

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
November 3, 2015–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Proof of Publication and Waive the Reading of the Legal Advertisement.
3. Approval of Minutes.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the October 6, 2015 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for October 2015.
 - C. Planning Board 6-Month Outlook for November 2015.
4. Public Hearings.
 - A. A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapters 3, 4, and 6, Temporary Uses and Structures
 - B. A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan Chapter 7, CPA-2015-08
 - C. A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapter 3, Article 5, Pensacola Beach Districts
5. Action/Discussion/Info Items.

- A. Group Living definition and permitted uses
 - B. Limited AG uses in MU-S (comp plan amendment)
 - C. Adding Microbreweries to the LDC
 - D. Vested Rights Training
- 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, December 1, 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.

Meeting Date: 11/03/2015

Agenda Item:

Approval of Minutes.

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the October 6, 2015 Planning Board Meeting.

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

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

Attachments

10-6-15 Quasi-Judicial Mtg Resume Minutes

10-6-15 Regular PB Mtg Resume Minutes

October Monthly Action Follow-Up

November Six Month Outlook

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING October 6, 2015

**CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:33 A.M. – 9:20 A.M.)
(9:26 A.M. – 10:53 A.M)**

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
Alvin Wingate
Patty Hightower, School Board (non-voting)
Timothy Pyle
Reid Rushing

Absent: Rodger Lowery
Stephanie Oram, Navy (Non voting)
Bob Cordes

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

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

Motion by Timothy Pyle, Seconded by Tim Tate

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

Vote: 5 - 0 Approved

4. Quasi-judicial Process Explanation.

5. Public Hearings.

- A. Case #: Z-2015-15
Applicant: Wiley C. "Buddy" Page,
Agent for Steve Tate, Owner
Address: 329 & 333 Massachusetts
Avenue
Property Size: 2.91 (+/-) acres
From: HDMU, High Density
Mixed-use, (25 du/acre)
To: HC/LI-NA, Heavy Commercial
and Light Industrial district,
designation prohibiting the
subsequent establishment of
any bars, nightclubs, or adult
entertainment uses on the
rezoned property. (Dwelling
unit density limited to vested
residential development.)

Alvin Wingate acknowledged visiting the site.

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

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

Motion by Tim Tate, Seconded by Reid Rushing

Motion was made to recommend approval from HDMU to HC/LI-NA and accept staff findings of fact on criteria A, C, D, E & F. Applicant has met the LDC with regards to criteria B with the compatibility analysis as support and to the best of our knowledge the use is consistent with the Palafox Redevelopment Area and is not considered spot zoning.

Vote: 5 - 0 Approved

- B. Case #: Z-2015-16
Applicant: Wiley C. "Buddy" Page,
Agent for Brigham-Williams /
Hunter Williams, Owner
Address: 1700 & 1715 Olive Road
Property Size: 2.23 (+/-) acres
Size:

From: HDMU, High Density
Mixed-use district (25
du/acre)
To: Com, Commercial district (25
du/acre)

Alvin Wingate acknowledged visiting the site.

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

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

Motion by Tim Tate, Seconded by Alvin Wingate

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

Vote: 5 - 0 Approved

C. Case #: Z-1015-17
Applicant: Jonathan Green, Agent for
Pen Air Federal Credit
Union, Owner
Address: 1495 E Nine Mile Road
Property Size: 9.56 (+/-) acres
From: HDMU, High Density
Mixed-use district (25
du/acre) and Com,
Commercial district (25
du/acre)
To: Com, Commercial district (25
du/acre)

Alvin Wingate acknowledged visiting the site.

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

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

Motion by Tim Tate, Seconded by Reid Rushing

Motion was made to accept Mr. D. Patrick Jehle as Agent for jehle-halstead, Inc. in place of Jonathan Green and to accept him as an expert witness.

Vote: 5 - 0 Approved

Motion by Timothy Pyle, Seconded by Reid Rushing

David Pender, Architect for Pen Air Fedreal Credit Union, was accepted as an expert witness for land use and planning related to architectural issues.

Vote: 5 - 0 Approved

Motion by Alvin Wingate, Seconded by Timothy Pyle

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

Vote: 5 - 0 Approved

- D. Case #: Z-2015-18
Applicant: John F. and Mae H. Dean,
Owners
Address: 4850 Mobile Highway
Property 0.859 (+/- acres)
Size:
From: Com, Commercial district (25
du/acre)
To: HC/LI-NA, Heavy Commercial
and Light Industrial district,
designation prohibiting the
subsequent establishment of
any bars, nightclubs, or adult
entertainment uses on the
rezoned property. (Dwelling
unit density limited to vested
residential development.)

Alvin Wingate acknowledged visiting the site.

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

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

Motion by Tim Tate, Seconded by Alvin Wingate

Motion was made to recommend approval from Com to HC/LI-NA and accept Staff Findings of Fact on all six criteria.

Vote: 5 - 0 Approved

6. Adjournment.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD October 6, 2015

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(11:04 A.M. – 12:12 P.M.)

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
Alvin Wingate
Patty Hightower, School Board (non-voting)
Timothy Pyle
Reid Rushing

Absent: Rodger Lowery
Stephanie Oram, Navy (Non voting)
Bob Cordes

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

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

Motion by Tim Tate, Seconded by Reid Rushing

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

Vote: 5 - 0 Approved

3. Approval of Minutes.

A.

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

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

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

Motion by Reid Rushing, Seconded by Tim Tate

Motion was made to approve the minutes from the September 1, 2015 Planning Board Meeting.

Vote: 5 - 0 Approved

4. Public Hearings.

A. A Public Hearing to Review an LDC Ordinance Amending Chapter 3 Zoning Regulations, Remove Minimum Lot Size A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Section 3-2.5

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

Motion by Tim Tate, Seconded by Alvin Wingate

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

Vote: 5 - 0 Approved

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

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

Motion by Tim Tate, Seconded by Timothy Pyle

Motion was made to accept and recommend approval to the BCC with the correction of adding the word "Height" to page 6, line 1, first word.

Vote: 5 - 0 Approved

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

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

Motion by Timothy Pyle, Seconded by Tim Tate

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

Vote: 5 - 0 Approved

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

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

Motion by Reid Rushing, Seconded by Alvin Wingate

Motion was made to withdraw the ordinance at the request of staff and to bring back to the November Planning Board for discussion and for public hearing in December.

Vote: 5 - 0 Approved

5. Action/Discussion/Info Items.
6. Public Forum.
7. Director's Review.
8. County Attorney's Report.
9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, November 3, 2015 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

10. Announcements/Communications.
11. Adjournment.

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



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

Memorandum

TO: Planning Board
FROM: Karen Bohon, Board Clerk
DATE: October 19, 2015
RE: Monthly Action Follow-Up Report for October 2015.

The 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

10-05-15 through 10-09-15 PK Charrette

COMMITTEES & WORKING GROUP MEETINGS

COMPREHENSIVE PLAN AMENDMENTS

• **Text Amendments:**

CPA-2015-07

Five-Year Schedule

09-01-15 PB recommended approval

10-08-15 BCC approved for transmittal to DEO

• **Map Amendments:**

LSA-2015-01

9600 Blk Tower Ridge Road

04-07-15 PB recommended approval

05-07-15 BCC approved for transmittal to DEO

08-06-15 BCC Approved

SSA-2015-04

North Beverly Parkway

07-07-15 PB recommended approval

07-23-15 BCC Approved

SSA-2015-05

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

SSA-2015-06

Saufley Field
09-01-15 PB recommended approval
10-08-15 BCC Approved

LAND DEVELOPMENT CODE ORDINANCES

Minimum Lot Size Ordinance, Chapter 3 changes

07-07-15 PB recommended approval with changes
08-06-15 First of two public hearings before the BCC
08-20-15 BCC Approved

Zoning Requirements Ordinance, Chapter 2 changes

08-04-15 PB recommended approval with changes
09-03-15 BCC Approved

CRA Overlay Ordinance, Chapter 3 changes

09-01-15 PB recommended approval
10-08-15 BCC Meeting
11-05-15 BCC Meeting

SRIA Setback, Chapter 3 changes

09-01-15 PB recommended approval
10-08-15 BCC Meeting – withdrawn prior to meeting
11-03-15 PB Meeting

SRIA Flood Plain Management, Chapter 4 changes

09-01-15 PB recommended approval
10-08-15 BCC Approved

Density & Uses Savings Clause, Chapter 3 changes

09-01-15 PB recommended approval
09-24-15 BCC Approved

REZONING CASES

1. Rezoning Case Z-2015-11

06-02-15 PB recommended approval
07-07-15 BCC Approved

2. Rezoning Case Z-2015-12

06-02-15 PB recommended approval
07-07-15 BCC sent back to PB
09-01-15 PB recommended approval with changes
10-08-15 BCC Approved

3. Rezoning Case Z-2015-14

06-02-15 PB recommended approval
09-03-15 BCC Approved

- 4. Rezoning Case Z-2015-13**
09-01-15 PB recommended approval
10-08-15 BCC Approved

MISCELLANEOUS ITEMS

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR NOVEMBER 2015

(Revised 10/19/15)

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

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

Meeting Date	LDC Changes and/or Public Hearings	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
Tuesday, November 3, 2015	<ul style="list-style-type: none"> • Temporary Uses & Structures • SRIA Setback #2 	<ul style="list-style-type: none"> • CPA-2015-08 	<ul style="list-style-type: none"> • Z-2015-19 	<ul style="list-style-type: none"> • Group Living definition and permitted uses • Limited AG uses in MU-S (comp plan amendment) • Adding Microbreweries to the LDC • Vested Rights Training
Tuesday, December 1, 2015	<ul style="list-style-type: none"> • Microbrewery • Removal of Minimum Density 			<ul style="list-style-type: none"> • JLUS Agreement • PK Master Plan Workshop 12/8/15 • Captain Hoskins - Overview of Community Partnership & Navy's participation regarding land development & compatibility
Tuesday, January 5, 2016	<ul style="list-style-type: none"> • PK Master Plan • Repeal/Replace Flood Plain 			
Tuesday, February 2, 2016				
Tuesday, March 1, 2016				
Tuesday, April 5, 2016				

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



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. A.

Meeting Date: 11/03/2015

Issue: A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapters 3, 4, and 6, Temporary Uses and Structures

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapters 3, 4, and 6, Temporary Uses and Structures

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 3, Section 3-1.4, "Allowed uses," Chapter 4, Section 4-7.13, "Temporary uses and structures," and Chapter 6, "Terms defined," to establish and clarify the conditions under which temporary uses and structures are allowed.

BACKGROUND:

Land Development Code provisions regarding temporary uses and structures were found through Code Enforcement processes to be deficient in the regulation of camping activities and campground land use.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

This Ordinance, amending the LDC, will be filed with the Department of State following adoption by the BCC.

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

Attachments

Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

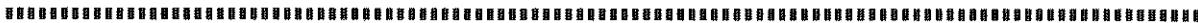
Document: Temporary uses and structures

Date: 10/5/15

Date requested back by: 10/9/15

Requested by: Griffin Vickery

Phone Number: 595-3471



(LEGAL USE ONLY)

Legal Review by Kenna A. Smith

Date Received: _____

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

1 to the general development standards of Chapter 5 and the use and location
2 regulations established in Chapter 4.

3
4 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development
5 Code of Escambia County, Chapter 4, Section 4-7.13, "Temporary uses and structures,"
6 is hereby amended as follows (words underlined are additions and words ~~stricken~~ are
7 deletions):
8

9 **Sec. 4-7.13 Temporary uses and structures.**

10 **(a) General limitations.** Where authorized by the parcel owner and applicable permits,
11 uses and structures are allowed temporarily according to the provisions of this
12 section. A use which is carried out or a structure which is in place for no more than
13 180 consecutive days shall be considered a temporary use or structure and allowed
14 according to the provisions of this section if not otherwise prohibited by law or
15 ordinance. The LDC allows alternative periods of temporary use or placement, but
16 temporary uses must be discontinued and temporary structures removed on or
17 before the expiration of the allowed time.

