

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
June 6, 2017–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.
4. Approval of Minutes.
 - A. A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the May 2, 2017 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for May 2017.
 - C. Planning Board 6-Month Outlook for June 2017.
5. Acceptance of Planning Board Meeting Packet.
6. Public Hearings.
 - A. A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 4 Regarding Dog-friendly Outdoor Dining

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption an Ordinance amending the Land Development Code (LDC), Chapter 4, to establish provisions for authorizing public food service establishments to offer outdoor areas for dog-friendly dining as an accessory use to those establishments.
 - B. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 4, Article 5, Section 4-5.4, Threatened and Endangered Species Habitat

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

Code (LDC) Chapter 4, Article 5, Section 4-5.4 Threatened and endangered species habitat, to modify assessment for Perdido Key beach mouse.

7. Action/Discussion/Info Items.

A. Recommendation Concerning the Review of the Comprehensive Plan Annual Report 2015/2016

That the Board review and recommend approval to the Board of County Commissioners (BCC) the 2015/2016 Comprehensive Plan Annual Report.

B. Spot Zoning/Rezoning Discussion.

C. Zoning/FLU Inconsistencies.

D. Clustering Discussion.

8. Public Forum.

9. Director's Review.

10. County Attorney's Report.

11. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, July 11, 2017 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

12. Announcements/Communications.

13. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. A.

Meeting Date: 06/06/2017

Agenda Item:

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the May 2, 2017 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for May 2017.

C. Planning Board 6-Month Outlook for June 2017.

Attachments

Draft May 2, 2017 Planning Board Regular Meeting Minutes

Monthly Action Follow-Up

Six Month Outlook

DRAFT

MINUTES OF THE ESCAMBIA COUNTY PLANNING BOARD May 2, 2017

**CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:31 A.M. – 10:38 A.M.)
(10:45 A.M. - 11:45 A.M.)**

Present: Reid Rushing
Jay Ingwell
Wayne Briske, Chairman
Timothy Pyle
Edwin Howard
Eric Fears
William Clay
Stephen Opalenik

Absent: Patty Hightower

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

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

Motion by Timothy Pyle, Seconded by Reid Rushing

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

Vote: 7 - 0 Approved

4. Approval of Minutes.

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 4, 2017 Rezoning and Regular Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for April 2017.

C. Planning Board 6-Month Outlook for May 2017.

Motion by Reid Rushing, Seconded by Edwin Howard

Motion was mde to approve the minutes from the Rezoning and Regular Planning Board Meeting held on April 4, 2017

Vote: 7 - 0 Approved

5. Acceptance of Planning Board Meeting Packet.

Motion by Reid Rushing, Seconded by Jay Ingwell

Motion was made to accept the May 2, 2017 Regular Planning Board Meeting packet.

Vote: 7 - 0 Approved

6. Public Hearings.

A. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 4, Location and Use Regulations

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 4, Article 4, Airport and Airfield Environs and Chapter 6, Definitions to incorporate necessary information to implement airport protection zoning regulations in compliance with Florida Statute 333.

Motion by Timothy Pyle, Seconded by Edwin Howard

Motion was made to recommend approval to the BCC.

Vote: 7 - 0 Approved

B. A Public Hearing Concerning the Review of an Ordinance Amending the 2030 Comprehensive Plan Chapter 3 Definitions, and Chapter 8 Mobility Element

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Comprehensive Plan Chapters 3, Definitions and Chapter 8, Mobility, to include definitions and to establish a permitting process for airport obstruction notification zones.

Motion by Timothy Pyle, Seconded by Jay Ingwell

Motion was made to recommend approval to the BCC.

Vote: 7 - 0 Approved

C. A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapters 3 and 4 Regarding Clustering Dwelling Units

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption an Ordinance amending the Land Development Code (LDC), Chapters 3 and 4, to establish conditions for the clustering of dwelling units when avoiding significant protected resources.

Motion by Eric Fears, Seconded by Edwin Howard

Motion was made to take no action, and to bring back next month as a discussion item.

Vote: 7 - 0 Approved

7. Action/Discussion/Info Items.

A. Spot Zoning Discussion.

The Board discussed this item and wanted to bring it back again next month as a discussion.

B. HC/LI Zoning Within MU-S Future Land Use Discussion.

The Board discussed this item and wanted to bring it back again next month as a discussion.

C. Dog Friendly Dining Discussion.

The Board discussed this item and wants to see the Ordinance next month for public hearing.

8. Public Forum.

9. Director's Review.
10. County Attorney's Report.
11. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, June 6, 2017 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

12. Announcements/Communications.
13. 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: Kayla Meador, Board Clerk
DATE : May 26 , 2017
RE: Monthly Action Follow-Up Report for May 2017

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

PROJECTS, PLANS, & PROGRAMS

COMMITTEES & WORKING GROUP MEETINGS

COMPREHENSIVE PLAN AMENDMENTS

- **Text Amendments:**
 - CPA-2016-03**
Definition added for "Limited Ag Uses"
10-06-16 PB recommended approval
11-03-16 BCC approved transmittal to DEO
05-25-17 BCC approved
- **Map Amendments:**
 - LSA-2016-03**
Beulah Road
02-07-17 PB recommended approval
03-02-17 BCC transmittal to DEO
05-25-17 BCC approved

LAND DEVELOPMENT CODE ORDINANCES

Residential Uses in Zoning Districts

09-6-16 PB recommended more review by staff
On hold – waiting for input from County Attorney's Office

OSP-2017-01 (formerly 2016-01)

09-06-16 PB recommended approval
12-08-16 BCC wanted to reschedule for DEO to be in attendance to meeting

03-07-17 PB recommended approval
03-16-17 BCC transmitted to DEO

Spot Zoning

12-06-16 PB dropped item and wanted more discussion

CHHA Ordinance

04-04-17 PB recommended approval
05-04-17 BCC approved

Lots Divided by ROW

04-04-17 PB recommended approval
05-04-17 BCC approved

Scenic Hwy Overlay

04-04-17 PB recommended approval
05-04-17 BCC approved

VRD-2017-01

04-04-17 PB recommended approval
05-25-17 BCC approved

REZONING CASES

1. **Rezoning Case Z-2016-11**
 - 02-07-17 PB recommended approval
 - 05-25-17 BCC approved
2. **Rezoning Case Z-2016-13**
 - 12-06-16 PB recommended approval
 - 01-05-17 BCC remanded back to PB
 - 02-07-17 PB recommended approval
 - 03-02-17 BCC remanded back to PB
 - 04-04-17 PB recommended approval to the BCC rezoning to HDMU instead of Com
 - 05-25-17 BCC approved
3. **Rezoning Case Z-2017-02**
 - 04-04-17 PB recommended denial
 - 05-04-17 BCC denied
4. **Rezoning Case Z-2017-03**
 - 04-04-17 PB recommended denial
 - 05-25-17 BCC denied

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR JUNE 2017

(Revised 5/26/17)

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, June 6, 2017	<ul style="list-style-type: none"> • Dog Friendly Dining • Beach Mouse Assessment 	<ul style="list-style-type: none"> • Comp Plan Annual Report 	<ul style="list-style-type: none"> • Z-2017-05 	<ul style="list-style-type: none"> • PUDs/Clustering • Spot Zoning/RZ • Zoning/FLU Inconsistencies
Tuesday, July 11, 2017	<ul style="list-style-type: none"> • PUDs/Clustering • Spot Zoning/RZ • Zoning/FLU Inconsistencies 	<ul style="list-style-type: none"> • SSA-2017-01 • SSA-2017-02 • SSA-2017-03 • SSA-2017-04 	<ul style="list-style-type: none"> • Z-2017-04 • Z-2017-07 • Z-2017-08 • Z-2017-09 • Z-2017-10 	<ul style="list-style-type: none"> • Family Conveyance
Tuesday, August 1, 2017				
Tuesday, September 5, 2017				
Tuesday, October 1, 2017				
Tuesday, November 7, 2017				

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.

** Residential Uses Ordinance – waiting on input from the County Attorney’s Office

** Signs Ordinance – waiting on input from the BCC

** CPA-2016-01 Extraction and Reclamation – on hold



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

6. A.

Meeting Date: 06/06/2017

Issue: A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 4 Regarding Dog-friendly Outdoor Dining

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 4 Regarding Dog-friendly Outdoor Dining

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption an Ordinance amending the Land Development Code (LDC), Chapter 4, to establish provisions for authorizing public food service establishments to offer outdoor areas for dog-friendly dining as an accessory use to those establishments.

BACKGROUND:

Chapter 509 of Florida Statutes authorizes local governments, as an exemption to certain regulations of the Division of Hotels and Restaurants, Florida Department of Business and Professional Regulation, to allow public food service establishments licensed by the division to offer dog-friendly outdoor dining areas. Per statute, any ordinance codifying the local exemption must be within the land development code of the local government. The statutes additionally require the accessory use to obtain a local permit, the permit application to contain specific information, and the requesting establishment to comply with specific requirements to protect public health, safety and welfare. Participating local governments must have procedures to accept, document, and respond to complaints, and must make timely reports to the division documenting the complaint responses and any approved exemption applications.

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 Meredith Crawford, Assistant County Attorney. Any recommendations or legal sufficiency comments made in that review are also attached herein.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

Amendment of the LDC requires public hearing review and recommendation by the Board prior to action by the BCC. Public review of the proposed Ordinance is also 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.

A separate ordinance amending Section 10-11, Animal control, Part I, Code of Ordinances will require concurrent adoption by the BCC to except dog-friendly outdoor dining from existing prohibitions on animals in public places.

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: Ordinance, dog-friendly dining

Date: 05-04-17

Date requested back by: 05-12-2017

Requested by: Griffin Vickery

Phone Number: 595-34711

.....
(LEGAL USE ONLY)

Legal Review by M D Crawford

Date Received: 5/12/17

X Approved as to form and legal sufficiency.

_____ Not approved.

_____ Make subject to legal signoff.

Additional comments:

- See draft MDC #2
- See also draft changes to C.O.D. 10-11(b)

- 42 a. The applicable zoning is a mainland district, but is not Industrial (Ind),
43 Recreation (Rec), Conservation (Con), or Public (Pub).
- 44 b. The principal dwelling and accessory dwelling unit are the only dwellings on
45 the lot and the lot provides the minimum area required by the applicable
46 zoning.
- 47 c. The resulting residential density on the lot may exceed the gross density limit
48 of the applicable zoning, but complies with all other applicable density limits
49 (e.g., airfield environs).
- 50 d. The form of accessory dwelling (e.g., manufactured home) is an allowed use
51 of the applicable zoning.
- 52 e. The accessory dwelling complies with the setbacks applicable to the principal
53 dwelling unless otherwise allowed by the LDC.

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

- 57 a. The structure setbacks of the applicable zoning district are not exceeded,
58 except that a carport may encroach into the required front yard provided it is
59 not less than ten feet from the front property line.
- 60 b. The carport is not prohibited by private deed restrictions.
- 61 c. Minor site development approval is obtained for the structure and it complies
62 with applicable building codes.
- 63 d. A building permit is obtained for the structure unless it is a portable carport
64 covering less than 400 square feet.
- 65 e. The structure is not attached to a mobile home.

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

- 72 a. **Limit by lot area.** No more than eight chickens shall be kept on any lot that
73 is one quarter acre or less in size.
- 74 b. **Roosters.** No rooster shall be kept less than 100 yards from any inhabited
75 residence other than the dwelling of the person keeping the rooster.
- 76 c. **Security.** Chickens may roam freely in the fenced rear yard of the principal
77 dwelling from sunrise to sunset. During all other times the chickens shall be
78 kept in secure coops, pens or enclosures that prevent access by predators.

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

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

83 **(5) Docks and piers.** As an exception to the establishment of a principal use or
84 structure for any accessory use or structure, docks and piers may be permitted
85 as accessory structures on lots exclusively for single-family dwellings regardless
86 of the establishment of any dwellings on the lots.

87 **(6) Dog-friendly outdoor dining areas.** Chapter 509, Florida Statutes, as
88 amended, authorizes a local exemption to certain regulations adopted by the
89 Division of Hotels and Restaurants, Florida Department of Business and
90 Professional Regulation, for the option of restaurants and other public food
91 service establishments to offer dog-friendly outdoor dining areas. As further
92 provided in this part, those establishments as defined by the state and licensed
93 by the division may allow patron's dogs within designated outdoor portions of the
94 establishments as an accessory use to the food service. These provisions do not
95 limit the areas of use by dogs as service animals for disabled persons or by dogs
96 in the service of law enforcement agencies.

97 **a. Permit required.** Prior to allowing patron's dogs on their premises, all public
98 food service establishments, new or existing, shall obtain a permit for the
99 accessory use from the county through the site plan review process
100 prescribed in Article 4 of Chapter 2. In addition to information required by
101 adopted site plan application procedures, the applicant shall provide the
102 following:

- 103 **1.** Name, location, and mailing address of the public food service
104 establishment.
- 105 **2.** Name, mailing address, and telephone contact information of the permit
106 applicant.
- 107 **3.** Accurately labeled, dimensioned, and scaled diagram of the outdoor area
108 to be designated as available to patrons' dogs. The area shall be shown
109 in relation to the establishment's property boundary, remaining unavailable
110 area, and any sidewalks or other public ways within or adjoining the site.
111 The diagram shall also depict any quantity and placement of tables,
112 chairs, and restaurant equipment within the designated area for patrons'
113 dogs, all entries and exits to that area, any existing or proposed fences or
114 barriers, and locations of site signs proposed for the required posting of
115 rules.
- 116 **4.** Days of the week and hours of operation that patron's dogs will be
117 permitted in the designated outdoor area.
- 118 **5.** Division-issued license number of the applying public food service
119 establishment.

- 120 6. Scaled representations of the site signs proposed for the required posting
121 of rules.
- 122 **b. Design and operation.** To protect the health, safety, and general welfare of
123 the public, all public food service establishments authorized by this local
124 exemption shall instruct employees in appropriate health and safety practices
125 and include the following in their design and operation of outdoor areas
126 provided for patron's dogs:
- 127 **1. Hand sanitizer.** Waterless hand sanitizer shall be provided at all tables
128 within the designated areas.
- 129 **2. Surface cleaning.** Between the seating of patrons all table and chair
130 surfaces shall be cleaned and sanitized with a division-approved product
131 and all spilled food and drink shall be removed from the floor or ground.
- 132 **3. Waste cleanup.** Accidents involving dog waste shall be cleaned
133 immediately and the area sanitized with a division-approved product. A kit
134 with the appropriate materials for this purpose shall be kept near the
135 designated outdoor area.
- 136 **4. Limited travel.** Except for dogs as service animals for disabled persons
137 or dogs in the service of law enforcement agencies, no dogs shall be
138 permitted to travel through indoor or non-designated outdoor portions of
139 the establishment. Accordingly, ingress and egress to the designated
140 outdoor portions of the establishment must not require entrance into or
141 passage through other areas of the establishment.
- 142 **5. Area signage.** One or more signs notifying the public that a designated
143 outdoor area is available for the use of patrons and patrons' dogs shall be
144 conspicuously posted on the premises of the establishment. Additionally,
145 one or more signs at each entrance to the designated outdoor area shall
146 remind employees and patrons of the following statute-based rules of use
147 of the area:
- 148 **i.** All employees shall wash their hands promptly after touching, petting,
149 or otherwise handling dogs. Employees are prohibited from touching,
150 petting, or otherwise handling dogs while serving food or beverages or
151 handling tableware or before entering other parts of the public food
152 service establishment.
- 153 **ii.** All patrons in the designated outdoor areas should wash their hands
154 before eating.
- 155 **iii.** Employees and patrons shall not allow dogs to come into contact with
156 serving dishes, utensils, tableware, linens, paper products, or any
157 other items involved in food service operations.
- 158 **iv.** Patrons shall keep their dogs on leashes at all times and shall keep
159 their dogs under reasonable control.
- 160 **v.** Dogs are not allowed on chairs, tables, or other furnishings.

- 161 vi. Except for dogs used as service animals for disabled persons or dogs
162 in the service of law enforcement agencies, dogs are not permitted to
163 travel through indoor or non-designated outdoor portions of the
164 establishment.
- 165 **c. Owner obligations.** Any current or subsequent owner of a public food
166 service establishment approved through these provisions to allow patron's
167 dogs within designated outdoor portions of the establishment is obligated by
168 the approval to maintain all site conditions and elements as approved for all
169 times the patron's dogs are allowed within those designated areas.
- 170 **d. Enforcement.** The regulations of this part shall be enforced by county code
171 enforcement officers as authorized pursuant to Chapter 30, Code
172 Enforcement, Part I, Escambia County Code of Ordinances. Any party or
173 parties in violation of these regulations shall be subject to notices of violation,
174 citations, and civil penalties as prescribed in Chapter 30.
- 175 **e. State and local cooperation.** The county shall monitor permit compliance in
176 cooperation with the Division of Hotels and Restaurants through the following:
- 177 **1. Planning Official.** The Planning Official shall, on no less than an annual
178 basis, provide the division with a copy of all county-approved applications
179 and issued permits for dog-friendly dining. The appropriate division-
180 issued license numbers of the respective public food service
181 establishments shall be on all documents provided.
- 182 **2. Code enforcement.** County Code Enforcement shall, on no less than an
183 annual basis, report citizen complaints related to these dog-friendly dining
184 provisions and the enforcement responses made to such complaints. The
185 report shall include the division-issued license numbers of the respective
186 public food service establishments and may be submitted in coordination
187 with the applications report of the Planning Official.
- 188 **(67) Family day care or foster homes.** A family day care home or family foster
189 home is allowed as an accessory use wherever the host dwelling unit is allowed
190 unless prohibited by the applicable zoning district.
- 191 **(78) Home occupations and home-based businesses.** Home occupations and
192 home-based businesses are limited to the residents of a dwelling unit other than
193 a manufactured (mobile) home, and allowed only as an accessory use to the
194 residential use. A home occupation, or employment at home, is allowed
195 wherever the host dwelling unit is allowed, but shall generally be unnoticeable to
196 adjoining land uses. A home-based business, which is at a greater scale or
197 intensity than a home occupation, is limited to the rural zoning districts (Agr, RR,
198 RMU) and only allowed if impacts to adjoining land uses are minimal. Home
199 occupations and home-based businesses shall comply with each of the following
200 requirements:

- 201 **a. Licenses.** All required business, professional, or occupational licenses are
202 obtained prior to commencement of the occupation or business and are
203 maintained for the duration of the activity.
- 204 **b. Exterior evidence.** For home occupations, there is no evidence visible from
205 outside of the dwelling or accessory building that any part of a building is
206 utilized for an occupation. For home-based businesses, any evidence visible
207 from outside of the dwelling or accessory building that any part of a
208 building is utilized for a business is minimal. Such exterior evidence includes
209 any storage, display, or signage associated with the occupation or business.
210 Signage is limited for both uses according to the signage provisions of
211 Chapter 5.
- 212 **c. Off-site impacts.** Occupations or business activities shall not create
213 nuisances or adverse off-site impacts, including but not limited to noise,
214 vibration, smoke, dust or other particulates, odors, heat, light or glare, or
215 electromagnetic interference. In a residential neighborhood, no activities are
216 allowed to alter the character of the neighborhood.
- 217 **d. Structural alterations.** No structural alterations are made that would be
218 inconsistent with the use of the dwelling exclusively as a residence or that
219 would not customarily be associated with dwellings or their accessory
220 buildings.
- 221 **e. Employees.** Employment in a home occupation is limited to residents of the
222 dwelling unit unless the applicable zoning district allows BOA conditional use
223 approval of non-resident employees. Employment in a home-based business
224 may include no more than two non-resident employees.
- 225 **f. Customers.** No customers shall visit the house and there shall not be any
226 additional traffic or an increase in demand for parking due to trucks or other
227 service vehicles coming to the house.
- 228 **g. Motor vehicles.** The manufacture or repair of motor vehicles or other
229 transportation equipment is prohibited.
- 230 **(89) Small wind energy systems.** For the purposes of this section, a small wind
231 energy system is an accessory use consisting of a wind turbine, structural
232 support, and associated control or conversion electronics design to supply some
233 of the on-site electrical power demands of a home, farm, or small business. A
234 small wind energy system is allowed only if constructed and operated in
235 compliance with each of the following requirements:
- 236 **a. System Height.** The height of the system is the minimum necessary to
237 reliably provide the required power.
- 238 **b. Prohibited use.** To protect the unique scenic view, the system is not installed
239 within the Scenic Highway Overlay District.
- 240 **c. Airport and military review.** If the installation of the system or additional
241 turbines is within the Pensacola International Airport Planning District
242 (PNSPD) or any military Airfield Influence Planning District (AIPD), the

243 applicant has notified and obtained a response from the respective
244 airport/airfield authority. If the authority has objections to the installation, the
245 Planning Official shall consider them in any final determination and may
246 impose approval conditions on the installation to address the objections.

247 **d. Setback.** The center of the system tower base is no closer to any part of a
248 dwelling outside of the system installation parcel than the total height of the
249 system. Additionally, no part of the system structure, including any guy wires
250 or anchors, is closer than five feet to the property boundary of the installation
251 parcel.

