maintenance.** Maintenance of an existing stormwater structure, which will
24 not change the discharge rate, volume, or treatment method of the structure
25 or the stormwater runoff from the site on which the structure is located.
26 [7.14.05 D]

27 **d. De minimis additions.** See *DSM Chapter 1, Stormwater Management*
28 *Systems - Exemptions* section for details. [3.02.00]

29 **e. Emergencies.** Emergencies requiring immediate action to prevent material
30 harm or danger to persons when obtaining a permit is impractical and would
31 cause undue hardship in protection of property from fire, violent storms,
32 hurricanes, and other hazards. The emergency action shall be reported to the
33 county as soon as practical, and any permanent changes from the action may
34 require the subsequent development and approval of a stormwater
35 management plan to document any impacts from the changes.

36 [7.15.04.F]

37 **f. Other exemptions.** Stormwater plan exemptions for other structures, uses,
38 or activities as may be determined by the County Engineer to be appropriate
39 and consistent with accepted standards of engineering practice and the
40 purposes of this article.

41 **(2) Stormwater Exempt Activities.** The following activities are exempt from all
42 stormwater management standards of this article:

1 **a. Agriculture and silviculture.** Bona fide agricultural or silvicultural operations
2 on land classified by the Escambia County Property Appraiser as
3 “agricultural,” according to Florida Statutes, for ad valorem tax purposes, it is
4 recommended that the Local offices of the Natural Resources Conservation
5 Service and the Florida Forest Service be consulted regarding appropriate
6 stormwater management for agricultural and silvicultural
7 operations.[\[7.15.04.B\]](#)

8 **b. Mosquito drainage structures.** Maintenance work on existing mosquito and
9 arthropod drainage structures for public health and welfare
10 purposes.[\[7.15.04.C\]](#)

11 **(c) Modification of standards.** Variances to the strict application of the stormwater
12 management standards of this article are not available from the Planning Official,
13 BOA, or SRIA. Where the provisions of this article specifically allow, the County
14 Engineer has discretion within accepted standards of engineering practice to allow
15 modifications that maintain the stated purposes of the article.

16 **Sec. 5-4.3 Control of erosion and sediment.**

17 Sediment shall be retained on the site of development. Erosion and sedimentation
18 control measures shall be applied to stabilize barren areas and other unvegetated areas
19 during and after construction. No clearing of land or other land-disturbing activity shall
20 begin until the appropriate erosion and sedimentation control devices have been
21 installed between the areas to be disturbed and adjacent lands, including waterbodies,
22 watercourses, and wetlands. Such erosion and sediment control shall comply with the
23 best management practices listed in the *DSM Chapter 1, Stormwater Management*
24 *Plans - Content section.* [\[4.04.13.G; 7.15.05.K, 7.15.06.L; 12.01.01.E\]](#)

25 **Sec. 5-4.4 Stormwater management plans.**

26 **(a) General.** Where a stormwater management plan is required, it is the responsibility of
27 the applicant to include sufficient information in the plan for the county to evaluate
28 the physical characteristics of the affected areas as required in the *DSM Chapter 1,*
29 *Stormwater Management Plans section.*[\[4.01.05.E, 4.06.06.F; 7.15.06, 7.15.08.A &](#)
30 [C\]](#)

31 **(b) Preparation.** The stormwater management plan shall be developed and/or
32 reviewed as indicated in the *DSM Chapter 1.* Chapter 1 of the *DSM* contains the
33 provisions for the content of the plan. The *DSM* also contains information regarding
34 the existing conditions, proposed changes, and supporting documentation.

35 **(c) Supporting information** is regarded as other information that the applicant or the
36 county believes is reasonably necessary for LDC compliance evaluation of the
37 proposed stormwater management plan. : [\[4.02.06.F, 4.06.06.F.4; 7.15.05,](#)
38 [7.15.08.B\]](#)

39 **(d) Plan adherence.** The applicant shall adhere to the stormwater management plan
40 as approved and permitted. Any changes or amendments to the plan must be
41 approved by the original approving authority. After completion of the subject

1 development, the engineer of record shall certify that the completed development
2 complies with the approved plan and its specifications. [7.15.11]

3 **Sec. 5-4.5 Stormwater management systems.**

4 **(a) General design and construction.** The installation of all stormwater management
5 facilities made necessary by new development, according to the provisions of this
6 article, is the responsibility of the developer, including all necessary ditches, canals,
7 greenbelts, outfalls, bridges, retention or detention structures, flow attenuation
8 devices, etc. The general design and construction of all stormwater management
9 systems shall be as indicated in the *DSM* Chapter 1, Stormwater Article and achieve
10 the following objectives: [INF 3.1.8] [4.04.13.A]

11 **(1) Comply with regulations.** [4.02.06.F; 7.15.05]

12 **(2) Protect adjacent property.** [7.15.05.P]

13 **(3) Incorporate upland runoff.** [7.15.06.M]

14 **(4) Reduce pollution.**[4.06.06.F.1; 7.15.06.C]

15 **(5) Prevent hazards.** [7.15.05.D & E]

16 **(6) Encourage regional stormwater management system.**

17 **(b) Resource protection.** All stormwater management systems shall be designed and
18 constructed to protect natural resources as per State requirements.

19 **(c) System maintenance.**

20 **(1) General.** All stormwater management facilities shall be designed for a minimum
21 50-year life (where standards are available) have low maintenance costs, and
22 have easy legal access for periodic maintenance.[7.15.05.B] [ERP AH]

23 **(2) Maintenance entity.** Stormwater management systems shall be maintained by
24 the owner, except where the county selects certain systems for county
25 maintenance. All areas and/or structures to be maintained by the county must be
26 dedicated to the county by plat or separate instrument and accepted by the BCC.
27 Systems to be maintained by the owner shall, nevertheless, have adequate
28 easements to permit the county right-of-entry to inspect and, if necessary, take
29 corrective action if the owner fails to maintain the system. When the owner fails
30 to maintain his system, the county shall give the owner written notice of the
31 nature of corrective action required. If the owner fails to take corrective action
32 within 30 days from the date of the notice, the county may take the necessary
33 corrective action, including placement of a lien on all property of the owner to
34 recover the costs thereof. [7.15.12]

35 **(d) Inspections.** The owner shall initiate scheduling with the county for the following
36 inspections: [7.15.13]

37
38 **(1) Erosion control.** An erosion and sediment control inspection prior to any
39 construction or other land disturbance, as may be required by county

1 development approval, to ensure effective controls are in place according to the
2 provisions of this article. [7.15.13.A]

3
4 **(2) Underground.** An inspection prior to the burial of any underground drainage
5 structure to ensure appropriate materials and installation.[7.15.13 B]

6
7 **(3) Final.** A final inspection after all work has been completed, including installation
8 of all stormwater management system facilities, to ensure compliance with the
9 county's approved plan. After inspecting the work, a county representative shall
10 approve it or notify the applicant in writing of any failure to comply with
11 requirements of the approved plan. Any portion of the work which does not
12 comply shall be corrected by the applicant before final county authorization for
13 use is issued. Failure to complete or correct the work as notified is subject to the
14 penalty provisions of the LDC. [7.15.13.C]
15

16 **Sec 5-4.6 Additional requirements for subdivisions.** [4.04.13]

17 **(a) General.** Stormwater management plans for subdivisions shall be developed in
18 compliance with the additional subdivision requirements of this section and the DSM
19 Chapter 1, Stormwater Article.[4.04.13.B]

20 **(b) Outfall.** The developer shall prepare any necessary agreements or easements for
21 disposition of stormwater beyond the limits of the subdivision and shall attempt to
22 acquire necessary rights of easements. The county may assist in the acquisition of
23 such easements when it is in the public interest and where governmental action is
24 necessary for the proper disposition of water, and the developer advances all costs
25 and expenses incurred by the county.[4.04.13.A]

26 **(c) Detention/retention without positive outfall.** See DSM Chapter 1,Stormwater
27 Quantity (attenuation) section.[4.04.13.A.2]

28 **(d) Subdrains, subsoil drains, and trench drains.** Subdrains, subsoil drains, and
29 trench drains shall be required where soil and water conditions warrant.[4.04.13.I]

30 **(e) Public dedication.** Consistent with the provisions of Article 3 of this chapter, a
31 subdivision's stormwater management system cannot be dedicated for county
32 ownership and maintenance without the concurrent public dedication of the
33 subdivision streets. Additionally, a subdivision stormwater management system
34 constructed for public ownership and maintenance shall comply with the following:

35 **(1) Completed permitting.** All required permitting of the system from applicable
36 local, state, and federal agencies shall be complete and documented with the
37 county, or proof of exemption shall be provided. [4.04.13.A.5]

38 **(2) Detention/retention structures.** The system detention and retention/detention
39 structures shall provide side slopes, stabilization, and access as per the *DSM*.

40 **Screening.** Ponds shall be screened from view from the right-of-way with
41 shrubs and/or other natural barriers within a minimum 10-foot-wide strip
42 between the right-of-way and the pond. The County Engineer may reduce

1 the width if it is not feasible to provide in a sound engineering design. The
2 screening may be eliminated if the pond is designed with specific amenity
3 characteristics to be viewed. [4.04.13.A]

4 **(3) Plat or deed.** The stormwater system lands shall be dedicated to the county, or
5 the county shall be provided with a warranty deed to the parcels involved. The
6 plat or deed shall be approved for recording by the BCC prior to the acceptance
7 of the stormwater management system for county maintenance. [4.04.13.A]

8 **(4) Municipal services benefit unit.** An ordinance creating a municipal services
9 benefit unit (MSBU) to fund future county maintenance and operational expenses
10 for the stormwater pond and related improvements shall be enacted by the BCC
11 according to the stormwater pond MSBU provisions of Chapter 70, *Local Public*
12 *Improvements*, Part I, Escambia County Code of Ordinances. [4.04.13.A.7]

13 **(f) Hold harmless agreement.** If the stormwater management system (and streets)
14 will remain in private ownership the developer shall execute, on his behalf and on
15 behalf of any landowners within the subdivision who are ultimately to have
16 ownership of the stormwater management system, a hold harmless agreement that
17 holds the landowners harmless from the effects of any waters that may flow into or
18 about the system, and such other provisions as the county may require. [4.04.13.A]

19 **Sec. 5-4.7 Additional requirements for lakes, ponds and canals.**

20 **(a) Artificial lakes and ponds.** Artificial (manmade) lakes and ponds constructed for
21 recreational, aesthetic or other purposes not primarily for stormwater management
22 shall nevertheless comply with all applicable standards for wet detention structures.
23 Additionally, the following standards apply:

24 **(1) Side slopes.** The bank slopes of artificial lakes and ponds shall be constructed
25 according to the following standards:

26 **a. Low slopes.** For bank slopes of 6:1 (horizontal to vertical) or flatter,
27 permanent slope protection or seawalls are not required. All disturbed areas
28 must be stabilized with sod. [4.04.13.D.1]

29 **b. Moderate slopes.** For bank slopes steeper than 6:1 but flatter than 2:1, the
30 entire bank slope from the design water surface to a point that is three feet
31 beyond the berm line shall be sodded in a manner to guarantee a healthy
32 growth of pangola, bahia, bermuda, centipede, or other suitable grasses.
33 Slopes steeper than 2:1 shall not be permitted. [4.04.13.D.2]

34 **(2) Dammed watercourse.** The damming of a watercourse shall not be permitted if
35 the Planning Official, in consultation with the County Engineer, determines that
36 the volume of water in the impoundment area would be such that a breach of the
37 control structure would pose a serious threat to life or property downstream. Any
38 proposal to dam a watercourse shall include the following documentation for
39 county review, certified by a Florida-registered professional engineer in
40 accordance with standard engineering practice: [7.21.03.E.1]

41 **a. Site plan.** A site plan showing the area, depth, and volume of maximum
42 impoundment.

- 1 **b. Construction drawings.** Construction drawings of the control structure
2 indicating the maximum load specifications.
- 3 **c. Operational plan.** A plan for regulating the control structure such that the
4 maximum area of impoundment and other design specifications are not
5 exceeded. The plan shall also provide for restoring and maintaining the
6 stream's flow at preconstruction rates.
- 7 **d. Capacity maintenance.** A hydrologic and hydraulic analysis assuring
8 maintenance of flood-carrying capacity within the altered watercourse and
9 compliance with all other applicable floodplain management provisions in
10 Chapter 4.
- 11 **(3) Excavated soil.** Soil may be excavated and exported from the construction site
12 of a lake or pond in compliance with the conditions of county approval, but any
13 soil retained on site shall be graded and stabilized according to the erosion and
14 sediment control provisions of this article. [\[7.21.03.E.2\]](#)
- 15 **(4) Construction traffic.** Construction traffic shall access the site by collector or
16 arterial streets, but where such streets are not available; the county shall approve
17 other routes for use during the period of the permit. All public streets shall be
18 kept free of dirt, dust, and damage from construction vehicles. [\[7.21.03.E.4\]](#)
- 19 **(5) Construction time.** Construction time shall be limited by the conditions of
20 county approval, but in no case shall it be longer than 180 days from the date of
21 approval. [\[7.21.03.E.5\]](#)
- 22 **(6) Management and care.** Upon completion of construction, the property owner
23 shall be responsible for the care and management of the lake or pond consistent
24 with best practices. Piers, docks, and other structures in, on, or over the water
25 shall be permitted as required by the Florida Building Code. [\[7.21.03.F\]](#)
- 26 **(b) Canals.** All canals shall be excavated to a width and depth sufficient to eliminate
27 interruption to navigation or drainage that may result from minor shoaling caused by
28 bank erosion. Canal bank slopes shall comply with the slope requirements for lakes
29 and ponds. [\[4.04.13.D.4\]](#)

1 **Article 5 Streets and Access**

2 **Sec. 5-5.1 Purpose of article.**

3 This article establishes land development standards for streets as well as access to and
4 from streets that implement level-of-service and other Comprehensive Plan policies
5 requiring development to properly address its transportation impacts. It is the intent of
6 these standards to provide safe, convenient, efficient, and cost-effective travel ways for
7 motor vehicles, bicycles, and pedestrians for the movement of people, goods, and
8 services. [4.01.01.D] [7.11.01]

9 **Sec. 5-5.2 General provisions.**

10 **(a) Approval required.** The design and construction of streets and driveways requires
11 prior county review and approval for compliance with the standards of this article,
12 unless such travel and access ways are specifically identified in the LDC as exempt
13 from these standards.

14 **(b) Minimum design standards.** All streets and driveways shall be designed and
15 constructed according to the design standards in the most recent edition of *A Policy*
16 *on Geometric Design of Highways and Streets*, American Association of State
17 Highway Transportation Officials (AASHTO), the *Manual of Uniform Minimum*
18 *Standards for Design, Construction and Maintenance for Streets and Highways*
19 (“Florida Greenbook”), Florida Department of Transportation (FDOT), and the
20 *General Paving and Drainage Technical Specifications* of the county. All traffic
21 control devices shall be designed and installed according to the most recent editions
22 of the *Manual on Uniform Traffic Control Devices*, U.S. Department of
23 Transportation, and *Roadway and Traffic Design Standards*, FDOT. [4.04.15,
24 7.11.02.A, 7.11.06.A]

25 **(c) Modification of standards.** Variances to the strict application of the standards of
26 this article are not available from the Planning Official, BOA or SRIA. Where the
27 provisions of this article specifically allow, the County Engineer has discretion within
28 the accepted standards of engineering practice to allow modifications that maintain
29 the stated purposes of the article.

30 **Sec. 5-5.3 Street design.**

31 **(a) General layout.** The layout of streets, including private streets, shall be in general
32 conformance with a plan that is most advantageous for the development of adjoining
33 lands. See *DSM* for details. [4.04.03.A and A.1]

34 **(b) Connectivity.**

35 **(1) Extension to boundary.** See *DSM Chapter 1, Roadway Design - Street Layout*
36 section for details. [4.04.03.A.2]

37 **(2) Large-scale development.** Developments with a proposed density of 3 or more
38 dwelling units per developable acre and over 300 lots shall provide a highly
39 interconnected system of complete streets/pathways (for pedestrians/sidewalks),

Comment [BP23]: As per the Mobility Element
MOB 1.1.3

Justification. The requirement for 200 acres was too
broad and restrictive so the dwelling units
requirement was added. The new requirement
provides more clarity on the actual size of the
developmnet and it is easier to define. In addition, it
is less restrictive because it allows the developer to
adjust units per acre..

bicycles, and motor vehicles) to promote the reduction of automobile use, trips, and trip lengths. [\[MOB1.6.2 a\]](#)

(3) Subdivisions.

Connection to undeveloped property. See DSM Chapter 1, Roadway Design - Street Layout section. [\[C. Curb, 2006\]](#)

(c) Ingress and egress. See DSM Chapter 1, Transportation article for details.

(d) Cul-de-sacs. See DSM Chapter 1, Roadway Design - Street Layout section for details.

(e) Right-of-way widths. Right-of-way widths shall be provided as indicated in the DSM Chapter 1, Roadway Design- Minimum Right-of-way widths section. The DSM shall detail right-of-way widths as it relates to arterials, collectors, local streets, turning circles, alleys, and partial widths [\[4.04.04.A-F\]](#)

(1) Programmed widening. If a tract to be subdivided abuts any part of an arterial or collector street and the street is contained in an adopted capital improvement plan of the state or county and has a programmed widening by the state or county, the part of the public right-of-way necessary to comply with that programmed plan shall be set aside by the developer for dedication, unless the county chooses to negotiate mitigation measures, as requested by the developer. [\[MOB 1.5.4\] \[4.04.02.A, 4.06.06.C.7 & H\].](#)

(2) Non-Standard right-of-way donation. If a tract to be developed abuts any part of an arterial collector or local street (not meeting section 7 criteria) that does not meet the minimum ROW requirements, the developer shall set aside 50% of right-of-way necessary to comply with county ROW requirements. [\[4.04.02\]](#)

(f) Pavement widths. Details regarding pavements widths as it relates to local streets, turning circles, and alleys are provided in the DSM Chapter 1, Roadway Design - Minimum pavement widths section. [\[4.04.05\]](#)

(g) Intersections. The DSM provides criteria for intersection design, which contains specific requirements for angles, radii, visual clearance, and offsets. See DSM Chapter, Roadway Design -Intersections section. [\[4.04.06\]](#)

(h) Design speed. Local streets shall be designed with a minimum design speed of 15 miles per hour (mph). Residential subdivision streets that service the cumulative development of 100 lots or more shall be designed with a minimum design speed of 20 mph. [\[4.04.11 C\]](#)

(i) Crown elevation.-See DSM Chapter 1, Roadway Design - Roadway Elevations section for details.

(j) Bridges.

(1) Design and construction. Bridges shall be designed and constructed according to the latest editions and revisions of *AASHTO LRFD Bridge Design Specifications* (load-and-resistance factor design), *FDOT Structures Design Guidelines* and any approved interim specifications, and the FDOT "Florida Greenbook."

1 **(2) Public.** All public bridges shall be built with a minimum of 20 feet between
2 abutments.

3 **(3) Inspection.** Each bridge dedicated to the public shall be inspected by the
4 FDOT, according to the *National Bridge Inspection Standards* (NBIS), 23 U.S.C.
5 151, and Florida Statutes (§ 335.074).

6 **(k) Dedication.** Consistent with the provisions of Article 3 of this chapter, subdivision
7 streets cannot be dedicated for county ownership and maintenance without the
8 concurrent public dedication of the subdivision stormwater management system. .
9 [\[4.04.02 A\]](#)

10 **Sec. 5-5.4 Site access.**

11 **(a) General.** Vehicular access to an adjoining public street shall be accomplished by
12 means of an improved access facility, such as a driveway or private street, designed
13 and controlled to provide safe and convenient access to the street. Neither
14 unimproved nor unrestricted access is permitted. Site access shall comply with the
15 standards of this section to accommodate vehicles and pedestrians as well as to
16 provide traffic control. Unless otherwise specifically provided, the standards of this
17 section do not apply to driveways for single-family dwellings. [\[4.06.06.C.1, 7.11.02\]](#)

18 **(b) County requirements.** There is no intent to conflict with or duplicate state highway
19 access permitting, but connections to the state highway system will be evaluated
20 during LDC compliance review for consistency with county requirements. [\[4.04.02 A\]](#)

21 **(c) Visual clearance.** See *DSM Chapter 1, Roadway Design –Intersections* section for
22 details.[\[7.01.08\]](#)

23 **(d) Access Location.** Driveways proposed to access a street shall either be aligned
24 with, or offset from, existing and planned driveways, median openings, and streets
25 on the same and/or opposite sides of the street to be accessed. See DSM Chapter
26 1, Roadway Design – Access Location for more details. . [\[7.11.02 B\]](#)

27 **(e) Driveway paving.** Driveways that connect to a paved street shall be paved to the
28 right-of-way. [\[7.11.02.D\]](#) [\[8-15-12 rev\]](#)

29 **(f) Internal access.** Proposed development along arterial or collector streets shall
30 provide access routes within the development for all uses such that a return to the
31 arterial or collector street is not necessary to access another use within the
32 development.[\[4.04.03.A.1\]](#)

33 **(g) Multiple street frontages.** When a lot or parcel is located at a street intersection or
34 otherwise fronts more than one street, vehicle access for all uses on the lot,
35 including single-family dwellings, may be limited to the roadway with the lowest
36 traffic volume, least operational impact, or lowest functional classification, provided
37 that the restriction is consistent with existing FDOT standards. Potential traffic
38 impacts to residential neighborhoods shall be considered when applying this
39 restriction. Non-access easements may be required on site plans and plats to
40 implement this restriction. [\[7.11.04\]](#)

41 **(h) Modification of existing access.** [\[7.11.07\]](#)

- 1 **(1) Unused access.** See *DSM Chapter 1, Access Management - Modification of*
 2 *Existing access section* for details. [7.11.07.A]
- 3 **(2) Additions.** See *DSM Chapter 1, Access Management - Modification of Existing*
 4 *access section* for details. [7.11.07.B]
- 5 **(3) Change of use.** See *DSM Chapter 1, Access Management - Modification of*
 6 *Existing access section* for details [7.11.07.C]
- 7 **(i) Commercial traffic in residential areas.** See *DSM Chapter 1, Access*
 8 *Management - Commercial Traffic in Residential Areas section* for details regarding
 9 proposed zoning districts. [7.11.09]
- 10 **(j) Fire department access.** Fire department access shall be provided and maintained
 11 for every use according to the current standards of the National Fire Protection
 12 Association (NFPA) as administered by the Escambia County Fire Marshal.
- 13 **(k) Cross access easements.** All new commercial developments along roadways with
 14 an approved access management plan shall provide cross-access easements and
 15 connections to adjoining commercial properties. [MOB 1.1.11]
- 16 **Sec. 5-5.5 Traffic Control.** [7.11.06]
- 17 **(a) Controls required.** Site plans, subdivision construction plans, and other
 18 development approvals shall require the reasonable placement of traffic control
 19 signs, pavement markings, traffic signals, and other traffic control devices along any
 20 street, at any driveway, or within any development, as detailed by the *DSM*.
- 21 **(b) Traffic signals.** *DSM Chapter 1, Access Management - Traffic Control section*
 22 contains information regarding the assignment of responsibility for traffic signals.
 23 The *DSM* also contains including provisions for signal study, construction costs'
 24 responsibility, and optional signal criteria.
- 25 **(c) Turn restrictions.** See *DSM Chapter 1, Access Management - Traffic Control*
 26 *section* for details.
- 27 **(d) Median openings.** See *DSM Chapter 1, Access Management - Traffic Control*
 28 *section* for details.
- 29 **(e) Right Turn lanes.** The developer shall construct right-turn lanes on a county
 30 roadway to serve right-turning movement entering a development when the
 31 estimated volume of such movement is 20 or more vehicles during any peak hour
 32 (for a two-lane segment) and more than 15 or more vehicles during any peak hour
 33 (for a four-lane segment). Such turn lanes shall be provided by the developer at no
 34 cost to the county and meet all county standards as indicated in the *DSM Chapter 1,*
 35 *Traffic Control section.* *DSM Chapter 1, Access Management - Traffic Control*
 36 *section* provides design criteria for turn lanes on county roads and deceleration
 37 lanes.
- 38 **(f) Left Turn lanes.** The developer shall construct left-turn lanes on a county roadways
 39 to serve left-turning movement entering a development when the estimated volume
 40 of such movement is 40 or more vehicles during any peak hour. Such turn lanes
 41 shall be provided by the developer at no cost to the county and meet all county

Comment [BP24]:
TURN LANE REQUIREMENTS

Justification
 Old LDC (7.11.06 e) - 60 vehicles per peak hour
 (Approx 198 Lots)

New LDC (5-5.5 e)
 - - Right Turn
 - - 20 vehicles per peak hour (2 lane)
 - - 15 vehicles per peak Hour (4 lane)

- - Left Turn
 - - 40 vehicles per peak hour (Approx 128 Lots)

Support
 • Adding left turn lane - General 21% Crash reduction
 o US DOT has developed the Crash Modification Factors used to compute the reduction of expected numbers of crashes after implementing the countermeasure (left turn lane).
<http://www.cmfclearinghouse.org/index.cfm>

• Significant congestion reduction
 • Santa Rosa County Requirements – see table

Cost
 • Rural 300' Left Turn Ln = \$221,000
 • Rural 300' Right Turn Ln=\$190,000
 • Urban (curb & gutter) 300' Left Turn Ln=\$302,000
 • Urban (curb & gutter) 300' Right Turn Ln=\$258,000

From FDOT D3 Cost Estimates.

standards as indicated in the DSM Chapter 1, Access Management - Traffic Control section. *DSM Chapter 1, Access Management -Traffic Control* section provides design criteria for turn lanes on county roads and deceleration lanes.

Sec. 5-5.6 Sidewalks and bikeways. [MOB 1.1.14, 1.1.15, 1.3.2] [7.11.05]

See PSF 1.45 & 1.4.6

(a) Sidewalks and bikeways will be installed in conformance with current ADA standards and all applicable guidelines (to include but not be limited to the latest editions of the FDOT Transit Facilities Guidelines and FDOT Roadway Standard Specifications). This is to support adopted bicycle and pedestrian plan routes and/or applicable grant programs to provide connectivity with existing sidewalks or as required by Florida Department of Transportation (FDOT). [MOB 1.6.2 b] [4.06.06.C.2]

(1) Sidewalks

a. **Site Frontage.** Sidewalks along the site frontage of a development site parcel are required as indicated in the DSM for all applicable commercial and residential developments. Sidewalks will be installed in conformance with current ADA standards and all applicable guidelines (to include but not be limited to the latest editions of the FDOT Transit Facilities Guidelines and FDOT Roadway Standard Specifications) and shall be constructed according to conditions specified in the *DSM Chapter 1, Access Management - Pedestrian Access* section. The developer has the option to either build the required sidewalk along the affected parcel frontage or contribute funds to the county for construction at a later date at the county's discretion (at the developer's request). Contributed funds shall be based on the county's latest pricing agreement.

b. **Within a Residential Development.** Sidewalks will be installed in conformance with current ADA standards and all applicable guidelines (to include but not be limited to the latest editions of the FDOT Transit Facilities Guidelines and FDOT Roadway Standard Specifications) and shall be required, designed and constructed according to conditions specified in the DSM Chapter 1, Access Management - Pedestrian Access section.

c. **Transit Stop.** For any development with an entrance located 200 feet (immediately adjacent) of an existing and fixed transit stop, a sidewalk must be constructed from the entrance of the development to the existing and fixed transit stop. The newly constructed sidewalk will be installed in conformance with current ADA standards and all applicable guidelines (to include but not be limited to the latest editions of the FDOT Transit Facilities Guidelines and FDOT Roadway Standard Specifications). In addition, to meet ADA standards, the sidewalk must be connected to any existing/planned sidewalks within the development.

(b) Large-scale development. See DSM Chapter 1 – Pedestrian Access for details

(c) Bikeways. See DSM Chapter 1, Access Management - Pedestrian Access section for details. [7.11.05.B]

Comment [BP25]: If any portion of a developments property is within 200' walking distance from an existing bus stop, ADA sidewalk and accessible amenities are to be constructed

Support

- Promoting a walkable community and reducing the required Vehicle Miles Traveled as more citizens have better access to, and use, Public Transportation.
- We have a large contingency of Disabled that live and work in our community. We want to provide them accessibility to the great Public Transportation (Escambia County Area Transit - ECAT) in our community as well as be a good steward of the tax payers dollars.
 - Currently the Fixed Route Service (ECAT) costs approximately \$5.30 per rider. ECAT charges a farebox rate of \$1.25 per rider. This costs the County approximately \$4.05 per rider.
 - If a disabled rider that lives / works within ¼ of a mile of a fixed route and cannot access a bus stop, they will qualify for the ADA Service (individual pickup provided by Escambia County Community Transportation - ECCT). This service costs \$17.50 + \$2.13 per mile per rider. ECCT charges \$3.50 per rider. This type service costs the County approximately \$14.00 + \$2.13 per mile per rider.
 - Because of the cost differential of \$9.95 + \$2.13 per mile per rider to be paid by the tax payer, it is good stewardship to require the developments within our community to install these sidewalks. This will allow the County to minimize the ECCT service which, in turn, allows the County to provide more and better service to all the citizens of Escambia County.

Cost

- \$55 per linear foot of 5' sidewalk and \$1500.00 per handicap ramp

Comment [m26]: As per the Mobility Element MOB 1.1.3

Justification. The requirement for 200 feet was too broad and restrictive so the dwelling units requirement was added. The new requirement provides more clarity on the actual size of the development and it is easier to define. In addition, it is less restrictive because it allows the developer to adjust units per acre.

1 (d) Repair. See *DSM* Chapter 1, Access Management - Pedestrian Access section for
2 details.[\[7.11.05.C\]](#)

DRAFT

Article 6 Parking and Loading

Sec. 5-6.1 Purpose of article.

This article establishes land development standards for off-street vehicle parking and loading that implement Comprehensive Plan policies requiring development to provide safe and convenient on-site vehicle circulation and sufficient parking to accommodate the demand that it creates. It is the intent of these standards to avoid congestion on surrounding streets and promote the safety and mobility of pedestrians, bicycles, and motor vehicles. [MOB 1.1.3] [7.02.00]

Sec. 5-6.2 General provisions.

(a) **Approval required.** Any land use or development activity that establishes or increases a variable that is determinative of vehicle parking demand (e.g., floor area, dwelling units, seats, etc.) requires prior county review and approval for compliance with the standards of this article unless the use or activity is specifically identified in the LDC as exempt from these standards. The standards apply to both ground-level parking and multi-level parking structures. [MOB 1.1.3] [7.02.00]

(b) **Modification of standards.** Variances to the strict application of the standards of this article may be granted according to the applicable variance criteria and compliance review processes of Chapter 2 if such modifications maintain the stated purposes of this article and are not otherwise excluded by its provisions. Any modifications to these parking and loading standards shall be guided by published professional architectural, engineering, or planning design standards. [7.02.00.H.3]

(c) **Handicap spaces.** Handicap parking spaces shall be provided for uses as part of the total number of off-street spaces required by this article according to the latest edition of the *Florida Accessibility Code for Building Construction*. Handicap parking is not eligible for any modifications that are not otherwise allowed in the prevailing accessibility standards. [7.02.01 F]

(d) **Use of required areas.** Required off-street parking and loading areas are to be used solely for the parking of licensed motor vehicles in operating condition. Only spaces in excess of the spaces required by this article may be used for display or storage and only in compliance with the provisions of Chapter 4. [7.02.01 G]

(e) **Tree preservation.** The number of required parking spaces may be reduced as necessary to more effectively preserve protected trees. [7.01.05 E]

(f) **Nonconformance.**

Sec. 5-6.3 Parking demand.

Quantity. See *DSM Chapter 1, Parking and Loading - Parking Demand* section for details regarding the determination of the number of parking spaces for development. Other details regarding parking include computation of parking spaces, information regarding increase and reduction of parking spaces, and computation of parking spaces for unlisted uses. Furthermore, ineligible spaces details are also provided in the *DSM*. [7.02.00.C]

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Sec. 5-6.4 Stall and aisle design.

General. The design and arrangement of parking stalls and drive aisles shall comply with the standards provided in the DSM, except that parking for single-family and two-family dwellings need only comply with the minimum stall dimensions. In addition, criteria and guidelines regarding turnarounds, encroachment, delineation, traffic control, pedestrian entrances, surface materials, and drive-through stacking will be provided in thuds.**[7.02.01 H]**

Sec. 5-6.5 Off-site and joint use parking. Items regarding off-site and joint-use parking are contained with the DSM Chapter 1, Off-Site and Joint Use Parking section.

Sec. 5-6.6 Loading and unloading. See *DSM Chapter 1, Parking and Loading-Loading and Unloading* section for details.

Article 7 Landscaping

Sec. 5-7.1 Purpose of article.

This article establishes land development standards for landscaping that implement Comprehensive Plan policies requiring development to apply professional practices for landscaping and tree protection. It is the intent of these standards to promote the environmental and community benefits of a healthy, diverse, and well managed urban forest. More specifically, this article is intended to accomplish the following:
(CP CON 1.6.1)

- (1)** Improve the appearance, character, and value of developed lands through landscaping that enhances, shades, screens, and buffers the built elements and that appropriately includes and preserves existing trees.**[LDC 7.01.01]**
- (2)** Require that the type, quality, and installation of trees and other vegetation planted to fulfill county landscaping requirements prevent the unnatural decline of trees by requiring effective measures to protect them from damaging acts or practices, especially during site development, and establishing penalties to discourage violations. (CP CON 1.6.1)
- (3)** Allow and encourage the appropriate removal of trees through an objective criterion-based review but compensate for the lost benefits of removed healthy trees by requiring sufficient replacement planting of quality trees.**(CP CON 1.6.3)**
- (4)** Emphasize the use of native species for reduced irrigation needs and improved plant establishment, survival, and vitality.**(CON 1.8.1.b)**
- (5)** Increase the diversity of age and species among trees for long-term urban forest health and stability and increase the proportion of wind-resistant trees to make future storms less devastating.**(CP CON 1.6.4)**

1 **Sec. 5-7.2 General provisions.**

2 **(a) Approval required.** All land uses and development activities require prior county
3 review and approval for compliance with the standards of this article, unless the use
4 or activity is specifically identified in the LDC as exempt from these standards.
5 These standards are in addition to any required vegetative control of erosion and
6 sediment from land disturbance or landscaping required by any other conditions of
7 county approval.

8 **(b) Disclaimer.** Nothing in this article shall be understood to impose any liability for
9 damages or a duty of care or maintenance upon the county or any of its officers or
10 employees, nor to relieve the owner of any private property from the duty to keep
11 any tree, shrub, or other plant on his property or under his control in such a condition
12 as to prevent it from constituting a hazard or an impediment to travel or vision along
13 any street or public place.

14 **(c) Landscape plans.** Prior to any county authorization of land development requiring
15 site landscaping, a landscape plan shall adequately document compliance with all
16 applicable landscaping standards of this article and the *DSM* Chapter 2,
17 Landscaping Article. The plan shall include all calculations, dimensions, notes, and
18 details necessary to describe the landscape elements and their relation to the site
19 boundary and site improvements. Any landscaping proposed solely at the owner's
20 discretion shall be distinguished from that required by the county. Additionally, the
21 plan shall include owner notification of the responsibility for the establishment of
22 newly planted trees and shrubs and the continuing obligation of maintenance of all
23 landscape elements. **(LDC 7.01.03.A)**

24 **(d) Landscape design.** Site landscape design shall evidence consideration of existing
25 protected trees, site soils, including plants adaptable to site conditions and practical
26 use of turf grass. Established trees and other areas of vegetation shall be
27 incorporated where it is practical to lower the adverse impacts of development,
28 including the need for irrigation. If adequate on-site vegetation does not exist or
29 cannot be preserved to meet minimum landscape requirements, plants shall be
30 selected and installed according to the provisions of this article. The assistance of a
31 landscape professional in planning and design is encouraged.

32 **(e) Tree types.** The *DSM* Chapter 2, Tree Removal and Replacement section
33 establishes the standards for a tree determination, including the criteria for the
34 understory, canopy, evergreen trees, and deciduous plants.

35 **(f) Exemptions.** The *DSM* Chapter 2, Landscaping -Tree Protection and Preservation
36 section provides the criteria for invasive trees. **(LDC 7.01.04.B)**

37
38 **Sec. 5-7.3 Landscape areas and quantities.** See *DSM Chapter 2*, Landscape
39 Areas and Quantities section for details regarding landscape areas and quantities.

40 **Sec. 5-7.4 Tree protection and preservation.**

41 **(a) General.** Tree protection and preservation requires reasonable assurance through
42 the application of professional arboriculture standards that a healthy tree will remain

1 so. Adverse changes in natural site conditions are often unavoidable, but the
2 provisions of this section consolidate and simplify standards needed to achieve
3 meaningful tree protection and preservation within the development. The DSM
4 Chapter 2, Tree Protection and Preservation section establishes the provisions for
5 the tree approval, prohibited acts, tree preservation, and tree protection areas.(LDC
6 7.01.04)

7 **(b) Violations.** All applicable tree protection and preservation standards of this article
8 shall be documented on county-approved development plans. Failure to comply
9 with such standards will subject the development to site inspection failures, code
10 enforcement citations and penalties. All penalties resulting from the enforcement of
11 the provisions of this article shall be deposited in the Tree Restoration Fund in the
12 same manner and for the same purposes prescribed for unplanted mitigation.(LDC
13 7.01.09)

14 Regardless of the association with any proposed or approved development,
15 complaints of violation of the standards of this article will be investigated by county
16 Code Enforcement officials who have the authority and responsibility to enforce the
17 provisions of the LDC through the issuance of written citations according to the
18 provisions of Chapter 30, *Code Enforcement*, Part I, Escambia County Code of
19 Ordinances. (LDC 7.01.09.B)

20 **(1) Tree removal.** The penalty for the unauthorized removal of a protected tree,
21 including its effective removal by irreparable injury causing an unnatural decline,
22 shall be the cost necessary to replace the total tree trunk diameter (DBH) inches
23 removed with the same total caliper inches of standard replacement trees
24 according to the current adopted fee schedule. Where the actual DBH of the
25 removed tree cannot be directly measured, county officials may estimate the size
26 from any tree remains, photographs, or other reliable evidence. Additionally, if a
27 standard arboricultural assessment of the pre-removal tree conditions warrants,
28 county officials may reduce the penalty accordingly but to no less than the fee
29 schedule cost of one standard replacement tree.(LDC 7.01.09.C.2)

Comment [BP27]: Current code requires double mitigation + fine. Director recommends revising structure to mitigation based on caliper inches according to proposed mitigation schedule. Mitigation can be reduced through utilization of an arborist assessment documenting a sub-average condition tree.

Cost: N/A

30 **(2) Tree damage.** If a protected tree has sustained irreparable damage to its normal
31 growth character by topping, "hat racking," or other pruning exceeding 30% of
32 total canopy, the fine may be based on the total caliper inches of limbs removed,
33 up to the trunk diameter (DBH) and full tree replacement may be required. If a
34 standard arboricultural assessment of the pre-damage tree conditions warrants,
35 county officials may reduce the penalty accordingly.(LDC 7.01.09.C.2)

36 **(3) Protection barriers.** The penalty for the failure to install or maintain one or more
37 tree protection barriers required by county development approval shall be the
38 cost of one standard replacement tree according to the current adopted fee
39 schedule. Subsequent citations on the same site for failure to install or maintain
40 the required barriers shall be the cost of a standard replacement tree for each
41 uninstalled or unmaintained barrier. [LDC 7.01.09.C1]

Comment [BP28]: Note – Director recommends enhancement of penalty associated with unpermitted damage to protected trees during the construction phase. Current code does not address a penalty for a 1st offence failing to install protective barriers.

Cost: N/A – current code requires barriers to be installed.

42 **Sec. 5-7.5 Tree inventory and assessment.** The DSM Chapter 2, Tree Inventory
43 and assessment section contains provisions for any land use or development activity

1 application required to inventory on-site protected trees. If no protected trees exist on
2 the site, that condition shall be identified in the application documents.(LDC 7.01.03)

3 **Sec. 5-7.6 Tree removal and replacement.**

4 **General.** Existing healthy trees shall be preserved to the greatest extent practical to
5 sustain an age-diverse urban forest and to minimize tree canopy cover losses.
6 Removal of protected trees shall be avoided when possible and shall be minimized and
7 mitigated when unavoidable. The provisions for the removal criteria are provided in the
8 *DSM Chapter 2, Tree Removal and Replacement- Removal Criteria section.*[7.01.04]

9 **Sec. 5-7.7 Plant selection, installation, and maintenance.**[CON 1.6.4]

10 **(a) Selection.** Appropriate selection of landscaping plants is essential for long-term
11 survival and allows their buffering, aesthetic, erosion control, mitigation, and other
12 benefits to be realized as early as practical. Planting a variety of trees and shrubs
13 helps maintain a diverse urban forest. The *DSM Chapter 2, Plant Selection,*
14 *Installation, and Maintenance section* containing provisions in the selection criteria
15 for the provisions of quality, species, trees, and other landscape vegetation.