18 **(1) Time of use. Applicable uses and structures.** Except as may otherwise be
19 provided for specific uses and structures, the temporary establishment of a use,
20 or the temporary placement of one or more structures, on the same parcel for
21 more than 30 days shall require county land use approval. Establishment or
22 placement for more than 180 days shall require LDC compliance review and
23 approval as prescribed in Chapter 2 for permanent development. Prior to the
24 expiration of their authorized time of use on a parcel, all temporary uses shall be
25 discontinued on the parcel and all temporary structures shall be removed from
26 the parcel unless authorized for permanent use. Unless authorized by a
27 separate land use permit, the time limit for all temporary uses and structures is
28 measured from the time any temporary use is established or any temporary
29 structure is placed on the parcel until all the uses are discontinued and all
30 structures are removed. In addition to the time constraint, temporary uses and
31 structure are limited to the following:

32 **a. Allowed uses.** ~~Permitted or conditionally permitted uses within the~~
33 ~~applicable zoning district.~~

34 **b. Accessory uses.** ~~Accessory uses to permitted or conditionally permitted~~
35 ~~uses within the applicable zoning district.~~

36 **c. Special events.** ~~Special events which, for the purposes of this section, are~~
37 ~~outdoor uses or activities not specifically identified as allowed by the~~
38 ~~applicable zoning, but not otherwise prohibited by law or ordinance, and~~
39 ~~lasting no more than 14 consecutive days. Such uses and activities include~~
40 ~~art shows, sidewalk sales, festivals, school carnivals, church bazaars, classic~~
41 ~~car shows, tournaments, concerts, neighborhood fairs, haunted houses,~~

1 pumpkin and Christmas tree sales, grand openings and similar short-term
2 events intended or likely to attract crowds.

3 ~~**d. Specified uses and structures.** Uses or structures specifically identified in
4 this section as allowable temporary uses or structures within the applicable
5 zoning.~~

6 **(2) Temporary uses.** A temporary use may be established outdoors on a parcel or
7 within an authorized permanent or temporary structure on the parcel, provided the
8 use is a permitted use within the applicable zoning district or is otherwise authorized.
9 Minor alterations in a temporary use (e.g., changing items offered at a sales event)
10 do not modify the permitted duration of the use and are not considered
11 discontinuation of the use. ~~A temporary use may be established within a permanent
12 or temporary structure, or outdoors, as allowed by the applicable zoning district, but
13 typically without the construction or alteration of any permanent structure. For the
14 purposes of determining the expiration of a temporary use, cessation of the
15 fundamental characteristics of the use or activity are required. For example, a
16 change in the specific items sold at a sidewalk sale or grand opening would not
17 begin a new temporary use.~~

18 **(3) Temporary structures.** A temporary structure may be erected on a parcel for
19 an authorized use for a limited time provided the structure complies with the
20 requirements of the applicable zoning district or is otherwise authorized as a specific
21 structure. A temporary structure may be the principal structure on a parcel and a
22 permanent structure is not required to be on the same parcel as the temporary
23 structure. Change of use or occupancy, including periods of disuse or vacancy,
24 does not modify the permitted time of placement for a temporary structure, and
25 relocation within the same parcel is not considered removal of the structure or
26 discontinuation of its use. ~~A temporary structure may be erected on any lot,
27 provided it complies with applicable zoning regulations and is used for a commercial,
28 commercial amusement or recreational purpose, or for a special event. The
29 temporary structure may constitute the principal structure or use on the lot.
30 Temporary structures include tents, portable shelters, wheeled structures,
31 amusement rides, inflatable amusement structures, and constructed amusement
32 structures.~~

33 **(b) Specific uses and structures.** The following uses and structures are allowed
34 temporarily under the conditions prescribed for each:

35 **(1) Construction offices sites.** Real estate sales and construction management
36 may be carried out within separate or combined temporary construction site
37 offices when in compliance with the applicable provisions for each use. A
38 construction office is allowed as temporary use and structure on or near a
39 construction site while a building or other development is under construction.
40 ~~However, the temporary office shall be a State of Florida approved modular
41 building and removed no later than 90 days from the date of issuance of a
42 certificate of occupancy or other applicable final approval of the site construction.~~

1 **a. Construction offices.** A construction office is allowed by land use permit as
2 a temporary use and structure on a construction site, or on an adjoining
3 parcel, during authorized site construction. The temporary office shall be set
4 back a minimum of five feet from any property line of the host parcel, be a
5 State of Florida approved modular building, and be removed no later than 90
6 days from the date of issuance of a certificate of occupancy or other
7 applicable final county approval of the site construction.

8 **b. Sales offices.** A real estate sales office is allowed by land use permit as a
9 temporary use and structure on a construction site, or on an adjoining parcel,
10 and can be authorized prior to the start of construction if a pre-application
11 review of the proposed development has been completed by the county. The
12 setback and building type shall be that required for a construction office, but
13 removal of a temporary sales office shall be within 24 months of the issuance
14 of pre-application review comments if construction has not begun. Extension
15 of the time may only be authorized as prescribed in Article 6 of Chapter 2.
16 These provisions do not apply to real estate sales offices authorized within
17 model homes by other provisions of this section.

18 **(2) Disaster recovery housing.** A temporary structure or recreational vehicle is
19 allowed by land use permit to provide disaster recovery housing when a fire,
20 flood, windstorm, or other natural or man-made disaster requires the temporary
21 housing of a single-family residential use or a non-residential use to facilitate
22 repair or replacement of a damaged structure. The following provisions apply to
23 such housing: Disaster recovery housing is allowed as a temporary use and
24 structure when a fire, flood, windstorm, or other natural or human caused
25 disaster requires the temporary housing of a single family residential use or a
26 non-residential use to allow repair or replacement of a damaged structure. The
27 following provisions apply to the temporary housing:

28 **a. Permit conditions contract.** As a condition of its land use permit, a
29 temporary structure providing disaster recovery housing shall be removed
30 from the property within ten days after a certificate of occupancy is issued for
31 the new or rehabilitated structure, or upon the expiration of the permit,
32 whichever occurs first. Failure to remove the temporary structure shall
33 authorize the county to remove it without further notice and at the expense of
34 the permit holder or property owner. After a recreational vehicle is no longer
35 authorized to be used for disaster recovery housing, the vehicle becomes
36 subject to the normal use provisions of the LDC. To receive a permit for a
37 temporary housing structure, the property owner shall enter into a written
38 contract with the county that requires the property owner to remove the
39 temporary structure from the property within ten days after a certificate of
40 occupancy is issued for the new or rehabilitated structure, or upon expiration
41 of the temporary use permit, whichever occurs first. Failure to do so shall
42 authorize the county to remove the structure without further notice and at the
43 expense of the permit holder or property owner. The County Administrator is
44 authorized to execute the contract on behalf of the county.

- 1 **b. Date of disaster.** If an official disaster declaration is issued, the date of the
2 declaration shall be the date of the disaster for the purpose of permitting.
- 3 **c. Utilities required.** Electrical power, potable water, and sanitary sewer
4 connections complying with the Florida Building Code shall be provided to the
5 temporary structure.
- 6 **d. Flood considerations.** Placement of the temporary structure shall comply
7 with all floodplain management regulations.
- 8 **e. Single-family dwelling.** During post-disaster rehabilitation or reconstruction
9 of a single-family dwelling made unfit for human habitation, the Building
10 Official may permit the use of a manufactured (mobile) home or recreational
11 vehicle as temporary living quarters on the lot of the damaged dwelling,
12 regardless of zoning district requirements. However, no more than one such
13 temporary structure or vehicle may be permitted per lot, and the resident of
14 the damaged dwelling must occupy it. Additionally, the applicant must apply
15 for such permit within six months of the date of the disaster and the maximum
16 length of the temporary use shall be 18 months after the date of the disaster. [
- 17 **f. Alternate residential sites.** When the lot of a damaged single-family dwelling
18 is not suitable for placement of a manufactured (mobile) home or recreational
19 vehicle as temporary living quarters, the applicant for the temporary quarters
20 may designate an alternate site for either type of quarters. However, a
21 manufactured home must be a permitted use under the zoning of the
22 alternate site and shall comply with the setback requirements for an
23 accessory dwelling. When an alternate site is designated, both the person
24 whose home has been made uninhabitable and the owner of the alternate site
25 shall join in the application for the permit and be responsible for the timely
26 removal of the temporary housing ~~the contract for removal.~~
- 27 **g. Non-residential use.** During post-disaster rehabilitation or reconstruction of
28 commercial or industrial use structures made unfit for business activities, the
29 Building Official may permit the use of a State of Florida approved modular
30 building as a temporary structure to carry out business activities on the lot of
31 the damaged building. However, such temporary structures may be permitted
32 only for use on the site of the damaged structure and only if there remains
33 adequate parking (including handicap) based on the temporary structure.
34 Additionally, the applicant must apply for such permit within six months of the
35 date of the disaster and the maximum length of the temporary use shall be
36 nine months after the date of the disaster.
- 37 **h. Permit extension.** When any temporary use structure or vehicle permitted
38 under these disaster recovery provisions ~~this section~~ is replaced due to
39 damage from a subsequent disaster, the duration of the original temporary
40 use permit shall not be extended unless the Building Official determines the
41 subsequent disaster caused sufficient damage to the permanent structure to

1 require additional repairs that will slow the rehabilitation or reconstruction
2 process.

3 ~~(3) Encroachments for construction or security.~~ Signs, lights, fences, and
4 ~~temporary power poles needed for construction or security activities are allowed~~
5 ~~as temporary structures to encroach the minimum yards required by the~~
6 ~~applicable zoning. However, the owner of such items shall be responsible for~~
7 ~~them and shall remove them at the request of the Planning Official or Building~~
8 ~~Official at no expense to the county.~~

9 ~~(4)(3) Medical hardship temporary living quarters.~~ A manufactured (mobile)
10 home or park trailer is allowed as a temporary ~~accessory use and structure within~~
11 any mainland zoning district that does not otherwise allow such living quarters if
12 approved by the Board of Adjustment (BOA) for use due to medical hardship as
13 prescribed in compliance with the provisions Article 6 of Chapter 32. The
14 following standards apply to the temporary living quarters use and structure:

- 15 a. **Maximum structure size.** The temporary accessory living quarters shall not
16 exceed 1280 square feet in gross floor area.
- 17 b. **Minimum lot size.** The lot where the temporary accessory living quarters will
18 be located shall be at least one-quarter acre if served by public sewer. If a
19 septic tank is used, the lot shall be at least one-half acre. Additionally, the lot
20 shall be sufficient in size to allow compliance with all zoning district lot
21 coverage and setback requirements.
- 22 c. **Location.** The temporary accessory living quarters shall be located on the
23 same parcel (same property identification number) as the primary residence.
- 24 d. **Limited occupancy.** Only the caregiver and their immediate family, or the
25 person in need of medical care and their immediate family, shall occupy the
26 temporary accessory living quarters.
- 27 e. **Indemnification Hold harmless agreement.** Prior to placement of the
28 temporary quarters on the approved parcel, the landowner shall execute an
29 agreement with the county (in a form acceptable to the County Attorney)
30 providing for indemnification from all claims arising in connection with the
31 temporary quarters and acknowledging the county's right to remove the
32 temporary use at the owner's expense if the owner, or his heirs and assigns,
33 fails to remove it within 60 days after the expiration of the temporary use
34 approval granted by the BOA. Prior to temporary placement of the accessory
35 living quarters on the approved lot, the landowner shall execute a "hold
36 harmless agreement" acknowledging the county's right to remove the
37 accessory use at the owner's expense if the owner, or his heirs and assigns,
38 fails to remove the within the specified 60-day time period.
- 39 f. **Building code compliance.** The installation of the temporary accessory
40 living quarters shall comply fully with the Florida Building Code and is subject
41 to all associated compliance inspections.

1 **g. Temporary status maintained.** ~~Once the accessory living quarters is placed~~
2 ~~upon the property, the wheels and axles of the temporary quarters shall not~~
3 ~~be removed, and no additions to it shall be constructed, except that for~~
4 ~~handicapped access ramps may be provided.~~

5 ~~(5)~~**(4) Mobile vending units.** A mobile vending unit is allowed as a temporary use
6 on any parcel within the Agr, Com, HC/LI, Ind, Com-PK, CC-PK, CG-PK, and
7 PR-PK zoning districts, subject to the following restrictions. The following
8 additional restrictions apply to any use of mobile vending units:

9 **a. License.** ~~The owner-operator~~ of the mobile vending unit must obtain any
10 applicable occupational license from the Escambia County Tax Collector and
11 affix a copy of the occupational license to the mobile vending unit in a
12 conspicuous location. The operator is additionally responsible for obtaining
13 all other applicable authorizations required to store, prepare, serve, distribute,
14 or sell by mobile vending.