252 **e. Appearance.**

253 **1. Design and Location.** Towers are designed and located to minimize
254 visual impacts. Colors and surface treatment of system components
255 minimize visual distraction.

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

258 **3. Lighting.** System structures are not lighted except to the extent required
259 by the Federal Aviation Administration or other applicable authority.

260 **(910) Swimming pool enclosures.** Screened enclosures for swimming pools may
261 be erected no closer than five feet from the rear or side property line. No pool
262 enclosure shall be allowed on any easement unless authorized by the grantee of
263 the easement through an encroachment agreement.

264

265 **Section 2. Severability.**

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

269

270 **Section 3. Inclusion in Code.**

271 It is the intention of the Board of County Commissioners that the provisions of this
272 Ordinance shall be codified as required by F.S. § 125.68 (2016); and that the sections,
273 subsections and other provisions of this Ordinance may be renumbered or re-lettered
274 and the word "ordinance" may be changed to "section," "chapter," or such other
275 appropriate word or phrase in order to accomplish such intentions.

276

277

278

INTENTIONALLY LEFT BLANK

279

280 **Section 4. Effective Date.**

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

282

283 **DONE AND ENACTED** this _____ day of _____, 2017.

284

285

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

286

287

288

By: _____

289

D. B. Underhill, Chairman

290

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

293

294

By: _____

295

Deputy Clerk

296 **(SEAL)**

297

298 **ENACTED:**

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

300 **EFFECTIVE DATE:**



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

6. B.

Meeting Date: 06/06/2017

Issue: A Public Hearing Concerning the Review of an Ordinance Amending Chapter 4, Article 5, Section 4-5.4, Threatened and Endangered Species Habitat

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 4, Article 5, Section 4-5.4, Threatened and Endangered Species Habitat

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 4, Article 5, Section 4-5.4 Threatened and endangered species habitat, to modify assessment for Perdido Key beach mouse.

BACKGROUND:

In 2004, US Fish and Wildlife Service (Service) determined the habitat for the Perdido Key beach mouse was more extensive than previously believed. This resulted in a requirement for proposed development on Perdido Key to obtain an Incidental Take Permit (ITP) prior to moving forward with development activities. Due to excessive permit timelines, Escambia County applied for a Key-wide ITP from the Service in 2008 and later received in 2014. As a component of the ITP, Escambia County collects mitigation fees associated with proposed development. The existing language in the Land Development Code pre-dates the issuance of the ITP and the proposed language will bring consistency between the ITP and Land Development Code.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Meredith Crawford, 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 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 the County Attorney’s Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Draft Ordinance

1 **Sec. 4-5.4 - Threatened and endangered species habitat.**

2
3 (a) *Protection required.* To maintain and enhance the valuable diversity and distribution
4 of plant and animal species within the county, preserve the ecological values and
5 functions of their habitats, provide for habitat corridors and minimize habitat
6 fragmentation, threatened and endangered species habitat shall be protected from
7 adverse impacts. For the purposes of this article, threatened or endangered species
8 are those listed as "threatened", "endangered", or "species of special concern" by the
9 U.S. Fish and Wildlife Service (FWS) or Florida Fish and Wildlife Conservation
10 Commission (FWC); and threatened or endangered species habitat is any area that
11 contains or shows factual evidence of such listed species.

12 (b) *Mitigation.* No development approval may be granted without an approved mitigation
13 plan if the permitted activities would threaten the life or habitat of any threatened or
14 endangered species.

15 (c) *Perdido Key beach mouse.*

16 (1) *Identified habitat.* Approximately ~~240~~ 278 acres of private property containing
17 primary, secondary and scrub dunes on Perdido Key have been identified as
18 habitat for the Perdido Key Beach Mouse (PKBM), a federally listed endangered
19 species.

20 (2) *Special assessment.* For properties involved in mitigation for Perdido Key beach
21 mouse habitat impacts and those electing to provide in-lieu fee mitigation, a
22 mechanism is established for imposition and collection of a recurring annual
23 assessment. The assessment is fairly and reasonably apportioned among the
24 properties in the PKBM habitat area and is based upon the extent of the impact
25 on the habitat. Those properties responsible for the annual assessments derive
26 a benefit from the improvements and services provided from the conservation
27 and natural resource protection.

28 a. *Per unit.* New developments or redevelopments on Perdido Key within the
29 designated PKBM habitat that have elected mitigation for habitat impacts
30 shall be assessed an annual, recurring special assessment of \$201.00 per
31 dwelling unit on the subject site. Lodging and commercial assessments shall
32 be based on ~~an equivalent rate not to exceed the maximum residential~~
33 ~~density allowed for the subject parcel. the number of parking spaces~~
34 ~~allocated to the non-residential use or in the alternative, the number~~
35 ~~authorized by the Authorization of Coverage under the US Fish and Wildlife~~
36 ~~Incidental Take Permit (ITP) to Escambia County #TE46592A.~~

37 b. *Procedure.* Upon issuance of an Authorization of Coverage under ITP
38 #TE46592A, ~~a certificate of occupancy~~ for any development subject to this
39 assessment, the subject parcel identification number(s) shall be reported to
40 the Escambia County Office of Management and Budget to process for
41 collections.

42 1. *Method of collection.* Collection shall be by the uniform method of
43 collection provided for by Florida Statutes (§ 197.3632).

- 1 2. *Duration.* Recurring annual collections shall continue until such time as
2 these assessment provisions are repealed by the BCC.
3 3. *Appeal.* Any property owner who asserts his assessment is in error may
4 appeal in writing to the Escambia County Office of Management and
5 Budget.

6 **Section 2. Severability.**

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

10 **Section 3. Inclusion in Code.**

11 It is the intention of the Board of County Commissioners that the provisions of this
12 Ordinance shall be codified as required by F.S. § 125.68 (2016); and that the sections,
13 subsections and other provisions of this Ordinance may be renumbered or re-lettered and
14 the word "ordinance" may be changed to "section," "chapter," or such other appropriate
15 word or phrase in order to accomplish such intentions.

16 **Section 4. Effective Date.**

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

18
19 **DONE AND ENACTED** this _____ day of _____, 2017.

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

23
24 **By:** _____
25 **D. B. Underhill, Chairman**

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

28
29 **By:** _____
30 **Deputy Clerk**

31 **(SEAL)**

32 **ENACTED:**

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

34 **EFFECTIVE DATE:**



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

7. A.

Meeting Date: 06/06/2017

Issue: Recommendation Concerning the Review of the Comprehensive Plan Annual Report 2015/2016

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

Recommendation Concerning the Review of the Comprehensive Plan Annual Report 2015/2016

That the Board review and recommend approval to the Board of County Commissioners (BCC) the 2015/2016 Comprehensive Plan Annual Report.

BACKGROUND:

As required by the Comprehensive Plan Capital Improvement Element, the Comprehensive Plan Implementation Committee (CPIC) provides an annual report of the status of growth management activities and the Capital Improvement Program (CIP) to the Planning Board. The Planning Board reviews the report and makes recommendations to the BCC for use during its deliberations on the annual budget and CIP.

BUDGETARY IMPACT:

No budgetary impact is anticipated by the approval of this report.

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

No additional personnel are required for implementation of this report.

POLICY/REQUIREMENT FOR BOARD ACTION:

This Annual Report is prepared in accordance with the requirements contained in various sections of the Escambia County Comprehensive Plan.

IMPLEMENTATION/COORDINATION:

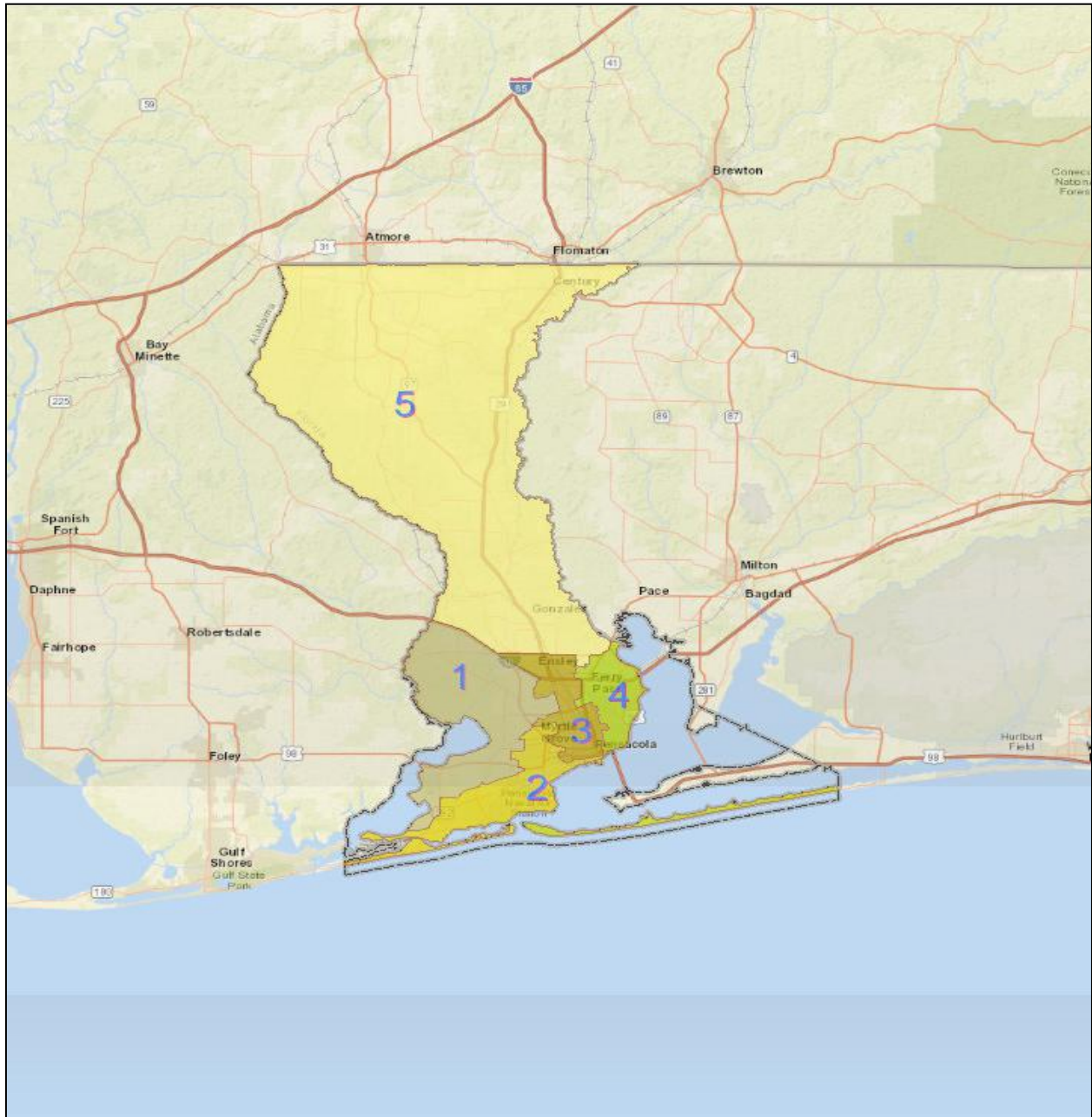
The Development Services Department will distribute copies to all County Departments and make them available to interested citizens, after BCC approval.

Development Services Department staff has coordinated development of the Annual report with all CPIC members.

Attachments

Annual Report 2015/2016

**Escambia County
Comprehensive Plan
Implementation
Annual Report 2015/2016**



A Report of the
Comprehensive Plan Implementation Committee and the Planning Board to the
Escambia County Board of County Commissioners
July 6, 2017



EXECUTIVE SUMMARY

This Annual Report has been prepared in accordance with the requirements contained in various sections of the Escambia County Comprehensive Plan, which requires reporting of certain data and information related to growth on an annual basis.

The purpose and intent of the Annual Report is to provide a yearly planning tool for monitoring and evaluating future implementation of the Escambia County Comprehensive Plan. The Comprehensive Plan contains policies and objectives adopted by the Board of County Commissioners to provide for “orderly growth management” and to “maintain and improve the quality of life for all citizens of the county”.

The Board of County Commissioners (BCC) adopted the 2030 Comprehensive Plan on February 2015 and the Florida Legislature adopted changes to Chapter 163 Florida Administrative Code in July, 2011.

As a result of the adopted 2030 Comprehensive Plan the following elements were to be included within the Comprehensive Plan Annual Report for 2015/2016:

General Requirements- Mobility Element, Housing Element, Coastal Management Element and Intergovernmental Coordination.

This report was prepared by the Development Services Department.



COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE MEMBERS

JACK R. BROWN, *County Administrator*

AMY L. LOVOY, *Assistant County Administrator*

HORACE L. JONES, *Development Services Director*

JOY D. BLACKMON, P.E., *Public Works Director*

J. TAYLOR "CHIPS" KIRSCHENFELD, *Natural Resources Management Director*

STEPHAN D. HALL, *Budget Manager, Budget Office*

MIKE D. WEAVER, *Public Safety Director*

PATRICK T. GRACE, *Fire Chief*

TAMYRA JARVIS, *Corrections Director*

PAOLO GHIO, *Executive Director/Director of Environmental and Developmental Services, Santa Rosa Island Authority*

Annual Report Prepared By:

Development Services Department

ALLYSON CAIN, *Urban Planner II*

CALEB MACCARTEE, *Urban Planner II*

JOHN FISHER, *Senior Planner*

JUAN LEMOS, *Senior Planner*



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1.0 MOBILITY ELEMENT

MOB 4.2.3 Interlocal Agreement. *An interlocal agreement to determine the details of the coordination between the Navy and Escambia County shall include, but not be limited to, the individual responsibilities of the County and the Navy; the method by which the navy will appoint a Planning Board representative; the length of the term of appointment; the details of the coordination required to produce, receive and transmit any Navy comments to the State; establish who will be responsible for forwarding the comments; the method by which the Navy will apprise the County of any available grants and the details to be reported on the Annual Report on Comprehensive Plan Implementation. The Military Interlocal Agreement became effective September 2003.*

The Interlocal agreement was reviewed for compliance and approved by the County Administrator and current Board of County Commissioners in December 2015. All joint projects that will be addressed by the County and the Navy will meet the requirements of the Interlocal agreement. The Navy's representative continues to participate in the decision making process of the Planning Board.

MOB 4.2.7 Infrastructure Impact Report. *A formal information exchange between the County, FDOT, Emerald Coast Utilities Authority (ECUA), and other utility service providers in the area will be established to explore the growth-inducing impacts of utility expansion and infrastructure improvements within the AIPD overlay areas in relation to the JLUS recommendations. Annual reporting of the status of the planned utility expansion and infrastructure improvements will be included in the Comprehensive Plan Implementation Annual Report.*

The calculations used during this reporting period with the AIPD Overlay Areas will be used as the baseline figures to track utility and infrastructure improvements in future reports.

MOB 4.2.8 Annual Assessment. *Pursuant to Florida Statutes and beginning in Fiscal Year 2004/2005, the County will conduct an annual assessment of the effectiveness of the criteria adopted pursuant to Florida Statutes, in achieving compatibility with military installations in areas designated as AIPDs. This assessment will be based on a compilation of data for the calendar year and will compare the current year's development with the previous years' development relevant to the following in each AIPD:*

a. Single-family residential building permits in each AIPD area based on the number of permits issued and broken down by APZ and AIPD area.

b. Number of residential units (high density) approved and permitted.



- c. Extension of sewer and water lines in the AIPD Overlay areas as reported by ECUA (or relevant potable water distributors).*
- d. Number of units approved in preliminary and final subdivision plats.*
- e. Number of site plans for commercial projects approved.*
- f. Number of communication towers approved.*
- g. Number of variances and/or conditional use requests and approvals.*
- h. Number of rezoning requests/approvals.*
- i. Number of future land use amendments.*

The intent is to measure the increase or decrease in residential development activity within the AIPDs to determine the effectiveness of the measures adopted to control residential density and encourage commercial development, as recommended by the JLUS. The County will review the collected data to ensure compliance with the intent of the JLUS recommendations. In addition, an analysis of the collected data over a period of time will assist in determining what future changes may be required to enhance or improve the County's efforts to control encroachment on the military installations. The reports will be included in the Annual Comprehensive Plan Implementation Report and will be further analyzed for inclusion in the Evaluation and Appraisal of the Comprehensive Plan required every seven years.



FY 2015/2016

Planning District	Zone	Sewer & Water Lines Extension	Total Dwelling Units Approved In Prelim Plats	Total Dwelling Units Approved In Final Plats	Commercial Site Plans Approved	Residential Bldg Plans Approved	Residential Site Plans Approved	Commercial Towers Approved	Variations	Conditional Use	Rezoning Approval	Future Land Use Amendment
NAS PENSACOLA												
AIPD-1	AREA A	*	0	0	0	0	0	0	0	0	0	0
	AREA B	*	0	0	0	0	0	0	0	0	0	0
	APZ-1		0	0	0	0	0	1	0	0	0	0
	APZ-1 NASP	*	0	0	0	0	0	0	0	0	0	0
	APZ-2	*	0	61	0	0	0	0	0	0	0	0
	APZ-2 NASP	*	0	0	0	0	0	0	0	0	0	0
	CZ	*	0	0	0	0	0	0	0	0	0	0
		*	0	0	0	0	0	0	0	0	0	0
AIPD-2		*	0	0	1	0	0	1	0	0	0	0
NOLF SAUFLEY												
AIPD-1	AREA B	*	0	0	0	0	0	0	0	0	0	0
	APZ-1	*	0	0	0	0	0	0	0	0	0	0
	APZ-2	*	0	0	1	0	0	0	0	0	0	0
	CZ	*	0	0	0	0	0	0	0	0	0	0
AIPD-2	APZ-2	*	0	0	0	0	0	0	0	0	0	0
AIPD-2			0	0	2	0	0	0	0	0	0	0
NOLF SITE 8												
AIPD-1	AREA B	*	237	0	1	0	0	0	0	0	0	0
AIPD-2		*	237	64	1	0	0	0	0	0	0	0



2.0 HOUSING ELEMENT

HOU 1.6.1 Program Information. Escambia County will continue its housing outreach program to assure dissemination of housing information.

HOU 1.6.5 State and Federal Assistance. Escambia County will participate in affordable housing programs as made available by the state, federal, or other appropriate agencies.

HOU 1.6.6 Neighborhood Enterprise Division. Escambia County will provide affordable homeownership and home repair assistance opportunities for moderate, low, and very low income homebuyers and homeowners.

HOU 1.6.7 SHIP Fund Initiatives. Escambia County will use State Housing Initiatives Partnership (SHIP) Program funds to expand and/or enhance ongoing activities designed to develop new affordable housing initiatives conforming to the statutory requirements of Florida Statutes.



3.0 COASTAL MANAGEMENT ELEMENT

OBJ COA 1.3 Population Evacuation

COA 1.3.8 Development Impact Analysis. *The Comprehensive Plan Implementation Annual Report will include an analysis of proposed and new developments' impact on hurricane evacuation times. The BCC, upon receipt of the report from the LPA, will address any deficiencies identified in the report and take corrective measures as necessary. The report and recommendations will consider the actual development that has occurred during the evaluation period (preceding 12 months) as well as the projected development anticipated to be approved during the succeeding evaluation period. The needed corrective actions by the BCC will maintain or reduce the County's adopted roadway clearance time.*

The Florida Division of Emergency Management, Division of Community Planning and Department of Transportation, in coordination with the WFRPC, have developed the Florida Statewide Regional Evacuation Study Program for the West Florida Region. This report updates the region's evacuation population estimates, evacuation clearance times and public shelter demands. Originally released on October 5, 2010, the study covers Bay, Escambia, Holmes, Okaloosa, Santa Rosa, Walton and Washington counties and their respective municipalities, and is updated as needed. There is multiple County and State transportation projects that take into account the State mandated evacuation times, as part of their development, based on the established regional evacuation modeling process. In coordination between Emergency Management, Traffic and Development Services departments, the County strives to maintain pre-established roadway clearing times for evacuation. A copy of the Evacuation Study can be viewed in its entirety at this location: <http://www.wfrpc.org/programs/evacuation-study>

COA 1.4.6 Intergovernmental Task Force. *An Intergovernmental Task Force, as outlined in the Post Disaster Redevelopment Plan, will foster cooperation between local governments during pre-disaster planning, post-disaster mitigation analysis, and redevelopment. Additionally, the task force will be activated and mobilized for a minimum of 60 days following a disaster declaration. The task force will make recommendations concerning pre-disaster planning, post-disaster mitigation analysis, and redevelopment for inclusion in the Comprehensive Plan Implementation Annual Report of every fiscal year during which it was mobilized.*

Projects related to the April 29, 2014 Flood Event Escambia County has worked on:



77 completed out of 86 - FEMA Projects (# Project Worksheets – Federal Emergency Management Agency); 9 FEMA project are still active.

4 of the 6 are ongoing- HMGP Projects (Hazard Mitigation Grant Program) were awarded by FDEM for FEMA grant are active ongoing projects. One (1) project that has been awarded and is pending BCC for approval prior to activation. One (1) of the projects was withdrawn due to acquisition failure. One (1) is a Global Match Project utilized to leverage as match funding.