16 **(b) Installation.** For information regarding plant installation, see *DSM Chapter 2, Plant*
17 *Selection, Installation, and Maintenance– Installation section.*

18 **(c) Irrigation.** Irrigation systems are encouraged, as they are reliable components of
19 plant maintenance, especially during critical periods of establishment after planting.

20 [LDC 7.01.05.C1-3 Quality][LDC 7.01.05.H Maintenance][LDC 7.01.05.A Installation]

21
22 **Article 8 Signs. Section 1 of Ord. No. 2007-27, adopted May 24, 2007**

23 **Sec. 5-8.1 General principles.** In order to preserve the county as a desirable
24 community in which to live, vacation and do business, a pleasing visually attractive
25 urban, suburban, rural and resort environment is of foremost importance. The regulation
26 of signs within the county is a highly contributive means by which to achieve this desired
27 end. These sign regulations are prepared with the useful intent of enhancing the
28 environment and promoting the continued well-being of the county.

29 **Sec. 5-8.2 Purpose.** It is the purpose of this division to promote the public health,
30 safety and general welfare through a comprehensive system of reasonable, consistent
31 and nondiscriminatory sign standards and requirements. These sign regulations are
32 intended to:

- 33 **(a)** Enable the identification of places of residence and business.
34 **(b)** Allow for the communication of information necessary for the conduct of commerce.
35 **(c)** Lessen hazardous situations, confusion and visual clutter caused by proliferation,
36 improper placement, illumination, animation and excessive height, area and bulk of
37 signs that compete for the attention of pedestrian and vehicular traffic.

Comment [BP29]: Director recommends adding diversity of planting material to address Comp Plan (CON 1.6.1). Diversity of plant materials lessen likelihood of catastrophic

- 1 (d) Enhance the attractiveness and economic well-being of the county as a place to live,
2 vacation and conduct business.
- 3 (e) Protect the public from the dangers of unsafe signs.
- 4 (f) Permit signs that are compatible with their surroundings and aid orientation, and
5 preclude placement of signs in a manner that conceals or obstructs adjacent land
6 uses or signs.
- 7 (g) Encourage signs that are appropriate to the zoning district in which they are located
8 and consistent with the category of use to which they pertain.
- 9 (h) Curtail the size and number of signs and sign messages to the minimum reasonably
10 necessary to identify a residential or business location and the nature of any such
11 business.
- 12 (i) Establish sign size in relationship to the scale of the lot and building on which the
13 sign is to be placed or to which it pertains.
- 14 (j) Preclude signs from conflicting with the principal permitted use of the site or
15 adjoining sites.
- 16 (k) Regulate signs in a manner so as to not interfere with, obstruct vision of, or distract
17 motorists, bicyclists or pedestrians.
- 18 (l) Require signs to be constructed, installed and maintained in a safe and satisfactory
19 manner.
- 20 (m) Preserve and enhance the natural and scenic characteristics of this community.

21
22 **GRAPHIC LINK: SIGN TYPES**

23
24 **Sec. 5.8-3 Sign permits.**

- 25 (a) **Permit required.** Except as provided for in this article, it shall be unlawful for any
26 person to erect, construct, alter or relocate within the unincorporated area of
27 Escambia County, Florida, any sign without having first obtained a land use
28 certificate and/or a building permit issued by department of growth management
29 (department).
- 30 (b) **Application for permit.** Each application for a permit, with the required fees, shall
31 be filed with the department on a form furnished for that purpose. Application for
32 such permit, describing the work to be done, shall be made in writing to the
33 department by the person, firm, or corporation installing the work, and the permit
34 when issued shall be to such applicant. Only authorized employees or officers of a
35 company or corporation that is qualified as a sign erection contractor can sign for
36 permits by that holder. The holder of the sign erection contractor's certificate shall
37 provide a letter of authorization for such employees or officers. The application shall
38 indicate the location, sign dimensions, and contain such other information as may be
39 required by the department.

1 State law requires construction to be done by licensed contractors; however, the
2 owner of the particular property in question may sign an owner builder disclosure
3 statement. This allows the owner of the property to act as his/her own contractor in
4 accordance with Florida Statute. Upon receipt of a completed application, the
5 department shall approve or deny the application within 15 days. An applicant who
6 does not receive either a permit or denial within 20 days of submission of a
7 completed application may file an administrative appeal as set forth in this Code. An
8 applicant who is denied a permit may seek prompt judicial determination of such
9 denial.

10 **(c) Review criteria for multitenant centers.** For all new construction of multitenant
11 centers, a master sign plan must be submitted as part of the development review
12 process. This plan must include in it the building elevations of the proposed project,
13 the square footage of signs (both freestanding and wall signs). The location and size
14 of each sign allotted to the individual occupants must be determined. Once the
15 criteria have been established for a multitenant center or complex, the criteria shall
16 apply to the entire center, as well as each individual occupant, and shall remain as
17 long as the center exists, regardless of change of ownership or management. The
18 criteria may only be changed if:

- 19 **(1)** All signs in the center are changed to conform to the new approved criteria; and
- 20 **(2)** Written consent to the plans and criteria are provided by the owner of the building,
21 structure or land to which or on which the sign structure is to be erected,
22 relocated, maintained or altered.

23 **(d) Permit fees.** A permit fee shall be charged and collected in accordance with a
24 schedule of development permit fees established by resolution of the board of
25 county commissioners. A permit shall not be valid until the prescribed fees have
26 been paid. An amendment to a permit will not be approved until the additional fees, if
27 any, have been paid.

28 **(e) Failure to obtain permit.** If any person commences work on an installation before
29 obtaining the necessary permit from the department, the permit fee established by
30 resolution of the board of county commissioners shall be tripled.

31 **(f) Lapse of sign permit.** A continuing sign permit shall lapse automatically if the
32 business license for the premises lapses, or is revoked or is not renewed. A sign
33 permit shall also lapse if the business activity on the premises is discontinued for a
34 period of 180 calendar days or more and is not renewed within 30 days of notice
35 from the county to the last permit, sent to the premises, that the sign permit will
36 lapse if such activity is not renewed.

37 **(g) Changes.** In those cases where the corporate entity which originally applied for
38 land use approval transfers the application to another corporate entity, notification of
39 that change must be provided to the department prior to issuance of the permit. This
40 notification must take the form of a certified letter to the director advising of the
41 transfer of the application. Alternatively, the corporate entity may submit a new
42 application for land use. The permit when issued shall be for such installation as is
43 described in the application and no deviation shall be made from the installation so

1 described without the written approval of the director. Permits, when issued and
2 work commenced, may not be canceled or another permit issued for the same work
3 except by mutual consent of the permit holder and owner and/or builder or by court
4 order.

5 **(h) Revocation.** The permit, when issued, shall become invalid if no work is started
6 within 180 calendar days after its issuance, or if the work authorized by such permit
7 is suspended or abandoned for a period of 180 calendar days after the time work
8 has commenced. An extension of time, for a period not to exceed 90 days, may be
9 allowed for the permit provided the extension is requested in writing and justifiable
10 cause is demonstrated.

11 **(i) Construction specifications.** All signs shall comply with the appropriate detailed
12 provisions of the Southern Standard Building Code relating to design, structural
13 members and connections. Signs shall also comply with the provisions of the
14 applicable electrical and building codes and the additional construction standards
15 hereinafter set forth in this section. These sign regulations are intended to
16 complement the requirements of the building and electrical codes adopted by the
17 county. Wherever there is inconsistency between these regulations and the building
18 and electrical code, the more stringent requirement shall apply.

19 **(j) Identification of signs.**

20 **(1) Identification plate:** Each sign hereafter erected or remodeled shall bear, in a
21 permanent position thereon, a clearly legible identification plate stating the name
22 and address of the owner of the sign, and the person, firm or corporation
23 responsible for its construction, erection and the date of erection. Electrical signs
24 shall be marked with input amperages at the full load. Every electric sign of any
25 type shall be listed and installed in conformance with that listing.

26 **(2) Permit sticker:** Each sign shall have a sticker placed on one of the faces of the
27 sign that identifies the permit number that was originally issued by the
28 department; these will be color coded to indicate any nonconformance at the time
29 of erection of the sign.

30 **(k) Limit to the number of freestanding signs.** For all zone lots with multiple uses or
31 multiple users, there shall be a limit to the number of freestanding signs of one for
32 each street on which the zone lot has frontage and shall provide for shared or
33 common usage, except for as provided inspections 5.8-5 and 5.8-7 of this article.

34 **(l) Permitting of billboards.** On new roadways which meet the criteria of section 5.8-
35 6, permits for billboards will not be issued until the commencement of general traffic
36 flow on the roadway or until the road has been appropriately classified through the
37 Comprehensive Plan amendment process, whichever occurs first. Permits will
38 generally be issued on a first-come, first-served basis. In those instances where two
39 applicants simultaneously apply for a location or locations which, due to their
40 proximity, would allow only one of the billboards to be constructed, the applicant
41 whose state permit was issued first will be granted the permit for construction.

1 **Sec. 5.8-4 Exempt and prohibited signs.**

2 **(a) Exempt signs.** The following signs are exempt from the permitting requirements of
3 this article. Exempt signs shall be safely constructed, situated and maintained in
4 such manner as to not create a hazard or nuisance to the public.

- 5 **(1)** "No Trespassing" or "No Dumping" signs of three square feet or less.
- 6 **(2)** Identification signs of three square feet or less.
- 7 **(3)** Private informational signs or public signs for traffic control, street designation or
8 direction to public facilities. Directory signs at door or in courtyard of multitenant
9 building.
- 10 **(4)** Governmental flags and decorative flags or wind socks on a residence.
11 Corporate flags are a sign and are allowed as part of the allowed square footage
12 for a zone lot.
- 13 **(5)** Holiday or special event decorations, incidental to a business and/or residence
14 and customarily associated with a holiday or a special event.
- 15 **(6)** Credit card window signs of three square feet or less, one for each business.
- 16 **(7)** Menu boards or price lists for drive-through facilities of no more than 40 square
17 feet each. Such signs shall be located adjacent to and oriented toward the drive-
18 through area.
- 19 **(8)** Graphics and trademarks on vending machines, gas pumps and other machinery
20 customarily used for sales outside of a building.
- 21 **(9)** Signs required or authorized by federal, state, or county law, including official
22 highway beautification signs.
- 23 **(10)** House address numbers and family name signs of two square feet or less in
24 residential districts.
- 25 **(11)** Garage/yard sales/open house signs four square feet or less, not more than
26 three feet above ground level. Sign must be removed after sales or open house
27 concludes.
- 28 **(12)** Window signs.
- 29 **(13)** Special event banner sign for businesses.
- 30 **(14)** Flutters, pennants, and other signs referred to as wind signs, consisting of
31 material or objects and fastened in such a manner as to move upon being
32 subjected to pressure by the wind. When these items have deteriorated or lost at
33 least 20 percent of their original volume, they must be removed or replaced.
- 34 **(15)** Political signs subject to the restrictions of section 5.8-6.
- 35 **(16)** Community Redevelopment Area gateway signs.

36
37 **(b) Prohibited signs.** It shall be unlawful to erect or maintain any sign described as
38 follows:

- 1 (1) Traffic or pedestrian hazards. Any sign which constitutes a traffic hazard or a
2 detriment to traffic safety by reason of its size, location, movement, coloring or
3 method of illumination. No sign shall obstruct vehicular vision between three feet
4 and 9 1/2 feet measured vertically from the street level at the base of the sign.
5 Any sign which obstructs the vision between pedestrians and vehicles using the
6 public right-of-way including, but not restricted to, those not meeting visibility
7 standards in this Code. Specifically prohibited are signs using:
8 a. Animated or moving sign structures, flashing signs, or stroboscopic lights,
9 except electronic message centers that meet the provisions of section 5.8-9.
10 b. Bare bulbs, defined as clear or fully transparent enclosure of the bulb
11 filament; and
12 c. Words and traffic control so as to interfere with, mislead, or confuse traffic,
13 such as "stop," "look," "caution," "danger" or "slow."
- 14 (2) Signs in the right of way except federal, state or county- authorized signs, including
15 CRA gateway signs and wayfinding signs authorized by a governmental entity.
16 This exception shall not be construed to authorize any signage without necessary
17 local, state or federal licenses or permits.
- 18 (3) Abandoned signs.
- 19 (4) Portable signs except when authorized as a temporary sign.
- 20 (5) Signs made of combustible materials that are attached to or in close proximity to
21 fire escapes or firefighting equipment.
- 22 (6) Handbills, posters and commercial or non-commercial notices that are attached in
23 any way upon telephone poles, utility poles, fences (except as allowed in this
24 article), bridges, sidewalks, trees or other natural objects.
- 25 (7) Projecting signs that project into the public right-of-way or the site triangle of
26 motorists or do not maintain a minimum clear height of 9 1/2 feet above ground.
- 27 (8) Signs that are in violation of the building code or electrical code.
- 28 (9) Blank temporary signs.
- 29 (10) Any other signs that are not specifically permitted or exempted by this article.

30 **Sec. 5.8-5 Temporary signs.**

31 The following signs shall be allowed temporarily and permit requirements are as
32 specified below. A land use certificate shall be required, where applicable, and this may
33 be accomplished by facsimile, with proper prearrangement for fee collection. Any
34 temporary sign must be at all times maintained off the right-of-way. A temporary sign
35 may not be an electric sign.

- 36 (1) **Portable signs.** Portable signs, with a maximum size of 45 square feet are
37 allowed with permits. The number of such portable signs shall be limited to one for
38 each business, one at a time and are allowed for the following on-premises uses:
39 a. **Interim sign:** A new business or a business in a new location whose allowable
40 freestanding sign has not yet been erected may utilize a conforming portable
41 sign for a period of not more than three years or until installation of the
42 allowable freestanding sign, whichever shall occur first.
43

1 **b. Grand opening sign:** A new business including those with permanent
2 signage may utilize a portable sign one time for a maximum of 30 consecutive
3 days in conjunction with a grand opening.

4
5 **c. Promotional sign:** A business may utilize one portable sign 30 days during a
6 calendar year for promotional uses.

7
8 **(2) Banners.** A maximum of two banner signs are allowed per business at any time,
9 without permit. The maximum size allowed is 60 square feet.

10 **(3) Real estate and construction signs.** Real estate and construction signs are
11 allowed without permit under the following conditions:

12
13 **a.** One nonilluminated sign of each type shall be allowed on each street frontage
14 of the subject property only. Except when the subject property has a linear
15 frontage of 300 feet or more, then two signs shall be allowed on that frontage
16 and where the property contains at least 1,000 feet of frontage on a roadway
17 then three signs shall be permitted on that roadway.

18 **b.** The following dimensional standards shall be met:

19 Maximum sign height:
20 Residential districts . . . 6 feet
21 All other districts . . . 15 feet

22
23
24 Maximum sign area:

	Real Estate	Construction
Residential districts	6 sq. ft.	6 sq. ft.
Other districts	32 sq. ft.	50 sq. ft.
Perdido Key	32 sq. ft.	32 sq. ft.

25
26
27 **c.** Construction signs shall not be erected more than 60 calendar days prior to
28 the beginning of construction and shall be removed immediately if
29 construction has not begun after 60 calendar days or if construction is halted
30 thereafter for a period of more than 30 calendar days.

31 **d.** Real estate signs shall be removed within 30 calendar days following the sale
32 or rental of subject property.

33 **(4) Political signs.** Temporary political campaign signs are allowed without permit
34 in all zoning districts subject to the following restrictions: The following
35 dimensional standards shall be:

36 Residential districts, maximum size per sign . . . 12 sq. ft.

37 All other districts, signage per zone lot . . . 32 sq. ft.

1 Each candidate for political office shall remove, or be responsible for the removal
2 of all of his/her political campaign advertisements within 30 calendar days after:

3 Withdrawal of candidacy;
4 Having been eliminated as a candidate; or
5 Being elected to office.

6 A candidate is not expected to remove those political campaign advertisements
7 that are in the form of a billboard erected by an outdoor advertising business.

8 **Sec. 5.8-6 Off-premises signs.**

9 **(a) Bench signs and bus shelters.** Bench signs or bus shelters are allowed, provided
10 the shelters have approvals from the Escambia County Transit Authority and the
11 division of traffic safety and meet the following conditions:

- 12 **(1)** They are only placed at bus stops along the route of the Escambia County
13 Transit System.
- 14 **(2)** A maximum of one bench sign or shelter may be placed at each stop.
- 15 **(3)** All benches must be placed inside the road right-of-way but cannot create
16 hazardous sight lines near curb cuts or block sidewalks. All benches and shelters
17 must conform to traffic safety division placement requirements.
- 18 **(4)** All nonconforming bench signs or shelters shall be removed within 90 calendar
19 days after the effective date of this article.

20 **(b) Baseball fields and similar recreational facilities.** Off-premises signs placed on
21 fences around play fields or areas concerned with youth and school activities are
22 allowed without permit. All other signs placed in such a manner as to front the
23 adjacent roadways are prohibited unless they are permitted as off-premises signs
24 and meet all requirements specified in this article. Existing signs shall be subject to
25 the provisions of section 5-8.11.

26
27 **(c) Billboards.**

28 **(1) Cap and replace restrictions.**

- 29 **a.** Maximum number of permitted billboards. The maximum number of
30 permitted billboard structures allowed within Escambia County shall be limited
31 to those existing, or having received county site inspection approval as of
32 December 12, 2001, and those additional billboards necessary for
33 implementation of item c below.
- 34 **b.** New billboards. A building permit for the construction of a new billboard
35 structure may only be issued after the removal of one existing billboard
36 structure. Confirmation of removal of an existing billboard shall be on file in
37 the building inspections department prior to issuance of a building permit to
38 construct a new billboard structure. Such confirmation may be in the form of a
39 photograph submitted by the applicant or a site inspection by county staff.

40 Upon confirmation of the removal of a billboard structure, a certificate shall be
41 issued by the building inspections department to the owner of a removed

1 billboard structure for each billboard structure removed. The owner of the
2 certificate may choose to hold the certificate, redeem it for a building permit to
3 construct a new billboard structure, or convey the certificate to a third party.

4 **c. Replacement of billboards on scenic highways.** Notwithstanding the
5 maximum number of permitted billboards, the removal of an existing billboard
6 on a designated scenic highway will entitle the owner of the removed billboard
7 structure to purchase building permits for construction of two new billboard
8 structures.

9 **(2) Billboard inventory.**

10 **a. Inventory.** The building inspections department will maintain an inventory of
11 billboards within the county.

12 **b. Annual audit.** The building inspections department will conduct an annual
13 audit of permits issued for billboards to determine the current number of
14 billboards within the county. The results of the annual audit will be presented
15 to the board of county commissioners in the Comprehensive Plan annual
16 report.

17 **(3) Dimensions and location.** Freestanding off-premises signs are permitted in
18 HDMU, Com, HC/LI and Ind zoning districts in accordance with the following area
19 and height maximums. Freestanding off-premises signs are prohibited in all other
20 zoning districts.

21 **Area maximum:**

22 Interstate highway frontage . . . 378 sq. ft.
23 Arterials and four-lane roads . . . 378 sq. ft.
24 Other streets . . . 100 sq. ft.

25 **Height maximum*:**

26 Interstate highway frontage** . . . 50 ft.
27 Arterials and four-lane roads . . . 35 ft.
28 Other streets . . . 20 ft.

29 * Measured from the crown of the road adjacent to the location of the sign.

30 ** Measured from elevation of closest interstate through traffic lane.

31 **(4) Spacing.**

32 **a. Placement:** No sign shall be located within 100 feet of any residentially
33 zoned property as measured along the right-of-way. Setback is 15 feet.

34 **b. Arterial and four-lane road frontage:** For off-premises signs other than
35 those adjacent to and facing interstate highways, 1,000 feet from any other
36 off-premises nonaccessory signs on the same side of the road right-of-way
37 measured from the closest parts of any two signs. V-type or back-to-back
38 outdoor advertising signs on the same structure with an angle between them
39 of not more than 90 degrees shall be considered one sign.

40 **c. Interstate highway frontage:** Off-premises advertising signs adjacent to or
41 facing interstate highways, 2,000 feet from any other off-premises signs on
42 the same side of the highway right-of-way, measured from the closest parts of

1 any two signs. No structure may be located adjacent to or within 500 feet of
2 an interchange, intersection at grade, or safety rest area, said 500 feet to be
3 measured along the Interstate from the beginning or ending of pavement
4 widening at the exit from or entrance to the main-traveled way.

5 **d. Scenic highways:** No billboard shall be located within 500 feet or within the
6 line of sight, whichever is less, of the nearest edge of a scenic highway, other
7 roadways classified as scenic in the Escambia County Comprehensive Plan,
8 on Perdido Key, or that can be seen from scenic highways within
9 unincorporated Escambia County, specifically including Scenic Highway and
10 Perdido Key Drive, and any scenic highway as designated by the State of
11 Florida.

12 **(5) Noncomplying billboards.** Any billboard in existence or fully permitted but not
13 yet constructed as of the date of that notice of intent to enact this ordinance is
14 first published, or billboards which had applied for, but not completed, the state
15 and county permitting process prior to December 12, 2001, shall be deemed to
16 be a conforming structure. Applications for permits received after such date must
17 comply with the requirements of section 2 of this ordinance or the permit will be
18 denied.

19 **(d) Off-premises signs on Perdido Key.** Off-premises signs shall be allowed on
20 Perdido Key only through a county-based informational and lease/sale based
21 signage program. The county shall design, construct, maintain and lease or sell
22 space for informational signs on Perdido Key Drive for the sole purpose of providing
23 directional information to the developments that do not have frontage on Perdido
24 Key Drive.

25 **(1) Size.** The rental/sale space for individual businesses or developments shall not
26 exceed three square feet per sign. Lease/sale agreements for more than one
27 sign location are permitted.

28 **(2) Information allowed.** Information allowed on signs shall be limited to identifying
29 the name and location of a business/development through items such as logos,
30 the specific name of the entity and numerical distance to the location, including
31 directional arrows. These signs shall not permit leading advertisements.

32 **(3) Location.** The locations are limited to one sign at each county road intersecting
33 Perdido Key Drive.

34 **Sec. 5.8-7 On-premises signs.**

35 **(a) Single-family zones.** The following permanent on-premises signs shall be allowed,
36 with permits, in residential zones LDR, R-1PK, R-2PK, MDR, RR, and in RMU and
37 Agr. One sign per zone lot, such a sign may be a ground or wall sign.

38 **(1) Nonresidential uses.** Includes houses of worship, educational institution,
39 library, community center and civic organization and other permitted
40 nonresidential uses. (Note: Home occupations are accessory to the principal
41 activity and signage is specifically not allowed.

42 Permitted signs are:

- 1 One sign:
- 2 Area maximum, freestanding . . . 32 sq. ft. OR
- 3 Area maximum, wall . . . 10% of the wall surface facing the
- 4 roadway not to exceed 200 sq. ft.
- 5 Height maximum . . . 6 ft. From grade
- 6 Setback minimum . . . 10 ft.
- 7 **(2) Identification signs:** Two identification signs per residential subdivision or
- 8 development entrance.
- 9 Area maximum . . . 32 sq. ft.
- 10 Height maximum . . . 6 ft. From grade
- 11 Setback minimum . . . 10 ft.
- 12 **(b) Multifamily zones.** The following permanent on-premises signs shall be allowed,
- 13 with permits in residential zones, including R-3PK, R-4, R-5, and SDD:
- 14 **(1) Nonresidential uses:** Includes house of worship, educational institution, library,
- 15 community center and civic organization, plus R-4 office uses and other
- 16 permitted nonresidential uses.
- 17 Permitted signs are:
- 18 One sign:
- 19 Area maximum, freestanding . . . 32 sq. ft. OR
- 20 Area maximum, wall . . . 10% of the wall surface facing the roadway not to
- 21 exceed 200 sq. ft.
- 22 Height maximum . . . 15 ft. From grade
- 23 Setback minimum . . . 10 ft.
- 24 **(2) Residential complexes:** Two identification signs per residential subdivision or
- 25 development entrance.
- 26 Area maximum . . . 32 sq. ft.
- 27 Height maximum . . . 6 ft. from grade
- 28 Setback minimum . . . 10 ft.
- 29 **(3) Office center:** A building complex with two or more establishments is authorized
- 30 to have a maximum combined sign area of not more than 200 square feet. If the
- 31 center has more than one street frontage, then an additional 32 square foot
- 32 identification sign is allowed for other frontages.
- 33 **(c) Commercial and industrial zones.** The following permanent on-premises signs
- 34 shall be permitted in commercial and industrial zones including Com, C-1PK, HC/LI,
- 35 Ind, and in HDMU for commercial establishments only:

1 **(1) New commercial buildings.** Total allowable square footage of signage per
 2 zone lot: 1.5 square feet of signage (wall and freestanding) per lineal foot of
 3 addressed street frontage. Minimum allowable sign area per zone lot is 100
 4 square feet (*see note on corner lot signage). A master sign plan must be
 5 submitted to the development review committee as part of the overall approval
 6 process.

7 **(2) Existing commercial buildings.** Total allowable square footage of freestanding
 8 signs and wall signs are calculated separately. Freestanding signs: The
 9 maximum square footage of freestanding sign signs per zone lot is 1.0 square
 10 feet of signage per lineal foot of the addressed street frontage. Minimum
 11 allowable sign area per zone lot is 100 square feet.

12 **a.** Freestanding or projecting sign: Height shall be measured from the crown of
 13 the road adjacent to the location of the sign or from the ground at the base of
 14 the sign supports to the top of the sign, whichever is higher in elevation. One
 15 additional changeable copy sign or electronic message center, with no more
 16 than 32 square feet, is allowed as part of the allowable sign area, provided it
 17 shares the support structure of the one pole sign allowed for the zone lot and
 18 the primary sign that shares the structure has no movable lettering.

19 **GRAPHIC LINK: Freestanding Sign with Moveable Letter Sign 32 Square**
 20 **Feet Maximum**

21 **b.** Maximum sign area of an individual freestanding sign is not to exceed:

22 **TABLE INSET:**

		>8 Developed acres
Vicinity of the interstate	250 sq. ft.	375 sq. ft.
Arterial	200 sq. ft.	300 sq. ft.
Collector	150 sq. ft.	225 sq. ft.
Other	100 sq. ft.	150 sq. ft.

23 **c.** Freestanding sign height maximum:

24 **TABLE INSET:**

Vicinity of the interstate	50 ft.
Arterial	35 ft.
Collector	25 ft.
Other	20 ft.

25 **d.** Number of signs permitted:

26 **1.** Two acres and smaller--One freestanding sign only per street frontage.
 27
 28
 29

1 **2.** One additional freestanding sign will be allowed for each full acre in parcel
2 size above two acres. All signs on a single parcel must have a minimum
3 spacing between signs of 200 feet measured continuously along the
4 rights-of-way through common point or points, from the closest parts of
5 any two signs. The maximum total number of freestanding signs per zone
6 lot is four.

7 **(3) Signs on a corner lot.** If the zone lot in question is a corner lot, the applicant
8 may increase the size of the freestanding sign by one-third or by two-thirds if the
9 applicant chooses to have only one freestanding sign and the location of the
10 zone lot is on the corner of the following intersections:

11 **a. Collector/collector**--Allowed to increase the freestanding sign by one-third of
12 the secondary street frontage.

13 **b. Arterial/collector**--Allowed to increase the freestanding sign by one-third of
14 the secondary street frontage.

15 **c. Arterial/arterial intersections**--Allowed to increase the freestanding sign by
16 two-thirds of the secondary street frontage (see example below).

17 **GRAPHIC LINK: Arterial/Arterial Intersections**

18 **(d) Corner lot signage.**

19 **(1) Footage allowed:**

20 Collector/collector frontage or arterial/collector frontage:

21 $150' + 1/3(75') = 175'$ $175' \times 1.5 = 262.5'$

22 Arterial/arterial frontage:

23 $150' + 2/3(75) = 200'$ $200' \times 1.5 = 350'$

24 **(2)** Perdido Key is allowed 50 percent of the sign allowance by the formula in this
25 Code for commercially zoned properties, with a maximum size freestanding sign
26 of 100 square feet allowed and all freestanding signs on a zone lot must have a
27 minimum spacing between signs of 300 feet measured continuously along the
28 rights-of-way through a common point or points, from the closest parts of any two
29 signs.

30 **(3)** Two banner signs are allowed per business. The maximum size allowed is 60
31 square feet and the banners are exempt from permitting.

32 **(4)** Setbacks: All freestanding signs shall be set back from the street right-of-way ten
33 feet or more, measured from the forward-most edge of the sign. For those signs
34 placed on a corner, the side setback will be determined by measuring 35 feet
35 along the intersection of the two public rights-of-way.

36 **GRAPHIC LINK: Sight Triangle**

37 **(5)** A sign may be located within the required setback area, up to one foot of the
38 property line, if the owner executes an agreement (in a form acceptable to the
39 county attorney) that provides for the following:

- a. Indemnification of the county from all claims arising in connection with the sign;
- b. Agreement that all existing signs on the zone lot have been brought into agreement with this article; and
- c. Forfeiture of rights to compensation for removal necessitated by government action.

OR

- d. The owner must apply to the board of adjustments for a variance to the required setback and submit a plan that demonstrates that the proposed location for the sign will not obstruct vehicular vision.
- e. If the applicant requests to place a freestanding sign less than the required ten feet (i.e., <10' from the property line), in addition to the hold harmless agreement or the approval of a variance, for every one foot increment from the setback to the property line, the maximum sign height allowed is reduced by two feet. No sign shall obstruct vehicular vision between three feet and 9 1/2 feet measured vertically from the street level at the base of the sign.

GRAPHIC LINK: No Signage Area

(e) Wall signs. The maximum square footage for a wall sign shall not exceed ten percent of the wall surface facing the addressed street. For those businesses with more than one store front, the maximum square footage for a wall sign shall not exceed 15 percent of the wall surface facing the addressed street. Any one sign shall not exceed 200 square feet. The wall surface shall be measured by determining the total vertical wall surface and the horizontal wall surface and can include the roof surface when the roof slope is steeper than 45 degrees. Signs painted on the wall surface shall require a land use certificate but shall not require a building permit.

- (1) New commercial businesses.** The square footage of wall signs are deducted from the total allowable square footage permitted for the zone lot (see section 5.8-9).
- (2) Existing commercial businesses.** The square footage of wall signs is calculated by using the elevation of each individual store front. The square footage is calculated separately from freestanding signs.

Note: The square footage authorized under this provision may be allocated to one or more wall signs mounted on the vertical wall surface or the sloped roof surface.

Typical Building with Roof Slope Steeper Than 45 Degrees

1 **GRAPHIC LINK: Typical Building with Roof Slope Steeper Than 45**
2 **Degrees**

3 Typical Building with Roof Slope
4 Less Than 45 Degrees

5 **GRAPHIC LINK: Typical Building with Roof Slope Less Than 45 Degrees**

6 **(3) Awning, canopy and marquee signs:** Such signs may be substituted for all or
7 part of the allowed wall sign, and measured by the copy in the sign area.

8 **(4) Architectural accents, murals, roof signs and historic signs:** Such signs
9 shall be permitted only as a conditional use.

10 **(f) Conditional use.**

11 **(1) Industrial:** Signs for industrial uses and in industrial zones only, in excess of the
12 above, can be approved as a conditional use, with the approval of the BOA.

13 **(2) Scenic roadways:** Because of the unique character and related historic and
14 tourist significance, all signage along these roadways should reflect the unique
15 scenic qualities of their environment.

16 **(3) Architectural accents:** Must conform to the scale and architecture of the
17 building plus the urban design character of the immediate area.

18 **(4) Murals:** Sign must be professionally painted and conform to the urban design
19 character of the immediate area.

20 **(5) Roof sign:** Sign must conform to the scale and architecture of the building plus
21 the urban design character of the immediate area.

22 **(6) Historic Sign:** Sign must be officially designated historic by the appropriate
23 federal, state, or local historic entity or otherwise constitute a local landmark as
24 determined by the BOA.

25 **Sec. 5.8-8 Design and performance standards.**

26 **(a) Illuminations:** In the case of external lighting such as floodlights, thin line and
27 goose neck reflectors, these are permitted, provided that the light source is directed
28 on the face of the sign and is effectively shielded so as to prevent beams or rays of
29 light from being directed onto any portion of any right-of-way. Internally lit signs are
30 permitted. All signs shall comply with the provisions of the applicable electrical and
31 building codes and must be listed and installed in conformance with that listing.

32 **(b) Traffic safety:** No sign may:

33 **(1)** Project into the line of vision of any traffic control signal from any point in a
34 moving traffic line within 660 feet of the signal.

35 **(2)** Attempt or appear to regulate, warn, or direct the movement of traffic or interfere
36 with, indicate, or resemble any official traffic sign.

37 **(c) Electronic messages and displays:** Electronic message centers are subject to the
38 following requirements:

- 1 (1) **Operational limitations.** Such displays shall be limited to static displays,
2 messages that appear or disappear from the display through dissolve, fade[,]
3 travel or scroll modes, or similar transitions and frame effects that have text,
4 animated graphics or images that appear to move or change in size, or be
5 revealed sequentially.
- 6 (2) **Minimum display time.** Each message on the sign must be displayed for a
7 minimum of five consecutive seconds.
- 8 (3) **Dimmer control required.** No electronic message center shall be erected
9 without a dimmer control device for regulating brightness and illumination of the
10 display.
- 11 (4) **Percent/period sign to be dimmed.** Display shall be dimmed to 30 percent of
12 maximum illumination brightness from dusk until dawn.

13 **(d) Maintenance.**

- 14 (1) **Standards:** Every sign, including those specifically exempt by this Code in
15 respect to permits and permit fees, shall be maintained in good structural
16 condition at all times. All signs shall be kept neatly painted, including all metal
17 parts and supports thereof that are not galvanized or of rust-resistant material.
18 Double-faced signs shall be fully enclosed. The vegetation around, in front of,
19 behind, and underneath the base of signs for a distance of ten feet shall be
20 neatly trimmed and free of unsightly weeds, and no rubbish or debris that would
21 constitute a fire or health hazard shall be permitted under or near the sign.
- 22 (2) **Necessary maintenance and repairs:** These repairs may be made to
23 nonconforming sign to maintain their structural integrity, provided that repair or
24 replacement of structural elements or electrical wiring does not exceed 35
25 percent of the appraised or fair market replacement value of such sign in any 12-
26 month period, provided that any normal maintenance or repair of the sign or sign
27 structure or copy in any way does not expand the nonconformance whereby the
28 sign shall lose its nonconforming legal status.

29 (e) **Development site plan requirements.** All existing and proposed sign locations for
30 development projects must be shown on the site plan when reviewed by the
31 development review committee. Locational criteria will be reviewed to determine if
32 setback and conformance requirements have been addressed.

33 (f) **Enforcement and penalties.** This article may be enforced in any manner, allowed,
34 authorized or provided by law or ordinance, and as otherwise provided herein.
35 Violations of this article shall be subject to the penalties provided by applicable law
36 or ordinance.

1 **Sec. 5.8-9 Nonconforming signs.**

2 **(a) Replacement.** When any sign is substantially damaged, destroyed or removed, it
3 must be replaced or rebuilt in accordance with this article.

4 **(b) Alteration.** An existing nonconforming sign shall not be structurally altered so as to
5 prolong the life of the sign or so as to change the shape, size, type or design of the
6 sign or in any way expand the nonconformance.

7 **(c) Discontinuance of use.** The advertising display area of an existing nonconforming
8 sign shall be brought into conformance or removed and not be reestablished after
9 the activity, business or usage to which it relates has been discontinued for 90
10 calendar days. Once notified, the period of time to remove or bring the sign into
11 conformance is 30 calendar days.

12 **(d) Time of compliance.** Nonconforming signs and signs without permits except as
13 otherwise provided herein; the owner of any zone lot or other premises on which
14 exists a sign that does not conform with the requirements of this article or for which
15 there is no current and valid sign permit shall be obligated to remove such sign or to
16 bring it into conformity with the requirements of this article.

17 **(e) Nonconforming existing signs, permits and terms.** A sign which was in
18 existence on the date of adoption of this article and which was constructed in
19 accordance with the articles and other applicable laws in effect on the date of its
20 construction, but which by reason of its size, height, location, or design is not in
21 conformance with the requirement of this article, shall be issued a nonconforming
22 sign permit (sticker). A change in the information on the face of the sign is allowed.
23 Any nonconforming sign shall either be eliminated or made to conform to the
24 requirements of this section when any proposed change, repair, or maintenance
25 would constitute an expense of more than 35 percent of the lesser of the original
26 value or replacement value of the sign.

27 **(f) Lapse of nonconforming sign permit.** A nonconforming sign permit shall lapse
28 and become void under the same circumstances as those under which any sign
29 permit may lapse and become void.

30 **(g) Sign removal required.** A sign that was constructed, painted, installed, or
31 maintained in conformance with a permit under this article, but for which the permit
32 has lapsed or not been renewed, shall forthwith be removed without notice or action
33 from the county.

34 **(h) Amortization.** Any nonconforming sign existing on the date of adoption of this sign
35 code may continue to exist for periods specified below by type.

- 36 (1) On-premises signs . . . 10 years
37 (2) Portable signs . . . 5 years

38 **Sec. 5-8.10 Message substitution.**

39 Subject to the landowner's consent, a noncommercial message of any type may
40 be substituted for any duly permitted or allowed commercial message or any duly
41 permitted or allowed noncommercial message; provided that the sign structure or

1 mounting device is legal without consideration of message content. Such
2 substitution of message may be made without any additional approval or
3 permitting. This provision prevails over any more specific provision to the
4 contrary within this article. The purpose of this provision is to prevent any
5 inadvertent favoring of commercial speech over noncommercial speech, or
6 favoring of any particular noncommercial message over any other
7 noncommercial message. This provision does not create a right to increase the
8 total amount of signage on a parcel, nor does it affect the requirement that a sign
9 structure or mounting device be properly permitted.

11 **Sec. 5-8.11 SRIA - Regulation of signs and outdoor displays**

12 **General.** No sign of any character shall be erected, pasted, posted or displayed
13 upon or about any lot or parcel or anywhere on the island without prior written
14 permission of the SRIA staff, AEC, or SRIA Board as applicable and the SRIA Board
15 shall have the right to summarily remove all unauthorized signs.

16 **(a)** Standards and guidelines for design, erection and maintenance of signs.

17 **(1)** Design guidelines for signs and outdoor displays.

- 18 **a.** Sign structure shall be weather resistant material. Main lettering and
19 background shall be in the colors recommended by the SRIA to match the
20 color and texture of the structure
- 21 **b.** All permanent signs shall incorporate the use of attached lettering. The use of
22 durably or other exterior plywood, together with painted on lettering, is not
23 approved.
- 24 **c.** Up to one-third of the sign area may include the logo, which may include the
25 name, or special color scheme of that business.
- 26 **d.** Signs shall be located on the landward side of structures, when possible.
27 Signs that must be placed on the seaward side of structures shall be
28 positioned such that they are not in line of sight of the beach and shall be
29 mounted perpendicular to the beach. If placement of signs within line of sight
30 of the beach is unavoidable, long-wavelength lighting shall be required.
- 31 **e.** Signs may not be illuminated utilizing up-lighting.
- 32 **f.** All illuminated signs shall be "face-lighted" or "shadow-lighted."
33 Face-lighting means the light source is operated from the sign surface by
34 means of spotlighting or similar fixtures. Shadow-lighting is an indirect,
35 concealed light source which is attached directly to the face of the sign. Each
36 element to be lighted must have an opaque surface such that the light does
37 not shine through the element. No exposed neon is allowed. Lighted canopies
38 displaying the name of the business will be allowed, but in each case a color
39 rendering of the proposed canopy, with the dimensions of the canopy and the
40 building to which it will be attached, must be presented to the architectural
41 and environmental committee for approval.
- 42 **g.** Signs with reader boards containing changeable wording will be considered if
43 the reader board is restricted to not more than one-third of the sign area, is
44 incorporated into the main sign and otherwise conforms to the color and
45 illumination requirements of the sign regulations.