15 **b. Waste Nuisance conditions.** ~~The mobile vending unit shall include a waste~~
16 ~~receptacle and shall be designed, placed, maintained, and operated so as to~~
17 ~~prevent the creation of nuisance conditions, including surface discharges of~~
18 ~~waste water, oil, or grease. Solid waste receptacles of adequate capacity and~~
19 ~~convenience shall be provided to prevent and eliminate the scattering of~~
20 ~~vending, beverage containers, paper products, and other vending related~~
21 ~~debris etc.~~

22 **c. Placement.** The mobile vending unit shall not be placed within a parking lot
23 drive aisle or required landscape area of a developed site used by another
24 active use; within any active driveway, or sidewalk, or within any public right-
25 of-way; in any location obstructing the line of sight for traffic; or in any location
26 otherwise presenting a safety hazard.

27 ~~(6)~~**(5) Model homes and sales offices.** Within any residential subdivision for which
28 a preliminary plat has been approved by the county, the construction of no more
29 than two principal dwellings for temporary use as model homes or real estate
30 sales offices for the promotion and sale of lots or houses within the subdivision
31 may be authorized permitted prior to final plat approval. For the annual "Parade
32 of Homes" event or other special circumstances the Board of County
33 Commissioners (BCC) may authorize at a public hearing the issuance of
34 additional model home permits if additional assurances of infrastructure
35 completion are provided. However, issuance of a model home permit does not
36 authorize issuance of a certificate of occupancy, and no permanent certificate of
37 occupancy may be issued for any dwellings until the final plat is approved by the
38 BCC and recorded as prescribed in Article 5 of Chapter 32. Additionally, the
39 dwellings cannot be permanently occupied as residences until certificates of
40 occupancy are issued. Any office use of a model home shall cease when sales
41 within the subdivision have been completed.

1 **(7)(6) Portable storage containers.** On a lot where a portable storage container is
2 not allowed as outdoor storage by the applicable zoning, the container may be
3 allowed as a temporary use according to the following provisions:

- 4 a. The on-site use of a container for 30 days or less only requires notification to
5 the Planning Official of the placement by the provider of the container, and
6 tracking by the official for enforcement purposes.
- 7 b. The on-site use of a container for more than 30 days requires issuance of a
8 90-day permit by the Planning Official after a reasonable demonstration by
9 the applicant of temporary circumstances that make the additional on-site
10 storage time necessary. Such circumstances may include damage to or
11 destruction of the principle structure, remodeling, renovation, construction, or
12 relocation. A weatherproof copy of the permit indicating the date of issuance,
13 date of expiration, and address of the approved placement shall be attached
14 to the container.
- 15 c. Prior to expiration of the original permit and upon additional demonstration by
16 the applicant of unforeseen circumstances, the Planning Official may grant
17 not more than one 90-day extension to the permit for good cause shown. If
18 granted, a weatherproof copy of the extension shall be attached with the initial
19 permit.
- 20 d. Applicants are generally limited to one portable storage container per
21 principal use. For residential uses the limit is one container per dwelling unit.
22 The use of more than one storage container per principal use may be
23 approved by the Planning Official upon a demonstration of need, such as the
24 scope of work or extent of construction.
- 25 e. The exterior dimensions of a container shall not exceed nine feet in height, 20
26 feet in length, and eight feet in width.
- 27 f. The container shall not obstruct the line of sight for traffic or otherwise present
28 a safety hazard. The placement of containers in fire lanes or public rights-of-
29 way is prohibited.
- 30 g. Front yard placement of a container may only be permitted where no
31 alternative location on the parcel exists, or if placement at an alternative
32 location would create an unreasonable hardship on the owner or occupant.
- 33 h. The provider of a container shall be responsible to ensure that it is in good
34 condition, free from evidence of deterioration, weathering, discoloration,
35 graffiti, rust, rips, tears or other holes or breaks.

36 ~~**(8) Sales offices.** A sales office is allowed as a temporary use and structure on or~~
37 ~~near a construction site and can be authorized prior to the start of construction,~~
38 ~~provided a pre-application review of the construction project has been completed~~
39 ~~by the county. However, the temporary office must be a State of Florida~~
40 ~~approved modular building and removed within 24 months of such preapplication~~
41 ~~if construction has not begun. One extension can be authorized by the Planning~~

1 Official. ~~Also, the owner or sales agent for a residential subdivision may~~
2 ~~temporarily use or occupy any house constructed within the subdivision as an~~
3 ~~office for the promotion and sale of lots or houses within the subdivision. The~~
4 ~~office use or occupancy shall cease when such sales in the subdivision have~~
5 ~~been completed.~~

6 **(7) Special events.** For the purposes of this section, a special event is an
7 infrequent short-term outdoor use or activity not specifically identified as allowed
8 by the applicable zoning district, but not otherwise prohibited by law or ordinance.
9 Special event uses and activities include art shows, garage and yard sales,
10 estate sales, sidewalk sales, festivals, school carnivals, church bazaars, classic
11 car shows, tournaments, concerts, fairs and circuses, haunted houses, pumpkin
12 and Christmas tree sales, grand openings, and similar temporary events likely to
13 attract crowds.

14 **a. Limitations.** A special event is allowed as a temporary use without a land
15 use permit for up to 30 days, but on any parcel used as or zoned residential a
16 special event is limited to no more than 14 days in a calendar year. No
17 special event or associated temporary structure on any parcel shall endanger
18 public health, safety, or welfare, particularly in consideration of nuisance or
19 other adverse impacts from the scale, extent, intensity, time, or duration of the
20 event.

21 **b. Associated structures.** Temporary structures may be placed on special
22 event parcels for the duration of the associated event according to the
23 provisions of this article and the conditions of any applicable permits. Nothing
24 in this section shall be construed to prohibit temporary structures associated
25 with civic, community, or religious events, including authorized events on
26 public lands, social and religious activities on parcels occupied by places of
27 worship, and events on private lands developed to include special events
28 (e.g. Pensacola Interstate Fairgrounds).

29 **(8) Temporary shelters.** The use or placement of one or more temporary
30 structures, shelters, or any other accommodations on a parcel for the residence,
31 dwelling, or habitation of any person(s) on that parcel is allowed as a temporary
32 use on the parcel for no more than 14 days in any calendar year outside of a duly
33 licensed campground or recreational vehicle park, except as may be authorized
34 through the disaster recovery housing or medical hardship provisions of this
35 section. See also the additional provisions of this article regarding the use of
36 manufactured (mobile) homes and recreational vehicles.

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3 **Section 3.** Part III of the Escambia County Code of Ordinances, the Land Development
4 Code of Escambia County, Chapter 6, Section 6-0.3 “Terms defined,” subsections “C,”
5 “M,” and “T,” is hereby amended as follows (words underlined are additions and words
6 ~~stricken~~ are deletions):
7

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

9 **- C -**

10 **Caliper.** A standard measure of tree trunk diameter in inches applicable only to newly
11 planted trees and nursery stock. Trunk caliper is measured six inches above the
12 ground on trees four inches in diameter and smaller, and 12 inches from the ground for
13 larger trees. See “*Diameter at breast height (DBH)*” for the appropriate measure of
14 established trees.

15 **Campground.** A place where one or more ~~buildings, tents, cabins, or other structures,~~
16 recreational vehicles, or any other accommodations are established, operated, ~~or used,~~
17 or offered as temporary living quarters or sites for ~~five or more~~ resident members of the
18 public for ~~recreational purposes~~ more than 14 days in any calendar year. See also
19 “*Recreational vehicle park.*”

20 **Canopy.** A fixed roof-like structure typically constructed to provide protection from the
21 elements, but not retractable like an awning, and which may be cantilevered from a
22 building, partially self-supporting, or completely freestanding. A tree canopy is the
23 structure of branches and leaves that spread out at the top of a tree to form a cover that
24 intercepts sunlight and rainfall.

25 **Capital improvement.** Physical assets constructed or purchased to provide, improve,
26 or replace a public facility and which are typically large scale and high in cost. The
27 costs are generally nonrecurring and may require multiyear financing. Physical assets
28 that have been identified within the Comprehensive Plan as existing or projected needs
29 shall be considered capital improvements.

30 **Capital improvement program or plan.** A proposed schedule of future capital
31 improvement projects listed in order of construction priority, together with cost estimates
32 and anticipated means of financing for each project where appropriate, promulgated by
33 local, regional, state, or federal agencies with operational or maintenance
34 responsibilities within Escambia County.

35 **Caretaker residence.** A dwelling unit located on the premises of and accessory to a
36 non-residential principal use, and occupied as a residence by a caretaker or security
37 guard employed on the premises. The residence may be within a building housing the
38 non-residential use or separate from it.

39 **Carnival-type amusement.** One or more devices or elements which carry, convey, or
40 direct passengers along, around, over, or through a fixed or restricted course or in a
41 defined area for the primary purpose of giving the passengers amusement or

1 entertainment. The term “carnival-type amusement” includes carousels, bumper cars,
2 go-carts, roller coasters, and Ferris wheels; and water slides and inflatable attractions
3 exceeding 15 feet in height. The term does not include unpowered playground
4 equipment.

5 ***Carport.*** An accessory structure providing limited protection from the elements for
6 motor vehicles, boats, recreational vehicles, etc. The structure can be either
7 freestanding or attached to the principal structure as allowed by applicable building
8 codes.

9 ***Cemetery.*** A place dedicated to and used or intended to be used for the permanent
10 interment of human remains or cremated remains. A cemetery may contain earth
11 interment; mausoleum, vault, or crypt interment; a columbarium, scattering garden, or
12 other structure or place used or intended to be used for the interment or disposition of
13 cremated remains; or any combination of such structures or places. The term
14 “cemetery” includes incidental management and maintenance facilities, but does not
15 include funeral establishments or cinerators.

16 ***Cemetery, family.*** A private, nonprofit cemetery owned for the benefit of and devoted
17 to the interment of members of a family, or relatives bound by family or similar personal
18 ties, to the exclusion of the public.

19 ***Certificate of Concurrence.*** A formal certification by the county that a development
20 plan complies with all level of service standards for the provision of adequate public
21 facilities concurrent with the proposed demands on those facilities.

22 ***Certification.*** A written statement by an agency or individual which provides
23 reasonable assurance of the existence of some fact or circumstance, but is not a
24 warranty or guarantee of performance, expressed or implied.

25 ***Certification, as built.*** Certification that post-construction conditions as of the date of
26 certification conform to the approved plans, and that the “as built” documents convey all
27 revisions and represent the actual construction site conditions.

28 ***Change of use.*** Any use of a structure or land that substantially differs from the
29 previous use, regardless of any change of ownership or tenancy.

30 ***Changeable copy sign.*** A sign that is designed so that characters, letters, or
31 illustrations can be manually changed or rearranged without altering the face or surface
32 of the sign.

33 ***Child care facility.*** Any state licensed child care center or child care arrangement
34 which provides child care for more than five children unrelated to the facility operator
35 and which receives a payment, fee, or grant for any of the children receiving care,
36 whether operated for profit or not. As used here, child care means the care, protection,
37 and supervision of a child for a period of less than 24 hours a day on a regular basis
38 which supplements parental care, enrichment, and health supervision for the child.
39 Child care facilities do not include summer camps, Bible schools conducted during
40 vacation periods, and transient public lodging establishments providing child care

1 services solely for their guests, and generally do not include public or nonpublic schools
2 or their integral programs.

3 **Cinerator.** A facility where human remains are subjected to cremation. As used here,
4 cremation means any mechanical or thermal process whereby such remains are
5 reduced to ashes and bone fragments. Cremation also includes any other mechanical
6 or thermal process whereby human remains are pulverized, burned, re-cremated, or
7 otherwise further reduced in size or quantity.

8 **Club, civic or fraternal.** A facility owned or operated by a group for social, cultural,
9 religious, educational, or recreational purposes, and to which membership is required
10 for participation, but not primarily operated for profit or to provide a service customarily
11 provided by a business.

12 **Clustering.** The grouping of dwellings within a development, primarily to reduce its
13 adverse impacts on the land and preserve additional open space.

14 **Coastal construction control line (CCCL).** The line established by the State of
15 Florida according to Florida Statutes, and recorded in the official records of Escambia
16 County, which defines that portion of the beach-dune system subject to severe
17 fluctuations based on a 100-year storm surge, storm waves or other predictable weather
18 conditions.

19 **Coastal high-hazard area (CHHA).** The area below the elevation of the category 1
20 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes
21 (SLOSH) computerized storm surge model. For the specific purposes of floodplain
22 management, a coastal high-hazard area is a special flood hazard area extending from
23 offshore to the inland limit of a primary frontal dune along an open coast, and any other
24 area subject to high velocity wave action from storms or seismic sources. Such coastal
25 high-hazard areas may also be referred to as velocity zones or high hazard areas
26 subject to high velocity wave action and are designated on the Flood Insurance Rate
27 Maps (FIRM) as flood zones V or VE.