17 completed out of 19 projects - FHWA/FDOT Projects (Florida Highway Administration / Florida Department of Transportation); 2 projects are still active.

7 out of 7 completed- NRCS (Natural Resource Conservation Service) Emergency Watershed Protection Projects. As of October 2016, all 7 have completed construction and the County has been reimbursed our portion of the grant award.

Additionally Capital Improvement Projects :

52 complete out of 148 projects LOST funded; 96 projects are still active.

2 completed out of 7 projects - FHWA/FDOT Projects (Florida Highway Administration / Florida Department of Transportation. 2 were dropped and 5 are active.

There are 3 RESTORE projects active from Drainage.

OBJ COA 2.3 Beach and Dune Protection

COA 2.3.3 Beach and Shoreline Regulations. Escambia County will protect beach and shoreline systems. These regulating provisions will be reviewed annually for the Comprehensive Plan Implementation Annual Report and updated as necessary to address concerns and issues including, but not limited to, the following:

- a. "White Sand" regulations;
- b. Shoreline protection zone;
- c. CCCL-related regulations;
- d. Dune replenishment, enhancement, and re-vegetation programs;
- e. Wetland and environmentally sensitive area regulations.

The regulating provisions have been reviewed by the environmental staff and no updates were necessary. The most recent update, in 2005, established the 1975 Costal Construction Control Line (CCCL) as Shoreline Protection Zone 1 for construction on the south side of the Barrier Islands, fronting the Gulf of Mexico. There are numerous beach and shoreline projects aimed at the protection and enhancement of our natural resources.



Chapter 5 General Requirements.
Section 5.06 Population projections.

This ordinance is based upon permanent and seasonal population estimates and projections, which must either be those provided by the University of Florida’s Bureau of Economic and Business Research or generated by the local government based upon a professionally acceptable methodology. Population projections will be updated annually with the most current projections available.

2020–2045, with Estimates for 2016							
County and State	Est mates April 2016	Projections, April 1					
		2020	2025	2030	2035	2040	2045
ESCAMBIA	309,986						
LOW		305,400	304,500	304,600	303,000	299,900	296,400
MEDIUM		317,100	325,500	332,900	338,200	342,200	345,800
HIGH		329,100	345,400	361,700	376,600	390,300	403,800

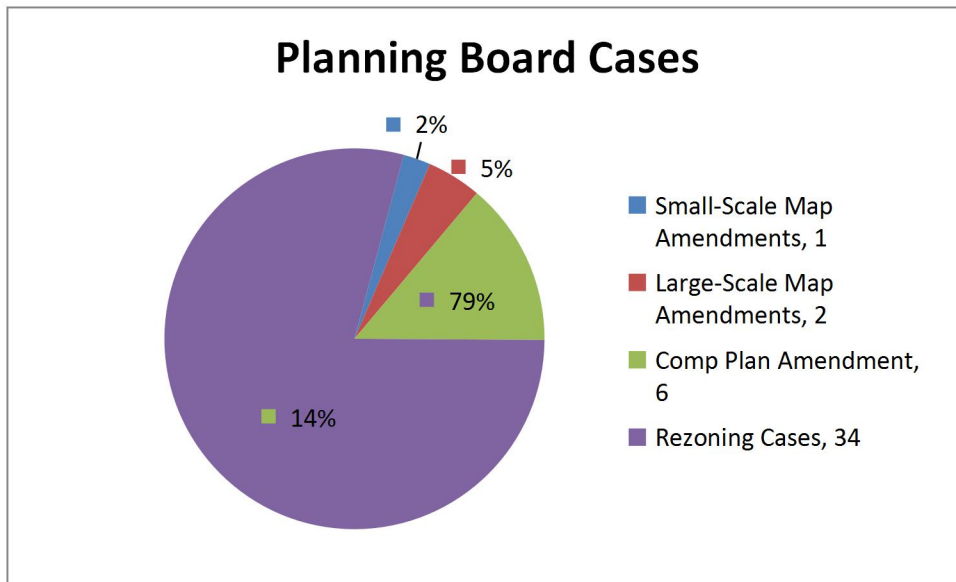
https://www.bibr.ufl.edu/sites/default/files/Research%20Reports/projections_2017.pdf



4.0 INTERGOVERNMENTAL COORDINATION

ICE 1.3.4 **Growth and Development Trends.** As per the Interlocal Agreement, the local governments will provide the School Board with their Comprehensive Plan Implementation Committee Annual Report on growth and development trends within their jurisdiction. To the extent feasible, the reports should be provided in a geographic information system-compatible format for the purpose of geo-referencing the information. This report will be in tabular, graphic, and textual formats and will include data and summaries as requested by the LPA.

Growth & Development Trends FY 2015/2016



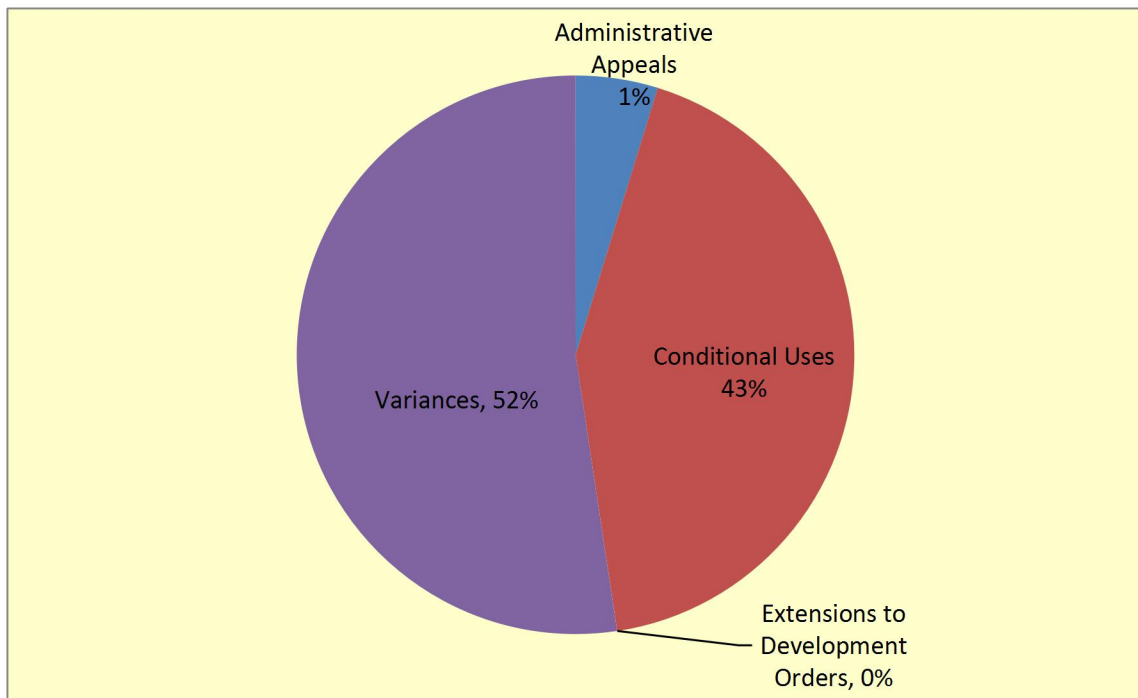
DRC PROJECTS FISCAL YEAR 2015-2016			
Final Plat	6	Preliminary Plat/Construction Plan	5
Unplatted	7	Construction Plans	4
Masterplan	2	Major Site Plans	79
Preliminary Plat	7	Minor Site Plans	23
		Borrow Pits	1
TOTAL			134



Escambia County Board of Adjustment Cases

(October 1, 2015 - September 30, 2016)

CASE TYPE	Total # of Cases	Approved	Denied
Administrative Appeals	1	0	1
Conditional Uses	9	9	0
Extensions to Development Orders	0	0	0
Variances	11	8	3
Total Cases	21		





BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

7. B.

Meeting Date: 06/06/2017

Agenda Item:

Spot Zoning/Rezoning Discussion.

Attachments

Draft Ordinance Annotated

Draft Ordinance

1 The review and reconsideration of current rezoning conditions was prompted
2 largely by the uncertain meaning and allowance of so-called “spot zoning.” More
3 particularly, whether it is a legal term referring to an invalid practice, or only a
4 descriptive term that refers to zoning that may be valid or invalid depending on
5 particular facts and circumstances. The condition of spot zoning is included
6 among the proposed changes, but it is not central to those changes. The focus of
7 the ordinance is the entire set of conditions necessary to recommend and approve
8 an amendment to the zoning district map (rezoning).

9 This is a discussion version of the ordinance that includes bracketed notes
10 following most proposed changes to explain the intent of those changes.

11
12 **ORDINANCE NUMBER 2017-_____**

13
14 **AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING**
15 **PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE**
16 **LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS**
17 **AMENDED; AMENDING CHAPTER 2, DEVELOPMENT AND**
18 **COMPLIANCE REVIEW, ARTICLE 7, LDC AND COMPREHENSIVE**
19 **PLAN AMENDMENT, TO MODIFY APPROVAL CONDITIONS FOR**
20 **ZONING MAP AMENDMENT (REZONING APPLICATION); AMENDING**
21 **CHAPTER 6, DEFINITIONS, SECTION “S,” TO DEFINE “SPOT**
22 **ZONING”; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
23 **INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE**
24 **DATE.**

25
26 **WHEREAS**, the Legislature of the State of Florida has, in Chapter 125, Florida
27 Statutes, conferred upon local governments the authority to adopt regulations designed
28 to promote the public health, safety, and general welfare of its citizenry; and

29 **WHEREAS**, the Escambia County Board of County Commissioners finds that
30 logical and orderly land development patterns promote the public health, safety, and
31 general welfare; and

32 **WHEREAS**, the Board has, within the regulations of the Land Development
33 Code, established zoning districts to implement the general land development patterns
34 prescribed by the future land use categories of the Comprehensive Plan; and

35 **WHEREAS**, the Board has, within the Land Development Code, established a
36 rezoning process to amend existing zoning district boundaries where such amendments
37 demonstrate the rezoning would contribute to or result in a logical and orderly
38 development pattern; and

39 **WHEREAS**, the Board recognizes that within the rezoning process there remains
40 confusion regarding use of the term “spot zoning” and, if used, whether the term is only
41 descriptive or is a legal term of art referring to a practice that is invalid; and

1 **WHEREAS**, the Board finds that isolated or spot zoning, while requiring greater
2 justification within the rezoning process, may serve a beneficial purpose and need not
3 be prohibited; and

4 **WHEREAS**, the Board finds that, since the April 16, 2015, adoption of the Land
5 Development Code, amendments to more effectively evaluate rezoning applications on
6 the basis of logical and orderly development patterns are beneficial to the public.

7
8 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
9 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:**

10
11 **Section 1.** Part III of the Escambia County Code of Ordinances, the Land Development
12 Code of Escambia County, Chapter 2, Development and Compliance Review, Article 7,
13 LDC and Comprehensive Plan Amendment, is hereby amended as follows (words
14 underlined are additions and words ~~stricken~~ are deletions):

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

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

26 **(b) Zoning map amendment (Rezoning application).** Small-scale zoning map
27 amendment (rezoning) that affects a limited number of identifiable parties and
28 interests is evaluated first through quasi-judicial public hearings by the Planning
29 Board, or the Santa Rosa Island Authority (SRIA) for property on Pensacola Beach,
30 and then by the BCC. Large-scale comprehensive changes to the zoning map set
31 policy and require enactment through the legislative procedures of the BCC.

32 **[NOTE: The purpose of the quasi-judicial rezoning review and approval process is**
33 **identified and distinguished from legislative rezoning.]**

34 **(1) Application.** ~~An application for a rezoning through the quasi-judicial process~~
35 ~~shall be submitted to the clerk of the reviewing board within the time required by~~
36 ~~the adopted rezoning procedures of the board Planning Board prior to the~~
37 ~~scheduled board meeting at which the applicant requests to be heard. If the~~
38 ~~application concerns property under the jurisdiction of the Santa Rosa Island~~
39 ~~Authority (SRIA), the application shall be submitted to the clerk of the SRIA at~~
40 ~~least 30 business days prior to the scheduled board meeting. The application~~
41 ~~shall provide the information required by the rezoning procedures of the~~

1 reviewing board. A pre-application meeting of the applicant with the staff for the
2 board is recommended to discuss the process and to review county, board,
3 and applicant responsibilities.

4 **[NOTE: The application may vary but the review process is the same regardless**
5 **of the reviewing board. The 30-day period is insufficient with the recently**
6 **increased and variable extent of notification by mail.]**

7 **(2) Public participation.** Hearings to consider a rezoning application shall be open
8 to the public. Prior to any such hearing, the clerk of the reviewing board shall
9 provide reasonable notice to the public as required by Florida Statutes and the
10 Comprehensive Plan. ~~Public notification is required as further outlined in this~~
11 ~~Article. The cost of the notification is to be borne by the applicant requesting~~
12 ~~review. Public notification shall include the following, each identifying the~~
13 ~~purpose, subject, reviewing authorities, case number, dates, times and locations~~
14 ~~of the hearings; the current and proposed zoning; and county contacts for~~
15 ~~additional information:~~

16 **a. Publication.** At least ten days prior to the hearing, notice shall be published
17 in a newspaper of general circulation in Escambia County.

18 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than 24
19 inches by 48 inches shall be prominently posted on, or as near as practicable
20 to, the subject property and shall be clearly readable from the nearest public
21 right-of-way.

22 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent
23 via U.S. mail to the address registered with the property appraiser for each
24 owner of real property with any portion of the property located south of Nine
25 Mile Rd within 500' of the subject property. For property located north of Nine
26 Mile Rd, notification will be sent to properties within 2500' of the subject
27 property. The cost of the mailing is to be borne by the applicant.

28 **(3) Compliance review.** A quasi-judicial public hearing shall be conducted by the
29 appropriate reviewing board to consider a requested rezoning according to the
30 provisions of this article. At the conclusion of the hearing, based on the record
31 evidence, the reviewing board shall submit a recommendation to the BCC for
32 rezoning approval, denial, or if appropriate and acceptable to the applicant,
33 approval of a district with less intensive uses than the requested zoning.

34 **(4) Approval conditions.** The applicant has the burden of presenting competent
35 substantial evidence to the reviewing board ~~that establishes each~~ establishing
36 that the requested zoning district would contribute to or result in a logical and
37 orderly development pattern as demonstrated by all of the following conditions:

38 **[NOTE: The intent of the revisions is to make the maintaining of a logical and**
39 **orderly development pattern the fundamental purpose of rezoning approval**
40 **conditions, and to consolidate and restate those conditions as the essential**
41 **questions to answer in the record of the rezoning public hearing.]**

42 **a. Consistent with Comprehensive Plan.** The proposed zoning is
43 consistent with the future land use (FLU) category as prescribed in LDC

1 Chapter 3, and with all other applicable goals, objectives, and policies of
2 the Comprehensive Plan. If the rezoning is required to properly enact a
3 proposed FLU map amendment transmitted for state agency review, the
4 consistency is with the proposed FLU and conditional to its adoption. The
5 proposed rezoning is consistent with the goals, objectives, and policies of
6 the Comprehensive Plan and not in conflict with any of its provisions.

7 **[NOTE: Consistency with the Comp Plan is refocused on FLU and other**
8 **provisions specifically applicable to the proposed zoning rather than a**
9 **general and abstract “any provisions” of the Plan. The allowance is required**
10 **by Florida Statute 163.3184(12) for pending FLU amendment.]**

- 11 **b. Consistent with LDC zoning district provisions.** The proposed zoning is
12 consistent with the purpose and intent, location criteria, and any other
13 zoning establishment provisions prescribed by the proposed district in
14 Chapter 3. The proposed rezoning is consistent with the stated purposes
15 and intent of the LDC and not in conflict with any of its provisions.

16 **[NOTE: Consistency with the LDC is refocused on the zoning establishment**
17 **provisions of the specific district sought. Consistency of the permitted uses**
18 **of that district is evaluated within the compatibility condition. Compliance**
19 **with other LDC regulations and standards would be evaluated during**
20 **development plan review for development of a rezoned parcel. Those code**
21 **provisions include subdivision, district site and building requirements,**
22 **wetland & habitat impacts, stormwater management, landscaping & tree**
23 **protection, parking, site access, floodplain management, and signs.]**

- 24 **c. Compatibility Compatible with surroundings.** All of the permitted uses
25 of the proposed zoning, not just those anticipated by the rezoning applicant,
26 are compatible, as defined in Chapter 6, with the surrounding uses. The
27 uses of any surrounding undeveloped land shall be considered as the
28 permitted uses of the applicable district. Compatibility is not considered
29 with potential conditional uses or with any nonconforming or unapproved
30 uses. Also, in establishing the compatibility of a residential use, there is no
31 additional burden to demonstrate the compatibility of specific residents or
32 activities protected by county, state, or federal fair housing law (e.g.,
33 affordable housing). All land uses, development activities, and conditions
34 allowed by the proposed zoning are compatible with the surrounding
35 conforming uses, activities and conditions and are able to coexist in
36 relative proximity to them in a stable fashion over time such that no use,
37 activity, or condition negatively impacts another. The appropriateness of
38 the rezoning is not limited to any specific use that may be proposed but is
39 evident for all permitted uses of the requested zoning. This condition shall
40 not apply to any conditional uses of the proposed district or compatibility
41 with nonconforming or unapproved uses, activities, or conditions.

42 **[NOTE: Compatibility is restated to address vacant property. Fair housing**
43 **law is included to avoid inappropriate discussion of who may occupy**
44 **dwelling on a rezoned site.]**

1 **d. Appropriate as spot zoning.** Where the proposed zoning would establish
2 or reinforce a condition of spot zoning as defined in Chapter 6, the isolated
3 district would nevertheless be transitional in character between the
4 adjoining districts, or the differences with those districts would be minor or
5 sufficiently limited. The extent of these mitigating characteristics or
6 conditions demonstrates an appropriate site-specific balancing of interests
7 between the isolated district and adjoining lands.

8 **[NOTE: Although “spot zoning” is not a term currently used in the LDC, it**
9 **continues to be part of rezoning discussions; so, the term is being given a**
10 **definition in Chapter 6 and a place among rezoning conditions which will**
11 **allow the isolated zoning that is defined, but will require greater justification**
12 **to establish or enlarge that condition.]**

13 **de. Appropriate with Changed changing conditions.** The area surrounding
14 the property of to which the proposed rezoning would apply has changed,
15 or is changing, to such a degree that the permitted uses of the proposed
16 district are not premature for the area and not likely to create or contribute
17 to sprawl it is in the public interest to encourage new uses, density, or
18 intensity in the area through rezoning.

19 **[NOTE: Clarification to the intended focus on changing conditions of the**
20 **surrounding area, not changes to the subject parcel.]**

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

23 **[NOTE: Condition restated as the principal intent of all rezoning approval**
24 **conditions.]**

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

28 **[NOTE: The condition has no specific frame of reference like compatibility of**
29 **potential uses with adjoining land uses. Development of an individual lot**
30 **typically has highly significant impacts on the limited environment of the lot**
31 **(e.g., vegetative cover replaced with impervious surfaces), but to the larger**
32 **environments of the neighborhood or county there is typically much less**
33 **significance. Environmental impacts are best addressed through established**
34 **development standards that limit impacts and require mitigation, as with**
35 **protected trees, wetlands, habitat of protected/endangered species,**
36 **floodways, and other resources.]**

37 **(5) Board Action.** ~~When~~ If the reviewing board finds from the record of the hearing
38 that the applicant has presented competent substantial evidence establishing
39 the required conditions, the board shall then consider whether maintaining the
40 current zoning will serve a greater public interest. If both of the following
41 conditions are confirmed and no greater public interest is otherwise found in
42 maintaining the current zoning, the board shall recommend approval of the
43 rezoning request to the BCC ~~recommend approval of the rezoning request to~~

1 the BCC, unless the board determines that maintaining the current zoning will
2 prevent the following:

3 **[NOTE: The board's responsibility to consider when retaining the existing zoning**
4 **may be in the best interest of the public remains and is emphasized, but is reduced**
5 **to two considerations which incorporate previously identified useful criteria from**
6 **other jurisdictions.]**

7 **a. No new uses, density, or intensity of use will likely diminish quality of life,**
8 **reduce property values, confer a special benefit on the subject property to**
9 **the detriment of the community as a whole, or create other adverse impacts**
10 **upon surrounding properties more than the uses, density, or intensity of the**
11 **current zoning.**

12 **b. Greater consideration has been given to the protection of established**
13 **conforming investments than to projected investments, and future beneficial**
14 **use is encouraged rather than the sale of land for mere speculation.**

15 ~~**a. Premature development or sprawl. The land uses and development**~~
16 ~~activities allowed by the proposed rezoning are premature, or the rezoning~~
17 ~~would likely create or contribute to an urban sprawl pattern of~~
18 ~~development more than the current zoning.~~

19 **[NOTE: Condition included in evaluation of changing conditions.]**

20 ~~**b. Isolated districts. The proposed rezoning would create or contribute to**~~
21 ~~an isolated zoning district that is neither related to the adjacent and~~
22 ~~nearby zoning districts nor an appropriate transition between them.~~

23 **[NOTE: Condition addressed in evaluation of spot zoning.]**

24 ~~**c. Intrusion of non-residential uses. The proposed rezoning would allow an**~~
25 ~~intrusion of commercial or industrial uses into a platted residential~~
26 ~~subdivision or other established residential area more than the current~~
27 ~~zoning.~~

28 **[NOTE: Condition considered in more general evaluation of adverse impacts.]**

29 ~~**d. Property value impacts. The land uses, development activities and**~~
30 ~~conditions allowed by the proposed rezoning would likely result in~~
31 ~~significant adverse impacts upon the property values of adjacent properties~~
32 ~~or those in the immediate area more than the types of use, activities, and~~
33 ~~conditions permitted by the current zoning.~~

34 **[NOTE: Condition considered in more general evaluation of adverse**

35 **impacts.]**

36 ~~**e. Nuisance-based impacts. The land uses, development activities and**~~
37 ~~conditions allowed by the proposed rezoning would likely adversely impact~~
38 ~~the character of existing development or quality of life in the general area or~~
39 ~~neighborhood by creating excessive traffic, noise, lights, vibration, fumes,~~
40 ~~odors, dust, physical activities, or other detrimental effects or nuisances~~

1 more than the types of uses, activities and conditions permitted by the
2 current zoning.