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- h.** Signs for any establishment may be freestanding or attached or a combination of both.
 - i.** Free-standing signs are defined as those located on the leasehold premises, but not a part of the main building structure.
 - 1.** Freestanding signs are encouraged to be low and horizontal in character. The top and bottom of the sign may not exceed 14 feet and six feet, respectively, above the crown of the nearest street/road.
 - 2.** Freestanding signs shall be mounted in or directly adjacent to a required landscaped area which shall not be smaller than the face area of the sign itself.
 - 3.** Freestanding signs may not exceed 65 square feet in area and may be single or double-sided. If a double-sided sign is identical on both sides, its size will be calculated as that of a single face. Supports and landscaping are excluded from sign area calculations as long as they do not include lettering or other symbols.
 - 4.** Businesses that are 750 feet or more from the road right-of-way may have freestanding signs that do not exceed 18 feet above the crown of the road.
 - k.** Attached signs are defined as those which are attached to or incorporated into a building.
 - 1.** Attached signs may not extend above the facade of a building (which may include mansards).
 - 2.** Wall Signs. The maximum square footage for a wall sign shall not exceed 10 percent of the wall surface facing the addressed street. For those businesses with more than one store front, the maximum square footage for a wall sign shall not exceed 15 percent of the wall surface facing the addressed street. Any one sign shall not exceed 200 square feet. The wall surface shall be measured by determining the total vertical wall surface and the horizontal wall surface and can include the roof surface when the roof slope is steeper than 45 degrees.

Note: The square footage authorized under this provision may be allocated to one or more wall signs mounted on the vertical wall surface or the sloped roof surface.
 - l.** Where several businesses are incorporated into an identifiable entity operating under a master lease and a tenant's association, the following regulations will apply:
 - 1.** The main freestanding sign identifying the complex shall not exceed 65 square feet and shall comply with other sign regulations.
 - 2.** Informational or directory signs are limited to 16 square feet.
 - 3.** Individual businesses within the complex having exterior walls fronting a street or parking lot, or facing the water, may display attached signs on said walls not to exceed 16 square feet in size.
 - 4.** Individual businesses inside the complex may display attached signs not to exceed four square feet, near the entrance to their building, on walls other than those described in item 3, above.
 - m.** Should any portion of the exterior of a structure deviate in color from the main part of the structure, whether structural or not, and said deviation

1 represents that company's color scheme or logo, it is considered to be
2 signage. Any proposed deviation submitted for approval will be considered
3 on its own merit.

- 4 n. Any vehicle which displays a sign, logo or other advertising related to a
5 business located within the jurisdiction of the Santa Rosa Island Authority
6 must be parked in the rear of the business or in an inconspicuous place, out
7 of view of the public street facing the business.
8

9 **(b) Signs exempt from SRIA development approval.** The type of signs listed below
10 do not require development approval by the SRIA, provided they are prepared,
11 posted and maintained in accordance with the provisions of prescribed codes and
12 providing that the intent of the codes are met in the usage and display of such signs.

13 Note: The following provisions for display of certain signs without obtaining
14 development approval by the SRIA does not supersede or cancel the provisions
15 contained in the General Covenants and Restrictions of legally executed lease
16 agreements relative to obtaining written permission from the SRIA Board before
17 displaying such signs, nor do these provisions supersede or cancel any
18 references to the display of signs contained in any lease agreement or restrictive
19 covenants which pertain to a specific subdivision.

20 **(1) Bulletin boards.** One bulletin board per street frontage not over 20 square feet
21 in area for public, charitable or religious institutions, or places of worship where
22 the same are located on the premises of said institutions.

23 **(2) Contractor signs.** Not more than 12 square feet in area naming the contractor
24 engaged in the construction on the premises where the sign is located, but only
25 during such period in which actual construction is taking place.

26 **(3) Memorial signs.** Memorial signs or tablets, names or buildings, and dates of
27 erection when cut into any masonry surface or inlaid so as to be part of the
28 building, or when constructed of bronze or other incombustible material.

29 **(4) Occupant signs.** Signs limited in content to name of occupant, address of
30 premises, and signs of danger or a caution nature which are limited:

- 31 a. Wall and ground signs;
32 b. No more than two per street front;
33 c. No more than three square feet per sign in area;
34 d. No more than ten feet in height above grade;
35 e. Signs which may be illuminated only from a concealed light source which does
36 not flash, blink, or fluctuate; and
37 f. Signs which are not animated.
38

39 **(5) Professional signs.** Name plate signs not more than two square feet in area
40 which are fastened directly to the building and do not project more than six
41 inches beyond the property line.

42 **(6) Public signs.** Signs required or specifically authorized for a public purpose by
43 any law, statute or ordinance, which may be of any type, number, area, height
44 above grade, locations, illumination or animation authorized by the law, statute or
45 ordinance under which the signs are erected.

1 The Santa Rosa Island Authority, as a matter of policy, extends for itself the
2 exemption pertaining to public signs, as contained in the SRIA sign regulations,
3 and declares that any sign of a public information nature which is deemed
4 necessary by the SRIA Board may be erected without development approval by
5 the SRIA and may be of such type, number, size, color, height above grade,
6 illumination and at such location as the SRIA Board deems appropriate.

7 **(7) For sale/rent/lease signs.** Any sign for sale, rent or lease of real property must
8 be approved by the SRIA prior to use on the island. Thereafter a sign may be
9 erected upon the offered property which shall not exceed six square feet per face
10 for residential and 12 square feet per face for commercial property. Signs are to
11 be located upon the premises and shall be maintained in good condition as long
12 as displayed.

13 **(8) Signs in display windows.** Signs in the display window of a business which are
14 incorporated with a display of merchandise or a display relating to services
15 offered, but which are not affixed to the window.

16 **(9) Political signs.** Not more than two political sign faces, each to be no larger than
17 two feet by four feet, may be displayed on any leasehold property. Signs must
18 be posted within the area of the leased property, and shall be removed within 72
19 hours after the polls close for that particular election. Signs for candidates who
20 face another election may remain until not later than 72 hours after the polls
21 close for that election, or until their condition warrants removal/replacement,
22 whichever occurs first. Political signs may not be put on display sooner than 60
23 days prior to the first election.

24 **(10) Signs within a building.** Any sign placed inside a building may be erected
25 without development approval by the SRIA, but is subject to the safety
26 regulations of the Building Code.

27 **(11) Information signs.**

- 28 a. Signs not exceeding two square feet that contain only non-commercial
29 messages including designation of rest room, telephone locations, restrictions
30 on smoking, door openings and private traffic control and parking signs.
31 b. Permanent signs on vending machines, gas pumps or ice containers indicating
32 only the contents of such devices. Vending machines must be placed inside
33 building; or, if placed outside, must be effectively screened from public view
34 from the street. Vending machines may not be placed on public property.
35 c. One sign per parking lot not exceeding three square feet per sign face and six
36 feet in height identifying the business and providing driving and parking
37 information.

38 **(12) Others.** Pennants and banners may only be displayed for a grand opening or
39 special event, and must be approved by the Santa Rosa Island Authority staff.
40 Pennants and banners may be approved by staff for a period not to exceed 14
41 days provided the request is made ten days prior to the date pennants or
42 banners are to be displayed. Any other sign, pennant, banner or notice
43 specifically approved by the Architectural Environmental Committee for a
44 temporary display not to exceed 30 days may be erected without development
45 approval by the SRIA.

- 1 **(c) Prohibited signs.** The following signs, street graphics and/or sign structures are
2 prohibited:
- 3 **(1)** Signs or sign structures which, by coloring, wording or location resemble or
4 conflict with a traffic control sign or device.
 - 5 **(2)** Signs or lights that rotate, move, glare, flash, change, reflect, blink or appear to
6 do any of these things.
 - 7 **(3)** Signs that create a safety hazard by obstructing clear view of pedestrians or
8 vehicular traffic.
 - 9 **(4)** Roof signs erected, constructed, or maintained above the fascia or eave line of
10 the roof.
 - 11 **(5)** All forms of poster-type signs and notices (except yard sale signs).
 - 12 **(6)** Signs that identify or advertise a product or business no longer located at a
13 premise.
 - 14 **(7)** Bench signs.
 - 15 **(8)** Billboards.
 - 16 **(9)** Signs that display a message or graphic representation that are lewd, indecent or
17 otherwise offensive to public morals.
 - 18 **(10)** Signs on public property or designated easements and rights-of-way.
 - 19 **(11)** Signs painted directly on a fence or any part of a building's exterior.
 - 20 **(12)** Flagging and pennants, except when approved by SRIA.
 - 21 **(13)** Devices which produce movement achieved by normal wind currents, or which
22 give appearance of movement.
 - 23 **(14)** Attention getting devices, including searchlights, banners, propellers, spinners,
24 streamers, balloons and similar devices or ornamentation designed for purposes
25 of attracting attention, promotion or advertising, including audio devices.
 - 26 **(15)** Bare bulb illumination around the perimeter of a sign.
 - 27 **(16)** All forms of advertising statuary.
 - 28 **(17)** Off-premise signs except as specifically approved by the SRIA on a temporary
29 basis.
 - 30 **(18)** Free standing "A" frame signs of any type.
 - 31 **(19)** Portable signs of the type usually leased by sign companies which can be
32 moved on wheels from place to place, and on which the sign copy can be readily
33 changed.
 - 34 **(20)** Back lighted or plastic signs.
 - 35 **(21)** Murals.
- 36 Note: Consideration by the SRIA will be given to a request for the display of a
37 sign as described in "R" above, but only for a specified period of time and only
38 when it is deemed appropriate; as in the case of a new business establishment
39 which has made provision for a permanent sign, but said sign has not yet been
40 provided. Seasonal displays may be approved by staff on an individual basis for
41 limited periods of time providing request is made ten days prior to date display is
42 to be erected.
- 43 **(d) Other provisions.**
- 44 **(1) Conformance generally** All signs at Pensacola Beach must conform to these
45 regulations.
 - 46 **(2) Existing signs**

- 1 a. All signs as described in items 5-8.12 C (1,2 and 3) must be removed not later
2 than 30 days after notification by SRIA.
3 b. If lease agreement is modified for any reason, the lessee shall comply with
4 requirements of the current sign regulations.
5 c. Sign and sign structures will be removed within thirty (30) days after a
6 business closes permanently or changes hands, if it is a non-conforming sign.

7 **(3) Interior electric signage used for exterior advertising.** Interior electric signage
8 used for exterior advertising shall be limited to six square feet per business
9 unless specifically approved by the SRIA.

10 **(4) Sign inspection.** All signs may be inspected by the SRIA staff as deemed
11 necessary.

12 **(5) Unsafe signs.** Should any sign become insecure or in danger of falling or
13 otherwise unsafe in the opinion of the SRIA staff, the Lessee thereof, or the
14 person or firm maintaining the same, shall, upon written notice from the SRIA
15 staff, forthwith in the case of immediate danger and in any case within ten days,
16 remove such sign or secure the same in a manner to be approved by the SRIA
17 staff, in conformity with the provisions of the Code. If such order is not complied
18 within ten days the SRIA staff shall remove such sign at the expense of the
19 Lessee.

20 **(6) Location restrictions.** An outdoor advertising display sign shall not be erected,
21 constructed or maintained so as to obstruct any fire escape or any window or
22 door or opening used as a means of egress or so as to prevent free passage
23 from one part of a roof to any other part thereof. A sign shall not be attached in
24 any form, shape or manner to a fire escape, nor be placed in such manner as to
25 interfere with any opening required for legal ventilation.

26 **(7) Design required for development approval.** Before development approval by
27 the SRIA shall be granted, the erector of every outdoor advertising sign, with the
28 exception of shingle signs and light cloth temporary signs, shall, if requested by
29 the SRIA staff, submit to the SRIA staff a design and stress diagram or plan,
30 containing the necessary information to enable the SRIA staff to determine that
31 such sign complies with all the applicable regulations of the Standard Building
32 Code. (Design must comply with structural requirement of the Code.

33 **(8) Wind pressure.** In the design and erection of all permanent outdoor advertising
34 display signs, the effect of wind shall be carefully considered. All such signs
35 shall be constructed to withstand 160 mph wind pressure, as required for other
36 structures.

37 **(9) Freestanding signs.** Every freestanding sign shall provide rigid construction to
38 withstand wind action from any direction.

39 **(10) Anchors or supports.** Wherever anchors or supports consist of wood
40 embedded in the soil, the wood shall be pressure treated with an approved
41 preservative.

42 **(11) Attached signs.** Signs attached to exterior walls of solid masonry, concrete or
43 stone, shall be safely and securely attached by means of metal anchors, bolts or
44 expansion screws of not less than three- eighths inch diameter and shall be
45 embedded at least five inches. Wood blocks shall not be used for anchorage,

1 except in the case of signs attached to building with walls of wood. An attached
2 sign shall not be supported by anchorages secured to an unbraced parapet wall.

3 **(12) Requirements/procedures for obtaining SRIA development approval.**

4 **a.** A completed application and three sets of detailed drawings (one of which
5 must be in color to represent as closely as possible the proposed sign) must
6 be received at the SRIA office.

- 7 1. If proposal conforms to SRIA regulations in all respects, development
8 approval may be approved and issued at staff level.
- 9 2. If proposal deviates from SRIA regulations, or if staff feels there is a need
10 for clarification, the proposal will be submitted to the Sign Review
11 Committee and/or the AEC for approval. Applicant will be notified of times
12 and dates on which proposal will be considered.
- 13 3. Any proposal requiring a variance of regulations must be approved by
14 both the AEC and the full SRIA Board. Upon the required approval by the
15 SRIA staff, AEC and/or SRIA Board, the proposed sign must be submitted
16 for review and permit issuance by Escambia County.

17
18 **b.** Drawings and information submitted must include:

- 19 1. Detailed face view.
- 20 2. Detailed section view (including foundation details if a free-standing sign).
- 21 3. Full color rendering of a copy of the three submitted.
- 22 4. Description of all materials used.
- 23 5. Method of lighting, if any.
- 24 6. Dimensions of sign and reader board, if any.
- 25 7. Height of top of sign above crown of nearest street, if freestanding.
- 26 8. Height of bottom of sign above crown of nearest street, if freestanding and
27 elevated.
- 28 9. Size of sign in square feet.
- 29 10. If double-faced, indicate if both sides are identical.
- 30 11. If attached sign, show calculations for computing size.
- 31 12. If free-standing sign, include three copies of a scaled site plan or a
32 survey, if deemed necessary, showing proposed sign location and exact
33 distances to structure on premises, to front and nearest side lot lines and
34 to street right-of-way and/or easement lines.
- 35 13. If freestanding sign, show dimensions of proposed landscaped area.
36 NOTE: The full color rendering drawing submitted will be retained by
37 SRIA and becomes its property.

1 **Article 9 Miscellaneous standards.**

2 **Sec.5-9.1 Purpose of article.**

3 This article establishes additional land development standards that implement
4 Comprehensive Plan policies for minimizing the adverse impacts of development on
5 adjoining uses and resources, and various implementing standards not otherwise
6 provided in this chapter.

7 **Sec. 5-9.2 Adverse off-site impacts.[7.07.00]**

8 **(a) Noise.**

9 **(1) Prohibitions.** It shall be unlawful, except as expressly permitted herein, to
10 make, cause, or allow the making of any noise or sound which exceeds the limits
11 set forth in this article or the county noise ordinance within the Code of
12 Ordinances.[7.07.01 A]

13
14 **(2) Maximum permissible sound levels.** No manufacturing or commercial use
15 shall operate or cause to be operated any source of sound in such a manner as
16 to create a sound level which exceeds the limits set forth below at the time of
17 land use certificate/site plan review, the applicant may be asked to certify the
18 intent to meet the specified standard:

19 **Sound Level Limits**

Use Occupancy	Time	Sound Level Limit dB
Commercial/ tourist	7:00 a.m.--10:00 p.m.	75
	10:00 p.m.-- 7:00 a.m.	70
Manufacturing ID-P	At all times	60
ID-1 or ID-2	6:00 a.m.--10:00 p.m.	95
	10:00 p.m.-- 6:00 a.m.	85

20 [7.07.01 C]

21
22 **(3) Hours of operation. [7.07.01 D]**

23 **a.** Mining, borrow pit, resource extraction, and reclamation activities (including
24 land clearing debris disposal) that require trucks and heavy equipment to
25 traverse through residential areas as their only access path to pit operations
26 are limited to the hours between 6:00 a.m. and 6:00 p.m. Monday through
27 Friday and between 8:00 a.m. and 2:00 p.m. on Saturday.

28 **b.** Mining, borrow pit, resource extraction, and reclamation activities (including
29 land clearing debris disposal) that access their operations without traversing
30 through residential areas (i.e., via principal and minor arterial roadways) are
31 limited to the hours between 6:00 a.m. and 6:00 p.m. Monday through
32 Saturday.

1 c. Exceptions to the above noted operating hours may be authorized by federal,
2 state, and/or county authorities in cases of emergency or when determined by
3 such authorities to best serve the public interest. Any exceptions require
4 written approval by the county administrator, or his/her appointed designee,
5 specifying the reason and allowed timeframe(s) for the exception.

6 **(4) Exemptions.** The following uses or activities are exempt from the noise level
7 regulations noted above, and chapter 1-20.3: **[7.07.01 E]**

8 a. Construction operations for which building permits have been issued,
9 provided that such operations are limited to the hours between 5:00 a.m. and
10 one hour after sunset, except that on Pensacola Beach:

- 11 1. No outside construction may begin before 6:30 a.m., if within 200 ft of an
12 occupied residence; and
- 13 2. Owner-occupied single-family detached houses are exempt from the
14 above restriction.

15 b. Safety signals, warning devices, bells and chimes of churches.

16 c. Noise from emergency vehicles, or noises resulting from emergency works.

17 d. All noises coming from the normal operation of trains, aircraft, or vessels
18 operated upon the waters within or adjacent to Escambia County.

19 e. Activities at Five Flags Speedway and/or other legally constructed and
20 operated tracks or courses for competitive motor sports.

21 **(a) Vibrations.** Every use, excluding initial construction activities, shall be so operated
22 that ground vibration inherently and recurrently generated is not perceptible, without
23 instruments, at any point on the property line of the property on which the use is
24 located. **[7.07.02]**

25 **(b) Air pollutants. [7.07.03 A, B, AND C]**

26 **(1) Smoke.** Every use shall be operated so as to prevent the emission of smoke as
27 specified in F.A.C. Ch. 17-2, as amended, "Rules of Department of Environment
28 Regulations: Air Pollution."

29 **(2) Particulate matter including dust.** Every use shall be operated so as to
30 prevent the emission into the air of dust or other solid matter as specified in
31 F.A.C. Ch. 17-2, as amended, "Rules of Department of Environmental Protection:
32 Air Pollution."

33 **(3) Odor.** Every use shall be operated so as to prevent the emission of
34 objectionable or offensive odors in such concentration as to be readily
35 perceptible at any point at or beyond the lot line of the property on which the use
36 is located, as specified in F.A.C. Ch. 17-2, as amended, "Rules of the
37 Department of Environmental Protection: Air Pollution."

38 **(c) Fire and explosive hazards.** All operations, activities and uses shall be conducted
39 so as to comply with the rules and regulations of the National Fire Code published
40 by the National Fire Protection Association as well as F.A.C. Ch. 4A, as amended,

1 "Rules of the Marshal." If there is a conflict between the two, the more stringent
2 regulation applies. In no case shall hazardous or potentially hazardous materials be
3 stored or located in residential zones or within 500 feet of any residential zone.

4 [7.07.04]

5 **(d) Glare.** No operation or activity shall be conducted so as to cause or create glare in
6 excess of 0.5 foot-candles in a residential district, whether from a direct or indirect
7 light source. No operation or activity shall create safety hazards through the
8 impairment of motorist's vision or simulation of traffic control devices (including
9 strobe lights and any outside display, sign, window display or other device), or
10 otherwise interfere with the safety of the traveling public. Tri-changing signs and
11 electronic message centers are allowed provided such signs comply with the
12 standards of Article. [7.07.05]

13 **(e) Solid waste.** Refuse and waste removal areas shall be buffered and/or screened
14 from adjacent properties and public ways by appropriate fences, wall or hedges. In
15 cases where dumpsters must be located in areas highly visible from any public right-
16 of-way, the Planning Official shall be authorized to require appropriate vegetative or
17 structural screen to shield an unsightly condition. [4.06.06 B 2]

18 **(f) Nuisances.** The following conditions, existing, permitted, maintained, or caused on
19 real property in Escambia County shall be prohibited. The existence of such
20 conditions shall constitute prima facie evidence of maintaining a nuisance, injurious
21 to health and such conditions shall not be deemed to be all inclusive.

22 **(1)** The creation or maintenance of any condition capable of breeding flies,
23 mosquitoes, or other arthropods capable of transmitting diseases directly or
24 indirectly to humans.

25 **(2)** The accumulation of rubbish, trash, garbage, or solid waste materials in violation
26 of any state law, regulation or ordinance of Escambia County.

27 **(3)** The existence of any building or other structure or real property, or premises on
28 which a structure is located, which is unsafe and a menace to the health, safety,
29 or general welfare of the residents of Escambia County, or which is deteriorated
30 or dilapidated.

31 **(4)** The accumulation of in excess of one inoperable vehicle on an individual lot or
32 parcel at any one time. Exempt from this provision shall only be duly licensed
33 junk or salvage yards and vehicles under repair at a duly licensed automotive
34 repair shop. Also, exempt from this provision are duly permitted used car lots,
35 provided that any inoperable vehicles, in excess of one such vehicle, are not
36 visible from the public right-of-way or adjacent property.

37 [7.07.06]

38 **Sec. 5-9.3 Exterior lighting.[7.03.00]**

39 **General.** Exterior lighting in and around buildings and in parking lots is permitted in all
40 districts. Lighting is to be located for safety and visual effect. With the exception of
41 street lights, it shall be installed so as not to shine directly on adjacent property. Lighting

1 shall avoid annoyance from brightness and glare. Artificial beachfront lighting should be
2 designed as per the LDC Chapter 4, Article 5, Section 4-5.8

3 **Sec. 5-9.4 Fences. [7.04.02, .03,04, AND .05]**

4 **(a) Fence heights in residential districts.** Maximum heights for fences
5 constructed in residential districts, except those on Pensacola Beach, shall be:
6

	Opaque Materials	Transparent Materials Which Do Not Obstruct Light, Air and Visibility
Front yard	3 feet	4 feet
Side yard	8 feet	8 feet
Rear yard	8 feet	8 feet

7 Barbed wire and electrified fences are permitted in A RR and RMU rural districts.
8 Below-ground electrified fences are permitted in all residential districts. Above-
9 ground electrified fences are permitted in residential districts provided that such
10 fences are located inside, are completely enclosed and do not come in contact with
11 a perimeter fence erected according to the height standards above. Electrified
12 fences in residential districts shall be of the type that are permitted under the
13 electrical building code listing and shall also meet fence height standards for regular
14 fences.

15 Height shall be measured and averaged at regular intervals along the property line.
16 The final height shall be determined by averaging the dimensions obtained at 8-foot
17 intervals along the property line. Height includes height of the berm and sloping
18 grounds.

19 **(b) Fence setbacks.** Fences shall be permitted to the street right-of-way or marine/
20 estuarine/riverine setback (MERS) line and common property lines. No fence shall
21 be permitted to obstruct visual clearance along a right-of-way. See "Visual
22 Clearance Along Rights-of-Way and at Sight Triangle Intersections." No fence or
23 hedge shall be constructed or installed in such a manner as to interfere with
24 drainage on the site.

25 **(c) Permitted fence materials.** Suitable fence materials are as follows: masonry, chain
26 link, chain link with slatting, wood, cast iron, aluminum, plastic, and precast concrete.

27 **(d) Fence heights in commercial and industrial districts.** There is no maximum
28 height for fences in commercial districts except that barbed wire is permitted only on
29 top of a solid or chain link fence at least six feet in height. Where a commercial
30 district borders a residential district, a fence may be constructed to a maximum
31 height of eight feet on the property line contiguous to the residential district. The
32 method of measurement shall be the same as for residential district fences.

33 **(e) Fences on Pensacola Beach.**

34
35 **(1) Responsibility.** Lessee assumes full responsibility for all fences and walls
36 erected on leasehold property.
37

1 **(2) Location.** Fences, walls, and similar construction may be erected outside
2 building setbacks, provided such construction shall not interfere with the
3 exposure or view, or reasonable privacy of adjoining or facing property, as shall
4 be determined by the architectural environmental committee.

5
6 **(3) Height.** Fences shall not exceed the maximum heights as follows. The overall
7 height of the fence is measured from the average elevation of the finished grade.

- 8 a. Front yard - three feet.
- 9 b. Side yard - eight feet.
- 10 c. Rear yard - eight feet.

11 **(4) Waterfront.** Fences to be erected on lots having water frontage must be
12 approved by the AEC prior to construction. Each proposal will be considered on
13 its own merit. Fences to be erected seaward of the coastal construction control
14 line must have FDEP permit.

15 **(5) Design.** All such structures shall be in harmony with surrounding property.

16 **(6) Standards for solid wooden fences.**

- 17 a. Palings to be not less than three-quarter-inch actual thickness and attached
18 with two galvanized nails per connection (no staples).
- 19 b. Stringers to be No. 2 grade or better; two by four inch nominal size pressure
20 treated pine; and three stringers to be used with fences more than three feet
21 in height.
- 22 c. Posts to be not less than four inches by four inches (square) nominal size or
23 six inches in diameter (round) and treated for below grade penetration;
24 spaced not more than eight feet apart; and not less than four-foot penetration,
25 or 2.5 feet penetration below grade if set in concrete.

26 **(7) Approval.**

- 27 a. Applications for fence approvals shall include fence details showing cross
28 sections, elevations and materials to be used.
- 29 b. If survey by registered Florida surveyor is not furnished to the county, such
30 fence is erected at lessee's own risk.
- 31 c. Fence construction shall require a final inspection by SRIA staff

32
33 **Sec. 5-9.5 Corridor Preservation. [OBJ MOB 1.5/ CURRENT 1.4]**

34 **(a) Standard Right-of-way.** Within any Project Development and Environmental
35 Impact study for a capacity improvement project, standard right- of-way shall be
36 considered as follows:

37 Major Collectors	80'
38 Major Arterials	125'
39 Beltways	300'

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(b) Setback Regulation. Escambia County shall, through zoning district provisions in the CPA 2007-02D Transportation Corridor Preservation Ordinance, apply setbacks that will aid in the protection of existing and future rights-of-way, including transportation corridors, from building encroachments.

(c) Density and Intensity Regulation. Escambia County shall regulate density and intensity within the existing or designated transportation corridor areas that may interfere with right-of-way needs.

(d) Right-of-way Set Aside. Escambia County may require the set aside of right-of-way necessary to comply with programmed roadway widening or, as necessary, for proposed transportation corridors.

(e) Scenic Roadway Designation. Because of the unique scenic character and related historic and tourist significance, Scenic Highway(SR-10A) and Perdido Key Drive(SR 292) are designated“ scenic roadways.”Parcels adjacent to these rights-of-way shall be the subject of specific sign controls in the CPA 2007-02D Transportation Corridor Preservation Ordinance.

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Chapter 6 DEFINITIONS

- Sec. 6-0.1 Purpose of chapter.
- Sec. 6-0.2 Definitions established.
- Sec. 6-0.3 Terms defined.

Sec. 6-0.1 Purpose of chapter.

This chapter establishes the definitions of selected terms used within the Land Development Code (LDC) necessary for the intended and consistent application of its provisions to all land uses and development activities within Escambia County. The definitions correspond to those of related regulations where possible, but they are established only for the purposes of the LDC and are not necessarily the same as definitions established for the purposes of building codes, state licensing, or other regulations.

Sec. 6-0.2 Definitions established.

(a) Generally. The definitions of terms established within the LDC are typically in general use for the practice of growth management, land use planning, zoning, engineering, environmental science, and related professional practices. Sources for these definitions include Florida Statutes, Florida Administrative Code, the Escambia County Comprehensive Plan, publications of the American Planning Association, and model ordinances.

Once defined in the LDC a term’s use shall be consistent with that definition throughout the code. Terms not defined in the LDC, or not having acquired a meaning by other applicable regulatory definition or judicial construction, shall be understood according to their usual, ordinary, and customary meanings.

(b) Amending definitions. The addition, modification, or deletion of definitions within the LDC shall be according to the text amendment process prescribed in Chapter 2 and the following guidelines:

- (1) When to define.** A term intended to be understood according to its usual, ordinary, and customary meaning needs no further definition within the LDC.
- (2) Where to define.** A term used once or only in one section of the LDC should be defined in context where used, but if used in several sections or throughout the LDC it should be defined within this chapter.
- (3) Different meanings.** The definition of a term should include all intended meanings and distinguish them as needed with such phrases as “for the purposes of . . .,” and “as used in this section . . .”
- (4) No regulation.** A definition should only explain the meaning of a term. Regulations regarding the term are established separately within the LDC.

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

2 As used within the LDC, the following terms have the meanings established here:

3 **- A -**

4 **Abandoned sign.** Any sign face which advertises a business no longer conducted or
5 product no longer sold. In making the determination that a sign advertises a
6 business no longer being conducted, the enforcement official shall consider the
7 existence or absence of a current occupational license, utility service deposit or
8 account, use of the premises and relocation of the business. An abandoned sign is
9 prohibited and shall be removed by the owner of the premises when there is a lack
10 of maintenance or sign faces are missing, or as otherwise provided for in this article.

11 Any sign structure which has not been used for business purposes for over 90 days,
12 and is nonconforming as to existing codes regarding height, setback or
13 maintenance.

14 Any previously permitted portable or temporary sign for which the permit has
15 expired.

16

17 **Accessory structure.** A building or other structure that is subordinate in extent and
18 purpose and customarily incidental to the principal structure on the same lot, and is
19 typically detached from it.

20 **Accessory dwelling unit.** A dwelling unit that is an accessory structure to a single-
21 family dwelling.

22 **Accessory use.** A use of land or structure that is subordinate in extent and purpose,
23 and is customarily incidental to the principal use on the same lot. The term "accessory
24 use" includes support services and functions for employees, customers, tenants and
25 visitors customarily associated with the principal use.

26 **Act of God.** An act caused by the direct, immediate, and exclusive operation of the
27 forces of nature, uncontrolled and uninfluenced by the power of man, without human
28 intervention, and of a character that it could not have been prevented or escaped from
29 by any amount of foresight or reasonable degree of care or diligence.

30 **Addition.** As applicable to building construction, any walled and roofed expansion of a
31 building that increases the existing building height, length, width, floor area, or site
32 coverage. If an expansion is connected to a building by a firewall, or is separated by
33 independent perimeter load-bearing walls, it is considered new construction and not an
34 addition.

35 **Adult day care center.** A state licensed facility, whether operated for profit or not,
36 which provides basic services for part of a day to three or more persons who are 18
37 years of age or older, who are not related to the facility owner or operator, and who
38 require such services. As used here, basic services include providing a protective
39 setting that is as non-institutional as possible, therapeutic programs of social and health
40 activities and services, leisure activities, self-care training, rest, nutritional services, and
41 respite care. [\[FS 429.901\]](#)

1 **Adult entertainment establishment.** An adult theater, adult bookstore, adult
2 performance establishment, or other adult use or activity as defined in the *Adult*
3 *Entertainment Code* of Chapter 18, *Businesses*, Part I, Escambia County Code of
4 Ordinances.

5 **Adult family-care home.** A state licensed, full-time, family-type living arrangement in a
6 private home under which a person who owns or rents the home provides room, board,
7 and personal care on a 24-hour basis for no more than five disabled adults or frail
8 elders who are not relatives. An adult family-care home is a form of household living.
9 [FS 429.65(2)]

10 **Affordable housing.** Housing with monthly rents or monthly mortgage payments,
11 including taxes, insurance, and utilities, that do not exceed 30 percent of that amount
12 which represents the percentage of the median adjusted gross annual income
13 established by the state for extremely-low-income, very-low-income, low-income, and
14 moderate-income households as applicable. [FS 420.602]

15 **Agent.** A person authorized by contract or other valid authority to act for and under the
16 direction of another person, the agent's principal, when dealing with third parties, and
17 who can enter into binding agreements on the principal's behalf.

18 **Agricultural-related activity.** An activity in support of or accessory to agriculture.

19 **Agricultural processing, major.** Activities involving a variety of processing operations
20 on crops after harvest, or on livestock, which typically generate dust, noise, odors,
21 pollutants, or visual impacts that can adversely affect adjacent properties. Such
22 activities include feedlots, slaughterhouses, rendering plants, large-scale mills,
23 refineries, canneries, and milk processing plants.

24 **Agricultural processing, minor.** Activities involving a variety of processing operations
25 on crops after harvest to prepare them for market, or for further processing or packaging
26 out of the agricultural area, and which cannot be characterized as major agricultural
27 processing. Such activities include cleaning, sorting, drying, roasting, hulling, shelling,
28 baling, custom milling, cotton ginning, packing and storing.

29 **Agriculture or agricultural use.** The active production of plants, animals or their
30 products through cultivation of soil, growing and harvesting of crops, or raising of
31 livestock. Agricultural crops include grains, legumes, oil seeds, roots and tubers, fibers,
32 fruits, nuts, vegetables and forages. Agricultural livestock includes dairy and beef
33 cattle, sheep, goats, pigs, poultry and horses. The terms "agriculture" or "agricultural
34 use" also include bees and apiary products, plant nursery and greenhouse products, the
35 breeding of animals, the storage of harvested products, and land devoted to soil
36 conservation. However, the terms do not include agricultural processing or packaging,
37 waste composting, silviculture or timber harvesting, aquaculture, or farm worker housing.

38 **Airfield.** Any area of land or water that is designed and set aside for the landing and
39 taking off of military aircraft.

40 **Airport.** Any area of land or water that is designed and set aside for the landing and
41 taking off of civilian aircraft.

1 **Airport or airfield hazard.** Any structure, object of natural growth, or use of land which
2 would exceed federal obstruction standards, which obstructs the airspace required for
3 the flight of aircraft in taking off, maneuvering, or landing, and for which no person has
4 previously obtained a permit or variance according to Florida Statutes. [FS 333.01]

5 **Alcoholic beverage.** Any liquor, beer, wine, or other distilled spirits or beverages
6 containing one-half of one percent or more alcohol by volume. [FS 561.01]

7 **Alley.** A public or private right-of-way that affords a secondary means of access to the
8 back or the side of a lot otherwise abutting a street, and not intended or used for
9 general traffic circulation.

10 **All-weather surface.** A hard driving surface (e.g., asphalt, concrete, compacted gravel
11 or shell) designed and constructed to ensure adequate runoff of stormwater under
12 normal rainfall conditions and capable of withstanding normal weather conditions during
13 ordinary use without substantial deterioration.

14 **Alteration.** For the purpose of regulating structures, any change or modification that
15 would result in a change in height or lateral dimensions of an existing structure,
16 including cosmetic improvements, repairs, remodeling, and structural support changes.

17 **Amusement, commercial.** Any facility that is maintained or operated for the provision
18 of amusement, entertainment or recreation to the general public for a fee. Indoor
19 amusements include pinball machines, video games, and other games of skill or scoring
20 such as billiards. Outdoor amusements include miniature golf, automobile race tracks,
21 waterslides and amusement rides.

22 **Amusement arcade.** A business establishment open to the public and offering games,
23 rides, shows, or similar facilities and devices, typically operated by coin or token, for
24 entertainment or amusement purposes only. Such facilities and devices do not include
25 bingo games, gambling devices, or any devices prohibited by law.

26 **Animal grooming service.** A business providing bathing, clipping, combing or similar
27 grooming services to enhance the appearance or health of domestic animals, but not
28 including any overnight boarding of animals.

29 **Animal shelter.** A facility used to house or board stray, homeless, abandoned or
30 unwanted animals and that is operated by a public agency or a recognized non-profit
31 organization devoted to the welfare, protection, and humane treatment of animals.

32 **Applicant.** Any person, including the person's agent, who submits an application to the
33 county requesting development approval or other consideration according to any of the
34 compliance review processes prescribed by the LDC.

35 **Aquaculture.** The growing and harvesting of freshwater and saltwater populations of
36 aquatic organisms such as fish, crustaceans, mollusks, and aquatic plants under
37 controlled conditions.

38 **Aquifer.** A groundwater bearing geologic formation that contains enough saturated
39 permeable material to yield significant quantities of water.

1 **Arcade amusement center.** A place of business operating as an arcade amusement
2 center in compliance with Florida Statutes and any county ordinances that define or
3 regulate such businesses.

4 **Area of special flood hazard.** The land within a floodplain subject to a one percent or
5 greater chance of flooding in any given year (the base flood), designated on the
6 community's Flood Insurance Rate Map (FIRM) as zone A, AE, AO, AH, V, or VE.

7 **Assisted living facility.** Any state licensed private home, boarding home, home for the
8 aged, or other residential facility, whether operated for profit or not, which provides
9 housing, meals, and one or more personal services for a period exceeding 24 hours to
10 one or more adults who are not relatives of the owner or administrator. As used here,
11 personal services means direct physical assistance with or supervision of the activities
12 of daily living, the self-administration of medication and other services which the state
13 may define, but not the provision of medical, nursing, dental, or mental health services.
14 An assisted living facility may be either household living or group living, according to the
15 type of facility and form of residential occupancy and may also be known as personal
16 care or residential care. [FS 429.02(5)] [ITE]

17 **Automobile rental.** The renting or leasing of passenger cars, vans, or light trucks
18 (gross vehicle weight rating no more than 8500 lbs), without drivers, for purposes of
19 routine conveyance of passengers, generally for short periods of time. Rental facilities
20 may include incidental storage or parking, and washing and servicing of vehicles for rent
21 or lease.

22 **Automobile sales.** The use of any building or land for the display and sale of new or
23 used passenger cars, vans, or light trucks (gross vehicle weight rating no more than
24 8500 lbs). Sales facilities may include vehicle preparation, repair work, rental, or
25 leasing conducted as an accessory use.

26 **Avigation easement.** An easement that gives a clear property right to maintain aircraft
27 flight operations in the airspace above the property. [CP]

28 **Awning.** A roof-like structure that projects from the wall of a building, cantilevered or
29 otherwise entirely supported from the building, and composed of a lightweight rigid or
30 retractable skeleton over which a cover is attached, typically to protect a doorway or
31 window from the elements. [FBC]

32 **Awning, canopy or marquee sign.** A sign that is mounted or painted on, or attached
33 to, an awning, canopy, or marquee that is otherwise permitted by county ordinance. The
34 sign shall not project above, below or beyond the awning, canopy or marquee.

35 **- B -**

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

40

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

5 **Base flood.** A flood having a one-percent chance of being equaled or exceeded in any
6 given year. The base flood is commonly referred to as the 100-year flood, the
7 one-percent annual chance flood, or the regulatory flood. [MO]

8 **Base flood elevation.** The elevation of the base flood, including wave height, relative
9 to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum
10 (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [MO]

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

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

20 **Bed and breakfast inn.** A family home structure with no more than 15 sleeping rooms
21 which has been modified to serve as a transient public lodging establishment, which
22 provides accommodations and only morning meal service to overnight guests, which is
23 typically the residence of the owner, and which is recognized as a bed and breakfast inn
24 by the hospitality industry. [FS 509.242]

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

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

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

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

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

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

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

6 **Borrow pit.** A location where soils, clays, gravel or other natural deposits on or in the
7 earth are removed, or have been removed, for use elsewhere, typically with no
8 processing except for screening to remove debris. A borrow pit may also be referred to
9 as a mining site or a mineral or resource excavation or extraction site. [Sec.82-1] [ERP
10 Vol I]

11 **Bridge.** A structure, including supports, erected over a depression or an obstruction
12 such as water or a highway or railway; having a track or roadway for carrying traffic or
13 other moving loads; and having an opening, measured along the center of the roadway,
14 of more than 20 feet between under copings of abutments, spring lines of arches, or
15 extreme ends of openings of multiple boxes or pipes (culverts) where the clear distance
16 between contiguous openings is less than half of the interior width or diameter of the
17 smallest of such contiguous openings. [FS 334.03]

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

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

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

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

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

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

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

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

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

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

1 **Bus leasing/rental facility.** A facility for the transient parking, storing, repairs,
2 servicing, leasing, and/or rental of passenger buses or motor coaches.
3 **Business.** Any commercial endeavor engaged in the production, purchase, sale, lease,
4 or exchange of goods, wares, or merchandise or the provisions of services.
5 **Business day.** Any calendar day, not including Saturdays, Sundays, or legal holidays
6 observed by the county, on which the offices of Escambia County are open for regular
7 business. A business day may also be referred to as a work day or working day.

8 **- C -**

9 **Caliper.** A standard measure of tree trunk diameter in inches applicable only to newly
10 planted trees and nursery stock. Trunk caliper is measured six inches above the
11 ground on trees four inches in diameter and smaller, and 12 inches from the ground for
12 larger trees. See "*Diameter at breast height (DBH)*" for the appropriate measure of
13 established trees.