28 **Columbarium.** A building or other structure that is substantially exposed above the
29 ground and intended to be used for the inurnment of cremated remains.

30 **Commercial use.** Any non-residential use or activity that is typically carried out for the
31 purpose of monetary gain, including any business use or activity at a scale greater than
32 a home occupation. As a land use category, the term “commercial use” refers to land
33 dedicated to non-industrial business uses, including retail sales, office, service, and
34 entertainment facilities.

35 **Common ownership.** Ownership by the same person, corporation, firm, entity,
36 partnership, or unincorporated association.

37 **Community Redevelopment Area (CRA) Gateway Sign.** A sign located within the
38 right-of-way providing the name, location, and direction of the CRA.

39 **Community residential home.** A dwelling unit licensed by the state to serve elderly,
40 disabled, juvenile or other state approved clients and which provides a living
41 environment for seven to 14 unrelated residents who operate as the functional

1 equivalent of a family, including such supervision and care by supportive staff as may
2 be necessary to meet the physical, emotional, and social needs of the residents. A
3 community residential home is a form of household living

4 **Community service facility.** A public or nonprofit facility generally open to the public
5 for assembly and participation in community activities. Community service facilities
6 include auditoriums, libraries, museums, senior centers, union halls and neighborhood
7 centers, but do not include places of worship, for-profit clubs, sports complexes, parks,
8 or offices other than those on-site for administration of the facility.

9 **Compatible.** A condition in which land uses, activities or conditions can coexist in
10 relative proximity to each other in a stable fashion over time such that no use, activity,
11 or condition is unduly negatively impacted directly or indirectly by another use, activity,
12 or condition.

13 **Comprehensive Plan.** The Comprehensive Plan of Escambia County (Part II,
14 Escambia County Code of Ordinances) prepared by the local planning agency and
15 adopted by the Board of County Commissioners according to Florida Statutes, and any
16 subsequent amendments to that plan.

17 **Concurrency.** The condition or circumstance that, at the time new demands are placed
18 on public facilities, facility capacities will meet or exceed the adopted level of service
19 (LOS) standards.

20 **Conditional Use.** A use that, because of its special requirements or characteristics,
21 may be allowed in a particular zoning district on a specific site only after the Board of
22 Adjustment confirms compliance with all conditions prescribed by the LDC as necessary
23 to ensure compatibility with surrounding existing or permitted uses.

24 **Condominium.** A form of ownership of real property, created according to Florida
25 Statutes, which is comprised entirely of units that may be owned by one or more
26 persons, and in which there are jointly owned and shared areas and facilities.

27 **Condo-hotel or condotel.** A hotel or motel under a condominium form of ownership,
28 containing only individual lodging units permanently and wholly dedicated to full-time
29 public rental for transient occupancy, and permanently dedicated in its entirety,
30 including all common elements, to the complete control, management, and operation of
31 a single person or corporation. Such management may, however, permit the owner of
32 an individual unit to occupy the unit without rental charge for limited periods within a
33 calendar year.

34 **Conforming use.** Any use of land or structures that complies with all applicable
35 regulations of the LDC and the Comprehensive Plan.

36 **Construction.** The act of building, filling, excavation, or substantial improvement in the
37 size of any structure or the appearance of any land. When appropriate to the context,
38 the term "construction" refers to the act of construction or the result of construction and
39 may include vertical or horizontal improvements to land or structures.

40 **Construction and demolition debris.** Discarded materials regulated by the state as
41 construction and demolition debris, generally considered to be nonhazardous and not

1 water-soluble in nature, including steel, glass, brick, concrete, asphalt roofing material,
2 pipe, gypsum wallboard, and lumber from the construction or destruction of a structure;
3 and rocks, soils, trees, and other vegetative matter that normally results from land
4 clearing or land development operations. The term “construction and demolition debris”
5 does not apply to any mixture of construction and demolition debris with other types of
6 solid waste.

7 **Construction sign.** A temporary sign erected on the premises on which construction is
8 taking place, during the period of such construction, indicating the names of the
9 architects, engineers, landscape architects, contractors or similar artisans, and the
10 owners, financial supporters, sponsors, and similar individuals or firms having a role or
11 interest with respect to the structure or project.

12 **Convenience store.** A small-scale retail establishment, typically with extended hours
13 of operation, that sells a limited line of groceries, household items, and other
14 convenience goods, and which may also sell automotive fuels.

15 **Correctional facility.** A public or privately operated facility for the detention or
16 confinement of persons arrested or convicted for the violation of civil or criminal law.
17 Correctional facilities include adult and juvenile detention centers, jails, and prisons.

18 **Country club.** A facility primarily for social and outdoor recreation purposes, usually
19 restricted to members and their guests, and which typically includes a clubhouse, dining
20 facilities, pro shop, locker rooms, and recreational facilities such as a golf course,
21 swimming pool, and tennis courts.

22 **County.** Escambia County, Florida, excluding those areas within the county that are
23 incorporated as the City of Pensacola or Town of Century, unless the context clearly
24 indicates otherwise.

25 **County Attorney.** An attorney licensed to practice law in the State of Florida and
26 appointed by the Board of County Commissioners to serve as the attorney for Escambia
27 County.

28 **Cul-de-sac.** A local street with one end open to traffic and the other end terminated by
29 a vehicular turnaround. For the purposes of determining required minimum lot width,
30 the term “cul-de-sac” refers only to the vehicular turnaround at the closed end of the
31 street.

32 **- M -**

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

1 **Manufactured (mobile) home.** A complete, factory-built, single-family dwelling
2 constructed in conformance with federal *Manufactured Housing Construction and Safety*
3 *Standards* (the HUD Code) and transportable in one or more sections on a permanent
4 chassis for site installation with or without a permanent foundation. The term “mobile
5 home” refers to any manufactured home built prior to June 15, 1976 when the HUD
6 Code became effective. Manufactured homes do not include manufactured buildings,
7 modular homes or recreational vehicles.

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

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

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

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

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

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

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

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

- 1 **Marquee.** A permanent roofed structure attached to and supported by a building, and
2 projecting into public right-of-way, typically above an entrance to provide protection from
3 the elements.
- 4 **Materials recovery facility (MRF).** A solid waste management facility that provides for
5 the extraction from solid waste of recyclable materials, materials suitable for use as a
6 fuel or soil amendment, or any combination of such materials.
- 7 **Mausoleum.** A building or other structure that is substantially exposed above the
8 ground and used for the entombment of human remains.
- 9 **Mean high water (MHW).** The average height of the high waters over a 19-year period;
10 or for shorter periods of observation, the average height of the high waters after
11 corrections are applied to eliminate known variations and to reduce the result to the
12 equivalent of a mean 19-year value.
- 13 **Mean sea level (MSL).** The average height of the surface of the Gulf of Mexico for all
14 stages of the tide, or the mean between high and low tides as established by the North
15 American Vertical Datum (NAVD) of 1988.
- 16 **Medical clinic or office.** A facility, other than a hospital, providing medical diagnostic
17 and treatment services to patients not requiring an overnight stay. Such clinics and
18 offices commonly have laboratory facilities and include doctor's offices, diagnostic
19 centers, treatment centers, rehabilitation centers, and establishments providing surgical
20 and psychiatric services and emergency treatment.
- 21 **Medical services.** Professional services concerning human health maintenance and
22 the diagnosis and treatment of disease, injury, pain, and other adverse health
23 conditions. Medical services include the principal services provided by hospitals,
24 clinics, doctor's offices, diagnostic facilities, medical laboratories, blood donation
25 centers, and other human health care facilities.
- 26 **Metes and bounds.** A system of describing and identifying land by distances or
27 measures (metes) and bearings or direction (bounds) from an identifiable point of
28 reference, such as a monument or other marker or the corner of intersecting roads.
- 29 **Mineral extraction.** Extraction of minerals from the earth, including rock, gravel, sand,
30 clay, oil, and gas, and any overlying materials extracted for the purpose of reaching
31 underlying minerals. The term includes all associated clearing, grading, construction,
32 processing, transportation, and reclamation on the extraction property.
- 33 **Mini-warehouse.** See "Self-storage facility."
- 34 **Mitigation.** Methods used to alleviate, lessen, or compensate for adverse impacts.
- 35 **Mixed-use development.** The development of a tract of land or structure with a variety
36 of complementary and integrated uses, including residential, office, retail, entertainment,
37 recreation, and manufacturing, typically in a compact urban form.
- 38 **Mobile home.** See "Manufactured (mobile) home."

1 **Mobile vending unit.** A motorized or non-motorized vehicle or portable structure used
2 to store, prepare, or serve food or beverages to the public, or to store, distribute, or sell
3 merchandise, goods, or wares to the public.

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

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

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

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

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

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

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

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

40 **Multi-faced sign.** A sign composed of sections which rotate to display a series of
41 advertisements, each advertisement being displayed for at least five seconds

1 continuously without movement and the movement of the sections between displays
2 being not more than two seconds.

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

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

9 - T -

10 **Taxi or limousine service.** The provision of transportation in automobiles, limousines,
11 vans or similar passenger vehicles with drivers, offered to the public at a fixed fee or
12 hourly rate. The term “taxi or limousine service” includes passenger vehicle servicing,
13 repairing, and fueling facilities incidental or subordinate to the principal transportation
14 use.

15 **Telecommunications tower.** A tower, pole or similar structure designed to support
16 one or more antennas in a fixed location for transmitting or receiving commercial
17 wireless communications signals. The term “telecommunications tower” excludes
18 structures limited to amateur radio, VHF marine, or similar non-commercial operations.

19 **Temporary structure.** A structure that is authorized to be constructed or placed on a
20 parcel for a limited period of time and required to be removed from that parcel upon the
21 expiration of the permitted time.

22 **Temporary use.** A use that is authorized to be established on a parcel for a limited
23 period of time and is required to be discontinued on that parcel upon the expiration of
24 the permitted time. ~~A use established for only a short period of time with the intent to~~
25 ~~discontinue the use upon expiration of the time, and usually without the construction or~~
26 ~~alteration of any permanent structure.~~

27 **Tourist-oriented or tourism-oriented.** Businesses and commercial establishments
28 catering primarily to transient visitors staying on Pensacola Beach or Perdido Key for
29 two weeks or less, but including such businesses and establishments that could equally
30 cater to either tourists or island residents.

31 **Townhouse.** A single-family dwelling constructed in a row of three or more attached
32 dwelling units, with each unit extending from foundation to roof, separated by property
33 lines, and having its own direct front and rear access to the outside.

34 **Tree.** A woody perennial plant having one generally well-defined stem or trunk
35 branching to form a crown, and normally attaining a mature height of at least 12 feet
36 with a trunk at least three inches in diameter at breast height (DBH).

37 **Triplex.** A three-unit multi-family dwelling.

38 **Truck terminal.** A transshipment facility where trucks load and unload cargo and
39 freight, and where shipments may be broken down into smaller loads or aggregated into

1 larger loads for transfer to other vehicles or modes of transportation. The term “truck
2 terminal” includes areas for the parking of trucks awaiting loading or unloading, truck
3 servicing or maintenance facilities, freight warehouses, and other such facilities
4 incidental or subordinate to the principal transshipment use.

5
6 **Section 4. Severability.**

7
8 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
9 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
10 affect the validity of the remaining portions of this Ordinance.

11
12 **Section 5. Inclusion in Code.**

13
14 It is the intention of the Board of County Commissioners that the provisions of this
15 Ordinance shall be codified as required by F.S. § 125.68 (2015); and that the sections,
16 subsections and other provisions of this Ordinance may be renumbered or re-lettered
17 and the word “ordinance” may be changed to “section,” “chapter,” or such other
18 appropriate word or phrase in order to accomplish such intentions.

19
20 **Section 6. Effective Date.**

21
22 This Ordinance shall become effective upon filing with the Department of State.

23
24 **DONE AND ENACTED** this _____ day of _____, 2015.

25
26 **BOARD OF COUNTY COMMISSIONERS**
27 **OF ESCAMBIA COUNTY, FLORIDA**

28
29
30 **By:** _____
31 **Grover C. Robinson, IV, Chairman**

32
33 **ATTEST: PAM CHILDERS**
34 **Clerk of the Circuit Court**

35
36 **By:** _____
37 **Deputy Clerk**

38 **(SEAL)**

39
40 **ENACTED:**

41
42 **FILED WITH THE DEPARTMENT OF STATE:**

43
44 **EFFECTIVE DATE:**



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. B.