3 **[NOTE: Condition considered in more general evaluation of adverse**
4 **impacts.]**

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

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

17
18 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land
19 Development Code of Escambia County, Chapter 6, Definitions, Section "S," is hereby
20 amended as follows (words underlined are additions and words ~~stricken~~ are
21 deletions):

22 **Sec. 6.0-3 Terms defined.**

23 **-S-**

24 *Salvage yard.* An industrial facility or area for the collection, storage, sale or
25 exchange, disassembly, shredding, compaction, bailing, or other handling of scrap or
26 discarded material or equipment for salvage, including metals, paper, rags, tires,
27 bottles and cans, motor vehicles, machinery, appliances, and structural steel.

28 *Sand dune.* Naturally occurring accumulations of sand in ridges or mounds landward
29 of the beach.

30 *Screened or screening.* A method of visually shielding or obscuring a structure or use
31 from view by fencing, walls, berms, or vegetation.

32 *Seawall.* A wall or an embankment designed to halt the encroachment of a waterbody.

33 *Sediment.* Mineral or organic particulates that have been transported from their origin
34 by wind or water and deposited at another location.

35 *Sedimentation.* The deposition of sediment.

36 *Self-storage facility.* A building or group of buildings containing separate individual
37 storage units available for lease or rent for varying periods of time for the self-service

1 storage of goods. Self-service storage facilities may also be known as mini-
2 warehouses.

3 *Semi-impervious surface.* Any surface that is more resistant to the infiltration of water
4 than a pervious surface, but more easily allows infiltration than an impervious surface.
5 Such moderately impermeable surfaces include compacted stone, gravel, recycled
6 asphalt, shell, or clay serving vehicular traffic; paver stones and "pervious" concrete;
7 and other surfaces for which runoff coefficients no less than 0.60 are typically used for
8 stormwater management calculations.

9 *Setback.* The required minimum distance from a property line or other boundary line
10 that establishes the area within which a structure is allowed to be erected or placed.

11 *Shooting range.* An indoor or outdoor facility designed for archery, paintball, or the
12 discharge of firearms, including rifles, shotguns, pistols, muzzle loading and black
13 powder guns. The term "shooting range" includes facilities for the purpose of sport
14 shooting or for military or law enforcement training, including mock hazard response,
15 target practice, skeet and trap.

16 *Shopping center.* An integrated group of retail sales and service establishments that is
17 planned, constructed, and managed to function as a unit, with customer and employee
18 parking provided on site and the delivery of goods separated from customer access.

19 *Sign.* Any object, device, display, or structure, or part thereof, which is positioned and
20 used to advertise, identify, announce, direct or attract attention, or otherwise visually
21 communicate a message outdoors using words, letters, numerals, emblems, figures,
22 symbols, pictures, or other images. Signs are more specifically defined by form and
23 use in the signage standards of chapter 5.

24 *Sign area.* The surface area of a sign shall be computed as including the entire area
25 within the smallest rectangle, triangle, circle or other regular geometric form, or
26 aggregates thereof, encompassing all of the display area of the sign and including all
27 of the elements of the matter displayed. Base, apron, supports and other structural
28 members not bearing advertising matter shall not be included in computation of
29 surface area. Border or trim shall be included in computation of surface area. One side
30 only of a double-sided sign shall be used in computing sign area where they are
31 placed back to back on a single sign structure and are at no point more than three feet
32 apart.

33 *Sign face.* The area or display surface used for the message.

34 *Sign triangle.* See visual clearance section of landscaping provisions.

35 *Silviculture.* The management of forest establishment, growth, composition, health,
36 and quality to produce lumber, pulp wood, or other forest products on a sustainable
37 basis. The term "silviculture" includes site preparation, planting, prescribed burning,
38 harvesting, and replanting activities.

1 *Site plan.* A scaled plan depicting proposed site development or redevelopment within
2 a parcel as required by the LDC for compliance review and approval.

3 *Solid waste.* Materials regulated by the state as solid waste, including sludge from a
4 waste treatment works, water supply treatment plant, or air pollution control facility; or
5 garbage, rubbish, refuse, special waste, or other discarded material, including solid,
6 liquid, semisolid or contained gaseous material resulting from domestic, industrial,
7 commercial, mining, agricultural, or governmental operations.

8 *Solid waste collection point.* A site for the collection of non-hazardous solid waste from
9 individual generators and transport to waste transfer, material recovery, waste
10 disposal or other solid waste management facilities.

11 *Solid waste disposal facility.* See "Landfill."

12 *Solid waste transfer facility.* An industrial facility where non-hazardous solid waste
13 from collection vehicles is consolidated, temporarily stored, and may be sorted, for
14 subsequent transport to other facilities for processing or final disposal.

15 *Sprawl or urban sprawl.* A haphazard development pattern of dispersed and strip
16 growth in suburbs and rural areas and along highways that is characterized by low
17 density, automobile-dependent development with either a single use or multiple uses
18 that are not functionally related, requiring the extension of public facilities and services
19 in an inefficient manner, and failing to provide a clear separation between urban and
20 rural uses.

21 **Spot zoning.** Zoning applied to an area of land, regardless of its size, that is different
22 from the zoning of any directly adjoining land. Such isolated or "spot" zoning is usually
23 higher in its density or intensity of use than the adjoining zoning and may, therefore,
24 extend privileges not generally extended to property similarly located in the area. Spot
25 zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining
26 zoning it carries a higher burden of demonstration that, if authorized, it will contribute to
27 or result in the logical and orderly development required of all zoning.

28 **[NOTE: The definition establishes the position for the LDC that spot zoning is only**
29 **a descriptive term referring to zoning that may be valid or invalid depending on**
30 **particular facts and circumstances, not unlike authorizing a conditional use. The**
31 **definition is purposely like the description of a literal "spot" of different color on a**
32 **zoning district map, but it refers to characteristics on which the validity of such**
33 **isolated zoning can be evaluated.]**

34 *Stable, public.* A structure where horses, ponies or other domesticated equines are
35 kept for sale or hire, including their boarding, training, breeding, and riding.

36 *Stable, private.* An accessory structure where horses, ponies or other domesticated
37 equines are kept for the private use of the occupants of the premises and their guests,
38 and not kept for hire.

1 *Stadium or arena.* A structure with tiers of spectator seats rising around all or part of
2 an open or enclosed field or place used for athletic, entertainment, or other major
3 events. Stadiums may include food service, retail stores, meeting rooms and other
4 incidental uses customarily accessory to the principal use.

5 *Start of construction.* The date the building permit was issued, provided the actual
6 start of construction, repair, reconstruction, or improvement was within 180 days of the
7 permit date. The actual start means the first placement of permanent construction of a
8 structure (including a manufactured home) on a site, such as the pouring of slabs or
9 footings, installation of piles, construction of columns, or any work beyond the stage of
10 excavation or the placement of a manufactured home on a foundation. Permanent
11 construction does not include land preparation, such as clearing, grading and filling;
12 nor does it include the installation of streets or walkways; nor does it include
13 excavation for a basement, footings, piers or foundations or the erection of temporary
14 forms; nor does it include the installation on the property of accessory buildings, such
15 as garages or sheds not occupied as dwelling units or not part of the main structure.
16 This definition does not apply to new construction or substantial improvements under
17 the Coastal Barrier Resources Act (P.L. 97-348).

18 *Storage.* The placement, accumulation, or keeping of things, or the condition of things
19 placed, accumulated, or kept, in a specific location for preservation, future use, or
20 disposal.

21 *Storage, outdoor or outside.* The storage of any equipment, goods, junk, material,
22 merchandise, or vehicles outside of an enclosed building in the same area on a site
23 for more than 72 hours.

24 *Stormwater.* The flow of water which results from, and which occurs immediately
25 following, a rainfall event.

26 *Stormwater management.* Any technique, apparatus, or facility that controls or
27 manages the path, storage, quality, or rate of release of stormwater runoff, including
28 storm sewers, retention and detention ponds, drainage channels and swales, and inlet
29 and outlet structures.

30 *Stormwater management plan.* A professionally certified plan to manage stormwater
31 runoff from development by providing concurrent control of erosion, water quality,
32 sedimentation, and flooding in compliance with all applicable regulatory authorities.

33 *Stormwater management system.* The designed features of the property which collect,
34 convey, channel, hold, inhibit, or divert the movement of stormwater.

35 *Stormwater pond.* A stormwater storage facility that may be further characterized as:

36 *Detention pond.* A facility for the collection and temporary storage of stormwater
37 runoff for treatment through physical, chemical, or biological processes and for
38 attenuating discharge with subsequent gradual controlled discharge.

1 *Retention pond.* A facility for the collection and prevention of discharge of
2 stormwater runoff surface waters by complete on-site storage where the capacity
3 to store the given volume must be provided by a decrease of stored water caused
4 only by percolation through soil, evaporation, or evapotranspiration (loss of water
5 from soil by both evaporation and transpiration from plants).

6 *Dry pond.* A facility designed to collect and store stormwater runoff in a normally
7 dry basin.

8 *Wet pond.* A facility designed to collect and store stormwater runoff in a
9 permanently wet impoundment with a gently sloping littoral zone shelf designed to
10 support the growth of rooted aquatic plants. A wet pond provides for treatment
11 through physical, chemical, and biological processes.

12 *Story.* That portion of a building included between the surface of any floor and the
13 surface of the next floor above, or if there is no floor above it, then the space between
14 such floor and the ceiling next above it. In computing the number of stories in a
15 building, a basement shall not be considered a story if more than one-half of its height
16 is below the mean grade. For areas governed by FDEP or FEMA elevation
17 requirements, the number of stories in a building shall be counted from the minimum
18 required elevation established by FDEP or FEMA for the habitable first floor,
19 whichever is higher.

20 *Street.* A public or private right-of-way designed and used primarily for vehicular
21 transportation, including all of the land lying between the right-of-way lines delineating
22 the access way, whether improved or unimproved, and typically affording the principal
23 means of access to adjoining land. The term "street" includes the terms "road,"
24 "avenue," "boulevard," "lane," "thoroughfare" and "highway" when used for such
25 access ways. However, the term does not include alleys, access ways such as
26 easements and rights-of-way intended solely for limited utility purposes, or access
27 ways and driveways designed as part of or access to on-site parking. Streets may be
28 classified as the following:

29 *Arterial street, major.* A street providing service that is relatively continuous and of
30 relatively high traffic volume, long trip length, and high operating speed, including
31 every United States numbered highway.

32 *Arterial street, minor.* A street providing connections between major activity
33 centers of the county, and which augments the major arterial system for local and
34 inter-county traffic by feeding traffic from collector and local street systems onto
35 major arterials.

36 *Collector street.* A street providing service that is of relatively moderate traffic
37 volume, moderate trip length, and moderate operating speed, and which
38 distributes traffic between local streets or arterial streets.

1 *Local street.* A street providing service that is of relatively low traffic volume, short
2 average trip length, or minimal through traffic movements, and high quantity land
3 access for abutting property.

4 *Private street.* A privately owned and maintained street.

5 *Public street.* A street under the jurisdiction of and maintained by a public entity
6 for public travel.

7 *Structural alteration.* Any change in the supporting members of a building, such as
8 bearing walls, bearing partitions, columns, beams or girders, or any complete
9 rebuilding of the roof, exterior walls or any other change which results in increased or
10 decreased height of a structure.

11 *Structure.* Anything constructed, assembled or erected, the use of which requires
12 location on or in the ground, or attachment to something having location on or in the
13 ground. The term "structure" does not include unroofed paved surfaces, such as
14 sidewalks, driveways, parking lots, or paved areas used for sports activities. For the
15 purposes of floodplain management, "structure" means a walled and roofed building,
16 including a gas or liquid storage tank, which is principally above ground, as well as a
17 manufactured home.

18 *Subdivision.* The division of a parcel of land, whether improved or unimproved, into
19 three or more contiguous lots or parcels of land or, if the establishment of a new street
20 is involved, any division of the parcel. When appropriate to the context, the term
21 "subdivision" refers to the process of subdividing or to the land subdivided.

22 *Subdivision, recorded.* The plat of an approved subdivision as recorded in the office of
23 the Clerk of the Court, Escambia County, according to Florida Statutes.

24 *Substance abuse treatment facility.* A state licensed residential or inpatient facility
25 which provides professionally planned and directed clinical treatment in a structured
26 live-in environment within a nonhospital setting on a 24-hours-per-day, seven-days-
27 per-week basis, designed to reduce or eliminate the misuse of drugs and alcohol and
28 promote a healthy, drug-free lifestyle.

29 *Substantial construction.* All required permits necessary to continue the development
30 have been obtained; permitted clearing and grading has been completed on a
31 significant portion of the development subject to a single final development order; and
32 the actual construction of buildings or water and sewer lines, streets, or the
33 stormwater management system has been completed on a significant portion of the
34 development or is progressing in a manner that significantly moves the entire
35 development toward completion of construction.

36 *Substantial damage.* Damage of any origin sustained by a structure whereby the cost
37 of restoring the structure to its before-damaged condition would equal or exceed 50
38 percent of the market value of the structure before the damage occurred. The "cost" of

1 the restoration is the fair market value of the material and services necessary to
2 accomplish the entire restoration and is unaffected by incremental restoration work.

3 *Substantial improvement.* Any repair, reconstruction, rehabilitation, addition, or other
4 improvement of a structure, the cost of which equals or exceeds 50 percent of the
5 market value of the structure before the improvement or repair is started. If the
6 structure has incurred "substantial damage," any repairs are considered substantial
7 improvement regardless of the actual repair work performed. The term does not,
8 however, include either of the following:

- 9 1. Any project for improvement of a building required to correct existing health,
10 sanitary, or safety code violations identified by the building official and that are the
11 minimum necessary to assure safe living conditions.
- 12 2. Any alteration of an historic structure provided the alteration will not preclude the
13 structure's continued designation as a historic structure and the alteration is
14 approved by variance issued according to the provisions of the LDC.

15 *Suitability.* The degree to which the existing characteristics and limitations of land and
16 water are compatible with a proposed use or development.

17 *Surface water.* Water upon the surface of the earth, whether contained in bounds
18 created naturally or artificially or diffused. Water from natural springs is classified as
19 surface water when it exits from the spring onto the earth's surface.

20
21 **Section 4. Severability.**

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

25
26 **Section 5. Inclusion in Code.**

27 It is the intention of the Board of County Commissioners that the provisions of this
28 Ordinance shall be codified as required by F.S. § 125.68 (2016); and that the sections,
29 subsections and other provisions of this Ordinance may be renumbered or re-lettered
30 and the word "ordinance" may be changed to "section," "chapter," or such other
31 appropriate word or phrase in order to accomplish such intentions.

32
33 **Section 6. Effective Date.**

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

35
36 **DONE AND ENACTED** this _____ day of _____, 2017.

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

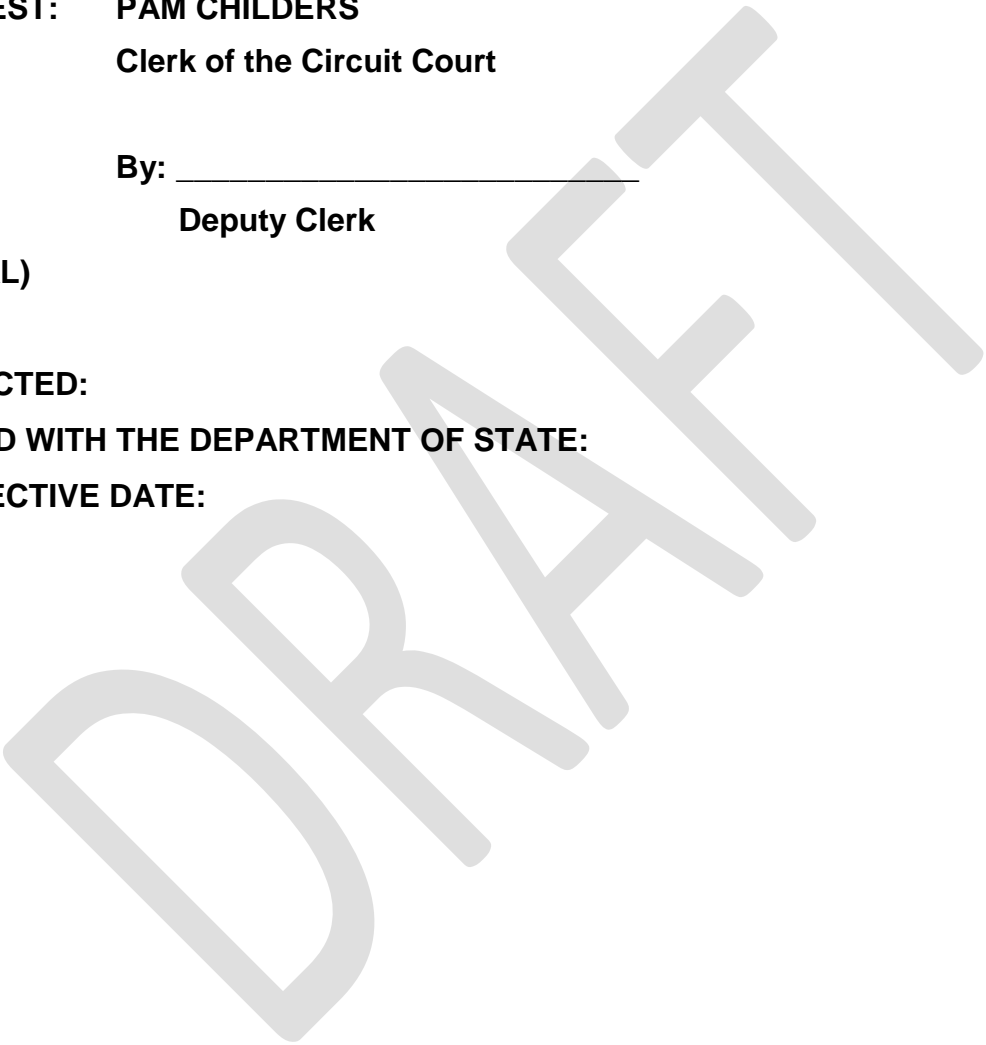
By: _____
D. B. Underhill, Chairman

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

By: _____
Deputy Clerk

(SEAL)

**ENACTED:
FILED WITH THE DEPARTMENT OF STATE:
EFFECTIVE DATE:**



1 **Section 1.** Part III of the Escambia County Code of Ordinances, the Land Development
2 Code of Escambia County, Chapter 2, Development and Compliance Review, Article 7,
3 LDC and Comprehensive Plan Amendment, is hereby amended as follows (words
4 underlined are additions and words ~~stricken~~ are deletions):

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

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

16 **(b) Zoning map amendment (Rezoning application).** Small-scale zoning map
17 amendment (rezoning) that affects a limited number of identifiable parties and
18 interests is evaluated first through quasi-judicial public hearings by the Planning
19 Board, or the Santa Rosa Island Authority (SRIA) for property on Pensacola Beach,
20 and then by the BCC. Large-scale comprehensive changes to the zoning map set
21 policy and require enactment through the legislative procedures of the BCC.