14 **Campground.** A place where one or more buildings, tents, recreational vehicles, or
15 other accommodations are established, operated, or used as temporary living quarters
16 for five or more resident members of the public for recreational purposes. See also
17 "*Recreational vehicle park.*" [FS 513.01(8)]

18 **Canopy.** A fixed roof-like structure typically constructed to provide protection from the
19 elements, but not retractable like an awning, and which may be cantilevered from a
20 building, partially self-supporting, or completely freestanding. A tree canopy is the
21 structure of branches and leaves that spread out at the top of a tree to form a cover that
22 intercepts sunlight and rainfall.

23 **Capital improvement.** Physical assets constructed or purchased to provide, improve,
24 or replace a public facility and which are typically large scale and high in cost. The
25 costs are generally nonrecurring and may require multiyear financing. Physical assets
26 that have been identified within the Comprehensive Plan as existing or projected needs
27 shall be considered capital improvements. [FS 163.3164(7)]

28 **Capital improvement program or plan.** A proposed schedule of future capital
29 improvement projects listed in order of construction priority, together with cost estimates
30 and anticipated means of financing for each project where appropriate, promulgated by
31 local, regional, state, or federal agencies with operational or maintenance
32 responsibilities within Escambia County.

33 **Caretaker residence.** A dwelling unit located on the premises of and accessory to a
34 non-residential principal use, and occupied as a residence by a caretaker or security
35 guard employed on the premises. The residence may be within a building housing the
36 non-residential use or separate from it.

37 **Carnival-type amusement.** One or more devices or elements which carry, convey, or
38 direct passengers along, around, over, or through a fixed or restricted course or in a
39 defined area for the primary purpose of giving the passengers amusement or
40 entertainment. The term "carnival-type amusement" includes carousels, bumper cars,
41 go-carts, roller coasters, and Ferris wheels; and water slides and inflatable attractions

1 exceeding 15 feet in height. The term does not include unpowered playground
2 equipment.

3 **Carport.** An accessory structure providing limited protection from the elements for
4 motor vehicles, boats, recreational vehicles, etc. The structure can be either
5 freestanding or attached to the principal structure as allowed by applicable building
6 codes.

7 **Cemetery.** A place dedicated to and used or intended to be used for the permanent
8 interment of human remains or cremated remains. A cemetery may contain earth
9 interment; mausoleum, vault, or crypt interment; a columbarium, scattering garden, or
10 other structure or place used or intended to be used for the interment or disposition of
11 cremated remains; or any combination of such structures or places. The term
12 "cemetery" includes incidental management and maintenance facilities, but does not
13 include funeral establishments or cinerators. [FS 497.005]

14 **Cemetery, family.** A private, nonprofit cemetery owned for the benefit of and devoted
15 to the interment of members of a family, or relatives bound by family or similar personal
16 ties, to the exclusion of the public.

17 **Certificate of Concurrency.** A formal certification by the county that a development
18 plan complies with all level of service standards for the provision of adequate public
19 facilities concurrent with the proposed demands on those facilities.

20 **Certification.** A written statement by an agency or individual which provides
21 reasonable assurance of the existence of some fact or circumstance, but is not a
22 warranty or guarantee of performance, expressed or implied.

23 **Certification, as built.** Certification that post-construction conditions as of the date of
24 certification conform to the approved plans, and that the "as built" documents convey all
25 revisions and represent the actual construction site conditions.

26 **Change of use.** Any use of a structure or land that substantially differs from the
27 previous use, regardless of any change of ownership or tenancy.

28 **Changeable copy sign.** A sign that is designed so that characters, letters, or
29 illustrations can be manually changed or rearranged without altering the face or surface
30 of the sign.

31 **Child care facility.** Any state licensed child care center or child care arrangement
32 which provides child care for more than five children unrelated to the facility operator
33 and which receives a payment, fee, or grant for any of the children receiving care,
34 whether operated for profit or not. As used here, child care means the care, protection,
35 and supervision of a child for a period of less than 24 hours a day on a regular basis
36 which supplements parental care, enrichment, and health supervision for the child.
37 Child care facilities do not include summer camps, Bible schools conducted during
38 vacation periods, and transient public lodging establishments providing child care
39 services solely for their guests, and generally do not include public or nonpublic schools
40 or their integral programs. [FS 402.302]

41 **Cinerator.** A facility where human remains are subjected to cremation. As used here,
42 cremation means any mechanical or thermal process whereby such remains are

1 reduced to ashes and bone fragments. Cremation also includes any other mechanical
2 or thermal process whereby human remains are pulverized, burned, recremented, or
3 otherwise further reduced in size or quantity. [FS 497.005]

4 **Club, civic or fraternal.** A facility owned or operated by a group for social, cultural,
5 religious, educational, or recreational purposes, and to which membership is required
6 for participation, but not primarily operated for profit or to provide a service customarily
7 provided by a business.

8 **Clustering.** The grouping of dwellings within a development, primarily to reduce its
9 adverse impacts on the land and preserve additional open space.

10 **Coastal construction control line (CCCL).** The line established by the State of
11 Florida according to Florida Statutes, and recorded in the official records of Escambia
12 County, which defines that portion of the beach-dune system subject to severe
13 fluctuations based on a 100-year storm surge, storm waves or other predictable weather
14 conditions. [MO]

15 **Coastal high-hazard area (CHHA).** The area below the elevation of the category 1
16 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes
17 (SLOSH) computerized storm surge model. For the specific purposes of floodplain
18 management, a coastal high-hazard area is a special flood hazard area extending from
19 offshore to the inland limit of a primary frontal dune along an open coast, and any other
20 area subject to high velocity wave action from storms or seismic sources. Such coastal
21 high-hazard areas may also be referred to as velocity zones or high hazard areas
22 subject to high velocity wave action and are designated on the Flood Insurance Rate
23 Maps (FIRM) as flood zones V or VE. [FS, CFR & MO]

24 **Columbarium.** A building or other structure that is substantially exposed above the
25 ground and intended to be used for the inurnment of cremated remains. [FS 497.005]

26 **Commercial use.** Any non-residential use or activity that is typically carried out for the
27 purpose of monetary gain, including any business use or activity at a scale greater than
28 a home occupation. As a land use category, the term "commercial use" refers to land
29 dedicated to non-industrial business uses, including retail sales, office, service, and
30 entertainment facilities.

31 **Common ownership.** Ownership by the same person, corporation, firm, entity,
32 partnership, or unincorporated association.

33 **Community Redevelopment Area (CRA) Gateway Sign.** A sign located within the
34 right-of-way providing the name, location, and direction of the CRA.

35 **Community residential home.** A dwelling unit licensed by the state to serve elderly,
36 disabled, juvenile or other state approved clients and which provides a living
37 environment for seven to 14 unrelated residents who operate as the functional
38 equivalent of a family, including such supervision and care by supportive staff as may
39 be necessary to meet the physical, emotional, and social needs of the residents. A
40 community residential home is a form of household living [FS 419.001(1)(a)]

41 **Community service facility.** A public or nonprofit facility generally open to the public
42 for assembly and participation in community activities. Community service facilities

1 include auditoriums, libraries, museums, senior centers, union halls and neighborhood
2 centers, but do not include places of worship, for-profit clubs, sports complexes, parks,
3 or offices other than those on-site for administration of the facility.

4 **Compatible.** A condition in which land uses, activities or conditions can coexist in
5 relative proximity to each other in a stable fashion over time such that no use, activity,
6 or condition is unduly negatively impacted directly or indirectly by another use, activity,
7 or condition. [FS163.3164(9)]

8 **Comprehensive Plan.** The Comprehensive Plan of Escambia County (Part II,
9 Escambia County Code of Ordinances) prepared by the local planning agency and
10 adopted by the Board of County Commissioners according to Florida Statutes, and any
11 subsequent amendments to that plan.

12 **Concurrency.** The condition or circumstance that, at the time new demands are placed
13 on public facilities, facility capacities will meet or exceed the adopted level of service
14 (LOS) standards.

15 **Conditional Use.** A use that, because of its special requirements or characteristics,
16 may be allowed in a particular zoning district on a specific site only after the Board of
17 Adjustment confirms compliance with all conditions prescribed by the LDC as necessary
18 to ensure compatibility with surrounding existing or permitted uses.

19 **Condominium.** A form of ownership of real property, created according to Florida
20 Statutes, which is comprised entirely of units that may be owned by one or more
21 persons, and in which there are jointly owned and shared areas and facilities. [FS 718]

22 **Condo-hotel or condotel.** A hotel or motel under a condominium form of ownership,
23 containing only individual lodging units permanently and wholly dedicated to full-time
24 public rental for transient occupancy, and permanently dedicated in its entirety,
25 including all common elements, to the complete control, management, and operation of
26 a single person or corporation. Such management may, however, permit the owner of
27 an individual unit to occupy the unit without rental charge for limited periods within a
28 calendar year.

29 **Conforming use.** Any use of land or structures that complies with all applicable
30 regulations of the LDC and the Comprehensive Plan.

31 **Construction.** The act of building, filling, excavation, or substantial improvement in the
32 size of any structure or the appearance of any land. When appropriate to the context,
33 the term "construction" refers to the act of construction or the result of construction and
34 may include vertical or horizontal improvements to land or structures.

35 **Construction and demolition debris.** Discarded materials regulated by the state as
36 construction and demolition debris, generally considered to be nonhazardous and not
37 water-soluble in nature, including steel, glass, brick, concrete, asphalt roofing material,
38 pipe, gypsum wallboard, and lumber from the construction or destruction of a structure;
39 and rocks, soils, trees, and other vegetative matter that normally results from land
40 clearing or land development operations. The term "construction and demolition debris"
41 does not apply to any mixture of construction and demolition debris with other types of
42 solid waste. [FS 403.703]

1 **Construction sign.** A temporary sign erected on the premises on which construction is
2 taking place, during the period of such construction, indicating the names of the
3 architects, engineers, landscape architects, contractors or similar artisans, and the
4 owners, financial supporters, sponsors, and similar individuals or firms having a role or
5 interest with respect to the structure or project.

6 **Convenience store.** A small-scale retail establishment, typically with extended hours
7 of operation, that sells a limited line of groceries, household items, and other
8 convenience goods, and which may also sell automotive fuels.

9 **Correctional facility.** A public or privately operated facility for the detention or
10 confinement of persons arrested or convicted for the violation of civil or criminal law.
11 Correctional facilities include adult and juvenile detention centers, jails, and prisons.

12 **Country club.** A facility primarily for social and outdoor recreation purposes, usually
13 restricted to members and their guests, and which typically includes a clubhouse, dining
14 facilities, pro shop, locker rooms, and recreational facilities such as a golf course,
15 swimming pool, and tennis courts.

16 **County.** Escambia County, Florida, excluding those areas within the county that are
17 incorporated as the City of Pensacola or Town of Century, unless the context clearly
18 indicates otherwise.

19 **County Attorney.** An attorney licensed to practice law in the State of Florida and
20 appointed by the Board of County Commissioners to serve as the attorney for Escambia
21 County.

22 **Cul-de-sac.** A local street with one end open to traffic and the other end terminated by
23 a vehicular turnaround. For the purposes of determining required minimum lot width,
24 the term "cul-de-sac" refers only to the vehicular turnaround at the closed end of the
25 street.

26 **- D -**

27 **Day care.** The provision of care, protection, and supervision for children or adults on a
28 regular basis away from their primary residence. Care is typically provided to a given
29 individual for fewer than 18 hours each day, although the day care facility may be open
30 24 hours each day. See "Adult day care center" and "Child care facility."

31 **dBA.** The unit of filtered or corrected noise level measured in accordance with the
32 A-weighted scale to more closely replicate the sound frequency response of the human
33 ear and measuring approximately the relative "noisiness" or "annoyance" of common
34 sounds.

35 **Decibel (dB).** A standard unit for measuring the relative loudness of sound, or sound
36 pressure, and approximately equal to the smallest degree of difference of that loudness
37 or pressure ordinarily detectable by the human ear.

38 **De minimis.** A level of risk that is too small to be concerned with, or a difference that is
39 too small to matter or be taken into consideration. For the purposes of services
40 provided by public facilities having established level of service (LOS) standards, the

1 term “*de minimis*” refers to a negligible or insignificant demand by a use on a level of
2 service that generally allows the use to be considered concurrent for that facility.

3 **Density.** An objective measure of development used to quantify population per unit of
4 land, such as people, dwelling units, or lodging units per acre. The term “density” refers
5 to units per gross acre unless other measures or units are clearly indicated.

6 **Developer.** An applicant, builder, contractor, landowner, subdivider, or other person
7 who undertakes development activities regulated by the LDC.

8 **Development.** The carrying out of any building activity or mining operation, the making
9 of any material change in the use or appearance of any structure or land, or the dividing
10 of land into three or more parcels (subdivision). The term “development” does not
11 involve the use of land for bona fide agricultural or silvicultural purposes, including
12 growing crops, trees, and other agricultural or forestry products, or raising livestock.
13 Other specific activities or uses involving or excluded from development are defined in
14 Florida Statutes (Ch. 380). For the purposes of floodplain management, development
15 means any man-made change to improved or unimproved real estate, including
16 buildings or other structures, tanks, temporary structures, temporary or permanent
17 storage of equipment or materials, mining, dredging, filling, grading, paving,
18 excavations, drilling operations or any other land disturbing activities. [MO]

19 **Development agreement.** An agreement between a developer and the county for
20 development approval or any other purpose according to Florida Statutes, the
21 Comprehensive Plan, and the LDC, and in a form approved by the county.

22 **Development approval.** Written authorization from the county permitting development
23 subsequent to a demonstration of compliance with the provisions of the LDC and the
24 Comprehensive Plan by the applicant for development approval.

25 **Development, multi-family.** Development in which any combination of single-family,
26 two-family, or multi-family dwellings provide three or more dwelling units on a single lot.

27 **Development, single-family.** Development in which only one single-family dwelling is
28 allowed per lot, attached or detached, except where an accessory dwelling unit is
29 allowed with the principal single-family dwelling.

30 **Development, two-family.** Development in which only two single-family dwellings or
31 one two-family dwelling is allowed per lot.

32 **Development order.** Any order granting, denying, or granting with conditions an
33 application for a building permit, site development, subdivision, rezoning, certification,
34 variance, conditional use, or any other official action of the county having the effect of
35 permitting the development of land. [FS163.3164(16)]

36 **Development parcel.** A lot of record, or a conforming lot verified according to the lot
37 conformance verification process of the LDC, or a lot created in compliance with the
38 family conveyance provisions of the LDC, or any number of such lots, contiguous and in
39 single ownership or under unified control for the purposes of development.

40 **Diameter at breast height (DBH).** A standard measure of tree trunk diameter in inches
41 applicable to established trees and measured four and one-half feet above the surface
42 of the ground at the base of the tree. For trees that lean, grow on slopes, fork at or

1 below DBH height, are multi-trunked, or present other difficulties in measurement, DBH
2 shall be determined according to International Society of Arboriculture (ISA) standards.
3 See “*Caliper*” for the appropriate measure of newly planted and nursery stock trees.

4 ***Direct disposition.*** The cremation of human remains without preparation of the
5 remains by embalming and without any attendant services or rites such as funeral or
6 graveside services or the making of arrangements for such final disposition.

7 ***Directional sign.*** See "Informational sign."

8 ***Disposal facility.*** A site where solid waste or debris is disposed of, whether by sanitary
9 landfilling, incineration, treatment, recovery, or recycling, and as further defined by
10 waste type in Chapter 82, *Solid Waste*, Part I, Escambia County Code of Ordinances.

11 ***Dock.*** A fixed or floating structure waterward of the mean high water line and used for
12 water access or securing vessels. A dock may also be referred to as a wharf or pier
13 and include moorings and boatlifts.

14 ***Dormitory.*** A residential building, but not a dwelling, used as group living quarters,
15 typically with shared kitchen and bathroom facilities, for a student body or religious
16 order and accessory to a college, university, boarding school, convent, monastery, or
17 similar institutional use.

18 ***Drive-in or drive-through service.*** A form of customer service that by design, physical
19 facilities, or operations of the providing establishment encourages or permits customers
20 to receive services, obtain goods, or be entertained while remaining in their motor
21 vehicles. Such service may be in conjunction with or exclusive of any other form of
22 service.

23 ***Drugstore.*** A retail establishment that primarily sells prescription and nonprescription
24 drugs, medicines, and medical devices and supplies, but which may also sell
25 nonmedical products such as cards, candy, and cosmetics.

26 ***Dry cleaner.*** A facility primarily for cleaning fabrics, textiles, wearing apparel, or other
27 articles by immersion or agitation in volatile organic solvents.

28 ***Dune.*** A mound or ridge of loose sediments such as quartz sand, deposited by natural
29 or artificial mechanisms on Santa Rosa Island or Perdido Key, and typically vegetated.
30 The term “dune” does not include temporary stockpiles of materials.

31 ***Dune, primary.*** The first natural or manmade dune located landward of the beach with
32 sufficient vegetation, height, continuity, and configuration to offer protective value. The
33 landward extent occurs at the point where there is a distinct change from a relatively
34 steep slope to a relatively mild slope.

35 ***Duplex.*** A two-family dwelling.

36 ***Dwelling.*** A building that contains one or more dwelling units and may be
37 characterized as one of the following:

38 ***Detached dwelling.*** A dwelling that does not have any roof, wall, or floor in common
39 with, or is attached by any other means to, another dwelling.

1 *Multi-family dwelling.* A building that contains three or more dwelling units in any
2 arrangement, including triplex and quadruplex building forms and apartment and
3 condominium forms of tenancy and ownership.

4 *Single-family dwelling.* A building that exclusively contains one dwelling unit, in
5 either detached or attached building form.

6 *Single-family attached dwelling.* A single-family dwelling that is attached to one or
7 more other single-family dwellings by common vertical walls without openings, with
8 property lines separating each unit, and with each unit extending from foundation to
9 roof, having its own direct access to the outside, and having yards on at least two
10 sides.

11 *Single-family detached dwelling.* A single-family dwelling that is not attached to any
12 other dwelling by any means and is surrounded by open space or yards.

13 *Two-family dwelling (duplex).* A building that exclusively contains two dwelling units
14 in any arrangement.

15 **Dwelling unit.** One or more rooms used as a single unit within a building to provide
16 complete independent living facilities for the exclusive use of a single household,
17 including permanent provisions for living, sleeping, eating, cooking, and sanitation. [LDC
18 and FBC]

19

- E -

20 **Easement.** A limited right to use the land of another for a specific purpose, typically
21 granted to the benefit of adjoining landowners for public or private access, utilities,
22 drainage, or similar use over an area of land whose title remains in the name of the
23 landowner, subject to the designated right of use.

24 **Educational facility.** A public or private institution that provides academic instruction,
25 from basic education to specialized study and training. Educational facilities include
26 preschools and kindergartens, primary and secondary schools, colleges and
27 universities, and trade and vocational schools.

28 **Electronic message center sign.** A sign that is a computerized, programmable
29 electronic visual communications device capable of storing and displaying multiple
30 messages in various formats at varying intervals for periods lasting at least five
31 seconds.

32 **Elevation.** A vertical distance above or below mean sea level (MSL) or other fixed
33 reference level. For the purposes of building form, an elevation is a view of a building
34 seen from one side, typically represented through a scaled drawing of the front, rear, or
35 side facade and used to describe the external appearance of the building, including
36 such features as windows, doors, and relationship of floor level to grade.

37 **Emergency service.** A service for the emergency protection of public health, safety, or
38 general welfare, and the restoration of safe conditions, including law enforcement, fire
39 fighting, medical assistance and transport, search and rescue, and hazardous material
40 cleanup.

1 ***Emerald Coast Utilities Authority (ECUA).*** The independent special district created in
2 the Laws of Florida for the purpose of operating and maintaining utilities within
3 Escambia County and adjacent areas.

4 ***Encroachment.*** Any obstruction or intrusion beyond the plane of a property line,
5 setback, right-of-way, height limit or other vertical or horizontal regulatory limit. For the
6 purposes of floodplain management, an encroachment is the placement of fill,
7 excavation, buildings, permanent structures or other development into a flood hazard
8 area which may impede or alter the flow capacity of riverine flood hazard areas. [MO]

9 ***Entertainment.*** Leisure time activity, indoor or outdoor, that is predominantly spectator
10 oriented and typically provided on a regular schedule, such as the forms of activity
11 provided by theatres, concert halls, nightclubs, sports stadiums, vehicle race tracks, and
12 amusement parks.

13 ***Environmentally sensitive lands.*** Those areas of land or water determined by the
14 Board of County Commissioners to be necessary to conserve or protect natural habitats
15 and ecological systems. Those areas are specifically enumerated within the natural
16 resources provisions of Chapter 4.

17 ***Erosion.*** The process by which rainfall, wind and water dislodges soil particles.

18 ***Escrow.*** A surety posted with the county or an escrow agent to secure the promise to
19 perform required improvements.

20 ***Estuarine system.*** A semi-enclosed coastal body of water in which saltwater is
21 naturally diluted by freshwater, including bays, mouths of rivers, salt marshes, lagoons,
22 and sounds.

23 ***Exotic animal.*** Any member of a species of animal, reptile or bird, warm or cold
24 blooded, that is not indigenous to the county or is not classified or considered as wildlife
25 or a farm animal, including camels, emus, llamas, ostriches, and mink.

26 **- F -**

27 ***Facade sign.*** See "Wall sign."

28 ***Family day care home.*** A state licensed occupied residence in which child care is
29 regularly provided for children from at least two unrelated families and which receives a
30 payment, fee, or grant for any of the children receiving care, whether operated for profit
31 or not. See "Child care facility." [FS 402.302]

32 ***Family foster home.*** A state licensed private residence in which children who are
33 unattended by a parent or legal guardian are provided 24-hour care. Family foster
34 homes include emergency shelter family homes and specialized foster homes for
35 children with special needs. [FS 409.175(2)(e)]

36 ***Farm animal.*** An animal that customarily is raised or kept in an agricultural rather than
37 an urban environment and has the potential for causing a nuisance if not properly
38 maintained, including poultry, dairy and beef cattle, bison, goats, horses, sheep, and
39 swine.

- 1 **Farm equipment and supply store.** A establishment selling, renting, or repairing
2 agricultural machinery, equipment, and supplies for use in soil preparation and
3 maintenance, the planting and harvesting of crops, and other operations and processes
4 pertaining to farming and ranching.
- 5 **Fence.** A physical barrier constructed as a boundary for separation, confinement,
6 protection, screening, access control, or similar purposes, but not including hedges,
7 shrubs, or other natural growth.
- 8 **Flashing sign.** A sign exhibiting sudden or marked changes in lighting intensity lasting
9 in duration for periods of less than five seconds
- 10 **Flood or flooding.** A general and temporary condition of partial or complete inundation
11 of normally dry land areas from the overflow of inland or tidal waters, or the unusual and
12 rapid accumulation or runoff of surface waters from any source. [MO]
- 13 **Flood insurance rate map (FIRM).** The official map of the community on which the
14 Federal Emergency Management Agency has delineated both special flood hazard
15 areas and the risk premium zones applicable to the community. [MO]
- 16 **Flood insurance study (FIS).** The official report provided by the Federal Emergency
17 Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary
18 and Floodway Map (if applicable), the water surface elevations of the base flood, and
19 supporting technical data. [MO]
- 20 **Floor area ratio (FAR).** An objective measure of the intensity of land use, calculated
21 by dividing the total gross floor area of all structures on a lot by the gross lot area.
- 22 **Florida Building Code.** The family of codes adopted by the Florida Building
23 Commission, applicable to all construction in Escambia County, and including the
24 Building, Residential, Existing Building, Energy Conservation, Fuel Gas, Mechanical,
25 Plumbing, Test Protocols, and Accessibility codes.
- 26 **Footprint.** The building area defined as the maximum combined area occupied by all
27 principal and accessory buildings, including elevated above grade parking facilities,
28 taken on a horizontal plane at the mean grade level, plus the outermost projections of
29 any story or floor, but not including uncovered entrance platforms, terraces, steps or
30 uncovered ground level parking lots.
- 31 **Fraternity or sorority house.** A residential building, but not a dwelling, used as the
32 group living quarters of an officially recognized college, university or seminary fraternity
33 or sorority and containing sleeping rooms, bathrooms, common rooms, and a central
34 kitchen and dining room maintained exclusively for members of the fraternity or sorority,
35 and their guests or visitors.
- 36 **Freestanding pole sign.** A freestanding sign that is mounted on a free standing pole
37 or other similar support so that the bottom edge of the sign face is 9 1/2 feet or more
38 above grade.
- 39 **Freestanding sign.** Any nonmovable sign not affixed to a building. May be either a
40 ground sign or a pole sign.

1 **Funeral establishment.** A state licensed facility where a funeral director or embalmer
2 practices funeral directing or embalming. The facility may include a chapel for the
3 conduct of funeral services and space for the display of caskets, urns, and related
4 funeral supplies, but the term “funeral establishment” does not include cinerators or
5 places for the permanent interment of human remains or cremated remains.
6

7 **- G -**

8 **Garage.** . A structure or part of a structure used or designed to be used for the parking
9 and storage of vehicles, and limited to non-commercial use if a private garage.

10 **Golf course.** A facility providing a course with at least nine holes improved with tees,
11 greens, fairways, and hazards for playing a game of golf. A golf course may include a
12 club house, driving range, pro shop, restaurant, lounge, shelters, and similar customary
13 and accessory uses to the play of golf.

14 **Governmental sign.** A sign erected and maintained pursuant to and in discharge of
15 any governmental function, or required by law, ordinance or other governmental
16 regulation.

17 **Grade.** The level, contour, or slope of the finished or natural surface of the ground.

18 **Grading.** The act of changing the grade of land.

19 **Greenbelt.** An open area that may be cultivated or maintained in a natural state
20 surrounding development or used as a buffer between land uses or to mark the edge of
21 an urban or developed area.

22 **Grocery or food store.** A retail establishment selling a variety of prepackaged food
23 products, staple foodstuffs, household supplies, and fresh food items such as meat,
24 produce, and dairy products.

25 **Gross floor area (GFA).** The sum of all horizontal areas of all enclosed floors of a
26 building measured from the exterior face of exterior walls, or from the centerline of a
27 common wall separating two buildings, including basement and attic floors, mezzanines,
28 hallways, closets, stairwells, space devoted to mechanical equipment, and enclosed
29 porches. Gross floor area excludes interior parking spaces and any space with a floor-
30 to-ceiling height less than six feet.

31 **Ground sign.** Any freestanding sign, other than a pole sign, placed upon or supported
32 by the ground independent of any other structure; a monument sign.

33 **Groundwater.** Water that fills all the unblocked voids of material below the ground
34 surface to an upper limit of saturation, or water which is held in the unsaturated zone by
35 capillarity.

36 **Group home.** A state licensed residential facility which provides a family living
37 environment for at least four, but not more than 15 residents, including supervision and
38 personal care necessary to meet the physical, emotional, and social needs of the
39 residents. [\[FS 393.063\]](#)

40 **Group living.** Residential occupancy of a building other than a dwelling by a non-
41 household group, with individual tenancy usually arranged on a monthly or longer basis.

1 Group living includes group occupancy of dormitories, fraternity or sorority houses, and
2 facilities that provide special services, treatment, or supervision such as nursing homes,
3 assisted living facilities, and residential substance abuse treatment and hospice
4 facilities. Group living does not include any household living arrangement, any
5 occupancy of a dwelling, or any public lodging.

6 **Grubbing.** The removal of vegetation by methods such as digging, raking, dragging or
7 otherwise disturbing the roots of the understory vegetation.

8 **- H -**

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

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

15 **Hazardous material.** A poison, corrosive agent, flammable substance, explosive,
16 radioactive chemical, or any other material that can endanger human or animal health
17 or well-being if handled improperly. [CP]

18 **Hazardous waste.** Solid waste, or a combination of solid wastes, which because of its
19 quantity, concentration, or physical, chemical, or infectious characteristics may cause or
20 significantly contribute to an increase in mortality or an increase in serious irreversible
21 or incapacitating reversible illness, or may pose a substantial present or potential
22 hazard to human health or the environment when improperly transported, disposed of,
23 stored, treated, or otherwise managed. The term "hazardous waste" does not include
24 human remains that are disposed of by persons licensed under Florida Statutes. [FS
25 403.703]

26 **Height.** The overall vertical dimension of a structure or object as measured from the
27 applicable reference surface or elevation required by the LDC, such as highest adjacent
28 grade, base flood elevation, airport or airfield elevation, or mean high water.

29 **Highest adjacent grade.** The highest natural elevation of the ground surface, prior to
30 construction, next to the proposed walls or foundation of a structure. [MO 202]

31 **Historic/cultural resource.** Any prehistoric or historic district, site, building, object, or
32 other real or personal property of historical, architectural, or archaeological value, and
33 folk life resources. These properties or resources may include monuments, memorials,
34 Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned
35 ships, engineering works, treasure trove, artifacts, or other objects with intrinsic
36 historical or archaeological value, or any part thereof, relating to the history,
37 government, and culture of the state. [CP]

38 **Historic building or structure.** A building or other structure that is any of the
39 following: [FBC]

40 1. Individually listed in the National Register of Historic Places maintained by the U.S.
41 Department of the Interior.

- 1 2. A contributing property in a National Register of Historic Places listed district.
2 3. Designated as historic property under an official municipal, county, special district, or
3 state designation, law, ordinance or resolution either individually or as a contributing
4 property in a district.
5 4. Determined eligible by the Florida State Historic Preservation Officer for listing in the
6 National Register of Historic places, either individually or as a contributing property
7 in a district.

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

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

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

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

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

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

28 **Hospital.** An establishment that offers services more intensive than those required for
29 room, board, personal services, and general nursing care; offers facilities and beds for
30 use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness,
31 injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes
32 available at least clinical laboratory services, diagnostic X-ray services, and treatment
33 facilities for medical treatment as required by the state. The term "hospital" excludes
34 medical clinics that only provide diagnostic and outpatient care. [FS 395.002]

35 **Hotel.** A public lodging establishment which contains sleeping room accommodations
36 for 25 or more guests, has an interior lobby with specified hours of operation, offers
37 daily or weekly rates, provides primary access to units from the building interior,
38 provides customary lodging services such as daily room cleaning and linen changes,
39 and is recognized by the hospitality industry as a hotel. Full service hotels may provide
40 meeting rooms, restaurants and lounges, entertainment, personal services, swimming
41 pools, retail shops, and other facilities and services incidental and subordinate to the
42 principal public lodging use. Resort hotels catering to the tourist and vacation industry
43 often provide a wider variety of recreational amenities. Extended stay hotels catering to

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1 guests who need lodging for at least five nights offer more apartment-like
2 accommodations and amenities. [FS 509.242]

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

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

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

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

18 - | -

19 **Identification sign.** A sign giving the name, and/or address of a building, business
20 development or establishment on the premises where it is located. Also known as name
21 plate sign.

22 **Illuminated sign.** A sign lighted by or exposed to artificial lighting either by lights on, or
23 in the sign, or directed towards the sign.

24 **Impervious surface.** Any surface that does not allow or only minimally allows the
25 infiltration of water. Such highly impermeable surfaces include structure roofs, regular
26 concrete and asphaltic pavements, and other surfaces for which runoff coefficients no
27 less than 0.90 are typically used for stormwater management calculations.

28 **Impervious surface ratio.** An objective measure of the intensity of land use
29 determined by dividing the total area of all impervious surfaces covering a lot by the
30 total area of the lot.

31 **Improvement.** Any manmade permanent item, fixture, or facility that becomes part of,
32 is placed upon, or is affixed to real property, including structures, street and alley
33 pavements, curbs and gutters, walkway pavements, water supply mains, sanitary
34 sewers, storm sewers or drains, permanent signs, landscaping, and permanent
35 reference monuments and control points.

36 **Industrial-related activity.** An activity in support of or accessory to industry.

37 **Industry or industrial use.** A use in which the primary activity is the manufacture of
38 materials or products, including their fabrication, assembly, rebuilding, treatment,
39 processing, finishing, extraction, reduction, and bulk storage. Industry or industrial use
40 may be further characterized as either of the following:

1 **Heavy industry.** An industry primarily engaged in the basic processing of materials
2 or products predominantly from extracted or raw materials, or an industry otherwise
3 having significant external effects or risks due to its scale of operations, processes
4 or materials involved, or outdoor activity or storage required. Heavy industry
5 includes salvage yards, solid waste transfer facilities, materials recovery facilities,
6 recovered materials processing facilities, recycling facilities, resource recovery
7 facilities, volume reduction plants, landfills, concrete and asphalt batch plants,
8 mineral extraction, paper mills, power plants, chemical plants, refineries, slaughter
9 houses, rendering plants, etc.

10 **Light industry.** An industry primarily engaged in the indoor fabrication,
11 compounding, processing, assembly, or treatment of finished or semi-finished
12 products from previously prepared materials or components in a manner which is
13 unlikely to cause undesirable effects outside of the building enclosing the industrial
14 activity. Light industry includes research and development activities, printing and
15 binding, warehousing, and the manufacture of electrical appliances and electronic
16 equipment, apparel, food products, tools and hardware, furniture, pharmaceuticals,
17 etc.

18 **Infill development.** The development of new housing or other land uses on vacant or
19 underutilized land in existing developed areas, focusing on the reuse and renovation of
20 obsolete or underutilized buildings and sites.

21 **Informational sign.** An on-premises sign commonly associated with, but not limited to,
22 information and directions necessary or convenient for visitors coming on the property,
23 including signs marking entrances and exits, parking areas, circulation direction, rest
24 rooms, and pickup and delivery areas. Also known as a directional sign.

25 **Infrastructure.** Facilities and services needed to sustain land use activities, including
26 streets, potable water service, wastewater service, solid waste facilities, stormwater
27 management facilities, power grids, telecommunication facilities, and public schools.
28 [CP]

29 **Intensity.** An objective measurement of the extent to which land may be developed or
30 used, including the consumption or use of space above, on, or below the ground; the
31 use of or demand on natural resources; and the use of or demand on facilities or
32 services. [FS 163.3164(22)]

33 **Invasive species.** A non-indigenous or exotic species that is not native to the
34 ecosystem under consideration and that has the ability to establish self-sustaining,
35 expanding, free-living populations that may cause economic and/or environmental
36 harm, or harm to human health. [CP]

37 - J, K & L -

38 **Junkyard.** See "Salvage yard."

39 **Kennel.** A facility in which domestic animals not owned by the owner or occupant of the
40 facility are housed, boarded, or trained for a fee or compensation, or where domestic
41 animals are bred or raised for sale. A kennel may include grooming incidental and
42 subordinate to the principal use, but not activities accessory to agricultural use.

- 1 **Kindergarten.** An educational facility that provides academic instruction to children in
2 preparation for admittance to elementary school first grade, and as further defined by
3 Florida Statutes.
- 4 **Laboratory.** A facility for scientific research, analysis, investigation, testing or
5 experimentation, but not for the manufacture or sale of products.
- 6 **Land clearing.** The act of removal or destruction of trees, brush, and other vegetative
7 cover on a site, but not including normal cultivation associated with agricultural
8 operations, or mowing, pruning, or other routine landscaping or lawn maintenance
9 activities.
- 10 **Land clearing debris.** Rocks, soils, and trees and other vegetative matter that
11 normally results from land clearing or site development operations, but not including
12 waste from landscape maintenance, right-of-way or easement maintenance, farming
13 operations, nursery operations, or any other sources not directly related to the land
14 clearing or site development.
- 15 **Land Development Code (LDC).** The Land Development Code of Escambia County,
16 Florida (Part III, Escambia County Code of Ordinances) as the assembled land
17 development regulations of the county prepared by the local planning agency and
18 adopted by the Board of County Commissioners according to Florida Statutes.
- 19 **Land disturbance.** Any activity involving the clearing, cutting, excavating, filling, or
20 grading of land, or any other activity that alters land topography or vegetative cover.
- 21 **Landfill.** A disposal facility that requires state permitting and engineered environmental
22 protection systems for the placement of wastes. Landfills do not include land-spreading
23 sites, surface impoundment, injection wells, or construction and demolition debris or
24 land clearing debris disposal facilities with separate permitting requirements.
- 25 **Landscape area.** Pervious areas of preserved or installed living plants, including trees,
26 shrubs, ground cover, and turf grass that may be supplemented with mulch, bark,
27 decorative rock, timbers, stepping stones, and similar customary and incidental non-
28 living materials, excluding any area of vehicular use.
- 29 **Land use.** The development that has occurred on the land, the development that is
30 proposed for the land, or the use that is permitted or permissible on the land under the
31 Comprehensive Plan and LDC, as the context may indicate. [FS163.3164(27)]
- 32 **Level of service.** An indicator of the extent or degree of service provided by, or
33 proposed to be provided by, a public facility based on the operational characteristics of
34 the facility and indicating a capacity per unit of demand for the facility. [FS163.3164(28)]
- 35 **Liner building.** A relatively shallow building specifically designed to conceal the side of
36 a parking lot, parking garage, big-box retail, or other structure or area along a public
37 frontage and create spaces occupied by restaurants, shops, and other uses more
38 engaging to passersby.
- 39 **Lodging unit.** One or more rooms used as a single unit of lodging space rented to the
40 public in a public lodging establishment.

1 **Long-term care facility.** A nursing home facility, assisted living facility, adult family-
2 care home, board and care facility, or any other similar residential adult care facility. [FS
3 400.0060(5)]

4 **Lot.** The least fractional part of subdivided lands having limited fixed boundaries and
5 assigned a letter or number by which it may be identified. The term "lot" shall include
6 the words "plot", "parcel", or "tract". [FS 177.031(11)]

7 **Lot, corner.** A lot having frontage on two or more streets at their intersection.

8 **Lot frontage.** Those sides of a lot abutting a street right-of-way.

9 **Lot line.** A property line bounding a lot and separating it from another lot, street right-
10 of-way, or any other public or private land. A lot line shall be one of the following:

11 *Front lot line.* A lot line separating a lot from a street right-of-way other than an alley
12 or, in the absence of a right-of-way, the lot line designated by the county as forming
13 the front of the lot and from which the front setback of the lot is measured.

14 *Rear lot line.* A lot line generally opposite and most distant from the front lot line,
15 and from which the rear setback of the lot is measured.

16 *Side lot line.* Any lot line that is not a front or rear lot line.

17 **Lot of record.** A lot that is part of a subdivision that has been recorded in the official
18 records of Escambia County, or a lot or parcel whose metes and bounds or other legal
19 description has been so recorded or accepted on or before February 8, 1996.

20 **Lot, waterfront.** A lot abutting a navigable water body that is under daily tidal
21 influence. Along any part of the boundary, the lot may be separated from the water
22 body by encroachments that include easements, rights-of-way, and public shoreline
23 access, but the lot may not be separated from the water body by a dedicated road or by
24 more than ten feet of land under different ownership.

25

- M -

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

33 **Manufactured (mobile) home.** A complete, factory-built, single-family dwelling
34 constructed in conformance with federal *Manufactured Housing Construction and Safety*
35 *Standards* (the HUD Code) and transportable in one or more sections on a permanent
36 chassis for site installation with or without a permanent foundation. The term "mobile
37 home" refers to any manufactured home built prior to June 15, 1976 when the HUD
38 Code became effective. Manufactured homes do not include manufactured buildings,
39 modular homes or recreational vehicles.

1 **Manufactured (mobile) home park.** A multi-family residential use of an individually
2 owned parcel of land within which lots or spaces are offered for rent or lease for the
3 placement of five or more manufactured (mobile) homes. For the purposes of
4 floodplain management, the term “manufactured home park” may apply to as few as two
5 manufactured home lots for rent on a parcel. [FS 723.003(6)]

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

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

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

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

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

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

26 **Market value.** The price at which a property will change hands between a willing buyer
27 and a willing seller, neither party being under compulsion to buy or sell and both having
28 reasonable knowledge of relevant facts. For the purposes of the LDC, market value is
29 limited to the value of buildings and other structures, excluding the land and other
30 improvements on the parcel. Market value may be as established by a qualified
31 independent appraiser, “actual cash value” (replacement cost depreciated for age and
32 quality of construction), or tax assessment value adjusted to approximate market value
33 by a factor provided by the Property Appraiser. [MO 202]

34 **Marquee.** A permanent roofed structure attached to and supported by a building, and
35 projecting into public right-of-way, typically above an entrance to provide protection from
36 the elements. [FBC]

37 **Materials recovery facility (MRF).** A solid waste manage facility that provides for the
38 extraction from solid waste of recyclable materials, materials suitable for use as a fuel or
39 soil amendment, or any combination of such materials. [FS 403.703]

40 **Mausoleum.** A building or other structure that is substantially exposed above the
41 ground and used for the entombment of human remains. [FS 497.005]

1 **Mean high water (MHW).** The average height of the high waters over a 19-year period;
2 or for shorter periods of observation, the average height of the high waters after
3 corrections are applied to eliminate known variations and to reduce the result to the
4 equivalent of a mean 19-year value. [FS 177.27] [A3]

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

8 **Medical clinic or office.** A facility, other than a hospital, providing medical diagnostic
9 and treatment services to patients not requiring an overnight stay. Such clinics and
10 offices commonly have laboratory facilities and include doctor's offices, diagnostic
11 centers, treatment centers, rehabilitation centers, and establishments providing surgical
12 and psychiatric services and emergency treatment.