Meeting Date: 11/03/2015

Issue: A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan Chapter 7, CPA-2015-08

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan Chapter 7, CPA-2015-08

That the Board review and recommend to the Board of County Commissioners (BCC) for transmittal, an Ordinance to the Comprehensive Plan Chapter 7 Policy 1.3.1.

BACKGROUND:

This proposed change will remove a lodging unit cap imposed in error for the Mixed-Use Pensacola Beach (MU-PB) Future Land Use category. The current language in this policy reflects the existing dwelling unit cap but also includes a lodging unit cap of 726 units. The 726 units number came from an ordinance passed in 2007 (2007-38 Condotel), and was intended to limit future large room (greater than 850 sq feet) units, not total lodging units.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

This Ordinance, amending the Comprehensive Plan, will be filed with the Department of State, following adoption by the board.

Implementation of this Ordinance will consist of an amendment to the Comprehensive Plan and distribution of a copy of the proposed Ordinance to interested citizens and staff.

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

Attachments

Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: CPA-2015-08 Pensacola Beach FLU error

Date: 10/12/15

Date requested back by: 10/14/15

Requested by: Andrew Holmer

Phone Number: 595-3466



(LEGAL USE ONLY)

Legal Review by Kenna A. Smith

Date Received: 10/15/15 *lcs*

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2015-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES; THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030, AS AMENDED; AMENDING CHAPTER 7, "FUTURE LAND USE ELEMENT", POLICY FLU 1.3.1, "FUTURE LAND USE CATEGORIES" TO REMOVE THE RESIDENTIAL DEVELOPMENT LIMITATION FOR LODGING UNITS IN THE FUTURE LAND USE CATEGORY MIXED-USE PENSACOLA BEACH (MU-PB); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the Escambia County Board of County Commissioners adopted the Escambia County Comprehensive Plan: 2030 (Comprehensive Plan) on April 29, 2014; and

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend and enforce comprehensive plans for the development of the County; and

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

Section 1. Part II of the Escambia County Code of Ordinances, the Comprehensive Plan 2030, Chapter 7, "Future Land Use Element", Policy FLU 1.3.1 "Future Land Use Categories" is hereby amended as follows (words underlined are additions and words stricken are deletions):

FLU 1.3.1 Future Land Use Categories. General descriptions, range of allowable uses, and residential densities and non-residential intensities for all future land use categories in Escambia County are outlined in below.

FLUM Mixed-Use Pensacola Beach (MU-PB)

General Description:
Intended for a complementary mix of uses on the developable lands at Pensacola Beach and is designed to accommodate and encourage innovative land development types and arrangements. Residential development in the MU-PB FLUM category shall be limited to 4,128 dwelling units, and 726 lodging units.

1 **Section 3. Severability.**

2
3 If any section, sentence, clause or phrase of this ordinance is held to be invalid
4 or unconstitutional by a court of competent jurisdiction, the holding shall in no way affect
5 the validity of the remaining portions of this ordinance.
6

7 **Section 4. Inclusion in the code.**

8
9 The Board of County Commissioners intends that the provisions of this ordinance
10 will be codified as required by Section 125.68, Florida Statutes, and that the sections of
11 this ordinance may be renumbered or relettered and the word "ordinance" may be
12 changed to "section," "article," or such other appropriate word or phrase in order to
13 accomplish its intentions.
14

15 **Section 5. Effective date.**

16
17 Pursuant to Section 163.3184(3)(c)(4), Florida Statutes, this ordinance shall not
18 become effective until 31 days after the Department of Economic Opportunity notifies
19 Escambia County that the plan amendment package is complete. If timely challenged,
20 this ordinance shall not become effective until the Department of Economic Opportunity
21 or the Administration Commission enters a final order determining the ordinance to be in
22 compliance.
23

24 DONE AND ENACTED this ____ day of _____, 2015.

25
26 BOARD OF COUNTY COMMISSIONERS
27 ESCAMBIA COUNTY, FLORIDA
28

29
30 By: _____
31 Grover C. Robinson, IV, Chairman
32

33 ATTEST: Pam Childers
34 Clerk of the Circuit Court
35

36 By: _____ Date Executed: _____
37 Deputy Clerk
38

39 (SEAL)

40 ENACTED:

41 FILED WITH THE DEPARTMENT OF STATE:

42 EFFECTIVE DATE:
43
44
45

Approved as to form and legal
sufficiency.

By/Title: *[Signature]*
Date: 10/15/15



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. C.

Meeting Date: 11/03/2015

Issue: A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapter 3, Article 5, Pensacola Beach Districts

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Article 5, Pensacola Beach Districts

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 3, Article 5, Sections 3-5.2 thru 3-5.9, "Site and Building Requirements". Eliminating "temporary structures" as a permitted use in the GR-PB, REC/R-PB, and CH-PB districts and reclassifying "temporary structures" as a conditional use in those districts.

BACKGROUND:

At the June 22, 2015 Santa Rosa Island Architectural (SRIA) & Environmental Committee meeting, staff expressed concerns with Chapter 3, Pensacola Beach District, "Site and building requirements" due to the numerous elements involved when establishing or verifying setbacks for a residential lot, (subdivision, corner lot, facing Via de Luna, Gulf or Sound Front, Plat, etc...) and recommended that changes to the ordinance were necessary to clarify/simplify the information, making it easier to follow when setbacks are being established or verified. At the September 8, 2015 SRIA Regular Board meeting, the SRIA Board approved the recommendation and has forwarded it on to the November 3, 2015 Planning Board for review.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

The proposed Ordinance has been reviewed and approved for legal sufficiency by Mike Stebbins, Attorney for the SRIA and Kerra Smith, Escambia 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:

This Ordinance, amending the LDC, will be filed with the Department of State following adoption by the Board.

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 by the Development Services Department, in cooperation with Santa Rosa Island Authority, the County Attorney’s Office and all interested citizens. The Development Services Department will ensure proper advertisement.

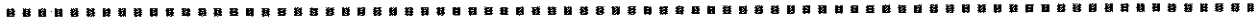
Attachments

Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Draft Ordinance PB setback
Date: October 20, 2015
Date requested back by: _____
Requested by: Allyson Cain
Phone Number: 595-3097



(LEGAL USE ONLY)

Legal Review by: Kerra A. Smith
Date Received: October 20, 2015

- Approved as to form and legal sufficiency
- Not approved
- Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2015-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 3, ARTICLE 5, "PENSACOLA BEACH DISTRICTS," SECTIONS 3-5.2 THRU 3-5.9, TO MODIFY SITE AND BUILDING REQUIREMENTS FOR SETBACKS IN THE LDR-PB, MDR/C-PB, HDR-PB, HDR/C-PB, GR-PB, REC/R-PB, AND CH-PB DISTRICTS; ELIMINATING "TEMPORARY STRUCTURES" AS A PERMITTED USE IN THE GR-PB, REC/R-PB, AND CH-PB DISTRICTS AND RECLASSIFYING "TEMPORARY STRUCTURES" AS A CONDITIONAL USE IN THOSE DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners authorizes site and building requirements for setbacks by applicable zoning districts on Pensacola Beach; and

WHEREAS, the Board of County Commissioners finds that clarifying site and building requirements for setback instructions and accompanying footnotes within the Pensacola Beach zoning districts promotes the efficient and equitable regulation of land use, and therefore serves the public interest.

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

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 3, Article 5, Section 3-5.2, "Low density residential (LDR-PB)" hereby amended as follows (additions are underlined and deletions are strikethrough):

Sec. 3-5.2 Low density residential (LDR-PB). Areas delineated as low density residential are restricted to the development of single family detached homes at densities up to and including four units per acre.

(1) Site and building requirements.

TABLE LDR-PB

Minimum Size Lot	<u>Building Height</u>	Building Setbacks ^{1,2} 1,2	Parking	Special Requirements
Minimum lot size is 10,000 sq. ft.	<u>See Article 5, Sec. 3-5.1</u>	Front - 30 feet ^{3,4} 3,4 Side - 15 feet* ^{4,5} 4,5 Rear - 20 feet* ^{3,6,7} 3,6,7	Minimum 2 spaces off street	Subdivision plat required. Landscaping requirements per Chapter 5

		*See list for existing subdivisions		
--	--	-------------------------------------	--	--

Notes:

1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
3. If facing County Road 399 front or rear setback shall be 50 feet, for lots larger than 10,000 sq. ft.
4. If sound front lot, building front setback may be reduced to a minimum of 20 feet, only if erosion on Soundside has placed rear platted lot line in the Sound.
5. Corner lot (street side) setbacks shall be 25 feet. For irregular shaped lots the sideline side setback restrictions may be based on 10 percent of the average of the front and rear lines, but in no case shall be less than 10 feet unless otherwise specified.
6. If Gulf front lot, rear 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). In Lafitte Cove, as per recorded plat. In Villa Sabine, as per recorded plat.
7. If sound front lot, (Villa Primera and Villa Segunda subdivisions) building setbacks shall be established as 30 feet upland of the mean high water line, for structures deemed in compliance with current flood elevation requirements and whose shoreline has been stabilized; this relief is for lots whose platted rear line is in the Sound. All other structures shall maintain a building setback of 50 feet upland of the vegetation mean high water line.
8. ~~First floor level of lowest habitable floor must be in compliance with current flood insurance rate map issued by the National Flood Insurance Program, or this chapter, whichever is greater, Chapter 4, Section 4-3.1.~~
9. ~~Enclosures below established base flood level must be accomplished through "break-away" wall construction, and such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a combination thereof.)~~

Setbacks. Listed below are required setbacks for the existing single-family detached 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 ² 3 feet	7.5 feet ⁵ per lease	10 feet ^{1, 3, 4} per lease
Santa Rosa Villas 1st Addition	30 feet ¹	15 feet ² ²	20 feet ³ ³

Santa Rosa Villas 2nd Addition	30 feet	15 feet ² 2	20 feet ⁴ -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 2	20 feet ^{3,4} 3,4-
Villa Sabine	30 feet	15 feet	Plat ⁴ -4-
Villa Segunda	30 feet 1	15 feet ² 2	20 feet ^{3,4} 3,4-
White Sands Cottages	30 feet	5 feet	20 feet

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Section 2. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 3, Article 5, Section 3-5.3, "Medium density residential (MDR-PB)," subsection (b), "Site and building requirements" is hereby amended as follows (additions are underlined> and deletions are ~~strikethrough~~):

Sec. 3-5.3 Medium density residential (MDR-PB)

(b) Site and building requirements.

TABLE MDR-PB

Minimum Lot Size	Building Setbacks ^{1,2} 4,-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 ^{2,3,6} 2,-3 Side 15 feet ⁴ -4- Rear 30 feet ⁵ 5	See Chapter 5	Subdivision plat required. All multiple owner projects to have approved maintenance association. Landscaping requirements per Chapter 5.

10 **Notes:**

- 11 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
- 12 allowed.
- 13 2. Front is defined as side facing main street or access. If water front property, then side
- 14 facing water is rear.
- 15 3. If facing County Road 399 front or rear setback shall be 50 feet, for lots larger than

1 10,000 sq ft.

2 4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions
3 may be based on ten percent of the average of the front and rear lines, but in no case
4 shall be less than 10 feet unless otherwise specified.

5 5. If gulf front lot, building line shall be the most restrictive 50 feet landward of the crest
6 of the primary dune line; or the State of Florida 1975 Coastal Construction Control
7 Line (CCCL).

8 ~~6. 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.~~

11 ~~7. Enclosures below established base flood level must be accomplished through "break-
12 away" wall construction, and such enclosures may not be used for habitable
13 purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a
14 combination thereof.)~~

15 ~~8.6. If sound front, building front setback line shall be 50 feet upland of the vegetation
16 line. may be reduced to a minimum of 20 feet, only if erosion on the Soundside has
17 placed the rear platted lot line in the Sound.~~

18
19 **Section 3.** Part III of the Escambia County Code of Ordinances, the Land Development
20 Code of Escambia County, Chapter 3, Article 5, Section 3-5.4, "Medium density
21 residential/commercial (MDR/C-PB)," subsection (c), "Site and building requirements" is
22 hereby amended as follows (additions are underlined and deletions are ~~strikethrough~~):

23
24 **Sec. 3-5.4 Medium density residential/commercial (MDR/C-PB)**

25
26 **(c) Site and building requirements.**

27
28 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.	<u>For commercial</u> Front 50 feet ² 2 Side 50 feet ³ 3 Rear 40 feet ³ -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

29 **Notes:**

30 1. Setbacks to be measured to outside walls with maximum of three feet of
31 overhang allowed.