22 **(1) Application.** ~~An application for a rezoning through the quasi-judicial process~~
23 ~~shall be submitted to the clerk of the reviewing board within the time required by~~
24 ~~the adopted rezoning procedures of the board-Planning Board prior to the~~
25 ~~scheduled board meeting at which the applicant requests to be heard. If the~~
26 ~~application concerns property under the jurisdiction of the Santa Rosa Island~~
27 ~~Authority (SRIA), the application shall be submitted to the clerk of the SRIA at~~
28 ~~least 30 business days prior to the scheduled board meeting. The application~~
29 ~~shall provide the information required by the rezoning procedures of the~~
30 ~~reviewing board. A pre-application meeting of the applicant with the staff for the~~
31 ~~board is recommended to discuss the process and to review county, board,~~
32 ~~and applicant responsibilities.~~

33 **(2) Public participation.** Hearings to consider a rezoning application shall be open
34 to the public. Prior to any such hearing, the clerk of the reviewing board shall
35 provide reasonable notice to the public as required by Florida Statutes and the
36 Comprehensive Plan. ~~Public notification is required as further outlined in this~~
37 ~~Article. The cost of the notification is to be borne by the applicant requesting~~
38 ~~review. Public notification shall include the following, each identifying the~~
39 ~~purpose, subject, reviewing authorities, case number, dates, times and locations~~
40 ~~of the hearings; the current and proposed zoning; and county contacts for~~
41 ~~additional information:~~

42 **a. Publication.** At least ten days prior to the hearing, notice shall be published
43 in a newspaper of general circulation in Escambia County.

1 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than 24
2 inches by 48 inches shall be prominently posted on, or as near as practicable
3 to, the subject property and shall be clearly readable from the nearest public
4 right-of-way.

5 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent
6 via U.S. mail to the address registered with the property appraiser for each
7 owner of real property with any portion of the property located south of Nine
8 Mile Rd within 500' of the subject property. For property located north of Nine
9 Mile Rd, notification will be sent to properties within 2500' of the subject
10 property. The cost of the mailing is to be borne by the applicant.

11 **(3) Compliance review.** A quasi-judicial public hearing shall be conducted by the
12 appropriate reviewing board to consider a requested rezoning according to the
13 provisions of this article. At the conclusion of the hearing, based on the record
14 evidence, the reviewing board shall submit a recommendation to the BCC for
15 rezoning approval, denial, or if appropriate and acceptable to the applicant,
16 approval of a district with less intensive uses than the requested zoning.

17 **(4) Approval conditions.** The applicant has the burden of presenting competent
18 substantial evidence to the reviewing board ~~that establishes each~~ establishing
19 that the requested zoning district would contribute to or result in a logical and
20 orderly development pattern as demonstrated by all of the following conditions:

21 **a. Consistent with Comprehensive Plan.** The proposed zoning is
22 consistent with the future land use (FLU) category as prescribed in LDC
23 Chapter 3, and with all other applicable goals, objectives, and policies of
24 the Comprehensive Plan. If the rezoning is required to properly enact a
25 proposed FLU map amendment transmitted for state agency review, the
26 consistency is with the proposed FLU and conditional to its adoption. ~~The~~
27 ~~proposed rezoning is consistent with the goals, objectives, and policies of~~
28 ~~the Comprehensive Plan and not in conflict with any of its provisions.~~

29 **b. Consistent with LDC zoning district provisions.** The proposed zoning is
30 consistent with the purpose and intent, location criteria, and any other
31 zoning establishment provisions prescribed by the proposed district in
32 Chapter 3. ~~The proposed rezoning is consistent with the stated purposes~~
33 ~~and intent of the LDC and not in conflict with any of its provisions.~~

34 **c. Compatibility Compatible with surroundings.** All of the permitted uses
35 of the proposed zoning, not just those anticipated by the rezoning applicant,
36 are compatible, as defined in Chapter 6, with the surrounding uses. The
37 uses of any surrounding undeveloped land shall be considered as the
38 permitted uses of the applicable district. Compatibility is not considered
39 with potential conditional uses or with any nonconforming or unapproved
40 uses. Also, in establishing the compatibility of a residential use, there is no
41 additional burden to demonstrate the compatibility of specific residents or
42 activities protected by county, state, or federal fair housing law (e.g.,
43 affordable housing). ~~All land uses, development activities, and conditions~~

1 allowed by the proposed zoning are compatible with the surrounding
2 conforming uses, activities and conditions and are able to coexist in
3 relative proximity to them in a stable fashion over time such that no use,
4 activity, or condition negatively impacts another. The appropriateness of
5 the rezoning is not limited to any specific use that may be proposed but is
6 evident for all permitted uses of the requested zoning. This condition shall
7 not apply to any conditional uses of the proposed district or compatibility
8 with nonconforming or unapproved uses, activities, or conditions.

9 **d. Appropriate as spot zoning.** Where the proposed zoning would establish
10 or reinforce a condition of spot zoning as defined in Chapter 6, the isolated
11 district would nevertheless be transitional in character between the
12 adjoining districts, or the differences with those districts would be minor or
13 sufficiently limited. The extent of these mitigating characteristics or
14 conditions demonstrates an appropriate site-specific balancing of interests
15 between the isolated district and adjoining lands.

16 **de. Appropriate with Changed changing conditions.** The area surrounding
17 the property of to which the proposed rezoning would apply has changed,
18 or is changing, to such a degree that the permitted uses of the proposed
19 district are not premature for the area and not likely to create or contribute
20 to sprawl it is in the public interest to encourage new uses, density, or
21 intensity in the area through rezoning.

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

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

27 **(5) Board Action.** ~~When~~ If the reviewing board finds from the record of the hearing
28 that the applicant has presented competent substantial evidence establishing
29 the required conditions, the board shall then consider whether maintaining the
30 current zoning will serve a greater public interest. If both of the following
31 conditions are confirmed and no greater public interest is otherwise found in
32 maintaining the current zoning, the board shall recommend approval of the
33 rezoning request to the BCC ~~recommend approval of the rezoning request to~~
34 ~~the BCC, unless the board determines that maintaining the current zoning will~~
35 ~~prevent the following:~~

36 **a. No new uses, density, or intensity of use will likely diminish quality of life,**
37 **reduce property values, confer a special benefit on the subject property to**
38 **the detriment of the community as a whole, or create other adverse impacts**
39 **upon surrounding properties more than the uses, density, or intensity of the**
40 **current zoning.**

41 **b. Greater consideration has been given to the protection of established**
42 **conforming investments than to projected investments, and future beneficial**
43 **use is encouraged rather than the sale of land for mere speculation.**

1 ~~a. **Premature development or sprawl.** The land uses and development~~
2 ~~activities allowed by the proposed rezoning are premature, or the rezoning~~
3 ~~would likely create or contribute to an urban sprawl pattern of~~
4 ~~development more than the current zoning.~~

5 ~~b. **Isolated districts.** The proposed rezoning would create or contribute to~~
6 ~~an isolated zoning district that is neither related to the adjacent and~~
7 ~~nearby zoning districts nor an appropriate transition between them.~~

8 ~~c. **Intrusion of non-residential uses.** The proposed rezoning would allow an~~
9 ~~intrusion of commercial or industrial uses into a platted residential~~
10 ~~subdivision or other established residential area more than the current~~
11 ~~zoning.~~

12 ~~d. **Property value impacts.** The land uses, development activities and~~
13 ~~conditions allowed by the proposed rezoning would likely result in~~
14 ~~significant adverse impacts upon the property values of adjacent properties~~
15 ~~or those in the immediate area more than the types of use, activities, and~~
16 ~~conditions permitted by the current zoning.~~

17 ~~e. **Nuisance-based impacts.** The land uses, development activities and~~
18 ~~conditions allowed by the proposed rezoning would likely adversely impact~~
19 ~~the character of existing development or quality of life in the general area or~~
20 ~~neighborhood by creating excessive traffic, noise, lights, vibration, fumes,~~
21 ~~odors, dust, physical activities, or other detrimental effects or nuisances~~
22 ~~more than the types of uses, activities and conditions permitted by the~~
23 ~~current zoning.~~

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

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

36
37 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land
38 Development Code of Escambia County, Chapter 6, Definitions, Section "S," is hereby
39 amended as follows (words underlined are additions and words ~~stricken~~ are
40 deletions):

41 **Sec. 6.0-3 Terms defined.**

-S-

- 1
- 2 *Salvage yard.* An industrial facility or area for the collection, storage, sale or
3 exchange, disassembly, shredding, compaction, bailing, or other handling of scrap or
4 discarded material or equipment for salvage, including metals, paper, rags, tires,
5 bottles and cans, motor vehicles, machinery, appliances, and structural steel.
- 6 *Sand dune.* Naturally occurring accumulations of sand in ridges or mounds landward
7 of the beach.
- 8 *Screened or screening.* A method of visually shielding or obscuring a structure or use
9 from view by fencing, walls, berms, or vegetation.
- 10 *Seawall.* A wall or an embankment designed to halt the encroachment of a waterbody.
- 11 *Sediment.* Mineral or organic particulates that have been transported from their origin
12 by wind or water and deposited at another location.
- 13 *Sedimentation.* The deposition of sediment.
- 14 *Self-storage facility.* A building or group of buildings containing separate individual
15 storage units available for lease or rent for varying periods of time for the self-service
16 storage of goods. Self-service storage facilities may also be known as mini-
17 warehouses.
- 18 *Semi-impervious surface.* Any surface that is more resistant to the infiltration of water
19 than a pervious surface, but more easily allows infiltration than an impervious surface.
20 Such moderately impermeable surfaces include compacted stone, gravel, recycled
21 asphalt, shell, or clay serving vehicular traffic; paver stones and "pervious" concrete;
22 and other surfaces for which runoff coefficients no less than 0.60 are typically used for
23 stormwater management calculations.
- 24 *Setback.* The required minimum distance from a property line or other boundary line
25 that establishes the area within which a structure is allowed to be erected or placed.
- 26 *Shooting range.* An indoor or outdoor facility designed for archery, paintball, or the
27 discharge of firearms, including rifles, shotguns, pistols, muzzle loading and black
28 powder guns. The term "shooting range" includes facilities for the purpose of sport
29 shooting or for military or law enforcement training, including mock hazard response,
30 target practice, skeet and trap.
- 31 *Shopping center.* An integrated group of retail sales and service establishments that is
32 planned, constructed, and managed to function as a unit, with customer and employee
33 parking provided on site and the delivery of goods separated from customer access.
- 34 *Sign.* Any object, device, display, or structure, or part thereof, which is positioned and
35 used to advertise, identify, announce, direct or attract attention, or otherwise visually
36 communicate a message outdoors using words, letters, numerals, emblems, figures,

1 symbols, pictures, or other images. Signs are more specifically defined by form and
2 use in the signage standards of chapter 5.

3 *Sign area.* The surface area of a sign shall be computed as including the entire area
4 within the smallest rectangle, triangle, circle or other regular geometric form, or
5 aggregates thereof, encompassing all of the display area of the sign and including all
6 of the elements of the matter displayed. Base, apron, supports and other structural
7 members not bearing advertising matter shall not be included in computation of
8 surface area. Border or trim shall be included in computation of surface area. One side
9 only of a double-sided sign shall be used in computing sign area where they are
10 placed back to back on a single sign structure and are at no point more than three feet
11 apart.

12 *Sign face.* The area or display surface used for the message.

13 *Sign triangle.* See visual clearance section of landscaping provisions.

14 *Silviculture.* The management of forest establishment, growth, composition, health,
15 and quality to produce lumber, pulp wood, or other forest products on a sustainable
16 basis. The term "silviculture" includes site preparation, planting, prescribed burning,
17 harvesting, and replanting activities.

18 *Site plan.* A scaled plan depicting proposed site development or redevelopment within
19 a parcel as required by the LDC for compliance review and approval.

20 *Solid waste.* Materials regulated by the state as solid waste, including sludge from a
21 waste treatment works, water supply treatment plant, or air pollution control facility; or
22 garbage, rubbish, refuse, special waste, or other discarded material, including solid,
23 liquid, semisolid or contained gaseous material resulting from domestic, industrial,
24 commercial, mining, agricultural, or governmental operations.

25 *Solid waste collection point.* A site for the collection of non-hazardous solid waste from
26 individual generators and transport to waste transfer, material recovery, waste
27 disposal or other solid waste management facilities.

28 *Solid waste disposal facility.* See "Landfill."

29 *Solid waste transfer facility.* An industrial facility where non-hazardous solid waste
30 from collection vehicles is consolidated, temporarily stored, and may be sorted, for
31 subsequent transport to other facilities for processing or final disposal.

32 *Sprawl or urban sprawl.* A haphazard development pattern of dispersed and strip
33 growth in suburbs and rural areas and along highways that is characterized by low
34 density, automobile-dependent development with either a single use or multiple uses
35 that are not functionally related, requiring the extension of public facilities and services
36 in an inefficient manner, and failing to provide a clear separation between urban and
37 rural uses.

1 **Spot zoning.** Zoning applied to an area of land, regardless of its size, that is different
2 from the zoning of any directly adjoining land. Such isolated or “spot” zoning is usually
3 higher in its density or intensity of use than the adjoining zoning and may, therefore,
4 extend privileges not generally extended to property similarly located in the area. Spot
5 zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining
6 zoning it carries a higher burden of demonstration that, if authorized, it will contribute to
7 or result in the logical and orderly development required of all zoning.

8 *Stable, public.* A structure where horses, ponies or other domesticated equines are
9 kept for sale or hire, including their boarding, training, breeding, and riding.

10 *Stable, private.* An accessory structure where horses, ponies or other domesticated
11 equines are kept for the private use of the occupants of the premises and their guests,
12 and not kept for hire.

13 *Stadium or arena.* A structure with tiers of spectator seats rising around all or part of
14 an open or enclosed field or place used for athletic, entertainment, or other major
15 events. Stadiums may include food service, retail stores, meeting rooms and other
16 incidental uses customarily accessory to the principal use.

17 *Start of construction.* The date the building permit was issued, provided the actual
18 start of construction, repair, reconstruction, or improvement was within 180 days of the
19 permit date. The actual start means the first placement of permanent construction of a
20 structure (including a manufactured home) on a site, such as the pouring of slabs or
21 footings, installation of piles, construction of columns, or any work beyond the stage of
22 excavation or the placement of a manufactured home on a foundation. Permanent
23 construction does not include land preparation, such as clearing, grading and filling;
24 nor does it include the installation of streets or walkways; nor does it include
25 excavation for a basement, footings, piers or foundations or the erection of temporary
26 forms; nor does it include the installation on the property of accessory buildings, such
27 as garages or sheds not occupied as dwelling units or not part of the main structure.
28 This definition does not apply to new construction or substantial improvements under
29 the Coastal Barrier Resources Act (P.L. 97-348).

30 *Storage.* The placement, accumulation, or keeping of things, or the condition of things
31 placed, accumulated, or kept, in a specific location for preservation, future use, or
32 disposal.

33 *Storage, outdoor or outside.* The storage of any equipment, goods, junk, material,
34 merchandise, or vehicles outside of an enclosed building in the same area on a site
35 for more than 72 hours.

36 *Stormwater.* The flow of water which results from, and which occurs immediately
37 following, a rainfall event.

38 *Stormwater management.* Any technique, apparatus, or facility that controls or
39 manages the path, storage, quality, or rate of release of stormwater runoff, including

1 storm sewers, retention and detention ponds, drainage channels and swales, and inlet
2 and outlet structures.

3 *Stormwater management plan.* A professionally certified plan to manage stormwater
4 runoff from development by providing concurrent control of erosion, water quality,
5 sedimentation, and flooding in compliance with all applicable regulatory authorities.

6 *Stormwater management system.* The designed features of the property which collect,
7 convey, channel, hold, inhibit, or divert the movement of stormwater.

8 *Stormwater pond.* A stormwater storage facility that may be further characterized as:

9 *Detention pond.* A facility for the collection and temporary storage of stormwater
10 runoff for treatment through physical, chemical, or biological processes and for
11 attenuating discharge with subsequent gradual controlled discharge.

12 *Retention pond.* A facility for the collection and prevention of discharge of
13 stormwater runoff surface waters by complete on-site storage where the capacity
14 to store the given volume must be provided by a decrease of stored water caused
15 only by percolation through soil, evaporation, or evapotranspiration (loss of water
16 from soil by both evaporation and transpiration from plants).

17 *Dry pond.* A facility designed to collect and store stormwater runoff in a normally
18 dry basin.

19 *Wet pond.* A facility designed to collect and store stormwater runoff in a
20 permanently wet impoundment with a gently sloping littoral zone shelf designed to
21 support the growth of rooted aquatic plants. A wet pond provides for treatment
22 through physical, chemical, and biological processes.

23 *Story.* That portion of a building included between the surface of any floor and the
24 surface of the next floor above, or if there is no floor above it, then the space between
25 such floor and the ceiling next above it. In computing the number of stories in a
26 building, a basement shall not be considered a story if more than one-half of its height
27 is below the mean grade. For areas governed by FDEP or FEMA elevation
28 requirements, the number of stories in a building shall be counted from the minimum
29 required elevation established by FDEP or FEMA for the habitable first floor,
30 whichever is higher.

31 *Street.* A public or private right-of-way designed and used primarily for vehicular
32 transportation, including all of the land lying between the right-of-way lines delineating
33 the access way, whether improved or unimproved, and typically affording the principal
34 means of access to adjoining land. The term "street" includes the terms "road,"
35 "avenue," "boulevard," "lane," "thoroughfare" and "highway" when used for such
36 access ways. However, the term does not include alleys, access ways such as
37 easements and rights-of-way intended solely for limited utility purposes, or access

1 ways and driveways designed as part of or access to on-site parking. Streets may be
2 classified as the following:

3 *Arterial street, major.* A street providing service that is relatively continuous and of
4 relatively high traffic volume, long trip length, and high operating speed, including
5 every United States numbered highway.

6 *Arterial street, minor.* A street providing connections between major activity
7 centers of the county, and which augments the major arterial system for local and
8 inter-county traffic by feeding traffic from collector and local street systems onto
9 major arterials.

10 *Collector street.* A street providing service that is of relatively moderate traffic
11 volume, moderate trip length, and moderate operating speed, and which
12 distributes traffic between local streets or arterial streets.

13 *Local street.* A street providing service that is of relatively low traffic volume, short
14 average trip length, or minimal through traffic movements, and high quantity land
15 access for abutting property.

16 *Private street.* A privately owned and maintained street.

17 *Public street.* A street under the jurisdiction of and maintained by a public entity
18 for public travel.

19 *Structural alteration.* Any change in the supporting members of a building, such as
20 bearing walls, bearing partitions, columns, beams or girders, or any complete
21 rebuilding of the roof, exterior walls or any other change which results in increased or
22 decreased height of a structure.

23 *Structure.* Anything constructed, assembled or erected, the use of which requires
24 location on or in the ground, or attachment to something having location on or in the
25 ground. The term "structure" does not include unroofed paved surfaces, such as
26 sidewalks, driveways, parking lots, or paved areas used for sports activities. For the
27 purposes of floodplain management, "structure" means a walled and roofed building,
28 including a gas or liquid storage tank, which is principally above ground, as well as a
29 manufactured home.

30 *Subdivision.* The division of a parcel of land, whether improved or unimproved, into
31 three or more contiguous lots or parcels of land or, if the establishment of a new street
32 is involved, any division of the parcel. When appropriate to the context, the term
33 "subdivision" refers to the process of subdividing or to the land subdivided.

34 *Subdivision, recorded.* The plat of an approved subdivision as recorded in the office of
35 the Clerk of the Court, Escambia County, according to Florida Statutes.

1 *Substance abuse treatment facility.* A state licensed residential or inpatient facility
2 which provides professionally planned and directed clinical treatment in a structured
3 live-in environment within a nonhospital setting on a 24-hours-per-day, seven-days-
4 per-week basis, designed to reduce or eliminate the misuse of drugs and alcohol and
5 promote a healthy, drug-free lifestyle.

6 *Substantial construction.* All required permits necessary to continue the development
7 have been obtained; permitted clearing and grading has been completed on a
8 significant portion of the development subject to a single final development order; and
9 the actual construction of buildings or water and sewer lines, streets, or the
10 stormwater management system has been completed on a significant portion of the
11 development or is progressing in a manner that significantly moves the entire
12 development toward completion of construction.

13 *Substantial damage.* Damage of any origin sustained by a structure whereby the cost
14 of restoring the structure to its before-damaged condition would equal or exceed 50
15 percent of the market value of the structure before the damage occurred. The "cost" of
16 the restoration is the fair market value of the material and services necessary to
17 accomplish the entire restoration and is unaffected by incremental restoration work.

18 *Substantial improvement.* Any repair, reconstruction, rehabilitation, addition, or other
19 improvement of a structure, the cost of which equals or exceeds 50 percent of the
20 market value of the structure before the improvement or repair is started. If the
21 structure has incurred "substantial damage," any repairs are considered substantial
22 improvement regardless of the actual repair work performed. The term does not,
23 however, include either of the following:

- 24 1. Any project for improvement of a building required to correct existing health,
25 sanitary, or safety code violations identified by the building official and that are the
26 minimum necessary to assure safe living conditions.
- 27 2. Any alteration of an historic structure provided the alteration will not preclude the
28 structure's continued designation as a historic structure and the alteration is
29 approved by variance issued according to the provisions of the LDC.

30 *Suitability.* The degree to which the existing characteristics and limitations of land and
31 water are compatible with a proposed use or development.

32 *Surface water.* Water upon the surface of the earth, whether contained in bounds
33 created naturally or artificially or diffused. Water from natural springs is classified as
34 surface water when it exits from the spring onto the earth's surface.