13 **Medical services.** Professional services concerning human health maintenance and
14 the diagnosis and treatment of disease, injury, pain, and other adverse health
15 conditions. Medical services include the principal services provided by hospitals,
16 clinics, doctor's offices, diagnostic facilities, medical laboratories, blood donation
17 centers, and other human health care facilities.

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

21 **Mining.** Extraction of minerals or ore from the earth, including any materials overlying
22 the mineral ore deposit extracted for the purpose of reaching underlying ore. Mining
23 includes all associated clearing, grading, construction, processing, transportation, and
24 reclamation on the mine property.

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

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

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

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

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

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

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

1 **Motel.** A public lodging establishment which offers at least six rental units and daily or
2 weekly rates; has a central office on the property with specified hours of operation;
3 provides each rental unit with a bathroom or connecting bathroom, an exit to the
4 outside, and off-street parking; and is recognized as a motel by the hospitality industry.
5 Motels may provide facilities and services incidental and subordinate to the principal
6 public lodging use. [FS 509.242]

7 **Motorsports facility.** A closed-course speedway or racetrack designed and intended
8 for motor vehicle competition, exhibitions of speed, or other forms of entertainment
9 involving the use of motor vehicles, including motorcycles. For these purposes, a
10 closed course is a prescribed and defined route of travel that is not available at any time
11 for vehicular access by the general public and is closed to all motor vehicles other than
12 those of participants. [FS 549]

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

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

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

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

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

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

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

40 **- N -**

41 **Name plate sign.** See "Identification sign."

1 **Native vegetation.** Indigenous, naturally occurring plants, adapted to county climate
2 and soil conditions as determined through authoritative reference guides such as the
3 *Florida-Friendly Plant List*, University of Florida, IFAS Extension.

4 **Natural resources.** Resources provided by the natural environment, including air,
5 water, soils, wetlands, beaches, flood plains, forests, fisheries, wildlife, and any other
6 such resource identified by Florida Statutes for conservation and protection.

7 **New construction.** Structures or improvements for which the start of construction
8 commenced on or after the effective date of the LDC; except for the purposes of
9 floodplain management, construction commenced on or after May 26, 1970, the
10 effective date of the initial adoption of floodplain management regulations.

11 **Nightclub.** An establishment that allows or provides music, dancing, or entertainment
12 in combination with the activities of a bar.

13 **Noncommercial.** Any activity not done for a commercial aim.

14 **Nonconforming or nonconformance.** The status of any use, structure, site condition,
15 or lot that was lawfully established prior to the adoption or amendment of county land
16 development regulations, and maintained since that establishment, but fails by reason
17 of such adoption or amendment to comply with current land development regulations.
18 Nonconformance may also be referred to as a “grandfathered” status, but such status
19 does not signify unlimited continuation of nonconformance or protection of any unlawful
20 noncompliance with regulations.

21 **Nonconforming sign.** A sign which is lawfully erected but which does not comply with
22 the land use, setback, size, spacing, and lighting provisions of this article or a sign
23 which was lawfully erected but which now fails to comply with this article due to
24 changed conditions.

25 **Non-residential farm building.** Any temporary or permanent building or support
26 structure that is used primarily for agricultural purposes, is located on land that is an
27 integral part of a farm operation or land classified as agricultural land by the county
28 property appraiser, and is not intended to be used as a residential dwelling.
29 Nonresidential farm buildings include barns, greenhouses, shade houses, farm offices,
30 storage buildings, and poultry houses. [\[FS 605.50\(2\)\(a\)\]](#)

31 **Non-residential use.** A use characterized by the absence of residences and the
32 presence of principal land uses that include retail sales and service, office, commercial,
33 industrial, civic, or recreation uses.

34 **Nursery or garden center.** An establishment for the growing, cultivation, storage, or
35 sale of flowers, shrubs, trees, or other plants. Wholesale nurseries typically supply
36 landscapers, builders and retail nurseries, but may include incidental retail sales. Retail
37 nurseries may include sales of fertilizers, soils, garden tools, and similar accessory
38 products.

39 **Nursing home.** A state licensed facility, including a private home, which provides
40 nursing services for a period exceeding 24-hours for persons not related to the facility
41 owner or manager, who by reason of illness, physical infirmity, or advanced age require

1 such services. Skilled nurses and nursing aides are present 24 hours a day, but the
2 term “nursing home” does not include any place providing care and treatment primarily
3 for the acutely ill. [FS 400.021(7)](ITE)

4 - O -

5 **Off-highway vehicle.** Any all-terrain vehicle, two-rider all-terrain vehicle, recreational
6 off-highway vehicle, or off-highway motorcycle as defined by the state that is used off
7 the roads or highways of the state and that is not registered and licensed for highway
8 use under state statutes. [FS 261.03(5) & 317.0003]

9 **Off-premises sign or billboard.** A sign which directs attention to a business,
10 commodity, service or entertainment conducted, sold or offered at a location other than
11 the premises on which the sign is located.

12 **Off-site.** Located outside the lot or parcel boundary of the principal use.

13 **Off-site parking.** Parking provided for a specific use but located on a site other than
14 the one on which the use is located, including parking located on the same lot or parcel
15 but separated by a street or other physical barrier from the use it serves.

16 **Off-street parking.** Parking provided for a specific use, directly accessible from a drive
17 aisle, and not located within a street right-of-way.

18 **On-premises sign.** A sign that identifies only goods, services, facilities, events or
19 attractions available on the premises where the sign is located.

20 **On-site sewage treatment and disposal (OSTD) system.** A system that contains
21 a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a
22 graywater system tank; a laundry wastewater system tank; a septic tank; a grease
23 interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or
24 organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to
25 be installed beyond the building sewer on land of the owner or on other land to which
26 the owner has the legal right to install a system. OSTD systems do not include
27 package sewage treatment facilities and other treatment works regulated separately
28 under Florida Statutes [FS 381.0065]

29 **Open space.** Land or portions of land preserved and protected, whether public or
30 privately owned, and perpetually maintained and retained for active or passive
31 recreation, for resource protection, or to meet lot coverage requirements. Open space
32 includes required yards, developed recreation areas and improved recreation facilities,
33 natural and landscaped areas, and common areas.

34 **Outdoor storage.** See “Storage, outdoor or outside.”

35 **Owner.** Any person having legal or equitable title to, or sufficient proprietary interest in,
36 any property. For the purposes of the LDC, the term “owner” includes any agent
37 authorized by the owner, unless the context clearly indicates otherwise.

38 - P -

1 **Parcel.** A unit of land within legally established property lines, or a lot or contiguous
2 group of lots, in single ownership or under single control, and considered a unit for
3 purposes of development.

4 **Park.** Any public or private land that is predominantly open space with natural
5 vegetation and landscaping, and used primarily for active or passive not-for-profit
6 recreational purposes.

7 **Parking lot.** An open area at ground level providing off-street parking spaces,
8 excluding residential driveways.

9 **Parking lot, commercial.** A parking lot that is not an accessory use to any other use
10 and provides parking for a fee.

11 **Park trailer.** A type of recreational vehicle constructed on a single chassis to American
12 National Standards Institute (ANSI) or U.S. Department of Housing and Urban
13 Development (HUD) standards, consisting of a transportable unit with body width not
14 exceeding 14 feet, designed to provide seasonal or temporary living quarters when
15 connected to utilities necessary for operation of installed fixtures and appliances, and as
16 may otherwise be defined by Florida Statutes.

17 **Pensacola Beach.** That part of Santa Rosa Island under the jurisdiction of the Board of
18 County Commissioners of Escambia County, Florida.

19 **Perdido Key.** The barrier island and coastal areas extending westward from Pensacola
20 Pass to the Florida/Alabama state line.

21 **Permitted use.** Any use authorized or of right in a particular zoning district or land use
22 category.

23 **Personal services.** Non-medical retail services involving the care of a person or his
24 personal goods or apparel, such as the services of a barber shop, beauty or tanning
25 salon, health club or spa, pet groomer, laundromat or dry cleaner, tailor, psychic reader,
26 or tattoo parlor, but not including repair services or professional services as defined in
27 this chapter.

28 **Pervious surface.** Any surface that easily allows the infiltration of water. Such
29 permeable or porous surfaces include natural or landscaped vegetation and other
30 surfaces for which runoff coefficients no greater than 0.25 are typically used for
31 stormwater management calculations.

32 **Pier.** See "Dock."

33 **Place of worship.** A building that is used primarily for worship or religious assembly on
34 a regular basis and may include related facilities such as classrooms and administrative
35 offices, but does not include facilities used exclusively for residences, schools, day care,
36 shelter, recreation or other uses not normally associated with worship. Places of
37 worship include churches, chapels, cathedrals, synagogues, temples, and mosques.

38 **Planned unit development (PUD).** An process for providing flexibility in LDC
39 regulations governing the planning and design of subdivisions that permits and
40 encourages greater creativity for the mutual benefit of developers and the public not
41 anticipated by the strict application of those regulations.

1 **Planning Board.** The advisory authority appointed by the Board of County
2 Commissioners to serve as the local planning agency (LPA) for Escambia County, and
3 whose scope of authority and specific duties are established within the Comprehensive
4 Plan and LDC.

5 **Plat.** A map or delineated representation of the subdivision of land, being a complete,
6 exact representation of the subdivision and including other information in compliance
7 with the requirements of the LDC and Florida Statutes (Chapter 177, Part I).

8 **[177.031(14)]**

9 **Political sign.** A temporary sign announcing or supporting political candidates or
10 issues in connection with any national, state, or local election.

11 **Porch.** A roofed structure attached to a building and open on two or more sides which
12 may be screened, and having direct access to or from the building.

13 **Political sign.** A temporary sign announcing or supporting political candidates or
14 issues in connection with any national, state, or local election.

15 **Portable sign.** Any sign not permanently attached to the ground or other permanent
16 structure, or a sign designed to be transported, including, but not limited to, signs
17 designed to be transported by means of wheels; including such signs even though the
18 wheels may be removed and the remaining chassis or support structure converted to A-
19 frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas
20 used for advertising unless part of an outdoor restaurant; and signs attached to or
21 painted on vehicles parked and visible from the public right-of-way, unless said vehicle
22 is used in the normal day-to-day operations of business, the sign area is less than two
23 square feet per side and there is no reasonable alternative storage space.

24 **Portable storage container.** Any container, pod, trailer or other unit that is designed to
25 temporarily store items and to be transported to and stored off site, typically by a private
26 moving or storage company at a centralized warehouse. The term "portable storage
27 container" does not include solid waste dumpsters or tool sheds.

28 **Positive drainage outfall.** A conveyance system with adequate capacity to contain,
29 control, and transmit stormwater runoff to a creek, stream, river, bay, gulf, ocean, or
30 other waters of the state, or waters of the United States, or to any approved Escambia
31 County or Florida Department of Transportation drainage system having sufficient
32 capacity.

33 **Post-incarceration reentry facility.** A facility providing assistance with substance
34 abuse, mental and physical health issues, job training and placement, and other
35 services to individuals reentering communities from correctional facilities.

36 **Power plant.** An electrical power generation facility operated by a public utility or
37 independent power producer that converts one or more energy sources to provide
38 electricity to the electrical transmission grid and distribution system. The term "power
39 plant" refers to an industrial facility and does not include small-scale generation systems
40 of customers that may sell surplus power back to the franchised power provider through
41 their metered service.

1 **Predominantly commercial development.** Development for which more than two-
2 thirds of the development parcel area and more than two-thirds of all gross floor area
3 within the parcel is devoted to commercial use.

4 **Predominantly residential development.** Development for which more than two-
5 thirds of the development parcel area and more than two-thirds of all gross floor area
6 within the parcel is devoted to residential use.

7 **Premises.** Any parcel together with any improvements thereon.

8 **Primary dune.** The first natural or manmade dune located landward of the beach with
9 sufficient vegetation, height, continuity, and configuration to offer protective value to
10 upland property. The landward extent occurs at the point where there is a distinct
11 change from a relatively steep slope to a relatively mild slope.

12 **Prime farmland.** One of several classes of land defined in the *Soil Survey of Escambia*
13 *County, Florida*, U.S. Department of Agriculture, as having the best combination of
14 physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed
15 crops, and available as cultivated land, pastureland, forestland or other lands not built
16 upon or urbanized. [USDA soil survey]

17 **Principal structure.** The structure that is occupied by or otherwise defines the
18 principal use of a parcel.

19 **Principal use.** The main or predominant purpose for which a structure or parcel of land
20 is used, occupied, maintained, designed, arranged, or intended, as distinguished from
21 an accessory use.

22 **Processing.** As applicable to solid waste, any technique designed to change the
23 physical, chemical, or biological character or composition of any solid waste so as to
24 render it safe for transport; amenable to recovery, storage, or recycling; safe for
25 disposal; or reduced in volume or concentration.

26 **Professional services.** Specialized work by members of recognized professions
27 trained and engaged in such work for a career, typically requiring a license or other
28 legal authorization to perform, and predominantly provided on the premises of an office
29 or clinic. Professional services include the work of insurance agents, realtors, bankers,
30 accountants, stock brokers, financial advisors, engineers, architects, land surveyors,
31 dentists, physicians, therapists, attorneys, and other professionals, but do not include
32 the provision of "personal services" as defined in this chapter.

33 **Prohibited use.** Any use not identified as a permitted or conditionally permitted use by
34 the applicable zoning district, and not otherwise determined to be such a permitted use
35 according to the use classification provisions of the LDC.

36 **Property line.** The recorded boundary of a lot or other tract of land.

37 **Projecting sign.** A sign that is wholly or partly dependent upon a building for support
38 and which projects more than 24 inches from such building.

39 **Protected tree.** A living tree that, according to the provisions of the LDC, cannot be
40 removed or otherwise willfully harmed without first obtaining appropriate authorization
41 from the county.

1 **Pruning.** The act of removing tree branches, limbs, or roots to remedy a hazard or to
2 maintain or improve the form or health of a tree, performed in a careful and systematic
3 manner according to standard arboricultural practices so as not to damage other parts
4 of the of the tree or other trees. Standard practices include those outlined in American
5 National Standards Institute (ANSI) standard A300, Part 1-2001, *Tree Care Operations -*
6 *Tree, Shrub and Other Woody Plant Maintenance - Standard Practices.*

7 **Public facilities.** Major capital improvements, including transportation, sanitary sewer,
8 solid waste, stormwater management, potable water, educational, and recreational
9 facilities. [FS 163.3164(38)]

10 **Public lodging establishment.** A unit, group of units, building, or group of buildings
11 within the same complex which is rented to guests as a transient accommodation (more
12 than three times in a calendar year for periods less than 30 days), rented as a non-
13 transient accommodation (for periods of at least 30 days), or is advertised or offered to
14 the public as a place regularly rented to guests for such accommodations. Public
15 lodging establishments include hotels, motels, resort condominiums, bed and breakfast
16 inns, and boarding or rooming houses, but do not include dormitories, campgrounds, or
17 recreational vehicle parks. [FS 509.013]

18 **Public utilities.** See "Utilities, public."

19 - Q & R -

20 **Quadruplex.** A four-unit multi-family dwelling.

21 **Quasi-judicial hearing.** A public hearing before an administrative board or official held
22 to obtain testimony or comment regarding the application of adopted policy to a specific
23 development application or land use decision, and subject to specific due process
24 procedural requirements to assure fact-based decisions by the board or official.

25 **Real estate sign.** A sign pertaining to the sale or lease of the premises, or a portion of
26 the premises, in which the sign is located.

27 **Reclamation.** The restoration or rehabilitation to useful purposes and safe and
28 healthful conditions of lands adversely affected by mining, excavation, erosion, land
29 clearing, or other processes. Reclamation may include filling, reshaping, revegetation
30 and other activities to achieve the long-term stability of the affected lands and protection
31 of surrounding uses and natural resources.

32 **Record drawings.** Construction drawings certified by the engineer of record and
33 provided to the county for the purpose of documenting improvements as actually
34 constructed.

35 **Recovered materials.** Metal, paper, glass, plastic, textile, or rubber materials that have
36 known recycling potential, can be feasibly recycled, and have been diverted and source
37 separated or have been removed from the solid waste stream for sale, use, or reuse as
38 raw materials, whether or not the materials require subsequent processing or separation
39 from each other, but the term does not include materials destined for any use that
40 constitutes disposal. Recovered materials as described here are not solid waste.

1 **Recovered materials processing facility (RMPF).** A facility engaged solely in the
2 storage, processing, resale, or reuse of recovered materials.

3 **Recreation, active.** Leisure time activity, indoor or outdoor, that usually requires some
4 constructed facilities, is typically structured and organized to take place at prescribed
5 places, and is usually performed with others. Active recreation uses include
6 campgrounds, recreational vehicle parks, off-highway vehicle trails, shooting ranges,
7 swimming pools, ice and roller skating rinks, baseball and other sport fields, skateboard
8 parks, bowling lanes, tennis courts, golf courses, and playgrounds.

9 **Recreation, passive.** Leisure time activity that generally does not require a developed
10 site, has minimal impact on the recreation site, typically involves existing natural
11 resources or amenities, and has low potential for nuisance to adjacent properties.
12 Passive recreation uses include walking, jogging, hiking, primitive camping, bird
13 watching, bicycling, board and table games, and picnicking.

14 **Recreational vehicle.** A motor vehicle primarily designed as temporary living quarters
15 for recreational, camping, or travel use and which either has its own motive power or is
16 mounted on or drawn by another vehicle. Recreational vehicles include travel trailers,
17 camping trailers, truck campers, motor homes, private motor coaches, park trailers, and
18 other vehicles as defined in Florida Statutes. For the purposes of floodplain
19 management, a recreational vehicle additionally is one built on a single chassis, four
20 hundred square feet or less when measured at the largest horizontal projection, and
21 designed to be self-propelled or permanently towable by a light-duty truck. [FS 320.01]
22 [MO]

23 **Recreational vehicle park.** A place set aside and offered for the parking,
24 accommodation, or rental of five or more recreational vehicles or tents used as
25 seasonal or temporary living quarters for six months or less. See also "Campground."
26 [FS 513.01(10)]

27 **Recycling.** Any process by which solid waste, or materials that would otherwise
28 become solid waste, are collected, separated, or processed and reused or returned to
29 use in the form of raw materials or products.

30 **Redevelopment.** The removal and replacement, rehabilitation, or adaptive reuse of an
31 existing structure or structures, or the rehabilitation or adaptive reuse of land from which
32 previous improvements have been removed.

33 **Registered professional.** A professional registered or licensed by and in the State of
34 Florida and who possesses the expertise and experience necessary for the competent
35 preparation, submittal and certification of documents and materials, and performing of
36 other services required in support of permitting, constructing, altering, inspecting, and
37 operating a proposed or existing regulated use. Registered professionals include
38 engineers, architects, surveyors and mappers, and geologists.

39 **Repair services.** Services to mend or restore items after their extended use, decay,
40 breakdown, damage, or partial destruction. Repair services include motor vehicle
41 repair, bicycle repair, appliance and electronic device repair, gunsmiths, locksmiths,
42 upholstery services, furniture refinishing and repair, small engine and motor repair, and

1 watch, clock and jewelry repair, but do not include construction trades or building repair
2 activities.

3 **Research facility.** A facility for the conduct of investigation, study, examination,
4 development, testing, and similar inquiries in various fields of science and engineering.

5 **Residential use.** Any regular use of a building by its occupants as a permanent home
6 or place of abode, whether for household living or group living. Residential uses include
7 single-family detached or attached dwellings, two-family and multi-family dwellings,
8 dormitories, and nursing homes, but do not include any public lodging, tents, tourist
9 cabins, day care, hospitals, correctional facilities, homeless shelters, or recreational
10 vehicles.

11 **Resort.** A facility for transient guests where the primary attractions are recreational
12 features or activities.

13 **Resource recovery.** The process of recovering materials or energy from solid waste,
14 excluding those materials or solid waste under the control of the Nuclear Regulatory
15 Commission.

16 **Restaurant.** A retail establishment in which the principal use is the preparation and
17 sale of food and beverages, typically served and consumed on the premises and within
18 the principal building, but also including take-out, fast food, drive-in and other forms of
19 service and consumption.

20 **Restrictive covenants.** Private restrictions recorded with a subdivision plat or parcel
21 deed which limit or otherwise govern the use, intensity, and development patterns of the
22 land within the subdivision or parcel for a specified time.

23 **Retail sales.** The direct selling or renting of new or used goods or merchandise
24 primarily to the general public for personal or household use or consumption, but also to
25 businesses and other end users, and the provision of services incidental to such sales
26 or rentals. Retail trade is characterized by an establishment that is usually a place of
27 business and engaged in activity to attract buyers, that buys and receives as well as
28 sells merchandise, that sells to customers for their own use, and that may process or
29 manufacture some products incidental or subordinate to the principal selling activities.

30 **Retail services.** Services provided directly and primarily to the general public for
31 personal or household use, but also to business and industry, and including products
32 that are incidental to the services and usually consumed on the premises. The term
33 "retail services" includes restaurants, public lodging, personal services, professional
34 services, and repair services.

35 **Rezone or rezoning.** An amendment to the Official Zoning Map of Escambia County to
36 effect a change in the adopted zoning district of a designated parcel or land area.

37 **Right-of-way.** An area of land occupied or intended to be occupied by a street,
38 walkway, railroad, utility, drainage facility, or similar use. For the purposes of platting,
39 the term "right-of-way" refers to land that is separate and distinct from adjoining parcels.
40 Most generally, the term refers to the specific right of a person to pass over the land of
41 another.

42 **Road or roadway.** See "Street."

1 **Roof sign.** A sign that is mounted on the roof of a building or which is wholly
2 dependent upon a building for support and which projects above the point of a building
3 with a flat roof, the eave line of a building with a gambrel, gable or hip roof of the deck
4 line of a building with a mansard roof.

5 **Riverine system.** A generally linear aquatic community of non-tidal waters with a
6 discrete channel, including rivers, tributaries, creeks, and intermittent streams. The
7 landward extent of a riverine system is defined by ordinary high water.

8 **Runway.** The defined area on an airport or airfield prepared for landing and takeoff of
9 aircraft along its length.

10 **Rural.** A sparsely developed area where most land is undeveloped or primarily used for
11 agricultural purposes.

12 **- S -**

13 **Salvage yard.** An industrial facility or area for the collection, storage, sale or exchange,
14 disassembly, shredding, compaction, bailing, or other handling of scrap or discarded
15 material or equipment for salvage, including metals, paper, rags, tires, bottles and cans,
16 motor vehicles, machinery, appliances, and structural steel.

17 **Sand dune.** Naturally occurring accumulations of sand in ridges or mounds landward
18 of the beach.

19 **Screened or screening.** A method of visually shielding or obscuring a structure or use
20 from view by fencing, walls, berms, or vegetation.

21 **Seawall.** A wall or an embankment designed to halt the encroachment of a waterbody.

22 **Sediment.** Mineral or organic particulates that have been transported from their origin
23 by wind or water and deposited at another location.

24 **Sedimentation.** The deposition of sediment.

25 **Self-storage facility.** A building or group of buildings containing separate individual
26 storage units available for lease or rent for varying periods of time for the self-service
27 storage of goods. Self-service storage facilities may also be known as
28 mini-warehouses.

29 **Semi-impervious surface.** Any surface that is more resistant to the infiltration of water
30 than a pervious surface, but more easily allows infiltration than an impervious surface.
31 Such moderately impermeable surfaces include compacted stone, gravel, recycled
32 asphalt, shell, or clay serving vehicular traffic; paver stones and "pervious" concrete;
33 and other surfaces for which runoff coefficients no less than 0.60 are typically used for
34 stormwater management calculations.

35 **Setback.** The required minimum distance from a property line or other boundary line
36 that establishes the area within which a structure is allowed to be erected or placed.

37 **Shooting range.** An indoor or outdoor facility designed for archery, paintball, or the
38 discharge of firearms, including rifles, shotguns, pistols, muzzle loading and black
39 powder guns. The term "shooting range" includes facilities for the purpose of sport

1 shooting or for military or law enforcement training, including mock hazard response,
2 target practice, skeet and trap.

3 **Shopping center.** An integrated group of retail sales and service establishments that is
4 planned, constructed, and managed to function as a unit, with customer and employee
5 parking provided on site and the delivery of goods separated from customer access.

6 **Sign.** Any object, device, display, or structure, or part thereof, which is positioned and
7 used to advertise, identify, announce, direct or attract attention, or otherwise visually
8 communicate a message outdoors using words, letters, numerals, emblems, figures,
9 symbols, pictures, or other images. Signs are more specifically defined by form and use
10 in the signage standards of Chapter 5.

11 **Sign area.** The surface area of a sign shall be computed as including the entire area
12 within the smallest rectangle, triangle, circle or other regular geometric form, or
13 aggregates thereof, encompassing all of the display area of the sign and including all of
14 the elements of the matter displayed. Base, apron, supports and other structural
15 members not bearing advertising matter shall not be included in computation of surface
16 area. Border or trim shall be included in computation of surface area. One side only of a
17 double-sided sign shall be used in computing sign area where they are placed back to
18 back on a single sign structure and are at no point more than three feet apart.

19 **Sign face.** The area or display surface used for the message.

20 **Sign triangle.** See visual clearance section of landscaping provisions.

21 **Silviculture.** The management of forest establishment, growth, composition, health,
22 and quality to produce lumber, pulp wood, or other forest products on a sustainable
23 basis. The term "silviculture" includes site preparation, planting, prescribed burning,
24 harvesting, and replanting activities.

25 **Site plan.** A scaled plan depicting proposed site development or redevelopment within
26 a parcel as required by the LDC for compliance review and approval.

27 **Solid waste.** Materials regulated by the state as solid waste, including sludge from a
28 waste treatment works, water supply treatment plant, or air pollution control facility; or
29 garbage, rubbish, refuse, special waste, or other discarded material, including solid,
30 liquid, semisolid or contained gaseous material resulting from domestic, industrial,
31 commercial, mining, agricultural, or governmental operations. **[FAC 62.701]**

32 **Solid waste collection point.** A site for the collection of non-hazardous solid waste
33 from individual generators and transport to waste transfer, material recovery, waste
34 disposal or other solid waste management facilities.

35 **Solid waste disposal facility.** See "Landfill."

36 **Solid waste transfer facility.** An industrial facility where non-hazardous solid waste
37 from collection vehicles is consolidated, temporarily stored, and may be sorted, for
38 subsequent transport to other facilities for processing or final disposal.

39 **Sprawl or urban sprawl.** A haphazard development pattern of dispersed and strip
40 growth in suburbs and rural areas and along highways that is characterized by low
41 density, automobile-dependent development with either a single use or multiple uses

1 that are not functionally related, requiring the extension of public facilities and services
2 in an inefficient manner, and failing to provide a clear separation between urban and
3 rural uses. [CP] [FS 163.3164(51)]

4 **Stable, public.** A structure where horses, ponies or other domesticated *equines* are
5 kept for sale or hire, including their boarding, training, breeding, and riding.

6 **Stable, private.** An accessory structure where horses, ponies or other domesticated
7 *equines* are kept for the private use of the occupants of the premises and their guests,
8 and not kept for hire.

9 **Stadium or arena.** A structure with tiers of spectator seats rising around all or part of
10 an open or enclosed field or place used for athletic, entertainment, or other major
11 events. Stadiums may include food service, retail stores, meeting rooms and other
12 incidental uses customarily accessory to the principal use.

13 **Start of construction.** The date the building permit was issued, provided the actual
14 start of construction, repair, reconstruction, or improvement was within 180 days of the
15 permit date. The actual start means the first placement of permanent construction of a
16 structure (including a manufactured home) on a site, such as the pouring of slabs or
17 footings, installation of piles, construction of columns, or any work beyond the stage of
18 excavation or the placement of a manufactured home on a foundation. Permanent
19 construction does not include land preparation, such as clearing, grading and filling; nor
20 does it include the installation of streets or walkways; nor does it include excavation for
21 a basement, footings, piers or foundations or the erection of temporary forms; nor does
22 it include the installation on the property of accessory buildings, such as garages or
23 sheds not occupied as dwelling units or not part of the main structure. This definition
24 does not apply to new construction or substantial improvements under the Coastal
25 Barrier Resources Act (P.L. 97-348).

26 **Storage.** The placement, accumulation, or keeping of things, or the condition of things
27 placed, accumulated, or kept, in a specific location for preservation, future use, or
28 disposal.

29 **Storage, outdoor or outside.** The storage of any equipment, goods, junk, material,
30 merchandise, or vehicles outside of an enclosed building in the same area on a site for
31 more than 72 hours.

32 **Stormwater.** The flow of water which results from, and which occurs immediately
33 following, a rainfall event. [FAC 62-25.020]

34 **Stormwater management.** Any technique, apparatus, or facility that controls or
35 manages the path, storage, quality, or rate of release of stormwater runoff, including
36 storm sewers, retention and detention ponds, drainage channels and swales, and inlet
37 and outlet structures.

38 **Stormwater management plan.** A professionally certified plan to manage stormwater
39 runoff from development by providing concurrent control of erosion, water quality,
40 sedimentation, and flooding in compliance with all applicable regulatory authorities.

1 **Stormwater management system.** The designed features of the property which
2 collect, convey, channel, hold, inhibit, or divert the movement of stormwater. [FAC 62-
3 25.020]

4 **Stormwater pond.** A stormwater storage facility that may be further characterized as:

5 *Detention pond.* A facility for the collection and temporary storage of stormwater
6 runoff for treatment through physical, chemical, or biological processes and for
7 attenuating discharge with subsequent gradual controlled discharge.

8 *Retention pond.* A facility for the collection and prevention of discharge of
9 stormwater runoff surface waters by complete on-site storage where the capacity to
10 store the given volume must be provided by a decrease of stored water caused only
11 by percolation through soil, evaporation, or evapotranspiration (loss of water from
12 soil by both evaporation and transpiration from plants)

13 *Dry pond.* A facility designed to collect and store stormwater runoff in a normally dry
14 basin.

15 *Wet pond.* A facility designed to collect and store stormwater runoff in a
16 permanently wet impoundment with a gently sloping littoral zone shelf designed to
17 support the growth of rooted aquatic plants. A wet pond provides for treatment
18 through physical, chemical, and biological processes.

19 **Story.** That portion of a building included between the surface of any floor and the
20 surface of the next floor above, or if there is no floor above it, then the space between
21 such floor and the ceiling next above it. In computing the number of stories in a
22 building, a basement shall not be considered a story if more than one-half of its height is
23 below the mean grade. For areas governed by FDEP or FEMA elevation requirements,
24 the number of stories in a building shall be counted from the minimum required
25 elevation established by FDEP or FEMA for the habitable first floor, whichever is
26 higher.

27 **Street.** A public or private right-of-way designed and used primarily for vehicular
28 transportation, including all of the land lying between the right-of-way lines delineating
29 the access way, whether improved or unimproved, and typically affording the principal
30 means of access to adjoining land. The term "street" includes the terms "road,"
31 "avenue," "boulevard," "lane," "thoroughfare" and "highway" when used for such access
32 ways. However, the term does not include alleys, access ways such as easements and
33 rights-of-way intended solely for limited utility purposes, or access ways and driveways
34 designed as part of or access to on-site parking. Streets may be classified as the
35 following: [FS 177.031(17)]

36 *Arterial street, major.* A street providing service that is relatively continuous and of
37 relatively high traffic volume, long trip length, and high operating speed, including
38 every United States numbered highway.

39 *Arterial street, minor.* A street providing connections between major activity centers
40 of the county, and which augments the major arterial system for local and inter-
41 county traffic by feeding traffic from collector and local street systems onto major
42 arterials.

1 *Collector street.* A street providing service that is of relatively moderate traffic
2 volume, moderate trip length, and moderate operating speed, and which distributes
3 traffic between local streets or arterial streets.

4 *Local street.* A street providing service that is of relatively low traffic volume, short
5 average trip length, or minimal through traffic movements, and high quantity land
6 access for abutting property.

7 *Private street.* A privately owned and maintained street.

8 *Public street.* A street under the jurisdiction of and maintained by a public entity for
9 public travel.

10 **Structural alteration.** Any change in the supporting members of a building, such as
11 bearing walls, bearing partitions, columns, beams or girders, or any complete rebuilding
12 of the roof, exterior walls or any other change which results in increased or decreased
13 height of a structure.

14 **Structure.** Anything constructed, assembled or erected, the use of which requires
15 location on or in the ground, or attachment to something having location on or in the
16 ground. The term "structure" does not include unroofed paved surfaces, such as
17 sidewalks, driveways, parking lots, or paved areas used for sports activities. For the
18 purposes of floodplain management, "structure" means a walled and roofed building,
19 including a gas or liquid storage tank, which is principally above ground, as well as a
20 manufactured home.

21 **Subdivision.** The division of a parcel of land, whether improved or unimproved, into
22 three or more contiguous lots or parcels of land or, if the establishment of a new street
23 is involved, any division of the parcel. When appropriate to the context, the term
24 "subdivision" refers to the process of subdividing or to the land subdivided.

25 **Subdivision, recorded.** The plat of an approved subdivision as recorded in the office
26 of the Clerk of the Court, Escambia County, according to Florida Statutes.

27 **Substance abuse treatment facility.** A state licensed residential or inpatient facility
28 which provides professionally planned and directed clinical treatment in a structured
29 live-in environment within a nonhospital setting on a 24-hours-per-day, 7-days-per-week
30 basis, designed to reduce or eliminate the misuse of drugs and alcohol and promote a
31 healthy, drug-free lifestyle. [FS 397.311]

32 **Substantial construction.** All required permits necessary to continue the development
33 have been obtained; permitted clearing and grading has been completed on a
34 significant portion of the development subject to a single final development order; and
35 the actual construction of buildings or water and sewer lines, streets, or the stormwater
36 management system has been completed on a significant portion of the development or
37 is progressing in a manner that significantly moves the entire development toward
38 completion of construction.

39 **Substantial damage.** Damage of any origin sustained by a structure whereby the cost
40 of restoring the structure to its before-damaged condition would equal or exceed 50
41 percent of the market value of the structure before the damage occurred. The "cost" of
42 the restoration is the fair market value of the material and services necessary to

1 accomplish the entire restoration and is unaffected by incremental restoration work.
2 [MO 202]

3 **Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other
4 improvement of a structure, the cost of which equals or exceeds 50 percent of the
5 market value of the structure before the improvement or repair is started. If the
6 structure has incurred "substantial damage," any repairs are considered substantial
7 improvement regardless of the actual repair work performed. The term does not,
8 however, include either of the following: [MO 202]

- 9 1. Any project for improvement of a building required to correct existing health,
10 sanitary, or safety code violations identified by the Building Official and that are the
11 minimum necessary to assure safe living conditions.
- 12 2. Any alteration of an historic structure provided the alteration will not preclude the
13 structure's continued designation as a historic structure and the alteration is
14 approved by variance issued according to the provisions of the LDC.

15 **Suitability.** The degree to which the existing characteristics and limitations of land and
16 water are compatible with a proposed use or development. [FS 163.3164(45)]

17 **Surface water.** Water upon the surface of the earth, whether contained in bounds
18 created naturally or artificially or diffused. Water from natural springs is classified as
19 surface water when it exits from the spring onto the earth's surface. [FAC 373.019]

20 - T -

21 **Taxi or limousine service.** The provision of transportation in automobiles, limousines,
22 vans or similar passenger vehicles with drivers, offered to the public at a fixed fee or
23 hourly rate. The term "taxi or limousine service" includes passenger vehicle servicing,
24 repairing, and fueling facilities incidental or subordinate to the principal transportation
25 use.

26 **Telecommunications tower.** A tower, pole or similar structure designed to support
27 one or more antennas in a fixed location for transmitting or receiving commercial
28 wireless communications signals. The term "telecommunications tower" excludes
29 structures limited to amateur radio, VHF marine, or similar non-commercial operations.

30 **Temporary use.** A use established for only a short period of time with the intent to
31 discontinue the use upon expiration of the time, and usually without the construction or
32 alteration of any permanent structure.

33 **Tourist-oriented or tourism-oriented.** Businesses and commercial establishments
34 catering primarily to transient visitors staying on Pensacola Beach or Perdido Key for
35 two weeks or less, but including such businesses and establishments that could equally
36 cater to either tourists or island residents.

37 **Townhouse.** A single-family dwelling constructed in a row of three or more attached
38 dwelling units, with each unit extending from foundation to roof, separated by property
39 lines, and having its own direct front and rear access to the outside.

1 **Tree.** A woody perennial plant having one generally well-defined stem or trunk
2 branching to form a crown, and normally attaining a mature height of at least 12 feet
3 with a trunk at least three inches in diameter at breast height (DBH). [A3]

4 **Triplex.** A three-unit multi-family dwelling.

5 **Truck terminal.** A transshipment facility where trucks load and unload cargo and
6 freight, and where shipments may be broken down into smaller loads or aggregated into
7 larger loads for transfer to other vehicles or modes of transportation. The term “truck
8 terminal” includes areas for the parking of trucks awaiting loading or unloading, truck
9 servicing or maintenance facilities, freight warehouses, and other such facilities
10 incidental or subordinate to the principal transshipment use.

11 - U -

12 **Unified control.** Two or more tracts of land in combined ownership where the owners
13 have agreed to allow their tracts to be used and developed as a single lot under the
14 provisions of the LDC.

15 **Urban forest.** Collectively, the trees and other vegetation within and around the
16 developed areas of the county, whether naturally occurring or manually planted.

17 **Use.** The purpose for which lands or structures are arranged, designed, occupied or
18 maintained.

19 **Utilities.** All lines and facilities related to the provision, distribution, collection,
20 transmission, or treatment of potable water, stormwater, wastewater, electricity, gas,
21 petroleum, communication or similar services. The term “utilities” includes the use of
22 land for customary and necessary utility operation and maintenance such as for wells,
23 storage tanks, pumps, ponds, production and treatment plants, towers and antennas,
24 and stations for switching, amplification and transmission. The term excludes the
25 principal use of land for offices, warehousing or maintenance facilities.

26 **Utilities, public.** All utilities whose services or products are provided to the public
27 through governmental grant of authority, regardless of whether the utility is owned or
28 operated by a public entity.

29 - V -

30 **Variance.** A grant of relief from certain requirements and provisions of the LDC as may
31 be allowed by the LDC through discretionary review of administrative officials or boards.
32 For the purposes of floodplain management, the term “variance” may include a grant of
33 relief from the flood resistant construction requirements of the *Florida Building Code*,
34 allowing construction in a manner that would not otherwise be permitted by the building
35 code.

36 **Vehicle sales and services.** Direct sales of and services to new or used passenger
37 vehicles, light trucks and other consumer vehicles, including motorcycles, recreational
38 vehicles, all terrain vehicles, golf carts, boats and manufactured (mobile) homes. The
39 term “vehicle sales and services” includes rental and leasing of vehicles and their

1 washing, detailing, maintenance, repair, parts replacement, overhaul, reconditioning,
2 painting and bodywork.

3 **Vested right.** A right that has been legally established and cannot be canceled or
4 changed by later conditions or changes in law or regulations without due process of law,
5 but which for any development approval is subject to the effective period of the
6 approval.

7 **Veterinary clinic.** An animal hospital or other medical facility for the use of a licensed
8 veterinarian in the diagnosis, treatment, and prevention of animal diseases and injuries.
9 A veterinary clinic may include boarding, grooming, and other animal services
10 customarily incidental and subordinate to the principal medical use

11 **Vicinity of the interstate.** Vicinity of the interstate is a corridor 125 feet either side of
12 any right-of-way of the interstate highway system..

13 **Volume reduction plant.** Incinerators, pulverizers, compactors, shredding and baling
14 plants, composting plants, and other plants that accept and process solid waste for
15 recycling or disposal.

16 **- W -**

17 **Wall sign.** A sign fastened to or painted on the wall of a building or structure in such a
18 manner that the wall becomes the supporting structure for, or forms the background
19 surface of the sign and which does not project more than 24 inches from such building
20 or structure. Also, a sign mounted on the fascia or sloped roof surface which does not
21 extend above the elevation of the ridge or roof line nor project more than 48 inches from
22 the roof or fascia surface.

23 **Wayfinding Signs.** A sign located within the right-of-way providing the name, location,
24 and direction to a public or private place.