32 2. Front is defined as side facing main street or access. If water front property, then

- 1 side facing water is rear.
- 2 ~~3. If facing County Road 399 setback shall be 50 feet.~~
- 3 ~~4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline~~
- 4 ~~restrictions may be based on ten percent of the average of the front and rear~~
- 5 ~~lines, but in no case shall be less than ten feet unless otherwise specified.~~
- 6 ~~5. 3. If Gulf front, building line shall be the most restrictive of 50 feet landward of~~
- 7 ~~the crest of the primary dune line; or the State of Florida 1975 Coastal~~
- 8 ~~Construction Control Line (CCCL).~~
- 9 ~~6. First floor level of lowest habitable floor must be in compliance with current~~
- 10 ~~flood hazard map and flood insurance rate map issued by the National Flood~~
- 11 ~~Insurance Program, or this chapter, whichever is greater.~~
- 12 ~~7. Enclosures below established base flood level must be accomplished through~~
- 13 ~~"break-away" wall construction, and such enclosures may not be used for~~
- 14 ~~habitable purposes. (Habitable includes working, sleeping, eating, cooking or~~
- 15 ~~recreation, or a combination thereof).~~
- 16 ~~8. If sound front, building setback line shall be 50 feet upland of the vegetation~~
- 17 ~~line.~~

18

19 **Section 4.** Part III of the Escambia County Code of Ordinances, the Land Development

20 Code of Escambia County, Chapter 3, Article 5, Section 3-5.5, "High density residential

21 (HDR-PB)," subsection (b) "Site and building requirements," is hereby amended as

22 follows (additions are underlined and deletions are ~~strikethrough~~):

23

24 **3-5.5 High density residential (HDR-PB).**

25 **(b) Site and building requirements.**

26 TABLE HDR-PB

Minimum Building Setbacks ^{1, 2, 3, 4, 2, 3}	Maximum Coverage*	Parking	Special Requirements -5
Front 60 feet ² Side ⁴ 4- Rear 60 feet	3 to 4 stories - 25% 5 to 7 stories - 23% 8 to 9 stories - 21% Over 9 stories - 19%	If maximum lot coverage is attained there will be a minimum of 1	1. Maximum 30 units per acre 2. Maximum floor area 500 s.f. per unit for 1 bedroom apts. For 2 bedroom a
	*Net building coverage maximum percent of land built over	parking space per unit inside building. See Chapter 5	minimum of 850 sf. per unit 3. All multiple owner projects to have appropriate maintenance associations 4. Landscaping requirements per Chapter 5

27 **Notes:**

- 28 1. Setbacks to be measured to outside walls with maximum of three feet of
- 29 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.

Section 5. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 3, Article 5, Section 3-5.6, "High density residential/commercial (HDR/C-PB)," subsection (c) "Site and building requirements" is hereby amended as follows (additions are underlined and deletions are ~~strikethrough~~):

Sec. 3-5.6 High density residential/commercial (HDR/C-PB).

(c) Site and building requirements.

TABLE HDR/C-PB

Minimum Building Setbacks ^{1, 2, 3}	Maximum Coverage*	Parking Project Access Points	Special Requirements 5
Types of Commercial Uses			

<p><u>For Commercial Tourist oriented, service oriented, & local service commercial uses, & governmental uses</u></p> <p><u>Front 50 feet²</u> <u>Side 50 feet</u> <u>Rear 40 feet³</u></p> <p>Front 60 feet Side 4- Rear 60 feet</p>	<p>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</p>	<p>If maximum lot coverage is attained there will be a minimum of 1 parking space per unit inside building. See Chapter 5.</p> <p>Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county.</p>	<p>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</p>
<p>Tourist oriented, service oriented, & local service commercial uses, & governmental uses</p>	<p><u>For Commercial</u></p> <p>Front 50 feet 2 Side 50 feet 4- Rear 40 feet 3</p>		

Notes:

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1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, the side facing water is rear.
3. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL). If sound front, building setback shall be established as 50 feet upland of the vegetation line.
4. Side setbacks to be determined on an individual basis.
5. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or this chapter, whichever is greater. No floodproofing methods will be allowed in the velocity ("V") zone. All enclosures below base flood level must be of "break-away" type construction. Such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)
6. If sound front, building setback line shall be 50 feet upland of the vegetation line

1 **Section 6.** Part III of the Escambia County Code of Ordinances, the Land Development
 2 Code of Escambia County, Chapter 3, Article 5, Section 3-5.7, "General retail (GR-PB)"
 3 is hereby amended as follows (additions are underlined and deletions are
 4 ~~strikethrough~~):

5
 6 **Sec. 3-5.7 General retail (GR-PB).**
 7

8 **(a) Permitted uses.** The following types of uses are permitted in GR-PB:

- 9 (1) Motels and hotels.
- 10 (2) Restaurants, indoor and drive-in.
- 11 (3) Grocery stores.
- 12 (4) Miscellaneous convenience goods stores.
- 13 (5) Professional offices.
- 14 (6) Realty and property rental offices.
- 15 (7) Personal service establishments.
- 16 (8) Convenience goods stores.
- 17 (9) Professional offices.
- 18 (10) Personal service establishments.
- 19 (11) Realty and property rental offices.
- 20 (12) Marinas.
- 21 ~~(13) Temporary structures.~~

22 **(b) Conditional uses.** The following types of use are conditional uses
 23 under GR-PB:
 24 Temporary structures

25 **(c) Site and building requirements.**

26 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

27 **Notes:**

- 28 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
- 29 allowed.
- 30 2. Front is defined as side facing main street or access. If water front property, then
- 31 side facing water is rear.
- 32 3. If facing County Road 399 setback shall be 50 feet.
- 33 4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions

1 may be based on ten percent of the average of the front and rear lines, but in no case
2 shall be less than ten feet unless otherwise specified.

3 53. If gulf front, building line shall be the most restrictive of 50 feet landward of the
4 crest of the primary dune line; or the State of Florida 1975 Coastal Construction
5 Control Line (CCCL).

6 6. First floor level of lowest habitable floor must be in compliance with current
7 flood hazard map and flood insurance rate map issued by the National Flood
8 Insurance Program, or this chapter, whichever is greater.

9 7. Enclosures below established base flood level must be accomplished through
10 "break-away" wall construction, and such enclosures may not be used for
11 habitable purposes. (Habitable includes working, sleeping, eating, cooking or
12 recreation, or a combination thereof.)
13

14 **Section 7.** Part III of the Escambia County Code of Ordinances, the Land Development
15 Code of Escambia County, Chapter 3, Article 5, Section 3-5.8, "Recreational retail
16 (Rec/R-PB)" is hereby amended as follows (additions are underlined and deletions are
17 ~~strikethrough~~):
18

19 **Sec. 3-5.8 Recreation retail (Rec/R-PB).**
20

21 **(a) Permitted uses.** The following types of uses are permitted in Rec/R-PB:

- 22 (1) Restaurants, indoor and drive-in.
 - 23 (2) Convenience goods stores.
 - 24 (3) Tourist related retail goods.
 - 25 (4) Tourist related personal and professional services.
 - 26 (5) ~~Temporary structures.~~
- 27

28 **(b) Conditional uses.** The following types of use are conditional uses
29 under Rec/R-PB:

30 Temporary structures

31 **(b) (c) Site and building requirements.**

32 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.

1 *Notes:*

- 2 1. Setbacks to be measured to outside walls with maximum of three feet of
3 overhang allowed.
- 4 2. Front is defined as side facing main street or access. If water front property,
5 then side facing water is rear.
- 6 ~~3. If facing County Road 399 setback shall be 50 feet.~~
- 7 ~~4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions~~
8 ~~may be based on ten percent of the average of the front and rear lines, but in no~~
9 ~~case shall be less than ten feet unless otherwise specified.~~
- 10 ~~5.~~ 3. If gulf front, building line shall be the most restrictive of 50 feet landward of
11 the crest of the primary dune line; or the State of Florida 1975 Coastal
12 Construction Control Line (CCCL).
- 13 ~~6. First floor level of lowest habitable floor must be in compliance with current~~
14 ~~flood hazard map and flood insurance rate map issued by the National Flood~~
15 ~~Insurance Program, or this chapter, whichever is greater.~~
- 16 ~~7. Enclosures below established base flood level must be accomplished through~~
17 ~~"break-away" wall construction, and such enclosures may not be used for~~
18 ~~habitable purposes. (Habitable includes working, sleeping, eating, cooking or~~
19 ~~recreation, or a combination thereof.)~~

20

21 **Section 8.** Part III of the Escambia County Code of Ordinances, the Land
22 Development Code of Escambia County, Chapter 3, Article 5, Section 3-5.9,
23 "Commercial hotel (CH-PB)" is hereby amended as follows (additions are underlined
24 and deletions are ~~strikethrough~~):

25

26 **Sec. 3-5.9 Commercial hotel (CH-PB).**

27

28 **(a) Permitted uses.** The following types of uses are permitted in CH-PB:

- 29 (1) Motels and hotels.
- 30 (2) Restaurants.
- 31 (3) Tourist related retail goods.
- 32 (4) Marinas, etc.
- 33 (5) Cocktail lounges and package stores.
- 34 (6) Miscellaneous convenience goods stores.
- 35 (7) Professional offices.
- 36 (8) Realty and property rental offices.
- 37 (9) Personal service establishments.
- 38 ~~(10) Temporary structures.~~

39 **(b) Conditional uses.** The following types of use are conditional uses
40 under CH-PB:
41 Temporary structures

1 **(b) (c) Site and building Requirements.**

2 TABLE CH-PB

Types of Commercial Uses	Minimum Building Setbacks 4	Project Access Points	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet ² 2 Side 50 feet ⁴ 4 Rear 40 feet ³ 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

3 **Notes:**

- 4 1. Setbacks to be measured to outside walls with maximum of three feet of
5 overhang allowed.
- 6 2. Front is defined as side facing main street or access. If water front property,
7 then side facing water is rear.
- 8 3. If gulf front, building line shall be the most restrictive of 50 feet landward of the
9 crest of the primary dune line, or the State of Florida 1975 Coastal Construction
10 Control Line (CCCL). If sound front, building setback shall be established as 50 feet
11 upland of the vegetation line.
- 12 4. Side setbacks to be determined on an individual basis
- 13 5. First floor level of lowest habitable floor must be in compliance with current flood hazard
14 map and flood insurance rate map issued by the National Flood Insurance Program, or this
15 chapter, whichever is greater. No floodproofing methods will be allowed in the velocity
16 ("V") zone. All enclosures below base flood level must be of "break-away" type
17 construction. Such enclosures may not be used for habitable purposes. (Habitable includes
18 working, sleeping, eating, cooking, or recreation, or a combination thereof.

21 **Section 9. Severability.**

22
23 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
24 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
25 affect the validity of the remaining portions of this Ordinance.

27 **Section 10. Inclusion in Code.**

28
29 It is the intention of the Board of County Commissioners that the provisions of this
30 Ordinance shall be codified as required by F.S. § 125.68 (2015); and that the sections,
31 subsections and other provisions of this Ordinance may be renumbered or re-lettered
32 and the word "ordinance" may be changed to "section," "article," or such other
33 appropriate word or phrase in order to accomplish such intentions.

1 **Section 11. Effective Date.**

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

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

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

10
11 By: _____
12 Grover C. Robinson, IV, Chairman

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

16
17
18 By: _____
19 Deputy Clerk

20 Approved as to form and legal
sufficiency.

21 By/Title: [Signature] Escambia County Attorney
22 Date: 10/20/15

23 (SEAL)

24 **ENACTED:**

25 **FILED WITH THE DEPARTMENT OF STATE:**

26 **EFFECTIVE DATE:**
27

DRAFT



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular
Meeting Date: 11/03/2015

5. A.

Agenda Item:

Group Living definition and permitted uses



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

5. B.

Meeting Date: 11/03/2015

Agenda Item:

Limited AG uses in MU-S (comp plan amendment)



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

5. C.

Meeting Date: 11/03/2015

Agenda Item:

Adding Microbreweries to the LDC

Attachments

Draft Ordinance

1 development characteristic of village main streets and older neighborhood commercial areas.
2 Residential uses within the district include all forms of single-family, two-family and multi-family
3 dwellings.