35

36 **Section 4. Severability.**

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

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Section 5. Inclusion in Code.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2016); and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "chapter," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Effective Date.

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

DONE AND ENACTED this _____ day of _____, 2017.

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

By: _____
D. B. Underhill, Chairman

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

By: _____
Deputy Clerk

(SEAL)

**ENACTED:
FILED WITH THE DEPARTMENT OF STATE:
EFFECTIVE DATE:**



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

7. C.

Meeting Date: 06/06/2017

Agenda Item:

Zoning/FLU Inconsistencies.

Attachments

Draft Ordinance #1

Draft Ordinance #2

Draft Ordinance #3

Letter to PB Members from Jesse Rigby Dated 05-30-17

1 **WHEREAS**, the Board finds that there are numerous occurrences of Heavy
2 Commercial and Light Industrial (HC/LI) zoning appearing to allow incompatible and
3 otherwise inappropriate non-suburban land uses and intensities of use within the
4 Mixed-Use Suburban (MU-S) future land use category; and

5 **WHEREAS**, the Board finds that the savings clause established within the LDC
6 subsequent to adoption of the consolidated zoning districts does not remedy land uses
7 or intensities of use not authorized by the applicable future land use category,
8 regardless of prior zoning; and

9 **WHEREAS**, the Board finds that zoning district subordination to future land use
10 categories is fundamental to the implementation of all future land use categories
11 required within and established by the Comprehensive Plan;

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

14
15 **Section 1.** Part III of the Escambia County Code of Ordinances, the Land Development
16 Code of Escambia County, Chapter 3, Zoning Regulations, Article 1, General
17 Provisions, is hereby amended as follows (words underlined are additions and words
18 ~~stricken~~ are deletions):

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

20 **(a) Generally.** Together the future land use (FLU) categories of the Comprehensive
21 Plan and zoning districts of the LDC form the primary location-specific land use
22 regulations of the county. Within each FLU, one or more zoning districts implement
23 and further refine the distribution and extent of allowable land uses. The
24 identification or classification of a use or activity as allowed by the applicable future
25 land use category and zoning district does not constitute the required approval to
26 carry out that use or activity. Consistency with FLU and zoning only indicates that,
27 upon appropriate review and approval for compliance with the provisions of the LDC,
28 the use or activity may be established, reestablished or expanded.

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

38 **(c) Boundary determinations.** If uncertainty exists regarding the boundary of any FLU
39 category or zoning district, the boundary shall be determined by the Planning Official
40 in consideration of the following:

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

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

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

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

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

18 **(d) Split parcels.** The adopted zoning districts and FLU categories are parcel-based,
19 but their boundaries are not prohibited from dividing a parcel. For parcels split by
20 these boundaries, including overlay district boundaries, only that portion of a parcel
21 within a district or category is subject to its requirements. Where a zoning district
22 boundary divides a parcel that is ten acres or less in size and not part of a platted
23 residential subdivision, the zoning district of the larger portion may be applied to the
24 entire parcel if requested by the parcel owner, consistent with the applicable FLU
25 category, and in compliance with the location criteria of the requested zoning.
26 Zoning map amendment is otherwise required to apply a single district to a split-
27 zoned parcel.

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

35 Land that otherwise has no adopted zoning, and is not within an area determined by
36 the county to be excluded from zoning, shall have zoning established by zoning map
37 amendment. If the land also has no approved future land use category, one shall be
38 adopted according to the process prescribed for such amendments prior to, or
39 concurrently with, Board of County Commissioners (BCC) approval of the zoning
40 map amendment. Changes to the boundaries of adopted FLU categories or zoning
41 districts, whether owner initiated or county initiated, are amendments to the official
42 county maps and are authorized only through the processes prescribed in Chapter 2
43 for such amendments.

1 **(f) Future land use designations.** The future land use categories established within
2 the Comprehensive Plan and referenced in the LDC are designated by the following
3 abbreviations and names:

4	AG	Agriculture
5	RC	Rural Community
6	MU-S	Mixed-Use Suburban
7	MU-U	Mixed-Use Urban
8	C	Commercial
9	I	Industrial
10	P	Public
11	REC	Recreation
12	CON	Conservation
13	MU-PK	Mixed-Use Perdido Key
14	MU-PB	Mixed-Use Pensacola Beach

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

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

18	RR	Rural Residential
19	LDR	Low Density Residential
20	MDR	Med. Density Residential
21	HDR	High Density Residential
22	LDR-PK	Low Density Residential - Perdido Key
23	MDR-PK	Medium Density Residential - Perdido Key
24	HDR-PK	High Density Residential - Perdido Key
25	LDR-PB	Low Density Residential - Pensacola Beach
26	MDR-PB	Medium Density Residential - Pensacola Beach
27	HDR-PB	High Density Residential - Pensacola Beach

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

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

31	RMU	Rural Mixed-use
32	LDMU	Low Density Mixed-use
33	HDMU	High Density Mixed-use
34	MDR/C-PB	Medium Density Residential & Commercial - Pensacola 35 Beach
36	HDR/C-PB	High Density Residential & Commercial - Pensacola Beach

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

38	Com	Commercial
39	Com-PK	Commercial - Perdido Key
40	CC-PK	Commercial Core - Perdido Key
41	CG-PK	Commercial Gateway - Perdido Key
42	GR-PB	General Retail - Pensacola Beach
43	Rec/R-PB	Recreation Retail - Pensacola Beach

1	CH-PB	Commercial Hotel - Pensacola Beach
2	HC/LI	Heavy Commercial and Light Industrial
3	Ind	Industrial

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

5	Agr	Agricultural
6	Rec	Recreation
7	Con	Conservation
8	Pub	Public
9	PR-PK	Planned Resort - Perdido Key
10	Rec-PK	Recreation - Perdido Key
11	PR-PB	Preservation - Pensacola Beach
12	Con/Rec-PB	Conservation and Recreation - Pensacola Beach
13	G/C-PB	Government and Civic - Pensacola Beach

14 **(h) Consistency Zoning subordinate to FLU.** The zoning of a parcel shall be
 15 consistent with is intended to implement some or all of the range of allowed uses of
 16 the applicable future land use category at densities and intensities consistent with
 17 the stated intent of the FLU and its standards. Where more than one district
 18 represents a FLU, the districts may implement exclusive or overlapping ranges of
 19 density, uses, or other FLU attributes. by either directly implementing the provisions
 20 of the FLU or otherwise not being in conflict with its intent, allowable uses, density,
 21 or intensity. All The Perdido Key districts (Article 4) are consistent with established
 22 to implement the MU-PK FLU category and areas of the Conservation and
 23 Recreation categories applicable to Perdido Key, and all The Pensacola Beach
 24 districts (Article 5) are consistent with established to implement the MU-PB FLU
 25 category and areas of the Conservation and Recreation categories applicable to
 26 Santa Rosa Island. Mainland districts (Article 2) are consistent with established to
 27 implement those FLU categories as prescribed within the regulations of each district
 28 and summarized in the following table: No parcel may be rezoned to a district that
 29 is not prescribed by the district for the applicable FLU. In any existing conflict
 30 between the zoning district of a parcel and its applicable future land use the FLU
 31 prevails, subject to any prior confirmation of vested rights. Alternatively, such
 32 conflicts may be resolved through the zoning and FLU map amendment processes
 33 prescribed in Article 7 of Chapter 2.
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ZONING DISTRICT Specific distribution and extent of uses	FUTURE LAND USE (FLU) CATEGORY General distribution and extent of uses								
	AG max 1du/20ac max 0.25 FAR	RC max 2du/ac max 0.25 FAR	MU-S max 25du/ac max 1.0 FAR	MU-U max 25du/ac max 2.0 FAR	C Limited res max 25du/ac max 1.0 FAR	I No res allowed max 1.0 FAR	P No res allowed	REC No res allowed max 0.5 FAR	CON No res allowed
Agr max 1du/20ac	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
RR max 1du/4ac	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
RMU max 2du/ac	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
LDR max 4du/ac	No, max density	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
LDMU max 7du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
MDR max 10du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDR max 18du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDMU max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, uses	No, uses	No, uses	No, uses
Com max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, res use	No, uses	No, uses	No, uses
HC/LI FLU-restricted max 25du/ac	No, uses	No, uses	No, uses	Yes	Yes	Yes	No, uses	No, uses	No, uses
Ind No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	No, uses	No, uses	No, uses
Rec No res allowed	Yes	Yes	Yes	Yes	Yes	No, uses	Yes	Yes	No, uses
Con No res allowed	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pub No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	Yes	No, uses	No, uses

1 For every combination of mainland zoning district and FLU category represented by the
2 table, “Yes” indicates ~~the~~ a zoning district that may be established to implement is
3 consistent with the FLU. “No” indicates a zoning district that is not eligible to be
4 established ~~inconsistency within~~ the FLU, primarily for the reason ~~implementation~~
5 conflict noted.

6

1 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development
2 Code of Escambia County, Chapter 3, Zoning Regulations, Article 2, Mainland Districts,
3 is hereby amended as follows (words underlined are additions and words ~~stricken~~ are
4 deletions):

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

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

16 **(b) Permitted uses.** Permitted uses within the Commercial district are limited to the
17 following, and additionally limited within the Mixed-Use Suburban (MU-S) and other
18 future land use (FLU) categories as noted:

19 **(1) Residential.** ~~The following residential uses are allowed throughout the district,~~
20 ~~but if within the Commercial (C) future land use category FLU and not the~~
21 principal single-family dwelling on an existing lot of record, they are permitted
22 only if as part of a predominantly commercial development:

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

31 See also conditional uses in this district.

32 **(2) Retail sales.** Retail sales, including Low-THC marijuana dispensing facilities,
33 sales of alcoholic beverages and automotive fuels, but excluding motor vehicle
34 sales and permanent outdoor storage. If within MU-S, retail sales are limited to
35 small-scale (gross floor area 6000 sq.ft. or less per lot). See also conditional
36 uses in this district.

37 **(3) Retail services.** The following retail services, excluding permanent outdoor
38 storage, and limited to small-scale (gross floor area 6000 sq.ft. or less per lot)
39 and no outdoor work if within MU-S:

- 1 a. Car washes, automatic or manual, full service or self-serve, but not within
2 MU-S.
- 3 b. Child care facilities.
- 4 c. Hotels, motels and all other public lodging, including boarding and rooming
5 houses.
- 6 d. Personal services, including those of beauty shops, health clubs, pet
7 groomers, dry cleaners and tattoo parlors.
- 8 e. Professional services, including those of realtors, bankers, accountants,
9 engineers, architects, dentists, physicians, and attorneys.
- 10 f. Repair services, including appliance repair, furniture refinishing and
11 upholstery, watch and jewelry repair, small engine and motor services, but
12 excluding major motor vehicle or and boat service or repair, and outdoor
13 work.
- 14 g. Restaurants and brewpubs, including on-premises consumption of alcoholic
15 beverages, drive-in and drive-through service, and brewpubs with the
16 distribution of on-premises produced alcoholic beverages for off-site sales.
17 The parcel boundary of any restaurant or brewpub with drive-in or drive-
18 through service shall be at least 200 feet from any LDR or MDR zoning
19 district unless separated by a 50-foot or wider street right-of-way.

20 See also conditional uses in this district.

21 **(4) Public and civic.** The following public and civic uses, but limited to small-scale
22 (gross floor area 6000 sq.ft. or less per lot) if within MU-S:

- 23 a. Broadcast stations with satellite dishes and antennas, including but excluding
24 towers if within MU-S.
- 25 b. Cemeteries, including family cemeteries.
- 26 c. Community service facilities, including auditoriums, libraries, museums, and
27 neighborhood centers.
- 28 d. Educational facilities, including preschools, K-12, colleges, and vocational
29 schools.
- 30 e. Emergency service facilities, including law enforcement, fire fighting, and
31 medical assistance.
- 32 f. Foster care facilities.
- 33 g. Funeral establishments.
- 34 h. Hospitals.
- 35 i. Offices for government agencies or public utilities.
- 36 j. Places of worship.
- 37 k. Public utility structures, including telecommunications towers, but excluding
38 any industrial uses, and excluding telecommunications towers if within MU-S.

- 1 I. Warehousing or maintenance facilities for government agencies or for public
2 utilities.

3 See also conditional uses in this district.

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

- 5 a. Campgrounds and recreational vehicle parks on lots five acres or larger, but
6 not within MU-S.
- 7 b. Indoor recreation or entertainment facilities, including movie theaters, bowling
8 alleys, skating rinks, arcade amusement centers, bingo facilities and shooting
9 ranges, but excluding bars, nightclubs or adult entertainment facilities, and
10 not within MU-S.
- 11 c. Marinas, private and commercial.
- 12 d. Parks without permanent restrooms or outdoor event lighting.

13 See also conditional uses in this district.

14 **(6) Industrial and related.** The following industrial and related uses, but not within
15 MU-S:

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

18 See also conditional uses in this district.

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

- 20 a. Agricultural food production primarily for personal consumption by the
21 producer, but no farm animals.
- 22 b. Nurseries and garden centers, including adjoining outdoor storage or display
23 of plants, but not within MU-S.
- 24 c. Veterinary clinics.

25 See also conditional uses in this district.

26 **(8) Other uses.**

- 27 a. Billboard structures.
- 28 b. Outdoor storage if minor and customarily incidental to the allowed principal
29 use, and if in the rear yard, covered, and screened from off-site view, unless
30 otherwise noted.
- 31 c. Parking garages and lots, commercial, but not within MU-S.
- 32 d. Self-storage facilities, but excluding vehicle rental and not within MU-S.

33 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
34 the BOA may conditionally allow the following uses within the Commercial district,
35 limited within the Mixed-Use Suburban (MU-S) and other future land use categories
36 as noted:

1 **(1) Residential.**

- 2 a. Group living not among the permitted uses of the district, but if within the
3 Commercial (C) FLU, only as part of a predominantly commercial
4 development.
5 b. Home occupations with non-resident employees.
6 c. Manufactured (mobile) home parks within MU-S.

7 **(2) Retail sales.**

- 8 a. Boat sales, new and used, but not within MU-S.
9 b. ~~Used a~~Automobile sales, ~~used autos only,~~ but not within MU-S and excluding
10 parcels fronting on any of the following streets: Sorrento Road/Gulf Beach
11 Highway/Barrancas Avenue (SR 292); Blue Angel Parkway (SR 173); Pine
12 Forest Road, south from Interstate 10 to State Road 173; Navy Boulevard
13 (SR 295 and US 98); and Scenic Highway (SR 10A and US 90). Additionally,
14 the parcel shall be no larger than one acre and provided with a permanent
15 fence, wall, or other structural barrier of sufficient height and mass along all
16 road frontage to prevent encroachment into the right-of way other than through
17 approved site access.
18 c. Automobile rental limited to the same restrictions as used automobile sales.
19 d. Utility trailer, heavy truck (gross vehicle weight rating more than 8500 lbs),
20 and recreational vehicle sales, rental, or service limited to the same
21 restrictions as used automobile sales.
22 e. Medium scale (gross floor area greater than 6000 sq.ft. per lot, but no greater
23 than 35,000 sq.ft.) retail sales within MU-S, excluding motor vehicle sales and
24 permanent outdoor storage, but including sales of alcoholic beverages,
25 automotive fuels, and other retail sales not specifically excluded.

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

- 29 a. Medium scale (gross floor area greater than 6000 sq.ft. per lot, but no greater
30 than 35,000 sq.ft.) retail services within MU-S, excluding major motor vehicle
31 and boat service and repair.
32 b. Small scale (gross floor area 6000 sq. ft. or less per lot) major motor vehicle
33 service and repair, excluding painting and body work and outdoor work and
34 storage.

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

- 36 a. ~~Cemeteries, including family cemeteries.~~ **[Note: already a permitted use]**
37 ~~ba.~~ Clubs, civic and fraternal.
38 ~~cb.~~ Cinerators, but not within MU-S.
39 ~~dc.~~ Homeless shelters.

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

2 a. Amusement arcade centers and bingo facilities within MU-S.

3 **ab.** Bars and nightclubs, but not within MU-S.

4 **bc.** Golf courses, tennis centers, swimming pools and similar active outdoor
5 recreational facilities, including associated country clubs.

6 **ed.** Parks with permanent restrooms or outdoor event lighting.

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

8 **(a)** Borrow pits and reclamation activities, 20 acres minimum and subject to local
9 permit and development review requirements per Escambia County Code of
10 Ordinances, Part I, Chapter 42, article VIII, and land use and regulations in
11 Part III, the Land Development Code, chapter 4. Borrow pits are prohibited
12 within MU-S and on land zoned GMD prior to the adoption of the Commercial
13 (Com) zoning.

14 **(b)** Microbreweries, microdistilleries, microwineries.

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

18 **(8) Other uses.**

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

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

24 c. Self-storage facilities, including vehicle rental as an accessory use. If within
25 MU-S, maximum lot area of one acre and no vehicle rental.

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

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

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

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

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

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

35 **(5) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of
36 20 feet at the street right-of-way, the following minimum lot widths are required:

- 1 **a. Single-family detached.** Forty feet at the street right-of-way for single-family
- 2 detached dwellings.
- 3 **b. Two-family.** Eighty feet at the street right-of-way for two-family dwellings.
- 4 **c. Multi-family and other.** Eighty feet at the street right-of-way for multi-family
- 5 dwellings, boarding or rooming houses, or townhouse groups. No minimum
- 6 lot width required by zoning for other uses.

7 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent

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

9 **(7) Structure setback.** 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.
- 12 For structures exceeding 35 feet above highest adjacent grade, an additional
- 13 two feet for each additional 10 feet in height.
- 14 **c. Corner lots.** Will have one front setback and one side setback.

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

16 regulations and standards.

17 **(e) Location criteria.** All new non-residential uses proposed within the Commercial

18 district that are not part of a planned unit development or not identified as exempt by

19 the district shall be on parcels that satisfy at least one of the following location

20 criteria:

21 **(1) Proximity to intersection.** Along an arterial or collector street and within one-

22 quarter mile of its intersection with an arterial street.

23 **(2) Proximity to traffic generator.** Along an arterial or collector street and within a

24 one-quarter mile radius of an individual traffic generator of more than 600 daily

25 trips, such as an apartment complex, military base, college campus, hospital,

26 shopping mall or similar generator.

27 **(3) Infill development.** Along an arterial or collector street, in an area where

28 already established non-residential uses are otherwise consistent with the

29 Commercial district, and where the new use would constitute infill development of

30 similar intensity as the conforming development on surrounding parcels.

31 Additionally, the location would promote compact development and not contribute

32 to or promote strip commercial development.

33 **(4) Site design.** Along an arterial or collector street, no more than one-half mile

34 from its intersection with an arterial or collector street, not abutting a single-family

35 residential zoning district (RR, LDR or MDR), and all of the following site design

36 conditions:

- 37 **a.** Any intrusion into a recorded subdivision is limited to a corner lot.

- 1 **b.** A system of service roads or shared access is provided to the maximum
2 extent made feasible by lot area, shape, ownership patterns, and site and
3 street characteristics.
- 4 **c.** Adverse impacts to any adjoining residential uses are minimized by placing
5 the more intensive elements of the use, such as solid waste dumpsters and
6 truck loading/unloading areas, furthest from the residential uses.

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

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

18 **(f) Rezoning to Commercial.** Commercial zoning may be established only within the
19 Mixed-Use Suburban (MU-S), Mixed-Use Urban (MU-U) or Commercial (C) future
20 land use categories. The district is appropriate to provide transitions between areas
21 zoned or used as high density mixed-use and areas zoned or used as heavy
22 commercial or industrial. Rezoning to Commercial is subject to the same location
23 criteria as any new non-residential use proposed within the Commercial district.

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

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

35 **(b) Permitted uses.** Permitted uses within the HC/LI district are limited to the following,
36 but if within the Mixed-Use Suburban (MU-S) future land use (FLU) category the
37 permitted uses are only those of the Commercial (Com) district as prescribed in the
38 preceding section of this article:

39 **(1) Residential.** Any residential uses ~~outside~~ of the Industrial (I) future land use
40 category ~~and~~, but if within the Commercial (C) FLU and not the principal single-
41 family dwelling on an existing lot of record, only as part of a predominantly

1 commercial development, ~~excluding new or expanded manufactured (mobile)~~
2 ~~home parks and subdivisions~~. See also conditional uses in this district.

3 **(2) Retail sales.** Retail sales, including Low-THC marijuana dispensing facilities,
4 sales of alcoholic beverages, sales of automotive fuels, and sales of new and
5 used automobiles, motorcycles, boats, and manufactured (mobile) homes.

6 **(3) Retail services.**

7 a. Car washes, automatic or manual, full service or self-serve.

8 b. Child care facilities.

9 c. Hotels, motels and all other public lodging, including boarding and rooming
10 houses.

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

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

15 f. Rental of automobiles, trucks, utility trailers and recreational vehicles.

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

20 h. Restaurants and brewpubs, including on-premises consumption of alcoholic
21 beverages, drive-in and drive-through service, and brewpubs with the
22 distribution of on-premises produced alcoholic beverages for off-site sales.
23 The parcel boundary of any restaurant or brewpub with drive-in or drive-
24 through service shall be at least 200 feet from any LDR or MDR zoning
25 district unless separated by a 50-foot or wider street right-of-way.