25 **Warehouse.** An enclosed building used primarily for the storage of goods and
26 materials, but which may also include incidental office and maintenance areas.

27 **Warehouse, distribution.** A warehouse providing generally short-term storage, where
28 goods and materials are received, broken down into smaller quantities, often
29 repackaged, and then distributed to customers at off-site locations. The term
30 "distribution warehouse" does not include truck terminals, retail sales, or product
31 assembly or processing.

32 **Warehouse, wholesale.** A facility providing storage of goods for sale only to other
33 businesses, including retailers, industrial, commercial, institutional, or professional
34 business users, or other wholesalers.

35 **Warranty deed.** A legal form or conveyance in which the grantor warrants good, clear
36 title.

37 **Waste tire processing facility.** A site where equipment is used to recapture reusable
38 byproducts from waste tires or to cut, burn, or otherwise alter waste tires so that they
39 are no longer whole.

1 **Wastewater treatment plant.** A central facility for the collection, removal, treatment,
2 and disposal of wastewater generated within a single development, community, or
3 region. The term “wastewater treatment plant” and does not include a septic tank or
4 similar on-site sewage treatment and disposal system.

5 **Water body.** Any bay, bayou, lagoon, inlet, pond, lake, reservoir, or other area with a
6 discernable shoreline that ordinarily or intermittently contains water, or a river, stream,
7 or creek with permanent flow. The term” water body” does not include stormwater
8 detention or retention facilities.

9 **Watercourse.** A river, creek, stream, channel or other topographic feature in, on,
10 through, or over which water flows at least periodically. [MO 202]

11 **Water-dependent uses.** Uses that require access to water bodies, such as
12 commercial boating or fishing operations.

13 **Water-related uses.** Uses that do not require a waterfront location to function, but are
14 often essential to the efficient functioning of water-dependent uses and can be essential
15 to their economic viability, such as shops, restaurants, parking, boat sales, or fish
16 processing plants.

17 **Wellhead protection area (WHPA).** Land within an established protection boundary
18 around a public potable water well, with the level of protection based upon the capacity
19 of the well and an evaluation of the risk to human health and the environment.

20 **Wetlands.** Areas as defined by the State of Florida that are inundated or saturated by
21 surface water or groundwater at a frequency and duration sufficient to support, and that
22 under normal circumstances does or would support, a prevalence of vegetation typically
23 adapted for life in saturated soils. Soils present in wetlands generally are classified as
24 hydric or alluvial, or possess characteristics that are associated with reducing soil
25 conditions. The prevalent vegetation in wetlands generally consists of facultative or
26 obligate hydrophytic macrophytes that are typically adapted to areas having soil
27 conditions described above. These species, due to morphological, physiological, or
28 reproductive adaptations, have the ability to grow, reproduce or persist in aquatic
29 environments or anaerobic soil conditions. Florida wetlands generally include, but are
30 not limited to, swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs,
31 wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes,
32 mangrove swamps, and other similar areas.

33 **Wholesale trade.** An establishment primarily engaged in purchasing merchandise from
34 producers and selling it, generally without transforming it, to industrial, institutional,
35 commercial, or professional business users, to retailers, to other wholesalers, or to
36 agents or brokers. Wholesale uses emphasize on-site sales or ordering and may or
37 may not be open to the general public, but any sales to the general public are limited.

38 **Wildlife habitat.** An area that offers feeding, roosting, breeding, nesting, and refuge
39 areas for a variety of existing and future native wildlife species.

40 **Window sign.** A sign that is applied or attached to the exterior or interior of a window
41 or located in such manner within a building that it can be seen from the exterior of the
42 structure through a window.

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- X, Y & Z -

Yard. An open space at grade on a lot between a structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as may be otherwise allowed by the LDC. Yards may refer to the minimum open space required or the actual space provided, depending on the context of use.

Yard, front. A yard extending across the full width of a lot and having a depth measured as the minimum horizontal distance between the front lot line and the principal structure, excluding allowed encroachments. For a lot that fronts more than one street, a front yard shall apply to each street, provided that the width of the buildable area of the lot is not reduced to less than 30 feet.

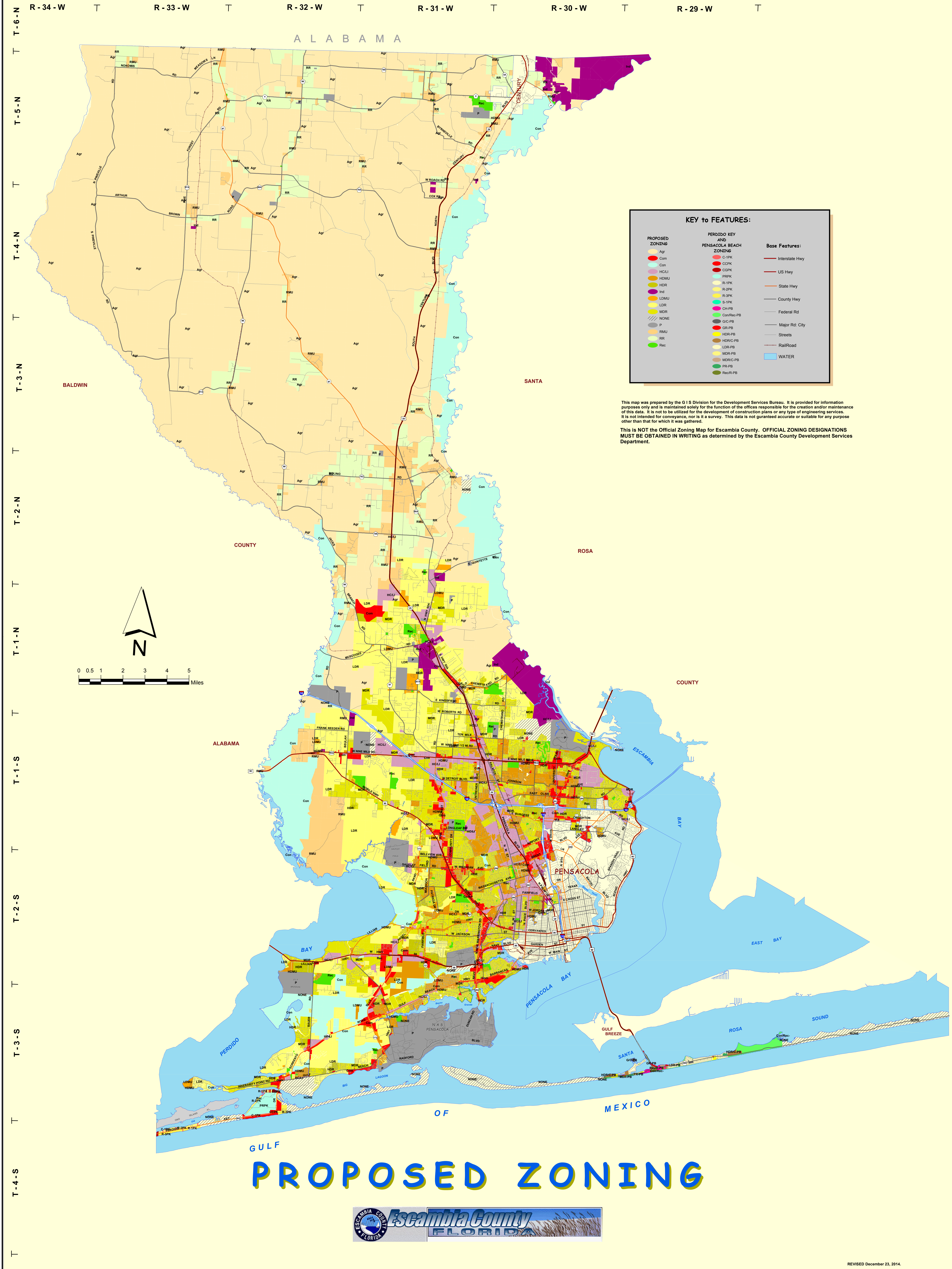
Yard, rear. A yard extending across the rear of a lot, having the full width between side lot lines and a depth measured as the minimum horizontal distance between the rear lot line and the principal structure, excluding allowed encroachments. However, when a rear lot line separates the lot from an alley the depth of the yard (rear setback) may be measured from the centerline of the alley. For a lot with only one side lot line or with intersecting side lot lines, no rear yard is formed. [\[2.10.04.A\]](#)

Yard, required or minimum. The open space between a lot line and the corresponding setback line as required by the LDC and within which no structure shall be located except as provided in the LDC.

Yard, side. A yard that is not a front or rear yard.

Zero lot line subdivision. A residential subdivision for detached single-family dwellings in which each dwelling that is not on a corner lot has one side wall located along a side lot line, and so provides zero setback or no side yard on that side.

Zone lot. A parcel of land in single ownership, or parcel of contiguous properties, existing as a unified or coordinated project, that is of sufficient size to meet minimum zoning requirements for area, coverage, and uses, and that can provide such yards and other open spaces as required by the land development code.



KEY TO FEATURES:

PROPOSED ZONING	PERDIDO KEY AND PENSACOLA BEACH ZONING	Base Features:
Agr	C-1PK	Interstate Hwy
Com	CCPK	US Hwy
HCL1	CCPK	State Hwy
HDMU	PRPK	County Hwy
HDR	R-1PK	Federal Rd
Ind	R-2PK	Major Rd: City
LDMU	R-3PK	Streets
LDR	S-1PK	RailRoad
MOR	CH-PB	WATER
NONE	ConRec-PB	
P	GIC-PB	
RMU	GR-PB	
RR	HDR-PB	
Rec	HDR-C-PB	
	LDR-PB	
	MOR-PB	
	MOR-C-PB	
	PR-PB	
	RecR-PB	

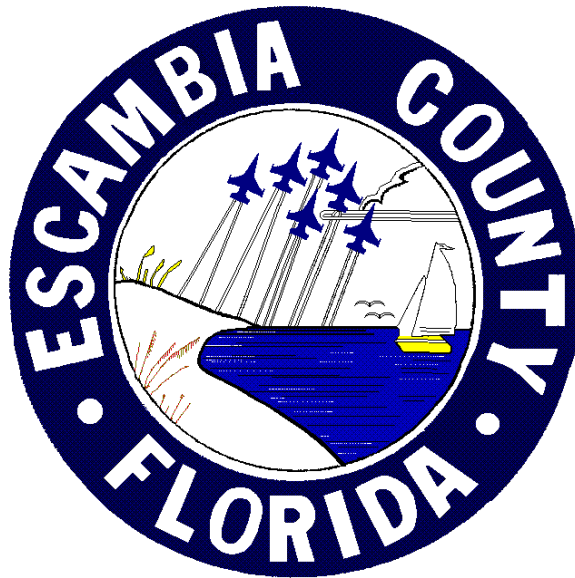
This map was prepared by the GIS Division for the Development Services Bureau. It is provided for information purposes only and is maintained solely for the function of the offices responsible for the creation and/or maintenance of this data. It is not to be utilized for the development of construction plans or any type of engineering services. It is not intended for conveyance, nor is it a survey. This data is not guaranteed accurate or suitable for any purpose other than that for which it was gathered.

This is NOT the Official Zoning Map for Escambia County. OFFICIAL ZONING DESIGNATIONS MUST BE OBTAINED IN WRITING as determined by the Escambia County Development Services Department.

PROPOSED ZONING



Escambia County Design Standards Manual



LEGEND

Blue Highlight Federally Required

Red Highlight State Required -

Green Highlight Previously Adopted Ordinances
**(concepts/standards unchanged)*

Yellow Highlight Director's Recommendations

**The overall concept was not changed however revisions were made to the language for clarity. In addition in some cases the process was streamlined.*

Design Standards Manual

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Chapter 1, Engineering

Article 1 Stormwater

Sec. 1-1 Stormwater Management Systems

- Sec. 1-1.1 Stormwater Quality (treatment)
- Sec. 1-1.2 Stormwater Quantity (attenuations)
- Sec. 1-1.3 Stormwater Ponds and Impoundments
- Sec. 1-1.4 Conveyance Systems
- Sec. 1-1.5 Exemptions
- Sec. 1-1.6 Other Agency Approvals

Sec. 1-2 Stormwater Management Plans

- Sec. 1-2.1 Methods
- Sec. 1-2.2 Content

Article 2 Transportation

Sec. 2-1 Roadway Design

- Sec. 2-1.1 Minimum Right-of-way widths
- Sec. 2-1.2 Minimum pavement widths
- Sec. 2-1.3 Intersections
- Sec. 2-1.4 Slopes
- Sec. 2-1.5 Roadway Elevations
- Sec. 2-1.6 Street Layout
- Sec. 2-1.7 Traffic Control Devices

Sec. 2-2 Access Management

- Sec. 2-2.1 Access Location
- Sec. 2-2.2 Pedestrian Access
- Sec. 2-2.3 Traffic Control
- Sec. 2-2.4 Modification of Existing access
- Sec. 2-2.5 internal Site Access Design
- Sec. 2-2.6 Commercial Traffic in Residential Areas

Article 3 Parking

Sec. 3-1 Parking and Loading

- Sec. 3-1.1 Stall and aisle design
- Sec. 3-1.2 Parking Demand
- Sec. 3-1.3 Off-Site and Joint Use Parking
- Sec. 3-1.4 Loading and Unloading

1	Chapter 2, Environmental	
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4	Article 1	Environmental
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6	Sec. 1-1	Wetlands
7	Sec. 1-1.1	Protectionary Measures
8	Sec. 1-1.2	Mitigation
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10	Sec. 1-2	Clustering density – Wetlands, Endangered Species Habitat, and Rural Districts
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13	Sec. 1-3	Beach and Dune Preservation and Enhancement
14	Sec. 1-3.1	Dune Walkovers
15	Sec. 1-3.2	Sand Fencing
16	Sec. 1-3.3	Dune Restoration Plan
17		
18	Sec. 1-4	Coastal High Hazard Areas
19		
20	Sec. 1-5	Barrier Island Sand
21		
22	Sec. 1-6	Barrier Island Lighting (Pensacola Beach)
23		
24	Sec. 1-7	Specifications of Wellhead/Groundwater Impact Report
25		
26	Article 2	Landscaping
27		
28	Sec. 2-1	Exemptions
29	Sec. 2-1.1	General landscaping
30	Sec. 2-1.2	Tree Protection and Preservation
31		
32	Sec. 2-2	Landscape Areas and Quantities
33	Sec. 2-2.1	Parcel Total
34	Sec. 2-2.2	Vehicular Use Areas
35	Sec. 2-2.3	Buffers
36	Sec. 2-2.4	High Water Use Zones
37		
38	Sec. 2-3	Tree Protection and Preservation
39	Sec. 2-3.1	Approval Required
40	Sec. 2-3.2	Protection Areas
41	Sec. 2-3.3	Preservation
42	Sec. 2-3.4	Protective Barriers
43		
44	Sec. 2-4	Tree Inventory and assessment
45	Sec. 2-4.1	Inventory area
46	Sec. 2-4.2	Inventory drawing
47		
48	Sec. 2-5	Tree Removal and Replacement
49	Sec. 2-5.1	Removal Criteria

1	Sec. 2-5.2	Replacement for Removal
2		
3	Sec. 2-6	Plant Selection, Installation, and Maintenance
4	Sec. 2-6.1	Selection
5	Sec. 2-6.2	Installation
6		
7	Article 3	Docks, Piers, and Marinas
8		
9	Sec. 3-1	Design Standards
10		
11	Sec. 3-2	SRIA Design Standards
12	Sec. 3-2.1	Location of Commercial Piers
13	Sec. 3-2.2	Marinas, Docks, Piers, Boat Basin(s), Ramp(s), and/or Other Structures
14	Sec. 3-2.3	Plans and Construction Requirements
15	Sec. 3-2.4	Administrative Requirements
16	Sec. 3-2.5	In Villa Sabine Bay Waters
17	Sec. 3-2.6	In Gulf of Mexico and Santa Rosa Island Sound Waters
18	Sec. 3-2.7	Sanitary Facilities
19	Sec. 3-2.8	Signs
20	Sec. 3-2.9	Insurance
21		
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23	Appendix A	Design Standards Manual –Professional Advisory Committee
24		
25		
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1 **CHAPTER 1, Engineering**

2 **Article 1 - STORMWATER**

3 **1-1 Stormwater Management Systems**

4 All projects requiring a Stormwater Management System (SMS) shall be designed to meet
5 the following:

6 **1-1.1. Stormwater Quality (treatment)**

7 Projects that require a Stormwater Management System (SMS) shall at a minimum be
8 **designed** to provide for the treatment of the first 1/2" of runoff which shall be recovered in 72
9 hours. The method of treatment shall comply with the design methods referenced in the latest
10 edition of the Environmental Resources Permit Applicants Handbook Volume II.

11 **1-1.2. Stormwater Quantity (attenuation)**

12 Projects that require a Stormwater Management System (SMS) shall at a minimum be
13 **designed** to provide for the following for the total contributing runoff area:

14 Provide attenuation of the runoff from a 100 year critical duration event, up to and including
15 24 hour duration, so that the post-development runoff rate does not exceed the pre-
16 development runoff rate, when a positive discharge route is present.

17 or

18 Drainage systems in areas with no positive drainage outlet shall be designed to more
19 stringent criteria to include retention of the twenty-four (24) hour, one hundred (100) year
20 frequency storm with no offsite discharge. These systems shall remain private and will not be
21 accepted by the county for ownership and maintenance.

22 or

23 For projects that abut the Gulf of Mexico, Escambia Bay, Pensacola Bay, Perdido Bay or their
24 connected, tidally influenced bodies of water (i.e. Tarkiln Bayou, Chico Bayou, Bayou Texar,
25 etc.) the County Engineer may reduce or waive the SMS from Stormwater Quantity
26 requirements.

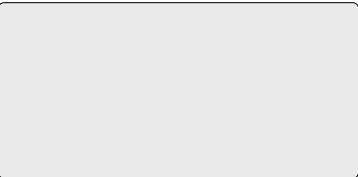
27 **1-1.3 Stormwater Ponds and Impoundments**

28 All stormwater ponds or impoundments shall comply with the design standards provided in
29 the Environmental Resource Permitting Applicants Handbook, Volume II, Florida Department
30 of Environmental Protection and Northwest Florida Water Management District.

31 **(a) Pond Slopes**

32
33 All ponds - It is encouraged that the banks of detention and retention areas slope at a gentle
34 grade into the water as a safeguard against accidents, to encourage the growth of vegetation,
35 and to allow alternate flooding and exposure of areas along the shore as water levels
36 change.

37
38 Detention and retention basins, designed to impound more than two feet of water, must



Comment [m2]: Revised to match the language used by Santa Rosa County, otherwise no policy change from current LDC.

1 contain side slopes that are no steeper than 4:1 (horizontal to vertical) out to a depth of two
2 feet below the control elevation. Alternatively, the basins can be fenced with a perimeter
3 fence to restrict public access if any slopes are designed to be steeper due to space
4 limitations or other constraints.
5 Ponds to be dedicated to the county - Ponds for public dedication require, "Side slopes no
6 steeper than 3:1 (horizontal to vertical). If side slopes are steeper than 4:1, then the basins
7 shall be fenced with a six-foot high chain link perimeter fence.

8 **(b) Maintenance Access**

9 All proposed stormwater ponds or impoundments that are to be dedicated to the county for
10 ownership and maintenance shall provide adequate access.

- 11 1. Access requirements shall include a minimum width of 15 feet to the detention
12 and retention/detention area and shall have a minimum 14 foot wide access
13 gate, as necessary. The access road to the retention/detention structure shall
14 be unobstructed and shall be a minimum of 12 feet wide, constructed of graded
15 aggregate a minimum of 5" thick, and underlain with geotextile fabric.
- 16 2. Retention/Detention structures (wet ponds) - Adequate access for maintenance
17 purposes, shall include a minimum width of 15 feet for access around the
18 perimeter of the retention area.
- 19 3. Detention structures (dry ponds) -A ramp for access to the bottom of the
20 retention area for maintenance equipment shall be required with a slope not to
21 exceed 6:1. The access ramp shall be a minimum of 12 feet wide, constructed
22 of graded aggregate a minimum of 5" thick, and underlain with geotextile fabric.
23 Also, the entire bank slope, from the bottom of the pond to a point three feet
24 beyond the bank line, shall be sodded.

25
26 **1-1.4 Conveyance Systems**

27 All conveyance systems shall be **designed** to convey the runoff from a 25 year critical
28 duration event.

29 **(a) Curb & Gutter Systems**

30 These systems shall be **designed** to convey runoff without exceeding the following:

- 31 1. For *Local Residential Roads*, the maximum allowable spread shall not overtop
32 the top of curb and the flow spread should not exceed to the crown of the
33 roadway.
- 34 2. For two lane *Collector Roads*, the maximum allowable spread shall not overtop
35 the top of curb and the flow spread must leave one lane of free of water in one
36 direction.
- 37 3. For *Arterial Roads*, the maximum allowable spread shall not overtop the top of
38 curb and the flow spread must leave at least one lane free of water in both
39 directions.

- 1
- 2 **(b) Roadside swales and ditches**
- 3 1. Shall be **designed** so that flow shall not extend over the property line, right-of-
- 4 way line, or drainage/utility easement line.
- 5 2. All proposed swales and open ditches shall be **designed** to have a minimal
- 6 longitudinal slope of 0.30%.
- 7 3. Shall not have a depth of greater than 3 feet.
- 8 4. Shall be designed to have a minimum distance of 6 feet from the edge of the
- 9 travel lane.
- 10 5. Shall not have a design velocity of greater than 3 feet per second unless the
- 11 swale is lined and shall not have a design velocity of greater than 6 feet per
- 12 second.

- 13 **(c) Open Channels in drainage right of ways or easements**
- 14 1. All ditches or swales shall be stabilized.
- 15 2. Bank slopes shall be 6:1 or flatter, unless permanent stabilization is provided.
- 16 3. Velocity of water shall not exceed three feet per second in grassed ditches or
- 17 six feet per second in lined ditches.
- 18 4. Maximum allowable design depth of water in ditches shall be three feet during a
- 19 25-year storm.
- 20 5. Bottom of ditch or swale is two inches or more above the water table.
- 21 6. Any ditches with grades of five percent or greater shall be lined or otherwise
- 22 improved so as to eliminate erosion and sedimentation buildup in the lower
- 23 elevations of the ditch, as approved by the County Engineer.
- 24 7. Adequate access for maintenance equipment (15 feet wide minimum) must be
- 25 provided as needed for maintenance equipment access.

26 8. Channels under ALL proposed roads shall be designed to convey the runoff

27 from a 100 year critical duration event without overtopping the road

Comment [m3]: Currently only applies to arterial roadways. Recommendation is result of roadway failures in April 2014 flood event. Currently channels under roads are to be designed to 25 year event. Economic Impact will be site specific based on an increase in size of pipe, box culvert, etc.

- 28
- 29 **(d) Underground conveyance systems**
- 30 1. Inlet/Junction Box spacing shall not exceed 400 linear feet.
- 31 2. Pipe diameters shall be equal to or larger than the adjoining upstream pipe
- 32 diameter.
- 33 3. The minimum pipe size shall be 18" in diameter or its equivalent arch or
- 34 elliptical pipe.
- 35 4. Only Reinforced Concrete Pipe (RCP) shall be constructed under all proposed
- 36 or existing paved roadways.

37 5. Proposed drainage easements for underground conveyance systems shall have

38 a minimum width of 15 feet for when the proposed depth is equal to or less than

39 5 feet from pipe invert to proposed finished grade. Conveyance systems greater

Comment [m4]: Currently 15' minimum drainage easements are required regardless of conveyance system depth. Following April 2014 event, several houses were undermined where easements ran between them. Additionally, pipes in easements between houses are extremely difficult to maintain when they are over 5 feet deep. Economic impact will only occur when a drainage right of way is required because of a proposed pipe depth. Economic impact will be the cost of a 20' strip of real estate.

1 than 5 feet in depth from pipe invert to proposed finished grade shall be located
2 in a drainage right of way. Drainage right of ways shall have a 20' minimum
3 width.

4 6. County Standard Inlet Capacities. Under normal flood conditions County
5 standard inlets are designed to accept the following flow rates:

6 Type "A" Inlet	7-10 cfs
7 Type "A-1" Inlet	7-10 cfs
8 Type Modified "A" Inlet	14-20 cfs
9 Double "A" Inlet	14-20 cfs

10
11 FDOT inlets may be used as a substitute for County Standard Inlets provided
12 the inlet capacity is accommodated by the specified inlet type.

13
14 **1-1.5 Exemptions**

15
16 Projects that include the addition of 1000 sf or less of impervious surface which are not part
17 of a large development plan shall be exempt from this chapter.

18 **(a) Residential property improvements**

19 Improvements such as driveways, buildings, pools, etc. and/or accessory structures that do
20 not exceed 1500 sf shall be exempt from this chapter.

21 **(b) Un-platted Subdivisions**

22 Proposed subdivision of land into no more than five single-family lots, each fronting on and
23 existing paved public or private streets, and complying with all of the following:

- 24
25 1. No adverse impacts. Impervious cover on the lots will not adversely impact
26 wetlands or create adverse off-site impacts.
- 27 2. Impervious cover limits. Total lot impervious cover will not exceed 2000 square
28 feet on lots less than one acre in size, or five percent of lot area on lots one
29 acre or more.
- 30 3. Documented limits. Lot impervious cover limitations are permanently
31 documented in the public records of the county, including the subdivision plat
32 and any covenants and restrictions.
- 33 4. Positive outfall. Each lot has a positive drainage outfall

34
35 **1-1.6. Other agency approvals**

36 It is the responsibility of the applicant and the engineer of record to apply for and obtain all
37 appropriate permits. Projects that are to be dedicated to the county for ownership and
38 maintenance shall be required to provide all applicable permits prior to dedication.

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1-2 Stormwater Management Plans

All projects requiring a Stormwater Management System (SMS) shall be required to submit a Stormwater Management Plan (SMP) which shall be prepared by, signed and sealed by a Professional Engineer actively registered to practice in the State of Florida. The PE shall certify that the SMS has been designed to meet the SMS requirements. The SMP shall include those items needed (i.e. maps, graphs, tables, calculations, photographs, narratives, explanations, etc.) which clearly demonstrate the intent of the Land Development Code and this Design Standards section have been met.

1-2.1 Methods

Innovative approaches to stormwater management are encouraged; however the SMP shall document compliance with the standards of this chapter and shall demonstrate control of erosion, sediment transport, stormwater quality, and stormwater quantity (flooding). Methods used for other than listed below shall require approval by the county engineer:

- Urban Hydrology for Small Watersheds*, Technical Release 55, US Department of Agriculture, Soil Conservation Service.
- Environmental Resource Permit Applicants Handbook*, Volumes I & II, Florida Department of Environmental Protection and Northwest Florida Water Management District.
- Drainage Handbook: Drainage Connection Permits*, Florida Department of Transportation.
- Drainage Manual*, Florida Department of Transportation.

1-2.2 Content

At a minimum, the SMP shall provide the following information:

(a) Existing Conditions

All existing conditions of the project site shall be detailed and include the following:

1. Stormwater flow - the direction, flow rate, and volume of runoff pre-development.
2. Offsite Contributing Area – the area, direction, flow rate, and volume of runoff impacting the project site pre-development.
3. Receiving area – define or describe the area runoff flows offsite pre-development. Define the positive discharge route if one exists.
4. Environmentally Sensitive Lands - Indicate the location, area and description of all jurisdictional wetlands and endangered species habitat.
5. Indicate and define special flood zone areas on the site in accordance with the FEMA Flood Insurance Rate Maps should they exist on the project site.

- 1 6. Vegetation – define the type and extent of existing vegetation on the project site
2 pre-development.
- 3 7. Topography – Provide a topographic map of the site pre-development. The
4 topographic survey shall be prepared by a Professional Surveyor actively
5 registered in the State of Florida. The topographic survey shall include contours
6 which extend outside the project site property lines when the line adjoins a right
7 of way, jurisdictional wetlands or easements. The requirements of this section
8 may be reduced or waived by the County Engineer.
- 9 8. Geotechnical Report –For projects proposing less than 9,000 sf of impervious
10 area, the engineer of record (EOR) may use data obtained from the NRCS Soil
11 Survey Map. For projects proposing 9,000 sf or more of impervious area, the
12 geotechnical report shall meet the requirements of the Environmental Resource
13 Permitting Applicants Handbook, Volume II.
- 14 9. Name, location and right-of-way width of all existing streets noting roadway
15 surface (paved, clay, shell, etc.), rights-of-way and platted streets within 500
16 feet of the proposed entrance(s) of the proposed subdivision.

17
18 **(b) Proposed Improvements**
19 All proposed alterations to the project site shall be detailed and include the following:

- 20 1. Topography – All proposed grades and contours.
- 21 2. Impervious Cover – The total areas and descriptions of proposed impervious
22 surfaces, semi-impervious surfaces, and pervious surfaces.
- 23 3. Structures – The size, location, and description of all buildings or structures.
- 24 4. Vegetation – The amount of vegetative area to be cleared.
- 25 5. Stormwater Management – All components of the proposed SMS to provide for
26 stormwater treatment and attenuation including the following:
27
 - 28 A. Plans and Specifications
 - 29 B. Calculations – showing all components of all proposed conveyance,
30 attenuation, and treatment systems meet the intent of the Land
31 Development Code and Design Standards.
 - 32 C. Erosion Control Plan – The control of erosion and sediment transport
33 shall be implemented based on the Best Management Practices (BMP's)
34 designated in the Environmental Resource Permitting Applicants
35 Handbook, Volume II, Florida Department of Environmental Protection
36 and Northwest Florida Water Management District.
 - 37 E. Maintenance Plan
 - 38 F. Overall lot grading plan for all proposed subdivisions in accordance with
39 the Florida Building Code.

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3 **Article 2 – TRANSPORTATION**
4
5 **2-1 Roadway Design**
6
7 **2-1.1 Minimum right-of-way widths of streets, alleys and easements for utilities and**
8 **drainage.**
9
10 *Beltways* – Beltways as designated by the County shall not be less than 300 feet wide.
11
12 *Arterials* - State highways and county arterials as defined in the LDC shall not be less than
13 100 feet wide.
14
15 *Collectors* - Collector streets, as defined in the LDC shall not be less than 80 feet wide.
16
17 *Local streets* - Local streets including temporary cul-de-sacs, shall be 50 feet if curb and
18 gutter are utilized, or 66 feet if roadside swales are utilized.
19
20 *Turning circles* - Turning circles (permanent) at the end of cul-de-sacs or dead-end street
21 shall have a right-of-way 100 feet in diameter.
22
23 *Easements* - Easements for utilities, where required, shall be at least ten feet wide, and
24 where practical shall be centered on rear or side lot lines.
25
26 *Alleys* - Alleys normally shall not be platted within subdivisions. However, where they are
27 acceptable to the overall development of a subdivision by the county engineer, they shall be
28 platted to a width of not less than 20 feet or more than 30 feet.
29
30 *Drainage easement* - Drainage easements must contain underground piping and shall be
31 platted to a width sufficient to accommodate the projected pipe sizes, and shown on the
32 recorded plat but in no case shall such easement be less than 15 feet in width unless a
33 variance is approved by the County Engineer.
34
35 *Drainage right-of-ways* - Open ditches and drainage swales must be constructed within public
36 dedicated or deeded right-of-way with a minimum width of 15 feet and shown on the recorded
37 plat unless a variance is approved by the County Engineer.
38
39 **2-1.2 Minimum pavement widths**
40 The portion of pavement required to be installed at the developer's expense is set forth
41 below. As a condition of approval of new subdivisions on roadways which do not conform to
42 county standards, the developer may be required to improve the portion of said road which
43 adjoins, provides access to or is within the proposed subdivision. Improvements may include
44 installation of turning lanes, increased pavement widths, installation of drainage facilities,
45 paving or dirt roads, etc.
46
47 **(a) Streets**

1 All proposed roads will be 24 feet in width not including proposed curb and gutter. If soil and
2 topographic conditions and impervious areas indicate that no drainage problems will be
3 created or aggravated, the curb and gutter requirements may be waived, and substituted with
4 ribbon curb (or improved shoulders, four feet wide, or other stabilization methods may be
5 used) and swales as approved by the County Engineer. The determination of whether
6 drainage problems shall be created or aggravated will be made by the developer's registered
7 professional engineer, subject to approval of the county engineer.

8
9 **(b) Turning circles**

10 The pavement of a turning circle at the end of a cul-de-sac or dead-end street shall have a
11 minimum inside curb face diameter of 90 feet.

12
13 **(c) Temporary turning circle**

14 The pavement of a temporary turning circle at the end of a cul-de-sac or dead-end street
15 shall be tangent to the boundary of the adjacent property and shall have an outside diameter
16 of 80 feet. The County Engineer may recommend that requirements for curb and gutter
17 around the outside of the temporary turning circle be waived.

18 **(d) Alleys**

19 Alleys, if approved by the County Engineer shall be paved to a width of 18 feet.

20 **(e) Boulevards**

21 Proposed boulevards shall have a minimum lane width of 16' from face of curb to face of
22 curb. The proposed island or traffic separator shall have a minimum width of 4 feet.

23
24 **2-1.3 Intersections**

25 **(a) Angle**

26 Proposed streets shall intersect one another within ten degrees of right angles as topography
27 and other limiting factors of good design permit.

28
29 **(b) Radii**

30 Street right-of-way intersections and edge of pavement intersections shall be rounded by radii
31 of 25 feet minimum.

32
33 **(c) Sight distance at intersections**

34 Intersections should be designed to provide site distance considerations in accordance with
35 FDOT standards.

36
37 **(d) Sight triangle requirements**

38 At a minimum, a site triangle shall be provided 35' from edge of pavement to 35' edge of
39 proposed road or driveway.

40
41 **2-1.4 Slopes**

42 All proposed roadways shall be designed to have a minimal longitudinal slope of 0.30%.

24' LANE WIDTHS

Old LDC 4.04.05 a – 20' local - 24' for collector
DSM 2-1.2 page 10 – 24' width

Support

•Santa Rosa min width for a local/residential road is 24'.

633.025Minimum fire safety standards.—

•(1)The Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshal, which shall operate in conjunction with the Florida Building Code, **shall be deemed adopted by each municipality, county, and special district with fire safety responsibilities.**

NFPA 1 Fire Code 2009 Edition. This chapter is specific to roadway widths, pavement design, signage requirements, and the determined authority (AHJ) which the Code of Ordinances designates the Fire Marshal

Options

This Code requires 20' wide roads min with "NO Parking" – County does not have an ordinance nor does it post "No Parking" within Esc Co – Therefore there are two choices:

- 1.Enact an ordinance for "No Parking" on any 20' residential road
- 2.Widen the road width to the satisfaction of the AHJ for safety (emergency access)

Example: On a 24' wide road, if two cars were parked directly across from each other on opposite sides of the road, this would leave approx 10 to 12 feet of clearance for emergency vehicle to pass.

Cost

•\$11.55 per foot difference between 20' and 24' (including pipe every 150')

BOULEVARD ENTRANCE

Old LDC – 4.04.03-3 - 100 or more – 2 entrances or single entrance with 6' median entire of entrance road
DSM – 2-1.6 b pg 12 – 100 lots or more needing boulevard
2-1.2 e pg 11- Boulevard requirements - 16' lanes and 4' median

Support

633.025Minimum fire safety standards.—

•(1)The Florida Fire Prevention Code and the Life Safety Code adopted by the State Fire Marshal, which shall operate in conjunction with the Florida Building Code, **shall be deemed adopted by each municipality, county, and special district with fire safety responsibilities.**

Comment [AM6]: This is a reduction in the site triangle dimensions...currently the requirement is 35' from R/W to proposed edge of driveway/R/W.

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2-1.5 Roadway Elevations

The crown of all proposed roadways must be at minimum of 4 feet above mean sea level (NGVD) unless approved by the County Engineer. All proposed roads shall be designed to have a minimum of 2 feet of separation between the seasonal high water table and the bottom of the base coarse.

2-1.6 Street Layout

Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect. Future commercial and residential subdivisions along major roads, thoroughfares and arterial streets shall provide access routes for all uses within the subdivision.

(a) Connectivity

Proposed streets shall extend to the boundary lines of the tract to be subdivided. If a subdivision or an undeveloped parcel of substantial size (as determined by the County Engineer or its designee) is adjacent to the proposed subdivision, said proposed streets shall connect with streets in the existing, platted, or planned subdivision or parcel. However, nothing herein shall grant to any person or entity other than Escambia County any right of access or right to require the granting of access. However, if the county engineer and the applicant agree that the proposed subdivision should not connect with an adjacent subdivision, said connection will not be required.

(b) Large Development Ingress/Egress

In a proposed subdivision or accumulation of subdivisions of 100 lots or more adjacent to an existing or platted subdivision where extension of proposed streets to the boundaries would dead end with no feasible street connections, there shall be at least two entrance streets into a loop street through the proposed subdivision which streets shall be connected to a paved road. For the purpose of this provision a loop street means the primary local road designed to move traffic through the subdivision. The developer may utilize a single ingress/egress point, provided however, that such point provides for separation of traffic entering and exiting the subdivision by means of a boulevard and shall run the entire length of the entrance road between the connecting road and the loop road. In addition, left and right turn lanes must be provided for the connecting road.

(c) Dead End Streets

Cul-de-sac or local dead-end street shall not exceed 1,200 feet in length, exclusive of the permanent turning circle at the end of that street; however, the county engineer may recommend approval of a cul-de-sac over 1,200 feet in length to serve odd-shaped parcels of land which cannot be developed in any other reasonable manner or to serve property that would otherwise be denied reasonable access caused by manmade or natural obstacles adjacent to such property.

(d) Utilities in road right of ways

No streets or roads under the two-year warranty will be allowed to be open cut, or jack-and-bored, unless specifically approved by the county engineer. To accomplish this requirement, common trenching is required whenever possible. If a determination is made that common

Comment [AM7]: This matches the language from the Santa Rosa County LDC and protects against roadway failures due to a fluctuating high water table. Currently under drain systems are installed during construction when groundwater is an issue. Under drains become a maintenance issue for the county. The proposed policy will likely reduce the need for under drain systems to be installed which is a savings to the developer...developments in areas of with high water tables may additional fill due to this requirement.

trenching is not a feasible option, the developer will install conduit or make other appropriate arrangements for the utility not participating in the common trenching and the utility will be required to use the conduit. This shall require planning between the utility and the developer.

2-1.7. Traffic control devices.

The developer shall install traffic control devices as specified by the County Engineer. Such devices shall conform to provisions in the Manual on Uniform Traffic Control Devices and FDOT standards.

2-2 Access Management

Vehicular access to public roadways shall be accomplished by means of an improved access facility (i.e., driveway, private road, etc.) Unimproved and/or unrestricted access will not be permitted. All driveways and streets shall be designed and constructed pursuant to the design standards in the most recent edition of the "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway Transportation Officials" and/or "The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways," and FDOT.

2-2.1 Access Location

Unless otherwise approved by the county engineer, in order to reduce turning movements on roadways, new access points to development sites or projects should be as follows:

TABLE INSET: Posted Speed (mph)	Distance Between Access Points (feet)
>45	440
36--45	245
35 or less	125

For parcels which front two or more roadways, access shall be permitted onto the higher class roadway if the driveway location can meet the driveway separation standard shown above.

2-2.2 Pedestrian Access

(a) Commercial Development

For commercial sites with buildings individually or cumulatively 50,000 GSF or greater, pathways through parking lots and across driveways between buildings and out parcels shall be provided for pedestrians. Such pathways shall be separated from vehicle driveways and shall be clearly identified by curbs, pavement markings, planting areas, fences or similar features designed to promote pedestrian safety.

(b) Sidewalks

1. Sidewalks are to be constructed along the *frontage of a development* if any of the following conditions apply:

- 1
2 a. An existing sidewalk abuts the development, or is on one or both sides of an
3 intervening/intersecting street.
4
5 b. When 50% or more of any developable portion of the property is within 2 miles of
6 public school property as measured radially from the school's main front office
7 entrance.
8 *Frontage shall be described as the property line that is located closest to the*
9 *shortest walkable route to the school and possesses at least one main subdivision*
10 *entrance.*
11 c. The need for site specific improvements are identified within an approved
12 Florida/Alabama TPO Bike/Pedestrian Master Plan.

13
14 2. Sidewalks shall be constructed within a development when 50% or more of any
15 developable portion of the property is within 2 miles of a public school as measured
16 radially from the school's main / front office entrance.

17 **(c) Bikeways**
18 Class I (separated from the roadway) or II (striped) bikeways shall be constructed along the
19 frontage of a development if any of the following conditions apply:

- 20
21 1. An existing bikeway abuts the development; or
22
23 2. The need for a bikeway is identified by TPO Bike and Pedestrian Plan.