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

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

8 a. Group living, excluding dormitories, fraternity and sorority houses, and residential
9 facilities providing substance abuse treatment, post-incarceration reentry, or similar
10 services.

11 b. Manufactured (mobile) homes, including manufactured home subdivisions, but
12 excluding new or expanded manufactured home parks.

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

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

16 See also conditional uses in this district.

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

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

23 a. Bed and breakfast inns.

24 b. Boarding and rooming houses.

25 c. Child care facilities.

26 d. Personal services, including those of beauty shops, health clubs, pet groomers, dry
27 cleaners, and tattoo parlors.

28 e. Professional services, including those of realtors, bankers, accountants, engineers,
29 architects, dentists, physicians, and attorneys.

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

33 g. Restaurants, brewpubs, including on-premises consumption of alcoholic beverages, but
34 excluding distribution of alcoholic beverages for off-site sales and ~~but~~ excluding drive-in
35 or drive-through service.

36 See also conditional uses in this district.

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

- 2 a. Preschools and kindergartens.
- 3 b. Emergency service facilities, including law enforcement, fire fighting, and medical
- 4 assistance.
- 5 c. Foster care facilities.
- 6 d. Places of worship.
- 7 e. Public utility structures, excluding telecommunications towers.

8 See also conditional uses in this district.

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

- 10 a. Marinas, private only.
- 11 b. Parks without permanent restrooms or outdoor event lighting.

12 See also conditional uses in this district.

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

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

15 consumption by the producer, but no farm animals.

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

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

18 may conditionally allow the following uses within the HDMU district:

19 **(1) Residential.**

- 20 a. Dormitories.
- 21 b. Fraternity and sorority houses.
- 22 c. Manufactured (mobile) home parks.

23 **(2) Retail sales.** Medium-scale (gross floor area greater than 6000 sq.ft. per lot, but no

24 greater than 35,000 sq.ft.) retail sales, including sales of beer and wine and automotive

25 fuels, but excluding sales of motor vehicles and liquor, and excluding permanent outdoor

26 storage, display, or sales.

27 **(3) Retail services.**

- 28 a. Medium-scale (gross floor area greater than 6000 sq. ft. per lot, but no greater than
- 29 35,000 sq. ft.) retail services, excluding motor vehicle service and repair.
- 30 b. Restaurants, brewpubs, with drive-in or drive-through service and including the
- 31 distribution of on-premises produced alcoholic beverages for off-site sales.
- 32 c. Small-scale (gross floor area 6000 sq.ft. or less per lot) major motor vehicle service and
- 33 repair, excluding painting or body work and outdoor work.

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

- 35 a. Broadcast stations with satellite dishes and antennas, excluding towers.

- 1 **b.** Cemeteries, including family cemeteries.
- 2 **c.** Clubs, civic and fraternal.
- 3 **d.** Community service facilities, including auditoriums, libraries, museums, and
- 4 neighborhood centers.
- 5 **e.** Cinerators.
- 6 **f.** Educational facilities not among the permitted uses of the district.
- 7 **g.** Funeral establishments.
- 8 **h.** Hospitals.
- 9 **i.** Offices for government agencies or public utilities.
- 10 **j.** Public utility structures exceeding the district structure height limit and
- 11 telecommunications towers of any height, excluding any industrial uses.
- 12 **k.** Warehousing or maintenance facilities for government agencies or public utilities.
- 13 **(5) Recreation and entertainment.**
- 14 **a.** Amusement arcade centers and bingo facilities.
- 15 **b.** Golf courses, tennis centers, swimming pools and similar active outdoor recreational
- 16 facilities, including associated country clubs.
- 17 **c.** Parks with permanent restrooms or outdoor event lighting.
- 18 **(6) Industrial and related.**
- 19 **a.** Microbreweries, microdistilleries, and microwineries.
- 20 **(7) Agricultural and related.**
- 21 **a.** Horses or other domesticated *equines* kept on site, and stables for such animals, only
- 22 as a private residential accessory with a minimum lot area of two acres and a maximum
- 23 of one animal per acre.
- 24 **b.** Veterinary clinics.
- 25 **(d) Other uses.**
- 26 **a.** Self-storage facilities with a maximum lot area of one acre and outdoor storage limited
- 27 to operable motor vehicles and boats. No vehicle rental.
- 28 **b.** Structures of permitted uses exceeding the district structure height limit, excluding
- 29 telecommunications towers.
- 30 **(e) Site and building requirements.** The following site and building requirements apply to uses
- 31 within the HDMU district:
- 32 **(1) Density.** A maximum of 25 dwelling units per acre.
- 33 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial (C) future land
- 34 use category and 2.0 within Mixed-Use Urban (MU-U).
- 35 **(3) Structure height.** A maximum structure height of 150 feet above highest adjacent grade.

- 1 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 2 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of 20 feet at
3 the street right-of-way, the following minimum lot widths are required:
- 4 **a. Single-family detached.** Forty feet at both the street right-of-way and the front building
5 line for single-family detached dwellings.
- 6 **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front building line for
7 two-family dwellings.
- 8 **c. Multi-family and other.** One hundred feet at the front building line for multi-family
9 dwellings, boarding or rooming houses, or townhouse groups. No minimum lot width
10 required by zoning for other uses.
- 11 **(6) Lot coverage.** Minimum pervious lot coverage of 20 percent (80 percent maximum semi-
12 impervious and impervious cover) for all uses.
- 13 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 14 **a. Front and rear.** Twenty feet in the front and 15 feet in the rear.
- 15 **b. Sides.** Ten feet on each side of a group of attached townhouses. On each side of all
16 other structures, 10 feet or 10 percent of the lot width at the front building line,
17 whichever is less, but at least five feet. For structures exceeding 35 feet above highest
18 adjacent grade, an additional two feet for each additional 10 feet in height, but not
19 required to exceed 15 feet.
- 20 **(8) Other requirements.** Refer to chapters 4 and 5 for additional development regulations and
21 standards.
- 22 **(f) Location criteria.** All new non-residential uses proposed within the HDMU district that are not
23 part of a predominantly residential development or a planned unit development, or are not
24 identified as exempt by district regulations, shall be on parcels that satisfy at least one of the
25 following location criteria:
- 26 **(1) Proximity to intersection.** Along an arterial or collector street and within 200 feet of an
27 intersection with another arterial or collector.
- 28 **(2) Proximity to traffic generator.** Along an arterial or collector street and within a one-
29 quarter mile radius of an individual traffic generator of more than 600 daily trips, such as an
30 apartment complex, military base, college campus, hospital, shopping mall or similar
31 generator.
- 32 **(3) Infill development.** Along an arterial or collector street, in an area where already
33 established non-residential uses are otherwise consistent with the HDMU district, and
34 where the new use would constitute infill development of similar intensity as the conforming
35 development on surrounding parcels. Additionally, the location would promote compact
36 development and not contribute to or promote strip commercial development.
- 37 **(4) Site design.** Along an arterial street and at the intersection with a local street that serves
38 to connect the arterial street to another arterial, and all of the following site design
39 conditions:
- 40 **a.** Any intrusion into a recorded residential subdivision is limited to a corner lot

- 1 **b.** Access and stormwater management is shared with adjoining uses or properties to the
2 extent practicable.
- 3 **c.** Adverse impacts to any adjoining residential uses are minimized by placing the more
4 intensive elements of the use, such as solid waste dumpsters and truck
5 loading/unloading areas, furthest from the residential uses.

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

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

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

23

24 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development Code of
25 Escambia County, Chapter 3, Article 2, Section 3-2.10 "Commercial district (COM)," is hereby
26 amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

27 **Sec. 3-2.10 Commercial district (Com).**

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

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

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

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

See also conditional uses in this district.

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

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

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

See also conditional uses in this district.

(4) Public and civic.

- a. Broadcast stations with satellite dishes and antennas, including towers.
- b. Cemeteries, including family cemeteries.
- c. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
- d. Educational facilities, including preschools, K-12, colleges, and vocational schools.
- e. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

- 1 f. Foster care facilities.
- 2 g. Funeral establishments.
- 3 h. Hospitals.
- 4 i. Offices for government agencies or public utilities.
- 5 j. Places of worship.
- 6 k. Public utility structures, including telecommunications towers, but excluding any
- 7 industrial uses.
- 8 l. Warehousing or maintenance facilities for government agencies or for public utilities.
- 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. Indoor recreation or entertainment facilities, including movie theaters, bowling alleys,
- 13 skating rinks, arcade amusement centers, bingo facilities and shooting ranges, but
- 14 excluding bars, nightclubs or adult entertainment facilities.
- 15 c. Marinas, private and commercial.
- 16 d. Parks without permanent restrooms or outdoor event lighting.

17 See also conditional uses in this district.

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

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

21 See also conditional uses in this district.

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

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

27 See also conditional uses in this district.

28 **(8) Other uses.**

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

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

3 **(1) Residential.**

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

6 **(2) Retail sales.**

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

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

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

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

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

- 28 a. Bars, and nightclubs.
- 29 b. Golf courses, tennis centers, swimming pools and similar active outdoor recreational
30 facilities, including associated country clubs.
- 31 c. Parks with permanent restrooms or outdoor event lighting.

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

- 33 **a.** Borrow pits and reclamation activities 20 acres minimum and (subject to local permit
34 and development review requirements per Escambia County Code of Ordinances, Part
35 I, Chapter 42, article VIII, and land use and regulations in Part III, the Land
36 Development Code, chapter 4. *Borrow pits are prohibited on land zoned GMD prior to
37 the adoption of the Commercial (Com) zoning.

1 b. Mircobreweries, microdistilleries, microwineries,

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

5 **(8) Other uses.**

6 a. Outdoor sales not among the permitted uses of the district.

7 b. Outdoor storage not among the permitted uses of the district, including outdoor storage
8 of trailered boats and operable recreational vehicles, but no repair, overhaul, or salvage
9 activities. All such storage shall be screened from residential uses and maintained to
10 avoid nuisance conditions.

11 c. Self-storage facilities, including vehicle rental as an accessory use.

12 d. Structures of permitted uses exceeding the district structure height limit.

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

15 **(1) Density.** A maximum of 25 dwelling units per acre throughout the district. Lodging unit
16 density not limited by zoning.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 a. Any Intrusion into a recorded subdivision is limited to a corner lot.

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

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

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

29
30 a. The parcel has not been rezoned by the landowner from the mixed-use, commercial, or
31 industrial zoning assigned by the county.

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

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

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

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

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

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

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

20 **(2) Retail sales.** Retail sales, including sales of alcoholic beverages, sales of automotive
21 fuels, and sales of new and used automobiles, motorcycles, boats, and manufactured
22 (mobile) homes.

23 **(3) Retail services.**

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

1 i. Taxi and limousine services.

2 See also conditional uses in this district.

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

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

5 b. Cemeteries, including family cemeteries.

6 c. Community service facilities, including auditoriums, libraries, museums, and
7 neighborhood centers.

8 d. Educational facilities, including preschools, K-12, colleges, and vocational schools.

9 e. Emergency service facilities, including law enforcement, fire fighting, and medical
10 assistance.

11 f. Funeral establishments.

12 g. Homeless shelters.

13 h. Hospitals.

14 i. Offices for government agencies or public utilities.

15 j. Places of worship.

16 k. Public utility structures, including telecommunications towers, but excluding industrial
17 uses not otherwise permitted.

18 See also conditional uses in this district.

19 (Ord. No. 2015-24, § 1, 7-7-15)

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

21 a. Commercial entertainment facilities, indoor or outdoor, including movie theatres,
22 amusement parks, and stadiums, but excluding motorsports facilities. Carnival-type
23 amusements shall be at least 500 feet from any residential district. Bars, nightclubs, and
24 adult entertainment are prohibited in areas with the zoning designation HC/LI-NA or
25 areas zoned ID-CP or ID-1 prior to adoption of HC/LI zoning.

26 b. Commercial recreation facilities, passive or active, including those for walking, hiking,
27 bicycling, camping, recreational vehicles, swimming, skateboarding, bowling, court
28 games, field sports, and golf, but excluding of f-highway vehicle uses and outdoor
29 shooting ranges. Campgrounds and recreational vehicle parks require a minimum lot
30 area of five acres.

31 c. Marinas, private and commercial.

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

33 See also conditional uses in this district.

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

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

38 b. Marinas, industrial.

- 1 c. Microbreweries, microdistilleries, and microwineries are excluded from areas with the
2 zoning designation HC/LI-NA or areas zoned ID-CP or ID-1 prior to adoption of HC/LI
3 zoning.