26 i. Taxi and limousine services.

27 See also conditional uses in this district.

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

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

30 b. Cemeteries, including family cemeteries.

31 c. Community service facilities, including auditoriums, libraries, museums, and
32 neighborhood centers.

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

35 e. Emergency service facilities, including law enforcement, fire fighting, and
36 medical assistance.

37 f. Funeral establishments.

38 g. Homeless shelters.

- 1 **h.** Hospitals.
- 2 **i.** Offices for government agencies or public utilities.
- 3 **j.** Places of worship.
- 4 **k.** Public utility structures, including telecommunications towers, but excluding
- 5 industrial uses not otherwise permitted.

6 See also conditional uses in this district.

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

8 **a.** Commercial entertainment facilities, indoor or outdoor, including movie

9 theatres, amusement parks, and stadiums, but excluding motorsports

10 facilities. Carnival-type amusements shall be at least 500 feet from any

11 residential district. Bars, nightclubs, and adult entertainment are prohibited in

12 areas with the zoning designation HC/LI-NA or areas zoned ID-CP or ID-1

13 prior to adoption of HC/LI zoning.

14 **b.** Commercial recreation facilities, passive or active, including those for walking,

15 hiking, bicycling, camping, recreational vehicles, swimming, skateboarding,

16 bowling, court games, field sports, and golf, but excluding off-highway vehicle

17 uses and outdoor shooting ranges. Campgrounds and recreational vehicle

18 parks require a minimum lot area of five acres.

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

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

21 See also conditional uses in this district.

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

23 **a.** Light industrial uses, including research and development, printing and

24 binding, distribution and wholesale warehousing, and manufacturing, all

25 completely within the confines of buildings and without adverse off-site

26 impacts.

27 **b.** Marinas, industrial.

28 **c.** Microbreweries, microdistilleries, and microwineries, except in areas with the

29 zoning designation HC/LI-NA or areas zoned ID-CP or ID-1 prior to adoption

30 of HC/LI zoning.

31 See also conditional uses in this district.

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

33 **a.** Food produced primarily for personal consumption by the producer, but no

34 farm animals.

35 **b.** Nurseries and garden centers, including adjoining outdoor storage or display

36 of plants.

37 **c.** Veterinary clinics, excluding outside kennels.

38 See also conditional uses in this district.

1 **(8) Other uses.**

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

16 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
17 the BOA, or the BCC as noted, may conditionally allow the following uses within the
18 HC/LI district, but if within the Mixed-Use Suburban (MU-S) future land use category
19 the conditional uses are only those of the Commercial (Com) district as prescribed in
20 the preceding section of this article:

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

23 **(2) Retail services.** Restaurants not among the permitted uses of the district.

24 **(3) Public and civic.** Cinerators.

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

- 26 **a.** Motorsports facilities on lots 20 acres or larger.
- 27 **b.** Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
- 28 **c.** Shooting ranges, outdoor.

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

- 30 **a.** Asphalt and concrete batch plants if within the Industrial (I) future land use
31 category and within areas zoned GID prior to adoption of HC/LI zoning.
- 32 **b.** Borrow pits and reclamation activities 20 acres minimum and (subject to local
33 permit and development review requirements per Escambia County Code of
34 Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part
35 III, the Land Development Code, chapter 4.) *Borrow pits are prohibited on
36 land zoned GBD, GID, and WMU prior to the adoption of the HC/LI zoning.

- 1 c. Salvage yards not otherwise requiring approval as solid waste processing
2 facilities.
- 3 d. Solid waste processing facilities, including solid waste collection points, solid
4 waste transfer facilities, materials recovery facilities, recovered materials
5 processing facilities, recycling facilities and operations, resource recovery
6 facilities and operations, and volume reduction plants.

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

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

24 **(6) Agricultural and related.** Kennels or animal shelters not interior to veterinary
25 clinics.

26 **(7) Other uses.**

- 27 a. Structures of permitted uses exceeding the district structure height limit.
28 b. Heliports.

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

31 **(1) Density.** A maximum density of 25 dwelling units per acre. Lodging unit density
32 is not limited by zoning.

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

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

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

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

1 **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent
2 maximum semi-impervious and impervious cover) for all uses. A maximum 75
3 percent of lot area occupied by principal and accessory buildings on lots of non-
4 residential uses.

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

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

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

10 **c. Corner lots.** Will have one front setback and one side setback.

11 **(8) Other requirements.**

12 **a. Access.** For any industrial use south of Well Line Road, site access shall be
13 provided by curb cuts on an arterial or collector street. Alternatively, a private
14 or public street may link the site to an arterial or collector, provided that the
15 private or public street does not traverse a residential subdivision or
16 predominantly residential neighborhood between the site and the arterial or
17 collector street.

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

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

24 **(1) Proximity to intersection.** Along an arterial street and within one-quarter mile
25 of its intersection with an arterial street.

26 **(2) Site design.** Along an arterial street, no more than one-half mile from its
27 intersection with an arterial street, and all of the following site design conditions:

28 **a.** Not abutting a RR, LDR or MDR zoning district

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

30 **c.** A system of service roads or shared access is provided to the maximum
31 extent feasible given the lot area, lot shape, ownership patterns, and site and
32 street characteristics.

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

36 **e.** Location in an area where already established non-residential uses are
37 otherwise consistent with the HC/LI, and where the new use would constitute
38 infill development of similar intensity as the conforming development on
39 surrounding parcels. Additionally, the location would promote compact
40 development and not contribute to or promote strip commercial development.

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

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

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

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

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

28

29 **Section 3. Severability.**

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

33

34 **Section 4. Inclusion in Code.**

35 It is the intention of the Board of County Commissioners that the provisions of this
36 Ordinance shall be codified as required by F.S. § 125.68 (2016); and that the sections,
37 subsections and other provisions of this Ordinance may be renumbered or re-lettered
38 and the word “ordinance” may be changed to “section,” “chapter,” or such other
39 appropriate word or phrase in order to accomplish such intentions.

1 **Section 5. Effective Date.**

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

3

4 **DONE AND ENACTED** this _____ day of _____, 2017.

5

6

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

7

8

9

By: _____

10

D. B. Underhill, Chairman

11

12

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

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14

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By: _____

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Deputy Clerk

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(SEAL)

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ENACTED:

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FILED WITH THE DEPARTMENT OF STATE:

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EFFECTIVE DATE:

ORDINANCE NUMBER 2017-_____

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, ZONING REGULATIONS, ARTICLE 1, GENERAL PROVISIONS, SEC. 3-1.3 ZONING AND FUTURE LAND USE; AMENDING THE FUTURE LAND USE (FLU) CATEGORY; AND AMENDING ARTICLE II MAINLAND DISTRICTS; SEC.3-2.11 HEAVY COMMERCIAL LIGHT INDUSTRIAL DISTRICT (HC/LI); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 3, Zoning Regulations, Article 1, General Provisions, is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

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

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

ZONING DISTRICT Specific distribution and extent of uses	FUTURE LAND USE (FLU) CATEGORY General distribution and extent of uses								
	AG max 1du/20ac max 0.25 FAR	RC max. 2du/ac max 0.25 FAR	MU-S max 25du/ac max 1.0 FAR	MU-U max 25du/ac max 2.0 FAR	C Limited res max 25du/ac max 1.0 FAR	I No res allowed max 1.0 FAR	P No res allowed	REC No res allowed max 0.5 FAR	CON No res allowed
max 1du/20ac	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
RR max 1du/4ac	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
RMU max 2du/ac	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
LDR max 4du/ac	No, max density	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses

LDMU max 7du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
MDR max 10du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDR max 18du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDMU max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, uses	No, uses	No, uses	No, uses
Com max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, res use	No, uses	No, uses	No, uses
HC/LI FLU- restricted max 25du/ac	No, uses	No, uses	No, uses <u>Use dependent</u>	Yes	Yes	Yes	No, uses	No, uses	No, uses
Ind No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	No, uses	No, uses	No, uses
Rec No res allowed	Yes	Yes	Yes	Yes	Yes	No, uses	Yes	Yes	No, uses
Con No res allowed	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pub No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	Yes	No, uses	No, uses

29

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

33

34 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development Code
35 of Escambia County, Chapter 3, Zoning Regulations, Article 2, Mainland Districts, is hereby
36 amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

37

38 **Sec. 3-2-11 - Heavy commercial and light industrial district (HC/LI).**

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(6) *Industrial and related.*

- a. Light industrial uses, including research and development, printing and binding, distribution and wholesale warehousing, and manufacturing, all completely within the confines of buildings and without adverse off-site impacts.
- b. Marinas, industrial.
- c. Microbreweries, microdistilleries, and microwineries, except in areas with the zoning designation HC/LI-NA or areas zoned ID-CP or ID-1 prior to adoption of HC-LI zoning.

See also conditional uses in this district.

(7) *Agricultural and related.*

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

See also conditional uses in this district.

(8) *Other uses.*

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

91 (c) *Conditional uses.* Through the conditional use process prescribed in chapter 2, the BOA,
92 or the BCC as noted, may conditionally allow the following uses within the HC/LI district:
93

94 (1) *Residential.* Caretaker residences not among the permitted uses of the district
95 and for permitted nonresidential uses.
96

97 (2) *Retail services.* Restaurants not among the permitted uses of the district.
98

99 (3) *Public and civic.* Cinerators.
100

101 (4) *Recreation and entertainment.*
102

103 a. Motorsports facilities on lots 20 acres or larger.
104

105 b. Off-highway vehicle commercial recreation facilities on lots 20 acres or
106 larger.
107

108 c. Shooting ranges, outdoor.
109

110 (5) *Industrial and related.*
111

112 a. Asphalt and concrete batch plants if within the industrial (I) future land
113 use category and within areas zoned GID prior to adoption of HC/LI
114 zoning.
115

116 b. Borrow pits and reclamation activities 20 acres minimum and (subject to
117 local permit and development review requirements per Escambia County
118 Code of Ordinances, part I, chapter 42, article VIII, and land use
119 regulations in part III, the land development code, chapter 4).
120

121 * Borrow pits are prohibited on land zoned GBD, GID, and WMU prior to the
122 adoption of the HC/LI zoning.
123

124 c. Salvage yards not otherwise requiring approval as solid waste
125 processing facilities.
126

127 d. Solid waste processing facilities, including solid waste collection points,
128 solid waste transfer facilities, materials recovery facilities, recovered
129 materials processing facilities, recycling facilities and operations,
130 resource recovery facilities and operations, and volume reduction plants.
131

132 The conditional use determination for any of these solid waste facilities
133 shall be made by the BCC in lieu of any hearing before the BOA. The
134 applicant shall submit a site boundary survey, development plan,
135 description of anticipated operations, and evidence that establishes each
136 of the following conditions in addition to those prescribed in chapter 2:
137

138 1. Trucks have access to and from the site from adequately wide
139 collector or arterial streets and do not use local residential
140 streets.

- 141 2. The scale, intensity, and operation of the use will not generate
142 unreasonable noise, traffic, objectionable odors, dust, or other
143 potential nuisances or hazards to contiguous properties.
144
145 3. The processing of materials will be completely within enclosed
146 buildings unless otherwise approved by the BCC.
147
148 4. The plan includes appropriate practices to protect adjacent land
149 and resources, minimize erosion, and treat stormwater;
150 landscaping and buffering for adjacent uses; hours of operation;
151 methods to comply with maximum permissible noise levels;
152 means of access control to prevent illegal dumping; and plans for
153 materials storage

154 (6) *Agricultural and related.* Kennels or animal shelters not interior to veterinary
155 clinics.

156 (7) *Other uses.*

157 a. Structures of permitted uses exceeding the district structure height limit.

158 b. Heliports.
159
160
161

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

164
165 (1) *Density.* A maximum density of 25 dwelling units per acre. Lodging unit density
166 not limited by zoning.
167

168 (2) *Floor area ratio.* A maximum floor area ratio of 1.0 within the commercial (C)
169 and industrial (I) future land use categories, and 2.0 within mixed-use urban
170 (MU-U).
171

172 (3) *Structure height.* A maximum structure height of 150 feet above highest
173 adjacent grade.
174

175 (4) *Lot area.* No minimum lot area unless prescribed by use.
176

177 (5) *Lot width.* No minimum lot width required by zoning.
178

179 (6) *Lot coverage.* Minimum pervious lot coverage of 15 percent (85 percent
180 maximum semi-impervious and impervious cover) for all uses. A maximum 75
181 percent of lot area occupied by principal and accessory buildings on lots of
182 nonresidential uses.
183

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

185 a. *Front and rear.* Fifteen feet in both front and rear.
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188 b. *Sides.* Ten feet on each side, including any group of attached
189 townhouses.

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c. *Corner lots.* Will have one front setback and one side setback.

For structures exceeding 35 feet above highest adjacent grade, an additional two feet for each additional ten feet in height.

(8) *Other requirements.*

a. *Access.* For any industrial use south of Well Line Road, site access shall be provided by curb cuts on an arterial or collector street. Alternatively, a private or public street may link the site to an arterial or collector, provided that the private or public street does not traverse a residential subdivision or predominantly residential neighborhood between the site and the arterial or collector street.

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

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

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

(2) *Site design.* Along an arterial street, no more than one-half mile from its intersection with an arterial street, and all of the following site design conditions:

a. Not abutting a RR, LDR or MDR zoning district.

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

c. A system of service roads or shared access is provided to the maximum extent feasible given the lot area, lot shape, ownership patterns, and site and street characteristics.

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

e. Location in an area where already established non-residential uses are otherwise consistent with the HC/LI, and where the new use would constitute infill development of similar intensity as the conforming development on surrounding parcels. Additionally, the location would promote compact development and not contribute to or promote strip commercial development.

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

244
245 a. The parcel has not been rezoned by the landowner from the mixed-use,
246 commercial, or industrial zoning assigned by the county.

247
248 b. If the parcel is within a county redevelopment district, the use will be
249 consistent with the district's adopted redevelopment plan, as reviewed
250 and recommended by the community redevelopment agency (CRA).

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

252
253 (1) *Generally.* Heavy commercial and light industrial zoning may be established
254 only within the mixed-use urban (MU-U), commercial (C), or industrial (I) future
255 land use categories. It may also be established within the mixed-use suburban
256 (MU-S) future land use category, but only those uses set forth in subsections
257 to of the HC/LI zoning section shall be considered consistent with the
258 MU-S future land use category. The district is appropriate to provide transitions
259 between areas zoned or used for commercial and areas zoned or used for
260 industrial. The district is suitable for areas able to receive bulk deliveries by truck
261 in locations served by major transportation networks and able to avoid
262 undesirable effects on nearby property and residential uses. Rezoning to HC/LI
263 is subject to the same location criteria as any non-residential use proposed
264 within the HC/LI district.

265
266 (2) *HC/LI-NA designation.* Any applicant for rezoning to the HC/LI zoning district
267 may request a HC/LI-NA designation prohibiting the subsequent establishment
268 of any microbreweries, microdistilleries, microbreweries, bars, nightclubs, or
269 adult entertainment uses on the rezoned property. The request shall be in the
270 form of a notarized affidavit that acknowledges this use restriction and affirms
271 that it is a voluntary request. Once approved according to the rezoning process
272 of chapter 2, the HC/LI-NA zoning designation and its prohibitions shall apply to
273 the property, regardless of ownership, unless the parcel is rezoned.

274
275 **Section 4. Severability.**

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

279
280 **Section 5. Inclusion in Code.**

281 It is the intention of the Board of County Commissioners that the provisions of this Ordinance
282 shall be codified as required by F.S. § 125.68 (2016); and that the sections, subsections and
283 other provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance"
284 may be changed to "section," "chapter," or such other appropriate word or phrase in order to
285 accomplish such intentions.

286 **Section 6. Effective Date.**

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

288

289 **DONE AND ENACTED** this _____ day of _____, 2017.

290

291

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

292

293

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By: _____

295

D. B. Underhill, Chairman

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297

ATTEST: PAM CHILDERS
Clerk of the Circuit Court

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By: _____

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Deputy Clerk

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(SEAL)

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ENACTED:

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FILED WITH THE DEPARTMENT OF STATE:

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EFFECTIVE DATE:

307

ORDINANCE NUMBER 2017-_____

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, ZONING REGULATIONS, ARTICLE 1, GENERAL PROVISIONS, SEC. 3-1.3 ZONING AND FUTURE LAND USE; AMENDING THE FUTURE LAND USE (FLU) CATEGORY; AND AMENDING ARTICLE II MAINLAND DISTRICTS; SEC.3-2.11 HEAVY COMMERCIAL LIGHT INDUSTRIAL DISTRICT (HC/LI); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 3, Zoning Regulations, Article 1, General Provisions, is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

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

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

ZONING DISTRICT Specific distribution and extent of uses	FUTURE LAND USE (FLU) CATEGORY General distribution and extent of uses								
	AG max 1du/20ac max 0.25 FAR	RC max. 2du/ac max 0.25 FAR	MU-S max 25du/ac max 1.0 FAR	MU-U max 25du/ac max 2.0 FAR	C Limited res max 25du/ac max 1.0 FAR	I No res allowed max 1.0 FAR	P No res allowed	REC No res allowed max 0.5 FAR	CON No res allowed
max 1du/20ac	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
RR max 1du/4ac	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
RMU max 2du/ac	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses
LDR max 4du/ac	No, max density	No, max density	Yes	No, uses	No, uses	No, uses	No, uses	No, uses	No, uses

LDMU max 7du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
MDR max 10du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDR max 18du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDMU max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, uses	No, uses	No, uses	No, uses
Com max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, res use	No, uses	No, uses	No, uses
HC/LI FLU- restricted max 25du/ac	No, uses	No, uses	No, uses <u>Use dependent</u>	Yes	Yes	Yes	No, uses	No, uses	No, uses
Ind No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	No, uses	No, uses	No, uses
Rec No res allowed	Yes	Yes	Yes	Yes	Yes	No, uses	Yes	Yes	No, uses
Con No res allowed	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pub No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	Yes	No, uses	No, uses

29

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

33

34 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development Code
35 of Escambia County, Chapter 3, Zoning Regulations, Article 2, Mainland Districts, is hereby
36 amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

37

38 **Sec. 3-2-11 - Heavy commercial and light industrial district (HC/LI).**

39
40 (a) *Purpose.* The heavy commercial and light industrial (HC/LI) district establishes appropriate
41 areas and land use regulations for a complementary mix of industrial uses with a broad
42 range of commercial activities. The primary intent of the district is to allow light
43 manufacturing, large-scale wholesale and retail uses, major services, and other more
44 intense uses than allowed in the commercial district. The variety and intensity of non-
45 residential uses within the HC/LI district is limited by their compatibility with surrounding
46 uses. All commercial and industrial operations are limited to the confines of buildings and
47 not allowed to produce undesirable effects on other property. To retain adequate area for
48 commercial and industrial activities, other uses within the district are limited.

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

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

54 (2) *Retail sales.* Retail sales, including low-THC marijuana dispensing facilities, sales of
55 alcoholic beverages, sales of automotive fuels, and sales of new and used
56 automobiles, motorcycles, boats, manufactured (mobile) homes.

57 (3) *Retail services.* Within MU-S, outside storage is permitted only when adequately
58 screened per the existing LDC regulations.

59 a. Car washes, automatic or manual, full service or self-serve.

60 b. Child care facilities. Within MU-S, adequate screening per the existing LDC
61 regulations may be required if incompatible with surrounding uses.

62 c. Hotels, motels and all other public lodging, including boarding and rooming
63 houses.

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

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

68 f. Rental of automobiles, trucks, utility trailers and recreational vehicles. Within MU-
69 S, outside storage must be adequately screened.

70 g. Repair services, including appliance repair, furniture refinishing and upholstery,
71 watch and jewelry repair, small engine and motor services, and major motor
72 vehicle and boat service and repair, but excluding outdoor work or storage.

73 h. Restaurants and brewpubs, including on-premises consumption of alcoholic
74 beverages, drive-in and drive-through service, and brewpubs with the distribution
75 of on-premises produced alcoholic beverages for off-site sales. The parcel
76 boundary of any restaurant with drive-in or drive-through service shall be at least
77 200 feet from any LDR or MDR zoning district unless separated by a 50-foot or
78 wider street right-of-way.

79 i. Taxi and limousine services.

80 See also conditional uses in this district.

81 (4) *Public and civic.*

- 82 a. Broadcast stations with satellite dishes and antennas, including towers.
- 83 b. Cemeteries, including family cemeteries.
- 84 c. Community service facilities, including auditoriums, libraries, museums, and
85 neighborhood centers.
- 86 d. Educational facilities, including preschools, K-12, colleges, and vocational schools.
- 87 e. Emergency service facilities, including law enforcement, firefighting, and medical
88 assistance.
- 89 f. Funeral establishments.
- 90 g. Homeless shelters.
- 91 h. Hospitals.
- 92 i. Offices for governmental agencies or public utilities.
- 93 j. Places of worship.
- 94 k. Public utility structures, including telecommunications towers, but excluding
95 industrial uses not otherwise permitted.