24
25 **(d) Repair**
26 Existing sidewalks and bikeways damaged during the development of a property shall be
27 repaired or replaced by the owner of such property as directed by the division manager,
28 development services.

29
30 **(e) Connectivity**
31 A separate access connection that routes pedestrians from the sidewalk to the building shall
32 be provided for developments which are expected to attract pedestrian traffic.

33
34 **(f) Large-scale development sidewalks.** Developments of with a proposed density of 3
35 or more dwelling units per developable acre and over 300 lots) shall provide bike and
36 pedestrian facilities to connect to existing pedestrian and bicycle facilities to promote biking
37 and walking within new developments and redeveloping areas. At a minimum sidewalk shall
38 be constructed on one side of every proposed road.

39
40 **(g) Density bonuses** Details regarding the provisions for density bonuses for sidewalks
41 and bike paths is provided in LDC Chapter 3 – zoning

42
43
44 **2-2.3 Traffic control**

45
46 **(a) Traffic control devices**

Old LDC – 7.11.05 -
DSM – 2-2.2 c pg 14-

The same language has been retained in the DSM – include if existing bikeway abuts new development, or if need is established in TPO Bike Ped Master Plan.

Support

- Florida has the highest pedestrian fatality rate in the nation.
- The purpose and need is established by the local Transportation Planning Organization (TPO). Vetted thru the BPAC (Bicycle / Pedestrian Advisory Committee) and approved by the elected officials of the TPO. This establishes the TPO Bike / Ped Master Plan.

Cost

- Difficult to determine due to multiple options. Bikeway could take many forms, paved shoulder, separate multi-use path, off-road trail (unpaved).

1 The County Engineer shall require the reasonable placement of traffic control signs,
2 pavement markings, and traffic signals at any roadway or driveway, or within any
3 development, if it is necessary, to provide for the safe and efficient movement of traffic at or
4 prior to the preliminary plat, construction plans or site plan approval, if such device is justified.
5 All traffic control devices shall be designed and installed in accordance with the Manual On
6 Uniform Traffic Control Devices (USDOT, most recent edition) and the Roadway and Traffic
7 Design Standards (FDOT, most recent edition).

8
9 **(b) Traffic signals**

10 If a traffic signal proposed by a developer serves a public/public intersection the installation
11 will be conducted by the owner, the maintenance will be paid for and handled by the County,
12 and the County shall be the responsible party of such signal. If it serves a private/public
13 intersection and has the opportunity for additional users, the signal installation will be
14 conducted by the developer/owner, the maintenance of such signal will be handled by the
15 County; however, the developer/owner will pay for the maintenance through the enactment of
16 a development agreement until additional users construct access, and signal will be the
17 responsibility of the County.

18
19 If a traffic signal is proposed by a developer or property owner on a private/private
20 intersection, it is a private signal. The signal installation will be conducted by the owner, the
21 maintenance will be paid for and handled by the owner, and the signal will be the
22 responsibility of the owner. The signal shall be justified by a traffic study which demonstrates
23 the warrants, design, and operation of the proposed signal. Such studies shall be provided by
24 the developer for approval by the county engineer or their designee. All construction costs for
25 the installation of a traffic signal, including associated roadway modifications, necessitated by
26 and proposed by a developer or property owner shall be borne by same.

27
28 **(c) Turn restrictions**

29
30 The County Engineer shall restrict turning movements into and out of any roadway or
31 driveway where it is deemed necessary for the safe and efficient movement of traffic, and the
32 decision is based on sound professional engineering practices. Roadway or driveway
33 connections with restricted turn movements shall be geometrically designed so as to provide
34 access only for the movements permitted.

35
36 **(d) Median openings**

37
38 The location of additional and relocated median openings shall comply with the standards of
39 FDOT in F.A.C. ch. 14.97, as amended.

40
41 **(e) Turn lanes**

- 42
43 1. Turn lane design shall be supported by documentation of the estimated volume
44 of traffic using the lane, resulting queue length, and design speed of the
45 roadway. When existing conditions warrant, i.e., traffic volume, queue length,
46 design speed of roadway, etc., the County Engineer shall require additional
47 length or width of proposed turn lanes and/or modifications to existing lanes.
48 Any rights-of-way required to accommodate the construction of turn lanes shall
49 be provided at no cost to the county.

1
2 2. All commercial and multifamily development proposals shall provide
3 deceleration lanes as required according to the FDOT Greenbook.
4
5

6 **2-2.4 Modification of existing access**

7 **(a) Abandoned access**

8 When an existing driveway or other type of access is abandoned, or not used to serve a
9 redeveloped site, the developer or property owner shall remove all pavement or gravel and
10 restore the road rights-of-way. Restoration shall include but not be limited to, grading, culvert
11 removal and replacement of curbing, sidewalk and stabilization.
12

13 **(b) Additions**

14
15 Unless the project is de minimis, reconstruction and/or removal of existing access
16 connections to current standards is required when a site is redeveloped or expanded and the
17 number of average daily vehicle trip ends attracted/generated by the new use is increased by
18 50 percent or more of the previous use.
19

20 **(c) Change of use**

21
22 Alteration of existing access connections by the property owner shall be required by the
23 County Engineer whenever the nature of business conducted at a location changes so as to
24 cause a change in the traffic pattern on a roadway which is reasonably expected to cause
25 undue disruption to traffic or present a safety hazard.
26

27 **2.2-5 Internal site access design**

28
29 **(a) Parking area setbacks**

30
31 Parking shall be set back from the property line at driveways so as to not interfere with safe
32 ingress/egress of traffic. The set back distance should be determined according to the
33 estimated speed and volume of traffic entering a driveway and shall meet all the visual
34 clearance requirements.
35

36 **(b) Drive-through stacking**

37
38 Drive-in and drive-through developments shall provide adequate queue storage capacity
39 based on the peak hour storage requirements of the project which is subject to the review
40 and approval by the County Engineer.
41

42 **2.2-6 Commercial traffic in residential areas**

43
44 No permit, development order, or other approval shall be issued for any proposed
45 commercial use which requests primary, secondary, or limited access onto a local street if
46 that local street is fronted by more than 50 percent residential zoning in the following districts:
47 LDR, MDR, R1PK, R2PK, measured in linear feet along the center line of the local street

1 impacted by the proposed development. This provision will not apply when its strict
2 application would deny all access to a parcel that is zoned for any commercial use.

3
4 **Article 3 – Parking**

5
6 **3-1 Parking and Loading**

7
8 **3-1.1 Stall and aisle design**

9 **(a) Stall Dimensions**

10 Standard parking stalls shall be 9 feet wide by 18 feet long for all but parallel parking.
11 Parallel stalls shall be 9 feet wide by 23 feet long.

12 **(b) Stall Angles**

13 The angles of non-parallel parking stalls in relation to the alignment of the accessing drive
14 aisle are restricted to 90, 60 or 45 degrees.

15 **(c) Stall Accessibility**

16 Each parking stall shall be accessible from an aisle or driveway and designed so that
17 vehicles can enter and exit the stall without backing into the travel way of any street.

18 **(d) Aisles Dimensions**

- 19 1. Standard one-way drive aisles shall be 24 feet if accessing 90 degree parking
20 stalls, 16 feet wide if accessing 60 degree stalls, and 12 feet wide if accessing
21 45 degree or parallel stalls, or if accessing no stalls.
- 22 2. Standard two-way drive aisles shall be 24 feet wide if accessing 90 degree
23 parking stalls, and 20 feet wide if accessing 60 degree, 45 degree or parallel
24 stalls, or if accessing no stalls.

25 **(e) Turnarounds**

26 All parking areas containing three or more parking spaces shall include a turnaround that is
27 designed and located so that vehicles can enter and exit the parking area without backing
28 into a public right-of-way.

29 **(f) Encroachment**

30 Landscape areas and pedestrian pathways shall be protected from vehicle encroachment
31 using wheel stops, raised curbing, bollards or similar fixed barriers such vehicles overhang no
32 more than two feet into landscape areas or pedestrian pathways.

33 **(g) Delineation and traffic control**

34 All paved parking spaces shall be striped in white and all driving aisles clearly delineated.
35 Spaces for motorcycles, bicycles and handicap parking shall be clearly marked. Parking lot
36 traffic control signage and marking shall conform to the latest editions of the *Manual on*
37 *Uniform Traffic Control Devices*, U.S. Department of Transportation, and the *Florida*
38 *Accessibility Code for Building Construction*.

39 **(h) Pedestrian entrances**

1 No door or other pedestrian entrance shall open directly upon any driveway or access aisle
2 unless the entrance is at least three feet from the driveway or access aisle.

3
4 **(i) Surface materials**

- 5 1. Except as allowed for excess parking or limited uses, the stalls, drive aisles and
6 accesses of all parking required by this article shall be finished with an all-
7 weather surface capable of withstanding ordinary use under normal weather
8 conditions without substantial deterioration. For these purposes, all-weather
9 surfaces are limited to concrete and asphalt pavement, recycled asphalt, gravel,
10 crushed stone or shell, and paving stones. Areas of higher intensity use, such
11 as site accesses or heavy truck routes, may be limited by the county to paved
12 surfaces.
- 13 2. All non-handicap required parking for places of worship, parks and
14 campgrounds, or parking in excess of the quantities required by this article, may
15 be finished in stable grass, provided tree protection is established for any
16 preserved trees within the parking area and the spaces are delineated in a
17 manner acceptable to the county.

18 **(j) Drive-through stacking**

19
20 Any development with drive-through facilities shall provide adequate vehicle queuing capacity
21 based on the peak hour requirements of the development. Where inadequate queuing
22 capacity causes a recurring traffic hazard or nuisance off-site, the owner will be responsible
23 for increasing the queuing capacity or decreasing the need for queuing.

24
25 **3-1.2 Parking Demand**

26
27 **(a) Quantity**

28
29 The number of off-street parking spaces required for development shall be determined by
30 land use according to the parking demand ratios listed below. The ratios may be exceeded or
31 reduced by up to 10 percent without further justification.

32
33 **(b) Computation**

34 In computing the number of required parking spaces, any interpretations made regarding the
35 independent variables should be in favor of the most reasonable assumptions regarding their
36 associated parking demand and according to the following conditions:

- 37 1. Square footage. The independent variable of square footage is gross floor
38 area, unless otherwise noted.
- 39 2. Mixed uses - In the case of mixed or multiple uses, the parking shall be equal to
40 the sum of the several uses computed separately, unless otherwise noted.

41 **(c) Other quantities**

42 The required number of parking spaces may be increased more than 10 percent without the
43 granting of a variance only if additional landscape within the parking lot is provided as
44 prescribed in Article 7. The required number of spaces may be reduced more than 10
45 percent if sufficient documentation supporting the reduced parking demand is provided to the

1 county. Any parking studies used shall document the source of data from which the
 2 alternative quantities were developed, demonstrate sound methodology and engineering
 3 principles, and be acceptable to the Planning Official. Without such documentation the
 4 parking requirements of other jurisdictions are not considered studies. All approved
 5 reductions shall include the condition that where inadequate on-site parking causes a
 6 recurring traffic hazard or off-site nuisance, the owner will be responsible for increasing the
 7 number of parking spaces or decreasing the need for parking.

8 **(d) Uses not listed**

9 Where land uses do not correspond to any categories listed in this article the Planning Official
 10 shall alternatively confirm the sufficiency of parking facilities proposed. For any such use the
 11 applicant shall estimate the number of parking spaces required to satisfy the projected
 12 demand and provide adequate information from which the demand was estimated, including
 13 the following as applicable:

- 14 1. Type of use(s).
- 15 2. Estimated total number of vehicle trips generated during peak conditions and
 16 parking duration per trip (turnover rate).
- 17 3. Number of employees.
- 18 4. Building design capacity.
- 19 5. Square feet of use areas.
- 20 6. Hours of operation.
- 21

Use or activity	Required number of parking spaces
Residential household living	
Single-family dwelling, including townhouse and manufactured (mobile) home	2 per dwelling unit.
Two-family dwelling	2 per dwelling unit
Multi-family dwelling	1.5 per dwelling unit 2 per dwelling unit on Pensacola Beach
Residential group living	
Assisted living facility	0.4 per unit
Dormitory, fraternity or sorority house	0.5 per bed
Nursing home or other skilled nursing facility	0.5 per bed or 1 per 1000 sq.ft.
Retirement or senior adult housing	1 per dwelling unit
Retail sales, excluding vehicles	
Book superstore	1 per 1000 sq.ft
Convenience store (with or without fuel sales)	3 per 1000 sq.ft. 8 per 1000 sq.ft. on Pensacola Beach
Carpet store	2 per 1000 sq.ft.
Food store, bakery, butcher	4 per 1000 sq.ft.
Furniture store	1 per 1000 sq.ft.

Use or activity	Required number of parking spaces
Pharmacy or drugstore: without drive-through with drive-through	3 per 1000 sq.ft. 2.5 per 1000 sq.ft.
Shopping center	3 per 1000 sq.ft.
Retail sales not otherwise listed	3 per 1000 sq.ft.
Retail services, excluding vehicles	
Barber or beauty shop	2 per chair
Bed and breakfast inn	1 per guest room + 2
Boarding and rooming house	1 per guest room + 2
Child care center or adult day care	1 per 6 persons of licensed capacity
Hotel or motel	1 per guest room, or 1 per bedroom if suites, + 50% for restaurants, meeting rooms & other associated uses.
Medical clinic or office	5 per 1000 sq.ft.
Personal service establishment not otherwise listed	2.5 per 1000 sq.ft.
Professional service office	3.5 per 1000 sq.ft.
Service to buildings and dwellings (pest control, janitorial, etc.)	1 per 1000 sq.ft.
Restaurant: Fast food with drive-through All other restaurants	1 per 2.5 seats (including outdoor) or 10 per 1000 sq.ft. 1 per 2 seats (including outdoor) or 15 per 1000 sq.ft.
Vehicle sales and services	
Rental of automobiles, trucks, utility trailers and/or recreational vehicles	1 per 1000 sq.ft.
Sales of parts, accessories and tires	4 per 1000 sq.ft.
Sales of new and used motor vehicles and boats	1 per 400 sq.ft. of sales and service area
Service and repair of motor vehicles	1 per 400 sq.ft., including service bays
Public and civic uses	
Clubs, civic or fraternal	1 per 3 persons
Correctional facility	1 per employee, largest shift
Educational facility: Elementary & middle school (K-8) High school (9-12)	1 per 5 students (capacity) 1 per 10 students (capacity) + 1 per classroom
Emergency service facility	1 per employee/volunteer on normal shift + 5 per 1000 sq.ft. office area
Funeral home	1 per 4 seat in assembly area + 1 per employee
Hospital	2.5 per 1000 sq.ft. or 1 per employee

Use or activity	Required number of parking spaces
Library	2.5 per 1000 sq.ft.
Museum	1.5 per 1000 sq.ft.
Place of worship	1 per 4 seats or 1 per 35 sq.ft. in principal assembly area if no fixed seats
Public utility structure	1 per employee or service person, as applicable
Recreation and entertainment	
Arcade amusement center	1 per game table, video game, or other amusement device
Bar or nightclub	1 per 2 seats
Bowling alley	4 per lane
Golf course	6 per hole + 50% for restaurants & other associated uses.
Health, fitness or athletic club	5 per 1000 sq.ft.
Marina, public	1 per boat berth or slip + spaces for associated uses
Soccer complex	50 per field
Tennis court	4 per court
Theater	1 per 4 seats
Industrial and related uses	
Laboratory	1 per 1000 sq.ft.
Manufacturing and light industrial	1 per 1000 sq.ft. or 1 per employee
Salvage yard	1 per employee
Warehousing, distribution or wholesale	0.5 per 1000 sq.ft. or 1 per employee
Other uses	
Mini-warehouse or self-storage	1.5 per 100 storage units + 2
Public assembly structure not otherwise listed	1 per 5 seats or 1 per 35 sq.ft. of assembly area if no fixed seats
Veterinary clinic or animal hospital	4 per 1000 sq.ft. or 2 per employee

- 1
- 2 **1. Maneuvering**
- 3 Vehicles intended to use the areas can maneuver safely and conveniently to
- 4 and from a public right-of-way and access them without backing into or from a
- 5 street right-of-way with a posted speed limit of 35 miles per hour or greater.
- 6 **2. Obstructing**
- 7 Loading and unloading operations can be completed without obstructing or
- 8 interfering with any public right-of-way.

9 **(b) Number of spaces**

10 The following table indicates the minimum number of loading/unloading spaces required to

11 accommodate delivery and shipment, not including the collection of solid waste:

Building gross floor area in square feet	Spaces
10,000 - 19,999	1

20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,999	4
192,000 - 255,999	5
256,000 - 319,999	6
320,000 - 391,999	7
each additional 72,000 or fraction	+1

1 **(c) Space dimensions**

2 The minimum dimensions of an individual loading/unloading space shall be 12 feet by 55 feet
3 with an overhead clearance of 14 feet above grade.

4 **(d) Reasonable extent**

5 Whenever there is a lot with one or more structures on it constructed before the effective date
6 of the LDC and there is a change in use proposed that does not involve any enlargement of a
7 structure on the lot, if the loading area requirements of this section cannot be satisfied for the
8 new use because there is insufficient area available on the lot that can practicably be used
9 for loading and unloading, then the use need only comply with this section to the extent
10 reasonably possible as determined by the County Engineer.

11 **(e) Solid waste**

12 Refuse and waste removal areas shall be buffered and/or screened from adjacent properties
13 and public ways by appropriate fences, wall or hedges.

14

CHAPTER 2, Environmental

Preamble

In the United States, many of the laws governing environmental conservation and management stipulate that the best available science be used as the basis for policy and decision making. The Endangered Species Act, for example, requires that decisions on listing a species as threatened or endangered be made on the basis of the “best scientific and commercial data available.” Similarly, National Standard 2 of the Magnuson-Stevens Fishery Conservation and Management Act states that conservation and management measures shall be based on “the best scientific information available.” Further, the U.S. Environmental Protection Agency has emphasized the role of best available science in implementing the Clean Water Act (USEPA 1997). Determining what constitutes the best available science, however, is not straightforward, and scientists, policymakers, and stakeholders often have disparate ideas on how the concept should be defined and interpreted.

Because the issues surrounding the definition of best available science surface when managers and policymakers interpret and use science, we also discuss the interface between science and policy and explore ways in which scientists, policymakers, and managers can more effectively apply science to environmental policy.

To achieve high-quality science, scientists conduct their studies using what is known as the scientific process, which typically includes the following elements:

- > A clear statement of objectives;
- > A conceptual model, which is a framework for characterizing systems, making predictions, and testing hypotheses;
- > A good experimental design and a standardized method for collecting data;
- > Statistical rigor and sound logic for analysis and interpretation;
- > Clear documentation of methods, results, and conclusions; and
- > Peer review.

A basic precept of science is that it must be verifiable. This is what separates science from other methods of understanding. However, direct verification is not always possible. In lieu of this, scientists review the results of scientific inquiry as a community to assess its validity. This is the process of peer review. The rigor of the peer review is one way to categorize the degree to which a scientific study is adequate for informing management decisions. To scientists, peer review is a formal process conducted by active, knowledgeable experts in the general field of the study of interest. The peer review covers:

1. The validity of the methods used,
2. Whether the methods and study design adequately address the objectives,
3. Whether the results that are reported are adequate for interpretation,
4. Whether the results support the conclusions

While the scientific community is primarily interested in the validity of the research, the public and policymakers are more interested in the impact of science on societal decisions. Thus the basis for judging science differs, as does the meaning of valid evidence. The policy implications of science are judged not only on the basis of its quality but also regarding how it

1 influences the public. Science, as well as discussions of “best” science, becomes
2 controversial to nonscientists only when it has the potential to change societal policy.
3
4 Because government agencies act both as representatives of the public interest and as
5 scientific bodies, conflicts can arise as to how information is collected and utilized and how it
6 is communicated. Agencies should acknowledge potential conflicts and move to ameliorate
7 them whenever possible. Providing forums for public observation of the scientific process
8 and public participation in scientific debates is one means of accomplishing this.
9 Administrative separation of agency divisions tasked to conduct science and develop policy
10 may also be an effective way to avoid clouding issues and to reduce conflicts of interest.
11 However, policy and science groups should communicate closely to ensure that management
12 decisions are informed by the best available science.

13
14 Excerpted from:

15
16 Fisheries • VOL 31 NO 9 • SEPTEMBER 2006 • WWW.FISHERIES.ORG

17
18 **REPORT:**
19 **BEST SCIENCE COMMITTEE**

20
21 *Defining and Implementing*
22 *Best Available Science for Fisheries and*
23 *Environmental Science, Policy, and Management*

24
25 *P. J. Sullivan, Cornell University, Ithaca, NY*
26 *J. M. Acheson, University of Maine, Orono*
27 *P. L. Angermeier, U.S. Geological Survey, Blacksburg, VA*
28 *T. Faast, U.S. Fish and Wildlife Service, Portland, OR*
29 *J. Flemma, Prairie Rivers Network, Champaign, IL*
30 *C. M. Jones, Old Dominion University, Norfolk, VA*
31 *E. E. Knudsen, U.S. Geological Survey, Anchorage, AK*
32 *T. J. Minello, NOAA Fisheries, Galveston, TX*
33 *D. H. Secor, University of Maryland Center for Environmental Science, Solomons*
34 *R. Wunderlich, U.S. Fish and Wildlife Service, Lacey, WA*
35 *B. A. Zanetell, U.S. State Department, Washington, DC*

36
37 *Definition “Best Available Science”*
38

1 **Article 1 – Environmental**

2
3 **All Environmental Design Standards will be based on the Best Available Science**
4 **Preamble above**

5
6 **1-1 Wetlands**

7
8 Wetlands [(defined in subsection 373.019(25), F.S.) shall be protected from acts that will
9 reduce or otherwise adversely impact their primary ecological functions and public benefits
10 consistent with Section 62-330 Florida Administrative Code.

11
12 **1-1.1. Protectionary Measures**

13
14 **Avoidance and Minimization**

15
16 See LDC Chapter 4. An Environmental Resource Permit issued pursuant to Part IV of
17 Chapter 373, F.S., and 62-346, F.A.C. shall demonstrate compliance with this requirement.

18
19 The county will not require design modifications when, based on a site specific analysis and
20 professional environmental assessment, either of the following is determined:

- 21 1. The ecological value of the functions provided by the affected resource area is low
22 and the proposed mitigation will provide greater long term ecological value than the
23 resource area to be adversely affected.
- 24 2. The Uniform Mitigation Assessment Method (UMAM) shall be used to determine
25 the ecological value of wetlands (62-345, F.AC.).
- 26 3. The proposed mitigation implements all or part of a plan that provides regional
27 ecological value and provides greater long term ecological value than the resource
28 area to be adversely affected.

29
30 **1-1.2 Mitigation**

31
32 A land use or development activity shall not cause a net adverse impact on wetland functions
33 that is not offset by mitigation. Mitigation for adverse impacts to wetlands shall be based on
34 the Uniform Mitigation Assessment Method (UMAM) prescribed by Florida Administrative
35 Code (Ch. 62-345).

36
37 A mitigation plan submitted to the county shall provide details of the applicant's proposed
38 creation, restoration, enhancement and/or preservation of protected resources, any purchase
39 of mitigation credits through mitigation banking, and/or any in-lieu payments to compensate
40 for unavoidable impacts to those resources. The mitigation plan shall include provisions for
41 the replacement of the predominant functional values of the lost resources, specify the
42 criteria by which success will be measured, and specify any necessary maintenance entity
43 and its responsibilities. Additionally, the plan shall include provisions for five-year monitoring,
44 or provide adequate assurances such as bonding, to assess and document these success
45 criteria. [7.13.03.D]
46 Mitigation may include:



Comment [t10]: Provides guidance that all wetland resources are not created equal. Will streamline County review process. Cost: N/A

- 1 1. **Replacement.** When wetlands are purchased, created, enhanced and/or restored to
2 compensate for the unavoidable loss of such lands, they shall be of the same type, or
3 shall cause a net improvement in the same functions and values, as that destroyed or
4 degraded. [7.13.03.C]
- 5 2. **In-lieu payment option.** Where there is no practical opportunity for on-site mitigation,
6 or when the use of in-lieu fee mitigation is environmentally preferable to on-site
7 mitigation, the county will consider a cash in-lieu fee payment to the Escambia County
8 Environmental Lands Trust Fund (ECELTF) to satisfy county mitigation requirements
9 for environmentally sensitive lands, if the applicant requests this option. The cash in-
10 lieu fee payment amount shall be based on an assessment of the area(s) to be
11 impacted and all funds needed to compensate for the impacts to wetlands including
12 land acquisition and initial physical and biological improvements. Funds collected
13 should ensure the replacement of functions and values of impacted areas consistent
14 with applicable regulations and permit conditions. [7.13.03.E]
- 15 3. **Preservation.** Lands identified by the applicant for preservation shall have
16 appropriate deed restrictions and/or conservation easements placed on them and shall
17 be recorded in the public records of Escambia County. Proof of the recorded
18 restrictions and/or easements shall be provided to the county before approval of, or as
19 a condition of, any development approval. For conditional approvals, the deed
20 restrictions and/or conservation easements shall be recorded within ten days of the
21 conditional approval, and prior to any land disturbing activities. [7.13.03.F]

22 All mitigation activities shall be completed, or adequate assurances such as bonding
23 provided, before issuance of any development approval allowing the impacts for which the
24 mitigation is proposed. [7.13.03.D]

25
26 **1-2 Clustering density – Wetlands, Endangered Species Habitat, and Rural Districts**

27
28 The minimum lot width of the applicable zoning district *may be reduced by 10 percent to*
29 allow more of the permitted residential density to be clustered on a development parcel and
30 avoid adverse impacts to wetlands and/or endangered species habitat if the development
31 complies with the following conditions:

- 32
33 (a) **Maximum density.** The development does not exceed the maximum gross density
34 for the applicable zoning of the parcel.
- 35 (b) **Minimum preservation.** At least 90 percent of the wetlands and/or endangered
36 species habitat remain undisturbed and preserved under a conservation easement,
37 deed restrictions, covenants, or other method approved by the county and recorded in
38 the public records of Escambia County. The easement may be executed in favor of
39 Escambia County, the State of Florida, a federal agency, or other entity approved by
40 the BCC. No area of a developable lot may be applied to the minimum 90 percent
41 conservation area.
- 42 (c) **Conservation easement.** For a subdivision plat, the remainder of the property on
43 which the development is not clustered is shown on the plat as a permanent open
44 space tract reserved exclusively for conservation use by conservation easement(s)
45 granted to the county. For phased and mixed use projects, the conservation
46 easement(s) shall be shown on the master plan and must be recorded prior to

1 approval of the final plat of each phase. Proposed changes to the conservation
2 easement(s) are considered a substantial change to the master plan and require
3 submission of a new master plan for review and approval.

4 (d) **Rural districts.** Clustered development within the Agricultural, Rural Residential, and
5 Rural Mixed Use zoning districts maintains a minimum of 30 percent of the parent
6 parcel within a conservation easement.

Comment [AM11]: Provides flexibility and a clustering incentive for design within Rural Districts. Cost: N/A

7 (e) **Contiguous and unified.** All land to be included in the cluster development is
8 contiguous and under unified control of one individual, partnership, corporation, or a
9 grouping thereof at the time of development review.

10 **1-3 Beach and dune preservation and enhancement.**

11 **1-3.1 Dune walkovers.** Vegetated areas shall have a minimum of three feet of clearance
12 between the lowest horizontal member and existing elevation.

13 **1-3.2 Sand fencing.** Sand fencing shall be configured in a manner to limit potential impacts
14 to listed species (see graphic).

15 **Insert Graphic (SAND FENCE SCHEMATIC)**

16
17
18
19
20
21 **1-3.3 Dune restoration plan.** The following shall be a part of any proposed dune
22 restoration plan:

23 (a) **Grading plan.**

24 (b) **Planting plan** that outlines plant species, plant density, fertilization, irrigation, and
25 maintenance. (Insert NRCS reference – Native Plants for Coastal Dune
26 Restoration; What, When, and How for Florida).

27
28
29 **1-4 Coastal High Hazard Areas**

30
31 All development that proposes 50 or more dwelling and/or lodging units (on a one-time
32 or cumulative basis) within the CHHA shall be evaluated for impacts to roadway
33 evacuation times to shelter. The county shall not approve a use or activity if it would
34 cause the adopted roadway evacuation time for hurricane evacuation to shelter to be
35 exceeded. Hurricane evacuation times shall be evaluated based on all existing and
36 vested development in the county, including individual building permits for buildings
37 that are not part of a larger development plan approval

38
39 (a) **Public facility criteria.** No new public facilities shall be placed within the CHHA
40 unless all of the following criteria are met:

41 (1) **Purpose.** The facility is necessary to protect human lives or preserve important
42 natural resources.

43 (2) **Alternatives.** The service provided by the facility cannot be provided at
44 another location outside the CHHA.

45 (3) **Capacity.** The facility is designed to provide the minimum capacity necessary
46 to meet Level of Service (LOS) standards and best available science for its

1 service area and its sizing is consistent with the densities and intensities
2 reflected on the future land use map

3
4 **1-5 Barrier island sand**

5
6 (a) **Approved material.** Approved materials are those constructions and landscaping
7 materials whose mineralogical composition is white fine to medium grained quartz
8 sand. However, oyster shell, limestone or white dolomite may be used for road
9 bed or foundation construction if reasonably the same color as approved sand after
10 exposure to the sun and not containing clay or other discoloring, staining or
11 darkening material. For the purposes of this section, white fine to medium grained
12 quartz sand shall have the following characteristics:

13
14 (1) **Color.** A Munsell Color Chart value of 9.25 or whiter and a chroma of 0.5 or
15 less on the 2.5, 5, 7.5 or 10YR scale when checked in an air dry condition.

16
17 (2) **Grain size.** A grain size of 75 percent of the sample by weight between 0.43
18 millimeters (mm) and 0.08 mm, with the remaining 25 percent being coarser than
19 0.43mm but not larger than 1.0 mm as described under the Unified Soil
20 Classification System. This corresponds to the number 40-200 sieve sizes for
21 gradation curve analysis.

22
23 (b) **Prohibited material.** Prohibited materials are any darkening, discoloring or
24 staining materials having the ability to permanently (greater than six months)
25 change the color or darken the natural white sands of Santa Rosa Island or
26 Perdido Key, or any approved materials, whenever coming into contact with them.
27 Prohibited materials include any with the following characteristics:

28
29 (1) **Color.** A color darker than the color required for approved materials.

30
31 (2) **Grain size.** A grain size with over ten percent by weight of the sample outside
32 the range required for approved materials.

33
34 (3) **Composition or character.** Any material which, in whole or in part, is
35 composed of or contains clay or any other substance that would darken, stain or
36 discolor the natural barrier island sands or approved material

37
38 **1-6 Barrier Island Lighting (Pensacola Beach) (LDC 13.23.00)**

39 (a) **Wildlife lighting.** *Wildlife lighting.* Artificial lighting that minimizes the potential
40 for negative effects to the nocturnal behaviors of nesting and hatchling sea
41 turtles and other wildlife. Based on the premise of keep it low, keep it shielded,
42 and keep it long, the following criteria apply:

43 (1) The light source is mounted as low to the ground or floor as practicable
44 through the use of fixtures such as low-mounted wall fixtures, low bollards, and
45 ground-level fixtures;

46 (2) The lumens emitted by the light source are the minimal required for the
47 intended application;

1 (3) The light source is contained within a full cut-off or fully-shielded fixture such
2 that no light is broadcast above a horizontal plane, and the point source of light
3 and any reflective surfaces of the fixture are not directly visible from the beach;

4 (4) The lamps emit predominately long-wavelength light (>580 nm). These long-
5 wavelength light sources include low-pressure sodium vapor lamps, bulbs
6 marketed to reduce attraction of insects ("bug bulbs"), amber and red LEOs, true
7 red neon lamps, and other lamps certified by the Florida Fish and Wildlife
8 Conservation Commission as "wildlife lighting."
9

- 10 a. **Tinted glass.** The glass in all exterior windows and glass doors shall be treated to
11 achieve an industry-approved, inside-to-outside light transmittance value of 45
12 percent or less. Such transmittance is limited to the visible spectrum (400 to 700
13 nm wavelength) and is measured as the percentage of light that is transmitted
14 through the glass.
- 15 b. **Interior lights.** Interior stairwells, elevators and enclosed parking garages that
16 allow light to pass through windows or other openings shall utilize wildlife lighting or
17 tinted glass as described in this section.

18 **(2) Specific lighting requirements for Pensacola Beach.**

- 19 a. Pole-mounted lights for pedestrians shall only be used for those applications where
20 mounting the lights at lower elevations cannot practicably achieve the required foot
21 candles to conform to the Florida Building Code and a waiver to those Building
22 Code requirements, as provided under State Statute and Florida Administrative
23 Code Rule, has been requested and denied. Where used, these fixtures and
24 lamps shall be properly shielded and may not be mounted at a height greater than
25 12 feet above the ground. Pole-mounted lights shall not be used for pathway or
26 access area lighting.
- 27 b. Lighting of dune walkovers and elevated crossovers to the beach is prohibited
28 seaward of the dune crest.
- 29 c. The use of metal halide lighting is prohibited throughout Pensacola Beach.
- 30 d. Temporary lighting of construction sites shall be restricted to the minimal number of
31 lights necessary to conform to state and/or federal safety regulations (e.g., OSHA).
- 32 e. Interior stairwells, elevators and enclosed parking garages that allow light to
33 escape through windows or other openings within line-of-sight of the beach shall
34 comply with the definition of "wildlife lighting".
- 35 f. Roadway, parking lot, and utility leased lighting including "yard" or security lighting
36 within line-of-sight of the beach shall use low-pressure sodium lights (LPS) 55
37 watts or less and full cut-off fixtures mounted no higher than 25 feet above the
38 ground, or equivalent LED. Additional shielding shall be installed if the light
39 sources can be observed from the beach. High-intensity lighting applications not
40 within line-of-sight of the beach shall use either full cut-off LPS 55 watts or less or
41 full cut-off high pressure sodium (HPS) lights 150 watts or less mounted no higher
42 than 25 feet above the ground.
- 43 g. Should the light fixtures practically permitted by section 13.23.02 fail to provide
44 sufficient light to comply with the Florida Building Code, alternative lighting may be

1 used provided a waiver to Florida Building Code requirements, as provided under
2 state statute and Florida Administrative Code Rule, has been requested and
3 denied. In that case, a combination of full-cutoff LPS fixtures, full-cutoff HPS
4 fixtures, or LED fixtures, may be used to provide the required level of illumination,
5 and the most effective light management practices available (best available
6 technology) shall be utilized to minimize light trespass. Conflicts with other
7 applicable state and/or federal laws or regulations may be resolved in a similar
8 manner.

- 9 h. The use of up-lighting shall be prohibited after 10:00PM during the turtle nesting
10 season. However, up-lighting associated with building façade illumination may be
11 utilized until midnight during the turtle nesting season.

12
13
14 **1-7 Specifications of Groundwater/Wellhead Impact Report.** Applicant's proposing
15 development within a protected wellhead area as defined in LDC Chapter 4 shall
16 provide a report prepared by an engineer or geologist duly licensed in the State of
17 Florida containing the following minimum information:

- 18
19 (a) Accurate description of all current/proposed onsite activities;
20 (b) List of hazardous waste stored onsite with quantities and method of disposal;
21 (c) Location of any underground and above ground storage tanks;
22 (d) Location of any outside storage areas with description of materials;
23 (e) Location and status of any existing monitoring wells;
24 (f) Current/proposed best management practices;
25 (g) Current/proposed spill response plan;
26 (h) Description of current/proposed stormwater treatment;
27 (i) Description of current/proposed wastewater treatment;
28 (j) List of State or federal permits facility operates under;
29 (k) Evidence of the probably impact of the proposed development on the ground water
30 supply and recharge potential of the area and existing wellhead, etc.
31 (l) Be subjected to periodic inspections for compliance with the above.

32
33 **Article 2 – LANDSCAPING**

34
35 **2-1 Exemptions**

36
37 **2-1.1 General landscaping.** The following uses are exempt from the general landscaping
38 provisions of this article, but in no case do the exemptions apply to any required
39 vegetative control of erosion and sediment, required tree replacement, or landscaping
40 required by any special condition of county approval.
41

- 1 (a) **Residential lots.** The improvements in a single-family residential subdivision, and
2 any lot of a single-family or two-family dwelling. Developers of residential
3 subdivisions, in coordination with homebuilders, are nonetheless encouraged to
4 provide shade trees along streets and elsewhere within subdivisions consistent with
5 the plant selection and installation standards of this article for the benefit of residents.
6 Except as described in 2-1.2.e Protected Trees below.
7
- 8 (b) **Agriculture and silviculture.** Bona fide agricultural or silvicultural operations on land
9 classified by the Escambia County Property Appraiser as "agricultural" for ad valorem
10 tax purposes.
11
- 12 (c) **State or federal conflicts.** Any use for which county landscaping requirements
13 conflict with the requirements of state or federal authorizations, except that the
14 exemption shall only be for those modifications of county requirements necessary to
15 eliminate the conflict.
16
- 17 (d) **Temporary uses.** Any temporary use as defined in LDC Chapter 4.
18
- 19 (e) **Playing fields.** Areas authorized through county approval for public or private parks,
20 playgrounds, playing fields, or golf courses that will be retained in pervious ground
21 cover. The sites of parking lots, community centers, clubhouses and other structures
22 or uses accessory to such parks, grounds, fields, or courses remain subject to
23 applicable landscape requirements.
24
- 25 **2-1.2 Tree protection and preservation.** The following specific trees and activities are
26 exempt from the tree protection and preservation provisions of this article:
27
- 28 (a) **Invasive trees.** Any tree species on the most recent Florida Exotic Pest Plant Council
29 list of invasive species.
30
- 31 (b) **Selected trees.** Any species of pine (*Pinus sp*), Cherry laurel (*Prunus laurocerasus*
32 and *P. caroliniana*), or Turkey oak (*Quercus laevis*) tree. This exemption does not
33 apply to trees planted or preserved to meet requirements of the LDC.
34
- 35 (c) **Hazard trees.** Any tree determined by a qualified county official to be an immediate
36 hazard or in a dangerous condition so as to constitute an imminent threat to public
37 safety or health.
38
- 39 (d) **Emergencies.** Damaged or destroyed trees requiring expedited removal in the
40 interest of public safety, health or welfare during or following periods of emergency as
41 the BCC may declare by resolution for such disasters as hurricanes, tornados, floods,
42 and fires.
43
- 44 (e) **Residential lots.** Any non-heritage tree, as defined by this article, on the lot of a
45 single-family or two-family dwelling. However, tree removal prior to construction of the
46 dwelling shall only be allowed after county issuance of a building permit for the
47 dwelling or a separate tree removal permit. This exemption does not apply on the lot
48 of a discontinued residential use. Such discontinuation may be evidenced by removal
49 of the dwelling or its conversion to a non-residential use, or a different land use

1 classification by the Escambia County Property Appraiser for ad valorem tax purposes.
2 Regardless of this residential lot exemption, the loss of trees resulting from
3 development of such home sites shall be mitigated by a tree restoration fee collected
4 at the time of issuance of any building permit for the construction or replacement of a
5 single-family or two-family dwelling, including a manufactured (mobile) home. The fee
6 shall be an amount established by the BCC and deposited in the county Tree
7 Restoration Fund in the same manner and for the same purposes prescribed in this
8 article for unplanted mitigation.

- 9
- 10 (f) **Subdivisions.** Any non-heritage tree removed within proposed rights-of-way,
11 easements, or parcels dedicated for utility, drainage, or access according to county
12 approved subdivision infrastructure construction plans.
- 13
- 14 (g) **Agriculture and silviculture.** Tree removal according to best management practices
15 for bona fide agricultural or silvicultural operations on land classified by the Escambia
16 County Property Appraiser as “agricultural” for ad valorem tax purposes.
- 17
- 18 (h) **Habitat management.** Tree removal necessary for native habitat management and
19 environmental restoration activities conducted by, or at the direction of, a
20 governmental agency.
- 21
- 22 (i) **Utility work.** Work performed by utilities regulated by the Florida Public Service
23 Commission and necessary in the maintenance and construction of utility lines. Such
24 utilities shall nevertheless provide the county with the advance notice required by
25 Florida Statutes prior to conducting scheduled routine vegetation maintenance and
26 tree pruning or trimming activities within an established right-of-way.

Comment [t13]: For habitat management projects, protected trees may be removed in association with approved management activities without mitigation. Cost: N/A

27

28

29 **2-2 Landscape areas and quantities.**

30

31 **2-2.1 Parcel total.** No parcel shall provide less than 15 percent landscape area, regardless
32 of the minimum pervious lot coverage required by the applicable zoning district. On-
33 site permeable retention/detention ponds and permeable swales qualify as landscape
34 area if their maximum depths are no more than three feet and their side slopes are no
35 steeper than 2:1 (horizontal to vertical).