4 See also conditional uses in this district.

5
6 **(7) Agricultural and related.**

- 7 a. Food produced primarily for personal consumption by the producer, but no farm
8 animals.
9 b. Nurseries and garden centers, including adjoining outdoor storage or display of plants.
10 c. Veterinary clinics, excluding outside kennels.

11 See also conditional uses in this district.

12 **(8) Other uses.**

- 13 a. Billboards structures, excluding areas zoned ID-CP, GBD, or GID prior to adoption of
14 HC/LI zoning.
15 b. Building or construction trades shops and warehouses, including on-site outside
16 storage.
17 c. Bus leasing and rental facilities.
18 d. Deposit boxes for donation of used items when placed as an accessory structure on the
19 site of a charitable organization.
20 e. Outdoor adjacent display of plants by garden shops and nurseries.
21 f. Outdoor sales.
22 g. Outdoor storage of trailered boats and operable recreational vehicles, excluding repair,
23 overhaul or salvage activities.
24 h. Parking garages and lots, commercial.
25 i. Sales and outdoor display of prefabricated storage sheds.
26 j. Self-storage facilities, including vehicle rental as an accessory use.

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

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

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

32 b. **Public and civic.** Cinerators.

33 c. **Recreation and entertainment.**

- 34 a. Motorsports facilities on lots 20 acres or larger.
35 b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
36 c. Shooting ranges, outdoor.

1 **d. Industrial and related.**

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

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

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

10 (d) Solid waste processing facilities, including solid waste collection points, solid waste
11 transfer facilities, materials recovery facilities, recovered materials processing facilities,
12 recycling facilities and operations, resource recovery facilities and operations, and
13 volume reduction plants.

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

- 19
- 20 1. Trucks have access to and from the site from adequately wide collector or arterial
21 streets and do not use local residential streets.
- 22 2. The scale, intensity, and operation of the use will not generate unreasonable noise,
23 traffic, objectionable odors, dust, or other potential nuisances or hazards to
24 contiguous properties.
- 25 3. The processing of materials will be completely within enclosed buildings unless
26 otherwise approved by the BCC.
- 27 4. The plan includes appropriate practices to protect adjacent land and resources,
28 minimize erosion, and treat stormwater; landscaping and buffering for adjacent uses;
29 hours of operation; methods to comply with maximum permissible noise levels;
30 means of access control to prevent illegal dumping; and plans for materials storage

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

32 **f. Other uses.**

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

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

37 **(1) Density.** Dwelling unit density limited to vested residential development. Lodging unit
38 density not limited by zoning.

- 1 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial (C) and
2 Industrial (I) future land use categories, and 2.0 within Mixed-Use Urban (MU-U).
- 3 **(3) Structure height.** A maximum structure height of 150 feet above highest adjacent grade.
- 4 **(4) Lot area.** No minimum lot area unless prescribed by use.
- 5 **(5) Lot width.** No minimum lot width required by zoning.
- 6 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent maximum semi-
7 impervious and impervious cover) for all uses. A maximum 75 percent of lot area occupied
8 by principal and accessory buildings on lots of non-residential uses.
- 9 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:
- 10 **a. Front and rear.** Fifteen feet in both front and rear.
- 11 **b. Sides.** Ten feet on each side, including any group of attached townhouses. For
12 structures exceeding 35 feet above highest adjacent grade, an additional two feet for
13 each additional 10 feet in height.
- 14 **(8) Other requirements.**
- 15 **a. Access.** For any industrial use south of Well Line Road, site access shall be provided
16 by curb cuts on an arterial or collector street. Alternatively, a private or public street
17 may link the site to an arterial or collector, provided that the private or public street does
18 not traverse a residential subdivision or predominantly residential neighborhood
19 between the site and the arterial or collector street.
- 20 **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development regulations
21 and standards.
- 22 **(e) Location criteria.** All new non-residential uses proposed within the HC/LI district that are not
23 part of a planned unit development or not identified as exempt by district regulations shall be
24 on parcels that satisfy at least one of the following location criteria:
- 25 **(1) Proximity to intersection.** Along an arterial street and within one-quarter mile of its
26 intersection with an arterial street.
- 27 **(2) Site design.** Along an arterial street, no more than one-half mile from its intersection with
28 an arterial street, and all of the following site design conditions:
- 29 **a.** Not abutting a RR, LDR or MDR zoning district
- 30 **b.** Any intrusion into a recorded residential subdivision is limited to a corner lot
- 31 **c.** A system of service roads or shared access is provided to the maximum extent feasible
32 given the lot area, lot shape, ownership patterns, and site and street characteristics.
- 33 **d.** Adverse impacts to any adjoining residential uses are minimized by placing the more
34 intensive elements of the use, such as solid waste dumpsters and truck
35 loading/unloading areas, furthest from the residential uses.
- 36 **e.** Location in an area where already established non-residential uses are otherwise
37 consistent with the HC/LI, and where the new use would constitute infill development of
38 similar intensity as the conforming development on surrounding parcels. Additionally,

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

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

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

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

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

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

30
31 **Section 4.** Part III of the Escambia County Code of Ordinances, the Land Development Code of
32 Escambia County, Chapter 6, Section 6-0.3 "Terms defined," subsections "B", "I", and "M," is
33 hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):
34

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

36 - B -

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

40 **Bar.** An establishment or part of an establishment whose primary activity is the sale or dispensing
41 of alcoholic beverages by the drink to be consumed on the premises, but where food or packaged
42 liquors may also be sold or served. Bars may include the on-premises production of alcoholic

1 beverages and their distribution for off-site sales. The term “bar” includes tavern, cocktail lounge,
2 nightclub, and bottle club. The base flood is commonly referred to as the 100-year flood, the one-
3 percent annual chance flood, or the regulatory flood.

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

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

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

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

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

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

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

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

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

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

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

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

43
44 **Brewpub.** A restaurant that brews beer primarily for sale and consumption on-site at the restaurant as
45 a secondary use. A brewpub may also sell beer “to go” or distribute to off-site accounts.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 - I -

36 **Identification sign.** A sign giving the name, and/or address of a building, business development
37 or establishment on the premises where it is located. Also known as name plate sign.

38 **Illuminated sign.** A sign lighted by or exposed to artificial lighting either by lights on, or in the
39 sign, or directed towards the sign.

40 **Impervious surface.** Any surface that does not allow or only minimally allows the infiltration of
41 water. Such highly impermeable surfaces include structure roofs, regular concrete and asphaltic
42 pavements, and other surfaces for which runoff coefficients no less than 0.90 are typically used for
43 stormwater management calculations.

44 **Impervious surface ratio.** An objective measure of the intensity of land use determined by
45 dividing the total area of all impervious surfaces covering a lot by the total area of the lot.

1 **Improvement.** Any manmade permanent item, fixture, or facility that becomes part of, is placed
2 upon, or is affixed to real property, including structures, street and alley pavements, curbs and
3 gutters, walkway pavements, water supply mains, sanitary sewers, storm sewers or drains,
4 permanent signs, landscaping, and permanent reference monuments and control points.

5 **Industrial-related activity.** An activity in support of or accessory to industry.

6 **Industry or industrial use.** A use in which the primary activity is the manufacture of materials or
7 products, including their fabrication, assembly, rebuilding, treatment, processing, finishing,
8 extraction, reduction, and bulk storage. Industry or industrial use may be further characterized as
9 either of the following:

10 *Heavy industry.* An industry primarily engaged in the basic processing of materials or products
11 predominantly from extracted or raw materials, or an industry otherwise having significant
12 external effects or risks due to its scale of operations, processes or materials involved, or
13 outdoor activity or storage required. Heavy industry includes salvage yards, solid waste
14 transfer facilities, materials recovery facilities, recovered materials processing facilities,
15 recycling facilities, resource recovery facilities, volume reduction plants, landfills, concrete and
16 asphalt batch plants, mineral extraction, paper mills, power plants, chemical plants, refineries,
17 slaughter houses, rendering plants, etc.

18 *Light industry.* An industry primarily engaged in the indoor fabrication, compounding,
19 processing, assembly, or treatment of finished or semi-finished products from previously
20 prepared materials or components in a manner which is unlikely to cause undesirable effects
21 outside of the building enclosing the industrial activity. Light industry includes research and
22 development activities, printing and binding, warehousing, and the manufacture of electrical
23 appliances and electronic equipment, apparel, food products, beverages, tools and hardware,
24 furniture, pharmaceuticals, etc.

25 **Infill development.** The development of new housing or other land uses on vacant or
26 underutilized land in existing developed areas, focusing on the reuse and renovation of obsolete
27 or underutilized buildings and sites.

28 **Informational sign.** An on-premises sign commonly associated with, but not limited to,
29 information and directions necessary or convenient for visitors coming on the property, including
30 signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pickup and
31 delivery areas. Also known as a directional sign.

32 **Infrastructure.** Facilities and services needed to sustain land use activities, including streets,
33 potable water service, wastewater service, solid waste facilities, stormwater management
34 facilities, power grids, telecommunication facilities, and public schools.

35 **Intensity.** An objective measurement of the extent to which land may be developed or used,
36 including the consumption or use of space above, on, or below the ground; the use of or demand
37 on natural resources; and the use of or demand on facilities or services.

38 **Invasive species.** A non-indigenous or exotic species that is not native to the ecosystem under
39 consideration and that has the ability to establish self-sustaining, expanding, free-living
40 populations that may cause economic and/or environmental harm, or harm to human health.

41 -M -

42 **Manufactured building.** A closed structure, building assembly, or system of subassemblies which
43 may include structural, electrical, plumbing, heating, ventilating, or other service systems
44 manufactured for installation or erection, with or without other specified components, as a finished
45 building or as part of a finished building. Manufactured buildings include residential, commercial,

1 institutional, storage or industrial structures constructed according to state standards, but do not
2 include manufactured (mobile) homes.

3 **Manufactured (mobile) home.** A complete, factory-built, single-family dwelling constructed in
4 conformance with federal *Manufactured Housing Construction and Safety Standards* (the HUD Code)
5 and transportable in one or more sections on a permanent chassis for site installation with or without a
6 permanent foundation. The term “mobile home” refers to any manufactured home built prior to June
7 15, 1976 when the HUD Code became effective. Manufactured homes do not include manufactured
8 buildings, modular homes or recreational vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **Medical services.** Professional services concerning human health maintenance and the diagnosis
6 and treatment of disease, injury, pain, and other adverse health conditions. Medical services include
7 the principal services provided by hospitals, clinics, doctor's offices, diagnostic facilities, medical
8 laboratories, blood donation centers, and other human health care facilities.

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

12
13 **Microbrewery, microdistillery, microwinery.** A facility in which beer, wine or other alcoholic
14 beverages are brewed, fermented, or distilled for distribution, consumption and produce less than
15 10,000 kegs per year. Tasting rooms for the consumption of on-site produced beer, wine, or distilled
16 products are permitted on the premises and possess the appropriate license from the State of Florida.

17
18 **Mineral extraction.** Extraction of minerals from the earth, including rock, gravel, sand, clay, oil, and
19 gas, and any overlying materials extracted for the purpose of reaching underlying minerals. The term
20 includes all associated clearing, grading, construction, processing, transportation, and reclamation on
21 the extraction property.

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

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

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

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

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

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

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

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

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

47 **Motor vehicle.** Any self-propelled vehicle not operated upon rails or a guideway and designed
48 primarily for the transportation of persons or property along public streets. Motor vehicles include

1 automobiles, vans, motorcycles, buses, trucks, and recreational vehicles, but do not include bicycles,
2 motorized scooters, mopeds, or farm and construction equipment.

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

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

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

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

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

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

21
22 **Section 4. Severability.**

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

26
27 **Section 5. Inclusion in Code.**

28
29 It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall
30 be codified as required by F.S. § 125.68 (2015); and that the sections, subsections and other
31 provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be
32 changed to "section," "chapter," or such other appropriate word or phrase in order to accomplish
33 such intentions.

34
35
36 **INTENTIONALLY LEFT BLANK**
37

1 **Section 6. Effective Date.**

2

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

4

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

6

7

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

8

9

10

By: _____

11

Steven Barry, Chairman

12

13

**ATTEST: PAM CHILDERS
Clerk of the Circuit Court**

14

15

16

By: _____

17

Deputy Clerk

18

(SEAL)

19

20

ENACTED:

21

22

FILED WITH THE DEPARTMENT OF STATE:

23

24

EFFECTIVE DATE:



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular
Meeting Date: 11/03/2015

5. D.

Agenda Item:
Vested Rights Training