36

37 **2-2.2 Vehicular use areas.** No area of vehicular use may be considered landscape area,
38 but parking lots, travel lanes, access ways, loading/unloading areas and other
39 vehicular use areas outside of rights-of-way shall include landscape area according to
40 the following standards:

- 41
- 42 (a) **General design.** Interior portions of vehicular use areas not specifically designed for
43 vehicle parking or maneuvering shall not be paved, but maintained as landscape area.
- 44
- 45 (b) **Boundary separation.** Vehicular use areas shall be separated from the parcel
46 boundary by a landscape strips no less than five feet wide. Driveways or sidewalks
47 may cross such strips to provide approved site access
- 48
- 49 (c) **Parking row terminations.** Except as allowed for large-scale parking, rows of

1 parking stalls shall be terminated at each end with a landscape area having the full
2 length of the adjoining parking stall and containing at least one planted or preserved
3 canopy tree. The remaining dimensions of the landscape area shall be sized to
4 provide no less than the minimum canopy tree planting area for a new tree or
5 minimum root zone for a preserved tree required by this article, whichever is
6 applicable. Where a double row of interior parking stalls ends, the terminating
7 landscape areas shall be combined as one continuous area to maximize rooting space
8 except when a dividing pedestrian and/or handicap accessibility route may be
9 appropriate and approved by the county.

10 (d) **Continuous parking stalls.** Each row of parking shall contain no more than 15
11 continuous stalls without interruption by a landscape area, and each landscape area
12 shall have the same minimum dimensions and plantings prescribed above for parking
13 row termination landscape areas. However, if any of the following conditions exist, no
14 more than 12 continuous stalls may be provided:

- 15
- 16 1. The total number of on-site parking spaces exceeds 50.
- 17 2. The total number of on-site parking spaces exceeds the number required by the
18 applicable parking ratios established in DSM Chapter 1 by more than 10 percent.
- 19 3. The dimensions of drive aisles and/or parking stalls exceed the standards
20 established in DSM Chapter 2.
- 21
- 22

23 (e) **Large-scale parking.** If the total number of on-site parking spaces is 600 or more, a
24 continuous landscape strip no less than 12 feet wide shall be provided along the
25 center of alternate interior double rows of parking stalls. All interior rows of parking
26 may have unlimited continuous spaces and be terminated with a landscape area
27 having the full length of the adjoining parking stall and a minimum width of four feet.
28 Each strip shall be planted with a quantity of canopy trees no less than one tree per 30
29 feet of strip length, excluding any minimum root zones of preserved trees within the
30 strip. Trees shall be planted within the strip such that no tree is more than 10 feet from
31 either end of the strip, no more 60 feet from another tree, and consistent with the
32 standards of this article for minimum spacing, tree planting area and tree preservation.
33 Sidewalks complying with these standards may be placed within landscape strips to
34 provide on-site pedestrian circulation.

Comment [t14]: Provide alternative landscaping for larger development project and better aesthetics.

35

36 (f) **Seasonal peak demands.** Seasonal peak parking demands (e.g., holiday retail
37 sales) are encouraged to be accommodated within areas of stable grass as overflow
38 from paved parking to reduce the year-round impact of the short-term parking need,
39 especially for portions of large scale parking. If such parking is provided its access
40 and arrangement shall be consistent with the standard dimensions and geometry of
41 paved parking.

Comment [t15]: To provide flexibility for the parking demands for short term parking for special events or holidays

42 (g) **Tree exceptions.** The following vehicle parking uses need not provide trees, but the
43 exceptions do not apply to areas for customer and employee parking and are not
44 exceptions to the preservation of existing trees.

Comment [t16]: Allows flexibility for short term events

- 45 1. **Automobile sales.** Vehicular use areas designed for the display of new or used
46 automobiles for sale or rent. Such areas need only provide landscape areas
47 sufficient to terminate parking rows, having the full length of adjoining parking stalls
48 and a minimum width of four feet.
- 49 2. **Fleet parking.** Parking areas for fleet delivery or service trucks and other non-

1 passenger vehicles.

- 2 3. **Loading.** Truck wells, loading docks, and other areas designated exclusively for
3 the loading and unloading of vehicles.

- 4
5 (h) **Encroachments and overhang.** Vehicular use areas shall provide raised curbs,
6 wheelstops, bollards or other effective means to permanently protect landscape areas
7 and irrigation systems from damage by vehicle encroachment. Vehicles may not
8 overhang into landscape areas beyond the designed boundaries of vehicular use
9 areas.

- 10
11 2-2.3 **Buffers.** Based on broad land use categories, where a proposed new use or
12 expanding existing use is likely to adversely impact an adjoining use, a landscape
13 buffer is required to minimize or eliminate those impacts. The buffer shall protect the
14 lower intensity use from the higher intensity use and provide an aesthetically attractive
15 barrier between the uses. It shall function to reduce or eliminate incompatibility
16 between uses such that the long-term continuation of either use is not threatened by
17 impacts from the other. Buffers shall be provided according to the following standards:

- 18
19 (a) **Required by use.** The character of adjoining land uses primarily determines the type
20 of buffering required.

- 21 1. **Residential and non-residential.** All residential uses shall be buffered from all
22 non-residential uses, other than passive recreation, conservation, or agricultural
23 uses, according to the buffer types established in this section and
24 following non-residential categories:
- 25
26 a. **Heavy commercial and industrial.** Heavy commercial and industrial uses
27 consistent with the Heavy Commercial and Light Industrial (HC/LI) and
28 Industrial (Ind) zoning districts shall provide a Type-C buffer supplemented with
29 an opaque fence or wall.
 - 30
31 b. **General commercial.** General commercial uses consistent with the
32 Commercial (Com) zoning district shall provide a Type-B buffer supplemented
33 with an opaque fence or wall.
 - 34
35 c. **Other non-residential.** Neighborhood commercial uses consistent with the
36 mixed use zoning districts (RMU, LDMU, HDMU), and other non-residential
37 uses not otherwise required to provide more substantial buffering, shall provide
38 a Type-A buffer supplemented with an opaque fence or wall.
- 39
40 2. **Residential.** All multi-family uses exceeding 10 dwelling units per acre (MDR
41 district max. density) shall provide a Type-A buffer supplemented with an opaque
42 fence or wall for all adjoining single-family and two-family residential uses.
- 43
44 3. **Non-residential.** Heavy commercial and industrial uses shall provide a Type-B
45 buffer for all adjoining general commercial, neighborhood commercial and other
46 non-residential uses less intensive than heavy commercial or industrial.
- 47
48 4. **Condition of approval.** All uses whose conditions of approval include buffering
49 shall provide the buffering according to those conditions.

1
2 5. **No existing use.** For the purposes of buffering, where no use exists on adjoining
3 land and none is proposed by a valid development application to the county, the
4 use of the adjoining land will be assumed to be the most intensive use allowed by
5 the existing zoning.
6

7 (b) **Location.** Where a use is required to provide buffering for adjoining uses, the
8 buffering shall be along all side and rear lot lines where the use abuts the other uses.
9 No buffers are required along front property lines unless buffering is included in
10 screening requirements for outdoor storage and other conditions as prescribed in
11 Chapter 4.
12

13 (c) **Composition.**

14 1. **Types.** Where buffering is required, the following buffer types define the minimum
15 width and plants required per 100 linear feet of buffer:
16

Buffer Type	Buffer width	Canopy trees	Understory trees	Shrubs
A	12 feet	2.0	1.0	10
B	16 feet	2.5	2.0	20
C	20 feet	3.0	3.0	30

17 2. **Plants.** The prescribed buffer plants may be existing natural vegetation, existing
18 vegetation supplemented with additional plantings, or entirely new plantings. The
19 suitability of existing vegetation to provide adequate buffering will be evaluated
20 based on the minimum plants required. For effective buffering year-round, at least
21 50 percent of buffer trees shall be evergreen species. The selection and
22 installation of buffer plants, and buffer maintenance, shall be according to the
23 provisions of this article.
24
25

Comment [t17]: Provide minimum standard to assure the intent of buffering between land uses is accomplished year round. Cost: No additional cost.

26 3. **Supplemental structures.**

- 27 a. If an opaque fence or wall is required to supplement the plants within a buffer,
28 it shall have a minimum six foot height and meet the requirements of Chapter 5,
29 Fences. Where an existing fence or wall on abutting property meets these
30 requirements, no additional structure is required within the buffer. The existing
31 fence or wall must be in good condition and landscaping consistent with the
32 schedule above.
- 33 b. If a supplemental fence or wall will be constructed, any support posts shall be
34 on the side of the developing property so that the more finished appearance
35 faces the abutting property.
- 36 c. If it can be demonstrated to the Planning Official that existing natural
37 vegetation, or existing vegetation supplemented with additional plantings, will
38 accomplish the screening function of the prescribed buffer, the supplemental
39 fence/wall may be eliminated.
40

41 (d) **Responsibility.** Where buffering is required between uses by this section, the
42 landowner proposing the more intensive use shall be responsible for providing and

1 maintaining the buffer. The proposal of a less intensive use does not require the
2 installation of a buffer by either use.

- 3
4 (e) **Exceptions.** In addition to the relief provided by the variance process prescribed in
5 LDC Chapter 2, full or partial exceptions to the buffering prescribed in this article are
6 allowed according to the following conditions:

7
8 **Same owner.** Buffering need not be provided between uses within the same
9 parcel, or uses on adjoining parcels having the same ownership.

- 10
11
12 (f) **Uses within.** Buffer yards may be included within required building setbacks, but no
13 active recreation, storage of materials or equipment, parking, or structures, except
14 necessary utility enclosures, shall be located within minimum buffer yards.

15
16 **2-3 Tree protection and preservation**

17
18 **2-3.1 Approval required.** Unless exempt from protection as provided in this article, no
19 person shall remove or otherwise willfully cause harm to any of the following trees on
20 either public or private property, including rights-of-way, without first obtaining
21 appropriate authorization from the county:

22 (a) **12-inch diameter.** Any tree 12 inches or greater in diameter at breast height (DBH).

23 (b) **Sand live oaks.** Any sand live oak (*Quercus geminata*) tree having five or more total
24 stems (trunks), or having any three or more stems each three inches or greater in
25 diameter (DBH); and located on Pensacola Beach or Perdido Key, or within any
26 shoreline protection zone.

27 (c) **Required trees.** Any tree planted or preserved to meet tree replacement or
28 landscape requirements of the LDC, or other specific conditions of county approval.

29 (d) **Heritage trees.** A protected tree 60 inches or greater in diameter (DBH). Such large
30 mature trees providing proportionately more of the benefits associated with trees, and
31 often defining the local landscape, shall have a greater protected status as prescribed
32 in this article.

33 **2-3.2 Protection areas.** The following areas associated with protected trees are afforded
34 additional protection:

35 (a) **Critical root zone.** The critical root zone (CRZ) is represented by a circle, centered
36 on the tree trunk and having a radius of one foot for each 1 inch of trunk diameter
37 (DBH).

38 (b) **Structural root plate.** The structural root plate is represented by a circle, centered on
39 the tree trunk and having a radius of one-half foot for each inch of trunk diameter
40 (DBH), but no less than six feet and no more than ten feet.

41
42 **2-3.3 Preservation.** For the purposes of this section, a tree is not considered preserved if
43 the root zone and canopy impact limits are exceeded. Removal of such impacted
44 trees is not required. Tree preservation shall comply with the following impact limits:

45
46 (a) **Root zone.** The critical root zone is, and will remain, substantially undisturbed.
47 Although an undisturbed circular area centered on the tree generally assures less
48 critical root loss, modifications to CRZ perimeters resulting in non-concentric, irregular,

Comment [t18]: Director recommends different evaluation criteria on Barrier Islands for sand live oaks due to their unusual growth patterns in those locations (i.e. to correctly make a DBH measurement may require removing a dune to expose the correct portion of the tree. Cost: N/A

Comment [t19]: Trunk diameter method is easier calculations for development site plans. Based on "Trees and Development, A Technical Guide to Preservation of Trees During Land Development" Metheny and Clark. Cost: N/A

Comment [t20]: Based on Dr. K Coder Research 1995. General recommendation of "no less than 6 feet" in Trees & Development (above) published by International Society of Arboriculture. Cost: N/A

Comment [t21]: Current code protects 50% of the "drip line" of a protected tree. This is highly variable due to local growing conditions for the protected tree. Shifting to concepts of structural root plate and critical root zone facilitates engineered solutions to environmental protection. Cost: N/A

1 and/or smaller areas are acceptable for tree preservation if either of the following
2 conditions are met:
3 1. Maximum disturbance. The modified root zone includes at least 50 percent of the
4 concentric CRZ, contains no less total contiguous area than the concentric CRZ,
5 and includes no disturbance or encroachments by improvements within the
6 structural root plate area.

7 2. Existing conditions. The tree has demonstrated long-term viability within the
8 same sub-standard root zone and that area will not be further reduced or adversely
9 impacted. In some cases a certified arborist may be required to delineate the
10 functioning root zone and confirm avoidance of further impacts.

Comment [J22]: Adding flexibility to standards utilizing professional evaluation. Cost: N/A

11 (b) Canopy. No more than 25 percent of the canopy has been or will be removed and the
12 pruning is done according to ANSI standards (A300).

Comment [J23]: Specific reference regarding industry standards for pruning. Cost: N/A

14 2-3.4 Protective barriers. Trees (and other vegetation) designated for preservation
15 according to an approved site development plan shall be protected from all potentially
16 harmful activity during development by the temporary installation of protective barriers.
17 [LDC 7.01.04]

18 (a) Construction. Barriers shall be constructed of chain link fence, orange laminated
19 plastic fencing, or wood posts and rails, consistent with professional arboricultural
20 practices, and shall be installed along the perimeter of all required preserve areas prior
21 to any land clearing, demolition, grading, or construction.

22 (b) Activity within. No potentially harmful activity shall take place within the protective
23 barrier. Harmful activities include but not limited to grade change, trenching,
24 compaction, grubbing or root raking. Activities within barriers or changes in barrier
25 location shall be specifically approved by the county.

27 2-4 Tree inventory and assessment. The provisions of this section shall apply to any
28 land use or development activity application required to inventory on-site protected
29 trees. If no protected trees exist on site, that condition shall be identified in the
30 application documents. [LDC 7.01.03.C]

32 2-4.1 Inventory area. Any protected tree with part of its structural root plate area within a
33 development parcel shall be inventoried for the proposed development. Where a
34 significant contiguous area of the parcel will not be subject to any development
35 impacts, including vehicular use and material stockpiles, the developer may propose
36 exclusion of that area from inventory. However, the removal criteria of this article will
37 consider the entire parcel for any proposed protected tree removal. Additionally, any
38 area not inventoried shall be clearly identified on plan drawings and include protective
39 barriers to prevent impacts. Upon verification during county review, the reduced
40 inventory area within the parcel will become the limit for any replacement trees for the
41 proposed development.

Comment [t24]: Allows design engineer to designate area to be evaluated if development is not intended to occur on the entire parcel. Current code would require entire parcel to be inventoried regardless of size of development. Cost: Similar as existing, may result in reduction if survey area is reduced.

43 2-4.2 Inventory drawing. A scaled drawing shall inventory all existing protected trees and
44 their locations relative to the development parcel boundary, and to existing and
45 proposed improvements. At a minimum, the inventory drawing shall identify by center
46 point, unique number or letter, and circular critical root zone (CRZ) boundary the
47 location, diameter at breast height (DBH), and CRZ of each tree. Estimates may be
48 made for inaccessible trees, but they must be noted as such. [LDC 7.01.03.C]

Comment [t25]: Updates site plan requirements regarding protected trees. Provides flexibility for inaccessible trees. Current code does not acknowledge such. Cost: Similar as existing, may result in reduction if survey area is reduced.

1
2 **2-5 Tree removal and replacement**
3

4 **2-5.1 Removal criteria.** No authorization to remove a protected tree shall be granted where
5 there has been a failure to take reasonable measures to design and locate proposed
6 improvements so that protected tree removal is minimized. Additionally, each
7 proposed removal of a protected tree must be shown necessary by one or more of the
8 following conditions: [LDC 7.01.04.C]
9

- 10 (a) **Reasonable use.** A permissible use of the site cannot reasonably be undertaken
11 unless the tree is removed. [LDC 7.01.04.C]
- 12 (b) **Access.** The tree completely prevents access to a lot. [LDC 7.01.04.C]
- 13 (c) **Proximity to structures.** The tree is located in such proximity to an existing or
14 proposed structure that the safety, utility or structural integrity of the structure is
15 materially impaired to the extent that avoidance cannot be accommodated. [LDC
16 7.01.04.C]
- 17 (d) **Proximity to roads and utilities.** The tree materially interferes with the installation,
18 maintenance, or functioning of roads or utilities to the extent that a curvilinear road or
19 utility run cannot reasonably accommodate the tree. [LDC 7.01.04.C]
- 20 (e) **Proximity to traffic.** The tree creates a substantial hazard to motor vehicle, bicycle,
21 or pedestrian traffic by reason of proximity to a travel way and/or impairment of vision.
22 Curbing, roadway speed limits and avoidance shall be utilized to minimize proximity
23 hazards prior to consideration of removal. [LDC 7.01.04.C]
- 24 (f) **Poor condition.** The tree is confirmed by a certified arborist or county staff to be
25 diseased or substantially weakened by age, abuse, storm damage, or fire; or is
26 otherwise determined to have major defects in structural or functional health beyond
27 reasonable recovery or repair. [LDC 7.01.04.C]
28
29

Comment [t26]: Provides clarification regarding the process of avoidance or minimization to protected trees. Cost: By providing additional consideration of protection of tree roots there is cost avoidance by preserving the tree instead of casing decline and eventual removal.

30 **2-5.2 Replacements for removal.** Where removal of protected trees is authorized by the
31 county, replacement trees to mitigate lost benefits of the trees removed shall be
32 provided according to the following provisions in addition to the trees prescribed for
33 general landscaping: [LDC 7.01.04.A.2]

- 34 (a) **Replacement ratio.** Within the applicable replacement limits of this section, no less
35 than 50 percent of the total protected tree trunk diameter (DBH) inches removed shall
36 be replaced in total caliper inches of new canopy trees planted. For example, if the
37 diameters (DBH) of all protected trees removed totaled 39 inches, the minimum
38 required replacement would be $39 \times 0.50 = 19.5$ caliper inches. Three replacement
39 possibilities for the example given are: eight 2.5-inch trees providing 20 caliper inches,
40 three 2.5-inch and four 3-inch trees providing 19.5 caliper inches, or seven 3-inch
41 trees providing 21 caliper inches. [7.01.04]
- 42 (b) **Replacement reduction.** If a standard arboricultural assessment of a tree documents
43 damage, decay, poor structure or other substandard conditions, county officials may
44 proportionally reduce the replacement required by its removal.
- 45 (c) **Replacement limit.** Total tree replacement for non-heritage trees need not exceed 25
46 caliper inches per development site acre, regardless of the total protected tree trunk
47 diameter (DBH) inches permitted for removal. The development site area for which a

Comment [t27]: Calculation example. Cost: Cost may move slightly up or down as compared to existing ordinance as the proposed calculation more accurately reflects the size and condition of the protected tree to be removed.

Comment [t28]: Mitigation is modified by condition of tree to be removed. Acknowledges all trees are not created equal. Cost: Cost may move slightly up or down as compared to existing ordinance as the proposed calculation more accurately reflects the size and condition of the protected tree to be removed.

1 mitigation limit is calculated shall be the same as the tree inventory area within the
2 development parcel. Additionally, the 25 caliper-inch replacement limit does not
3 exempt any protected tree removal from compliance with the removal criteria.
4 [LDC 7.01.04.A.2]

5 (d) **Replacement trees.** All trees planted as replacements for removed protected trees
6 shall meet the requirements for tree selection prescribed in this article. Any of the tree
7 species identified as pre-approved replacements may be planted. Other native trees
8 with confirmed moderate to high drought tolerance and wind resistance may be
9 proposed for county review and acceptance. Palms cannot be substituted for
10 mitigation trees, even in greater quantities.

11 (e) **Replacement fee.** If any required replacement trees cannot be accommodated on the
12 site of the removed trees in conformance with the minimum spacing, root area, and
13 other applicable provisions of this article, the unplanted mitigation shall be fulfilled by a
14 contribution to the county Tree Restoration Fund. The fee shall be collected at the
15 time of issuance of any permit authorizing the tree removal.

16 1. **Unit cost basis.** The restoration fund contribution for unplanted mitigation is
17 based on the unit cost of a standard replacement tree. That cost shall be the sum
18 of the typical purchase, planting, and establishment (e.g., initial watering) costs of a
19 2.5-inch caliper, Florida Grade No.1, Live oak (*Quercus virginiana*) tree as
20 estimated by the county and adopted within the fee schedule of the BCC. The
21 county shall periodically reevaluate the unit cost to assure that the amount
22 accurately represents the complete costs of a replacement tree.

23 2. **Calculation.** The restoration fund contribution is determined by dividing the caliper
24 inches of unplanted mitigation by 2.5 to determine the required number of standard
25 replacement trees. The calculated number of trees is then multiplied by the unit
26 cost of a standard replacement tree. For example, eleven caliper inches of
27 mitigation not provided on site, divided by 2.5 inches per tree, equals 4.4 trees. An
28 amount equal to 4.4 times the fee schedule cost of a replacement tree is the
29 required Tree Restoration Fund contribution.

30 3. **Use of fees.** All tree replacement fees collected by the county will be deposited to
31 the Tree Restoration Fund and credited to the primary watershed in which the
32 permit address is located - either Pensacola Bay or Perdido Bay. The Tree
33 Restoration Fund will be used by the county within the respective watersheds for
34 costs associated with tree replacement and restoration of functional benefits
35 provided by the urban forest.
36

Comment [t29]: Restoration fund exists based on a prescribed number of mitigation trees per removal. Language is updated to utilize improved method to assess tree loss and mitigation. Cost: Cost may move slightly up or down as compared to existing ordinance as the proposed calculation more accurately reflects the size and condition of the protected tree to be removed.

37 **2-6 Plant selection, installation and maintenance**

38
39 **2-6.1 Selection.** The plant selection standards of this section are not eligible for variances,
40 but any proposed plantings that are in addition to those required by the county are
41 exempt from the minimum size requirements.

42 (a) **Quality.** All plants required by this section shall conform to the standards for Florida
43 Grade No.1, or better, as provided in the latest edition of *Grades and Standards for*
44 *Nursery Plants*, Division of Plant Industry, Florida Department of Agriculture and
45 Consumer Services. [LDC 7.01.05.C]

46 (b) **Species.** All landscaping shall utilize native plant species or those species listed in
47 the Florida-Friendly Landscaping™ Guide to Plant Selection and Landscape Design.

1 (c) **Trees.** Trees planted to fulfill the minimum landscape requirements of this article shall
2 normally attain a mature height of at least 20 feet and have a minimum caliper of 2.5
3 inches or greater measured at 4 inches above root ball at planting. The following
4 additional criteria apply:

- 5 1. **Non-native species.** Non-native species are limited to 25 percent or less of the
6 total required trees planted.
7
8 2. **Diversity.** The diversity of any trees required to be planted on a site shall comply
9 with the following limits to avoid uniform site tree decline from pests or disease:

Number of new tree planted on site	Maximum percentage of any one species planted
5 - 19	67%
20 - 49	40%
50 or more	30%

18 **Use of palms.** Palms do not comply with definition of tree for the purposes of
19 these landscaping provisions. However, wind resistant species may be substituted
20 at the ratio of two palms for one required tree for up to 50 percent of trees required
21 for development on Santa Rosa Island or Perdido Key, excluding any trees
22 required specifically for buffering or replacements for protected tree removal. Such
23 palms include: Date Palm (*Phoenix spp. except P. reclinata*) and cabbage or sabal,
24 (*Sabal palmetto*)

Comment [t30]: Duyera & other research native species perform better over long term-adapted to local environment, needing less nutrient and water inputs and have higher wind resistance. Addresses comp plan urban forestry management criteria. Cost: No additional cost.

Comment [t31]: Addresses urban forest management for plant diversity in comp plan Research 'rule of thumb' for desired diversity in tree population
•30% from one Family
•20% from one Genus
•10% from one Species

Comment [t32]: Palm species listed for North Florida, salt tolerant, wind resistive and Florida Friendly. No additional Cost. Stakeholders have asked for this consideration due to wind and plant establishment issues on beach. Cost: N/A

25 (d) **Other landscape vegetation.**

- 26
27 1. **Shrubs.** All shrubs shall be a minimum of 12 inches in height at planting.
28 [LDC 7.01.05.C.2]
29 2. **Turf grass.** Consistent with Florida-friendly practices, development should
30 consolidate and limit the use of most turf grasses to essential areas. When used,
31 grass shall be species normally grown as permanent lawns in Escambia County.
32 All sod shall be clean and reasonably free of weeds, noxious pests, and diseases.
33 When grass areas are to be seeded, sprigged, or plugged, specifications must be
34 submitted. Substantial coverage must be achieved within 180 days and nurse
35 grass shall be sown for immediate effects and protection until coverage is
36 otherwise achieved.[LDC 7.01.05.C.5]

37 2-6.2 **Installation.** Whenever landscaping is required or any condition of county approval it
38 shall be installed in a sound manner according to established professional standards,
39 and in compliance with this manual. [LDC 7.01.05.A]
40

- 41 (a) **Plant placement.** The installation of plants in appropriate locations is essential to
42 their long-term survival. Locations should match mature plant size to available soil
43 volume and other conditions for growth. Appropriate separation from pavement and
44 structures, including streets, driveways, curbs, sidewalks, signs, lights and utilities
45 must be provided.
46 1. **Sight distances.** Landscaping within the sight distance areas prescribed in Article

5 for streets and site access shall be designed, installed and maintained to allow visibility between three feet and nine feet above grade. The trunks of mature trees trimmed of foliage to nine feet, and newly planted trees with immature crown development allowing visibility are generally acceptable within such areas.

2. **Minimum tree area.** Each new tree shall be planted at the center of a minimum permanent pervious rooting area clear of all obstructions to allow growth to maturity. The minimum radius of the rooting area shall be four feet for an understory tree and six feet for a canopy tree. This minimum circular area shall contain no sidewalks, curbs or pavement and no structures, including light or utility poles, signs, manholes, stormwater inlets, vaults, transformers, fire hydrants or backflow preventers.

Comment [t33]: With protection of 12"DBH or higher, (neighboring County's protect certain trees at 4"DBH) having a minimum rooting area will help to insure planted trees to grow to a larger size. Soil volume is directly related to tree size. Cost: N/A

3. **Minimum tree spacing.** Each new canopy and understory tree shall be planted at least 12 feet from any other tree. Additionally, any trees to be planted within the critical root zones of preserved canopy trees are limited to understory trees.

Comment [t34]: Allows grouping of trees while still allowing room for normal tree growth. Cost: N/A

4. **Overhead utilities.** Where overhead utilities exist, only plants that will not create persistent utility maintenance or interference problems may be installed. To prevent trees from becoming energized or disrupting electrical service, tree planting directly below power lines shall be avoided and only understory trees planted near power lines. Within an established electric utility right-of-way no vegetation shall be planted that will achieve a height greater than 14 feet or intrude from the side closer than 10 feet to power lines, or exceed clearances otherwise required by applicable ANSI standards. Any canopy trees planted shall be at least 25 feet from power lines, and large maturing species should be planted at least 50 feet away.

(b) **Accommodating tree roots.** In addition to the minimum areas required by this article for planted and preserved trees, curb, sidewalks, and other concrete around trees should be minimized and more flexible materials utilized to accommodate tree roots, including crushed stone, brick-in-sand, and porous pavers.(LDC 7.01.04.A3)

Comment [t35]: Asking for additional consideration to accommodate tree roots. (Pervious materials within tree protection area addressed LDC 7.01.04.A3) Cost: By providing additional consideration of protection of tree roots there is cost avoidance by preserving the tree instead of casing decline and eventual removal.

Article 3 DOCKS, PIERS, AND MARINAS - [LDC - Chapter 4]

3-1 Design Standards

(a) For any dock, boathouse structure, pier, or any part of extensions thereof, the minimum setback line from the side property lines and riparian lines shall be ten percent of the width of the lot where the side property lines intersect the mean high water line (MHWL) (see exception in "F", below). However, the minimum setback shall not be less than five feet and a maximum of twenty five feet on each side. This setback requirement is not intended to define an upland property owner's riparian and/or littoral rights. [LDC 7.05.00.C.12.d]

(b) No pier, dock, marina or walkway shall terminate over submerged land that is vegetated with sea grasses except when a distance of 1.5 foot between the lowest point of the boat, including the motor, expected to use the facility and top of the submerged vegetation can be achieved.

(c) The dock, pier, marina or walkway shall be aligned to minimize the size of the footprint over seagrasses.

Comment [t36]: State and Federal regulatory agencies permit termination of docks in shallow waters within seagrass meadows resulting in significant loss and scaring of grassbeds. Current regulations require docks to extent seaward of seagrasses. This language is a compromise to allow for shorter docks that have sufficient water depth to protect seagrasses from impacts from shading and prop-scarring. Cost: Reduction from current regulations.

- 1 (d) Grated decking material or wooden planking with at least a one half inch space
2 between boards, is required in all areas traversing seagrasses or any other
3 submerged aquatic vegetation.
- 4 (e) The decked surface of any dock, pier, marina, or walkway shall be elevated a
5 minimum of 5-ft. above the mean high water line in all areas traversing seagrass or
6 any other submerged aquatic vegetation.
- 7 (f) Owners of contiguous residential lots of parcels, each of which meet the minimum lot
8 size requirements for construction of single-family residential structures, may construct
9 one common pier (dock) with boathouse structure within the setback requirement of
10 subsection d., above, upon the following conditions: [LDC 7.05.00.C.12.e]
11 1. The structure would be for the joint use of the contiguous property owners.
12 2. The owners of the contiguous parcels, as well as their heirs, successors, assigns,
13 representatives and agents, including those who acquire fractional interests in
14 either or both contiguous parcels, would not be allowed to construct an additional
15 pier (dock) or boathouse structure which may serve or appertain to either or both
16 contiguous parcels unless and until the common pier is removed and all persons
17 having ownership interests in the contiguous parcels rescind and vacate, in writing
18 (which shall be recorded in the public records of Escambia County, Florida), their
19 rights to the said common pier.
- 20 3. The owners of the contiguous parcels shall execute an agreement in a form
21 provided by the county, which expressly stipulates to the terms of this subsection
22 (e) and the owners shall record the said agreement in the public records of
23 Escambia County, Florida.
- 24 (g) Permits for construction of docks and piers on right-of-way that has been dedicated to
25 the public but not yet opened, maintained, or otherwise accepted by the county, shall
26 be issued only upon authorization by the board of county commissioners. The board
27 may authorize issuance of such permits after considering all relevant factors,
28 including, but not limited to, the following: [LDC 7.05.00.C.12.g]
29
30 1. Whether the applicant has adequately demonstrated that they hold all necessary
31 interest in the dedicated area where the dock or pier will be constructed.
- 32 2. Whether construction of the dock or pier would have an adverse impact on
33 adjacent properties
- 34 3. Whether the dedicated area is or will be needed for development of a public right-
35 of-way or other infrastructure in the foreseeable future.
- 36 4. Whether the geography and configuration of the property is suited for construction
37 of a dock or pier.
- 38 5. Whether construction of a dock or pier would have an adverse environmental
39 impact on the shoreline or adjacent water body.
- 40 6. However, neither authorization nor denial of a permit for construction of a dock or
41 pier by the board shall be construed as a vacation of acceptance of the dedication.
42 This provision may be applied retroactively to allow permitting of existing docks or
43 piers that were never properly permitted.

44 **3-2 SRIA Design Standards**
45

1 Persons contemplating construction of a dock, pier or any other structure or activity which is
2 to be located on a tidal area (seaward or channelward of mean high water line) should
3 contact the local office of the Florida State Department of Environmental Protection for
4 information on procedures to follow in order to obtain the necessary permit(s) from the
5 appropriate agency or agencies. Acquisition of state and/or federal permit for a project as
6 described above does not obviate the need to obtain development approval from the Santa
7 Rosa Island Authority, but rather is a necessary prerequisite which must be accomplished
8 before a development approval is issued by the Santa Rosa Island Authority.

9
10 **3-2.1 Location of commercial piers.** The location of all docks, piers, boat basins, marinas
11 or other structures must be authorized by the SRIA board. The SRIA board will
12 appraise each facility separately based upon its merits and the affected adjacent land
13 or water.

14
15 **3-2.2 Marinas, docks, piers, boat basin(s), building(s), ramp(s), and/or other structures**
16 constructed adjacent to a commercial area which the lessee intends to operate as a
17 principal business to provide complete facilities for boats must provide the following:

- 18 (a) Fuel (gasoline, diesel, oil).
- 19 (b) Fresh water on docks, ice.
- 20 (c) Modern clean restrooms.
- 21 (d) Electrical outlets on docks.
- 22 (e) Garbage receptacles on docks.
- 23 (f) Telephone outlets.
- 24 (g) Ship's store.
- 25 (h) Facilities for at least minor boat repairs and accessories.
- 26 (i) Auto parking lot.
- 27 (j) Sanitary facilities for boats at dockside.

28
29 The above are considered minimum requirements. Other features such as lounges,
30 restaurants, motels, tide gauges, major repair facilities, late weather reports, quarters for
31 ship's crew, swimming pools, etc., are highly desirable and should be considered in the
32 overall ultimate development of a marina. Design of boat storage facilities should receive
33 special attention to insure an attractive appearance that lends itself to the architectural style
34 of adjacent buildings and proposed adjacent buildings.

35
36
37 **3-2.3 Plans and construction requirements.**

- 38 (a) Drawings and specifications for materials and structural integrity signed and sealed by
39 applicant's engineer or architect must be submitted to and approved by SRIA.
- 40 (b) Current survey of property must be provided, showing property lines and location of
41 mean high water line.
- 42 (c) Width shall be a minimum of three feet and a maximum of eight feet.

- 1 (d) Height to be a minimum of three feet and a maximum of five feet above mean high
2 water line.
- 3 (e) Maximum length of 300 feet and no more than 1,500 square feet.
- 4 (f) Decking shall be spaced not less than one-half-inch spacing.
- 5 (g) Construction shall involve as few pilings as possible.
- 6 (h) Dolphins or mooring piles will be considered on individual basis.
- 7 (i) A means of crossing over, under, or around the pier in a reasonably safe manner must
8 be provided for persons walking the beaches. This may include steps with handrails.
- 9 (j) For commercial piers, each pier must have signs posted in bold print prohibiting the
10 dumping of garbage and the pumping of bilges.
- 11 (k) Piers setback lines shall be ten percent of waterfront at MHWL, but no less than five
12 feet from littoral lines.
- 13 (l) No "T"s, as such, are allowed, but piers may be widened at the outer end on one or
14 both sides. Maximum width may not exceed two times the pier width, and maximum
15 length may not exceed three times the pier width.
- 16 (m) Structures above the decks of piers are not allowed; however, boat lifts may be
17 approved adjacent to piers if the supporting piles for the boat lift do not extend more
18 than twelve feet above mean high water. Plans and applications must be accompanied
19 by letters from the adjoining lessees stating that they have reviewed the plans and
20 either do or do not object to the proposed construction. Existing structures that were
21 previously approved by the SRIA may remain as long as they are properly maintained.
22 If these structures are destroyed, they may not be rebuilt.

23
24 **3-2.4 Administrative requirements.**

- 25 (a) No fueling facilities are allowed on residential docks or piers.
- 26
- 27 (b) Piers may not be constructed on shared property lines.
- 28
- 29 (c) SRIA staff shall perform an on-site inspection of area prior to approval.
- 30
- 31 (d) Owners must agree to maintain piers and docks in a manner to inhibit
32 deterioration. If it becomes necessary after calling the deteriorated condition of the pier
33 or dock to the attention of the owner, SRIA staff may contract for proper repairs and
34 backcharge the owner. Lease(s) shall be amended to accomplish this requirement
35 regarding maintenance and lessee's responsibility for same and approval shall not be
36 granted until executed lease amendment is received by SRIA.
- 37
- 38 (e) Liability insurance, naming the SRIA as a certificate holder shall be provided on a
39 yearly basis beginning the date permit is issued in an amount, (a) not less than
40 \$250,000.00 liability insurance for single-family lots; (b) additional amounts, as
41 approved by SRIA for multifamily parcels; dependent upon amount of risk involved.
42 Lease shall be amended to accomplish this requirement regarding insurance and
43 lessee's responsibility for same and approval shall not be granted until executed lease
44 amendment is received by the SRIA. Copies of the department of environmental

1 protection (DEP) application and approval letters from DEP and the corps of engineers
2 must be provided to the SRIA prior to development approval.
3

4 **3-2.5 In Villa Sabine Bay Waters:** (a) Residential and commercial docks and piers should
5 not be constructed beyond the edge of the channel, and no portion of the structure or
6 mooring pile shall be constructed beyond the toe of the slope of the existing channel,
7 nor shall the pier extend laterally so as to adversely affect the adjacent property or
8 property rights. (b) Marinas may be constructed in authorized areas and in accordance
9 with plans approved by the SRIA board, but a minimum 100-foot clear passageway
10 shall be provided beyond any structure. (c) Townhouse developments in existence
11 prior to October 19, 1983, are limited only to one dock per four townhouses units, with
12 docks to be made available for use by all tenants in the development. (d) Effective on
13 10/19/83, only one pier will be allowed for each townhouse/condominium
14 development. Such pier to be constructed as part of the project by the developer, at
15 his cost.
16

17 **3-2.6 In Gulf of Mexico and Santa Rosa Island Sound Waters:** (a) No private piers shall
18 be allowed in the waters of the Gulf of Mexico. (b) Piers which meet current SRIA
19 requirements, and which must be approved by the architectural environmental
20 committee on an individual basis, may be allowed in the waters of Santa Rosa Sound.
21 (c) Basins and marinas shall be constructed in compliance with the current state and
22 federal regulations. (d) Miscellaneous:
23

24 **3-2.7 Sanitary facilities.** It is imperative that the waters adjacent to Santa Rosa Island be
25 kept clean and unpolluted, therefore, no dumping of refuse of any kind, including toilet
26 wastes from boats will be allowed in these waters, in accordance with controlling laws.
27

28 **3-2.8 Signs.** Lessee shall display signs of such size and type as the SRIA board may
29 specify in prominent location about the dock or marina area.
30

31 **3-2.9 Insurance.** Owners or lessees of docks, piers, marinas, and related structures will be
32 required to maintain, at their own expense, adequate public liability insurance designed to
33 absolve and indemnify themselves and the Santa Rosa Island Authority from all claims for
34 injuries or damages suffered by any person on or about such structures.
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Appendix A
Design Standards Manual
Professional Advisory Committee

Duties:

The seven members of the Professional Advisory Committee shall review proposed changes to the technical and environmental design standards herein. The proposed changes may be submitted by the County Engineer or the Environmental Director or the public. Proposed changes shall include supporting evidential documentation including but not limited to calculations, details, specifications, drawings, peer reviewed best available science, etc.

Meetings:

The Professional Advisory Committee shall meet according to Florida Sunshine law, on a bi-annual basis beginning approximately 6 months following the adoption by the Escambia County Board of County Commissioners. The meetings will be coordinated by either the County Engineer, Community and Environment Director or his/her designee, depending on the discipline of issues to be addressed.

Members:

- One member shall be appointed by the local branch of the Florida Engineering Society.
- One member shall be appointed by the local branch of the American Society of Civil Engineers.
- Two members shall be appointed by the Florida Association of Environmental Professionals or other professional scientific association as deemed acceptable to the Community and Environment Director.
- One staff member from Engineering/Public Works, Community & Environment, and Development Services Departments shall be appointed by the respective Department Director.

Terms of Office:

Terms for those members who are not Staff of Escambia County shall serve for a minimum two (2) years and may remain on the committee if re-selected by their appointing body.

Revisions:

Professional Advisory Committee's (PAC) revisions to this manual will be presented to the Planning Board for their review and recommendation to the BOCC and will be effective at the time of the BOCC decision.

1 **Section 5. Inclusion in Code.**

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

9 **Section 6. Effective Date.**

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

13 **DONE AND ENACTED** this _____ day of _____, 2015.
14

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

17
18
19 **By:** _____
20 **Steven Barry, Chairman**

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

23
24 **By:** _____
25 **Deputy Clerk**

26
27 **(SEAL)**

28
29 **ENACTED:**

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

32
33 **EFFECTIVE DATE:**