96 See also conditional uses in this district.

97 (5) *Recreation and entertainment.*

- 98 a. Commercial entertainment facilities, indoor or outdoor, including movie theatres,
99 amusement parks, and stadiums, but excluding motorsports facilities. Carnival-
100 type amusements shall be at least 500 feet from any residential district. Bars,
101 nightclubs, and adult entertainment are prohibited in areas with the zoning
102 designation HC/LI-NA or areas zoned ID-CP or ID-1 prior to adoption of HC/LI
103 zoning.
- 104 b. Commercial recreation facilities, passive or active, including those for walking,
105 hiking, bicycling, camping, recreational vehicles, swimming, skateboarding,
106 bowling, court games, field sports, and golf, but excluding off-highway vehicle uses
107 and outdoor shooting ranges. Campgrounds and recreational vehicle parks require
108 a minimum lot area of five acres.
- 109 c. Marinas, private and commercial.
- 110 d. Parks, with or without permanent restrooms or outdoor event lighting.

111 See also conditional uses in this district.

112 (6) *Industrial and related.* Within MU-S, outside storage is permitted only when adequately
113 screened per the existing LDC regulations.

- 114 a. Light industrial uses, including research and development, printing and binding,
115 distribution and wholesale warehousing, and manufacturing, all completely within
116 the confines of buildings and without adverse off-site impacts.
- 117 b. Marinas, industrial: not allowed within MU-S.

118 c. Microbreweries, microdistilleries, and microwineries, ~~except~~ unless located in
119 areas with the zoning designation HC/LI-NA or in areas zoned ID-CP or ID-1 prior
120 to adoption of HC-LI zoning.

121 See also conditional uses in this district.

122 (7) *Agricultural and related.*

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

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

127 c. Veterinary clinics, excluding outside kennels.

128 See also conditional uses in this district.

129 (8) *Other uses. Within MU-S, outside storage is permitted only when adequately screened*
130 *per the existing LDC regulations.*

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

133 b. Building or construction trades shops and warehouses, including on-site outside
134 storage. Within MU-S, outside storage must be adequately screened.

135 c. Bus leasing and rental facilities-, not allowed within MU-S.

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

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

139 f. Outdoor sales.

140 g. Outdoor storage of trailered boats and operable recreational vehicles, excluding
141 repair, overhaul or salvage activities. Within MU-S, outside storage must be
142 adequately screened.

143 h. Parking garages and lots, commercial, not allowed within MU-S.

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

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

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

148 (1) *Residential.* Caretaker residences not among the permitted uses of the district and for
149 permitted nonresidential uses.

150 (2) *Retail services.* ~~Restaurants not among the permitted uses of the district.~~

151 (3) *Public and civic.* Cinerators.

152 (4) *Recreation and entertainment.*

153 a. Motorsports facilities on lots 20 acres or larger.

- 154 b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
- 155 c. Shooting ranges, outdoor.

156 (5) *Industrial and related*, not allowed within MU-S.

- 157 a. Asphalt and concrete batch plants if within the industrial (I) future land use
158 category and within areas zoned GID prior to adoption of HC/LI zoning.
- 159 b. Borrow pits and reclamation activities 20 acres minimum and (subject to local
160 permit and development review requirements per Escambia County Code of
161 Ordinances, part I, chapter 42, article VIII, and land use regulations in part III, the
162 land development code, chapter 4).* Borrow pits are prohibited on land zoned GBD,
163 GID, and WMU prior to the adoption of the HC/LI zoning.
- 164 c. Salvage yards not otherwise requiring approval as solid waste processing facilities.
- 165 d. Solid waste processing facilities, including solid waste collection points, solid
166 waste transfer facilities, materials recovery facilities, recovered materials
167 processing facilities, recycling facilities and operations, resource recovery facilities
168 and operations, and volume reduction plants.

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

- 174 1. Trucks have access to and from the site from adequately wide collector or
175 arterial streets and do not use local residential streets.
- 176 2. The scale, intensity, and operation of the use will not generate unreasonable
177 noise, traffic, objectionable odors, dust, or other potential nuisances or
178 hazards to contiguous properties.
- 179 3. The processing of materials will be completely within enclosed buildings
180 unless otherwise approved by the BCC.
- 181 4. The plan includes appropriate practices to protect adjacent land and
182 resources, minimize erosion, and treat stormwater; landscaping and buffering
183 for adjacent uses; hours of operation; methods to comply with maximum
184 permissible noise levels; means of access control to prevent illegal dumping;
185 and plans for materials storage

186 (6) *Agricultural and related*. Kennels or animal shelters not interior to veterinary clinics.

187 (7) *Other uses*.

- 188 a. Structures of permitted uses exceeding the district structure height limit.
- 189 b. Heliports.

190

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

- 193 (1) *Density*. A maximum density of 25 dwelling units per acre. Lodging unit density not
194 limited by zoning.
- 195 (2) *Floor area ratio*. A maximum floor area ratio of 1.0 within the commercial (C) and
196 industrial (I) future land use categories, and 2.0 within mixed-use urban (MU-U).
- 197 (3) *Structure height*. A maximum structure height of 150 feet above highest adjacent
198 grade.
- 199 (4) *Lot area*. No minimum lot area unless prescribed by use.
- 200 (5) *Lot width*. No minimum lot width required by zoning.
- 201 (6) *Lot coverage*. Minimum pervious lot coverage of 15 percent (85 percent maximum
202 semi-impervious and impervious cover) for all uses. A maximum 75 percent of lot area
203 occupied by principal and accessory buildings on lots of nonresidential uses.
- 204 (7) *Structure setbacks*. For all principal structures, minimum setbacks are:
- 205 a. *Front and rear*. Fifteen feet in both front and rear.
- 206 b. *Sides*. Ten feet on each side, including any group of attached townhouses.
- 207 c. *Corner lots*. Will have one front setback and one side setback.

208 For structures exceeding 35 feet above highest adjacent grade, an additional two feet for each
209 additional ten feet in height.

210 (8) *Other requirements*.

- 211 a. *Access*. For any industrial use south of Well Line Road, site access shall be
212 provided by curb cuts on an arterial or collector street. Alternatively, a private or
213 public street may link the site to an arterial or collector, provided that the private or
214 public street does not traverse a residential subdivision or predominantly
215 residential neighborhood between the site and the arterial or collector street.
- 216 b. *Chapters 4 and 5*. Refer to chapters 4 and 5 for additional development
217 regulations and standards.
- 218 (e) *Location criteria*. All new nonresidential uses proposed within the HC/LI district that are not
219 part of a planned unit development or not identified as exempt by district regulations shall
220 be on parcels that satisfy at least one of the following location criteria:
- 221 (1) *Proximity to intersection*. Along an arterial street and within one-quarter mile of its
222 intersection with an arterial street.
- 223 (2) *Site design*. Along an arterial street, no more than one-half mile from its intersection
224 with an arterial street, and all of the following site design conditions:
- 225 a. Not abutting a RR, LDR or MDR zoning district.
- 226 b. Any intrusion into a recorded residential subdivision is limited to a corner lot.
- 227 c. A system of service roads or shared access is provided to the maximum extent
228 feasible given the lot area, lot shape, ownership patterns, and site and street
229 characteristics.

- 230 d. Adverse impacts to any adjoining residential uses are minimized by placing the
231 more intensive elements of the use, such as solid waste dumpsters and truck
232 loading/unloading areas, furthest from the residential uses.
- 233 e. Location in an area where already established non-residential uses are otherwise
234 consistent with the HC/LI, and where the new use would constitute infill
235 development of similar intensity as the conforming development on surrounding
236 parcels. Additionally, the location would promote compact development and not
237 contribute to or promote strip commercial development.
- 238 (3) *Documented compatibility.* A compatibility analysis prepared by the applicant provides
239 competent substantial evidence of unique circumstances regarding the parcel or use
240 that were not anticipated by the alternative criteria, and the proposed use will be able
241 to achieve long-term compatibility with existing and potential uses. Additionally, the
242 following conditions exist:
- 243 a. The parcel has not been rezoned by the landowner from the mixed-use,
244 commercial, or industrial zoning assigned by the county.
- 245 b. If the parcel is within a county redevelopment district, the use will be consistent
246 with the district's adopted redevelopment plan, as reviewed and recommended by
247 the community redevelopment agency (CRA).
- 248 (f) *Rezoning to HC/LI.*
- 249 (1) *Generally.* Heavy commercial and light industrial zoning may be established only within
250 the mixed-use urban (MU-U), commercial (C), or industrial (I) future land use
251 categories. It may also be established within the mixed-use suburban (MU-S) future
252 land use category, but only the uses as permitted herein shall be considered consistent
253 with the MU-S future land use category. The district is appropriate to provide transitions
254 between areas zoned or used for commercial and areas zoned or used for industrial.
255 The district is suitable for areas able to receive bulk deliveries by truck in locations
256 served by major transportation networks and able to avoid undesirable effects on
257 nearby property and residential uses. Rezoning to HC/LI is subject to the same location
258 criteria as any non-residential use proposed within the HC/LI district.
- 259 (2) *HC/LI-NA designation.* Any applicant for rezoning to the HC/LI zoning district may
260 request a HC/LI-NA designation prohibiting the subsequent establishment of any
261 microbreweries, microdistilleries, microbreweries, bars, nightclubs, or adult
262 entertainment uses on the rezoned property. The request shall be in the form of a
263 notarized affidavit that acknowledges this use restriction and affirms that it is a
264 voluntary request. Once approved according to the rezoning process of chapter 2, the
265 HC/LI-NA zoning designation and its prohibitions shall apply to the property, regardless
266 of ownership, unless the parcel is rezoned.

267
268 **Section 4. Severability.**

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

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Section 5. Inclusion in Code.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2016); and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section,” “chapter,” or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. Effective Date.

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

DONE AND ENACTED this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: _____

D. B. Underhill, Chairman

ATTEST: PAM CHILDERS
Clerk of the Circuit Court

By: _____

Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:

May 30, 2017

Escambia County Planning Board
Via: Mr. Horace L. Jones, Director
Development Services Department
3363 West Park Place
Pensacola, Florida

Re: Proposed Amendments to HC/LI Zoning District

Dear Planning Board Members:

I represent Robertson-Cotton, Inc. Although it was an application of Robertson-Cotton that highlighted the issues addressed in this letter, the purpose of this LDC revision is to resolve the same problem that adversely impacts scores, if not hundreds, of other property owners.

History and Directions from the County Commission

On January 20, 2011, the County Commission ("Commission") adopted Ordinance 2011-3, which was a repeal of the old and adoption of the current County Comprehensive Plan. Among other significant changes, prior future land use categories were eliminated and the future land use categories of Mixed Use – Urban (MU-U) and Mixed Use – Suburban (MU-S) were created. Notably, with respect to the issue now being addressed, the former Activity Node future land use categories were eliminated.

On April 16, 2015, the Commission adopted Ordinance 2015-12; a complete repeal of the existing LDC and adoption of a new LDC. One of the expressed goals of the new LDC was to reduce the number of zoning districts. To accomplish this goal, old zoning districts were merged into a lesser number of new districts. The Development Services Department staff provided the attached "Proposed CECAS – Based Consolidated Zoning" chart to show the public, Planning Board, and Commission how the old districts would be merged into the new districts.

Everyone involved in the review and adoption of the new LDC understood that some property owners would receive greater residential density rights, or greater commercial intensity, or both when their zoning district designations were changed. **However, on a number of occasions the Commission clearly stated that in the process of consolidating the zoning districts no property owner was to lose either residential density or non-residential intensity development rights.** Unfortunately, after the adoption of the new LDC, it came to the attention of the County and some property owners that the adoption of the new comprehensive plan in 2011 and the new LDC in 2015, unfortunately caused hundreds of property owners to lose development rights. Most are unaware of this impact.

Subsequent to April 2015, the Commission adopted corrective action ordinances to solve specific aspects of the loss of density and intensity of development. The most notable was the adoption of the "Saving Clause" on September 24, 2015 (Ordinance 2015-38). This ordinance gave authority to the Development Services Department to restore lost residential density and non-residential intensity development rights, UNLESS the loss of rights was caused by an inconsistency between the new zoning district and the comprehensive plan future land use category assigned to the property at issue. A copy of Ordinance 2015-38 is provided with this letter.

Current Issue

The former Gateway Business District (GBD) zoning district was consolidated into the Heavy Commercial/Light Industrial (HC/LI) zoning district by the adoption of the current LDC in April 2015. As demonstrated by the attached zoning district consistency chart (page "LDC 3:7") adopted as part of the LDC, the HC/LI zoning district is "consistent" (as the term is used under Florida law) with ONLY the MU-U, Commercial, and Industrial future land use categories. Notably, it is "inconsistent" with MU-S because of some of the land uses allowed in HC/LI. **There are literally scores, if not hundreds, of property owners with property in the HC/LI zoning district and MU-S future land use category. Most of these property owners will not find out that they have a problem until they request a development order from the County.** In addition to the Robertson-Cotton property, Commissioner Barry identified several other properties in the Sector Plan, as well as numerous properties outside the Sector Plan, that are in the HC/LI zoning district as a consequence of their former GBD zoning district being consolidated into HC/LI.

The Savings Clause (Ordinance 2015-38) will not allow the Development Services Department to correct the problem identified above because the loss of development rights results from the "inconsistency" between the zoning district and the assigned MU-S future land use category. The Savings Clause will allow each property owner adversely affected by this problem to request a future land use map amendment to either the MU-U, Commercial or Industrial future land use category. The Savings Clause requires the County to sponsor and pay for the future land use map amendment. The adverse impact to the affected properties owners is that the time required to process a small scale amendment is at least two months, and the time to process a large scale amendment is probably at least four months. The adverse impact to the County is that this problem solving approach creates a significant work load and cost impact to the County because it requires the same procedure to be followed by each property owner.

What is needed is a one-time solution to solve the problem all property owners with property placed in the HC/LI zoning district and the MU-S future land use category. The best solution to solve the identified problem is to amend the HC/LI zoning district to identify the land uses in the district that are NOT consistent with MU-S, leaving the remaining uses consistent with MU-S.

To accomplish the Commission's intent of NOT allowing the adoption of the new LDC to take away development rights from any property owner, the resulting change to HC/LI must allow all former GBD land uses to be consistent with the MU-S future land use category.

The Planning Board has been provided with three possible options (Versions One, Two and Three as identified by Ms. Crawford) to accomplish the goal established by the Commission. My comments below address each Version.

Version One Option

Version One is fundamentally flawed. In general terms, the approach taken in Version One is to modify the Commercial zoning district to identify a number of land uses that the drafter believes to be inconsistent with the MU-S future land use category. Version One then modifies the HC/LI zoning district to state that any use in HC/LI, which is also allowed in Commercial, is consistent with MU-S. **However, this is unnecessary because the Commercial zoning district, as currently described in the LDC, is CONSISTENT with the MU-S future land use category.** The Commission has NOT asked the Planning Board to amend the Commercial zoning district, and it does not need to be amended to solve the existing problem. The amendment of the Commercial zoning district takes development rights away from property owners in this zoning district, which is the opposite of what the Commission directed; i.e., no property owner was to lose development rights as a result of the adoption of the new LDC in 2015.

In addition, the amendments to Commercial zoning proposed in Version One will NOT return to owners of former GBD zoned property their former property rights lost when placed in the MU-S future land use category. Remember that there are two goals: First, development rights held by the owners of formerly GBD zoned property are to be restored; and second, the HC/LI zoning district is to be amended so that it will be consistent with the MU-S future land use category.

Version Two Optionu

The Version Two option is too simplistic. To accomplish the two goals stated above, the HC/LI zoning district land uses should be examined against the land uses allowed in the former GBD zoning district. The GBD district uses need to be identified in HC/LI as uses permitted in MU-S, and therefore consistent with MU-S. To make changes any broader than this goal will not be consistent with statements made by a majority of the Commissioners, which were to make changes so that holders of former GBD zoning have the right to develop their property consistent with the former zoning, but to not grant to these property owners development rights greater than they possessed under GBD zoning. The Version Three Option accomplishes these goals.

Version Three Option

The starting point for this analysis is the former GBD zoning district. GBD incorporated the former C-2 and C-1 zoning districts, with minor limitations. Zoning districts C-2 and C-1 were cumulative districts, which meant the districts included the nonresidential uses allowed in former districts R-6, R-5 and R-4. The R-4, R-5 and R-6 nonresidential uses should not raise concerns because these districts allowed uses of considerably less intensity than C-1.

Escambia County Planning Board
Via: Horace L. Jones, Director, Development Services
May 30, 2017
Page 4 of 4

GBD allowed "distribution, manufacturing, fabrication and assembly-type operation which are completely enclosed within the confines of a building," if "within a planned business development." The former LDC did not define a "planned business development." The only reference to a "planned business development" was in former LDC section 7.01.06, which has been provided to the Planning Board by county staff. Essentially, nothing more was required to allow the land uses described in this paragraph than a somewhat greater landscaping requirement.

The GBD zoning district stated: "Outside storage is permitted when screened." Version Three recognizes this entitlement from the GBD district.

To determine the HC/LI land uses that are consistent with the former GBD zoning district, the primary question to be asked is: Was the existing HC/LI land use allowed in the former C-2, C-1, R-6, R-5 or R-4 zoning districts?

A secondary question is does the existing LDC provide landscaping requirements comparable to the former LDC requirements for a distribution, manufacturing, fabricating and assembly-type operations which are completely enclosed within the confines of a building? In my opinion the answer is yes.

With the proposed edits to the HC/LI land uses, the former GBD uses will be consistent with the MU-S future land use category. The Version Three changes will accomplish the goals set by the Commission, with one modification to Version Three. At line 195 of Version Three, the maximum floor area ratio for MU-S needs to be stated as being 1.0.

Sincerely,

/s/ Jesse W. Rigby

Jesse W. Rigby
*(Signed electronically
while out of town)*

JWR/cw

Enclosures

cc: Ms. Meredith Crawford, Assistant County Attorney
Robertson-Cotton, Inc.

A2637441.DOCX

Escambia County
Clerk's Original

9/24/2015 5:45pm AH.

ORDINANCE NUMBER 2015- 38

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 "ZONING REGULATIONS," ARTICLE 1, "GENERAL PROVISIONS," TO CREATE SECTION 3-1.8 "DENSITY AND USES SAVINGS CLAUSE," TO ALLOW RESIDENTIAL DENSITY AND LAND USES PERMITTED UNDER PREVIOUS ZONING DISTRICTS TO BE REINSTATED UNDER SPECIFIED CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to establish, coordinate, and enforce zoning regulations as is necessary for the protection of the public; and,

WHEREAS, on April 16, 2015, the Board established new zoning regulations through the adoption of the Escambia County Land Development Code; and,

WHEREAS, the newly adopted Escambia County Land Development Code consolidated the number of zoning districts, thereby modifying the density restrictions and land uses permitted within the various districts of the County; and,

WHEREAS, the Board finds that reinstating density limits and land uses that were permitted under the zoning districts of the previous Land Development Code under certain circumstances serves an important public purpose and is in the best interest of the County and its citizens;

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 1, Section 3-1.8 "Density and uses savings clause" is hereby established as follows (words underlined are additions and words ~~stricken~~ are deletions):

Sec. 3-1.8 Density and uses savings clause.

- (a) General. The owner of any parcel of land that had the residential density of its applicable zoning district decreased or had permitted land uses of that district eliminated as a result of the April 16, 2015 adoption of the LDC, may apply to have the previous residential density or permitted land uses reinstated. Only residential density and permitted land uses listed on the date of adoption shall be eligible for reinstatement pursuant to this section. Applications shall be approved, unless reinstating the previous residential density or land uses would cause the parcel's density or uses to become inconsistent with the existing applicable future land use (FLU) category. If the density or land uses would become inconsistent with the existing applicable FLU, approval for reinstatement shall be granted only after a FLU amendment consistent with the previous density

Date: 9/30/2015 Verified By: J. J. Carver

and uses has been approved and adopted according to the amendment provisions in Article 7 of Chapter 2. All applications for reinstatement and FLU amendments made pursuant to this section shall be submitted to the Planning Official and processed at no cost to the land owner.

(b) Applicability. This section is not intended to authorize density or land uses that are otherwise limited by the LDC. These limitations include, but are not limited to, the provisions of the overlay zoning districts, the airport/airfield environs, floodplain management, or location criteria.

Section 2. Severability.

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

Section 3. Inclusion in Code.


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

Section 4. Effective Date.

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

DONE AND ENACTED this 24th day of September, 2015.

BOARD OF COUNTY COMMISSONERS
OF ESCAMBIA COUNTY, FLORIDA

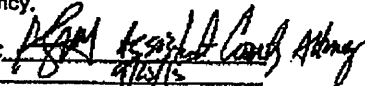
By: 
Steven Barry, Chairman

ATTEST: PAM CHILDERS
Clerk of the Circuit Court

Date Executed
9/29/2015



By: 
Deputy Clerk

Approved as to form and legal
sufficiency.
By/Title:  Attorney
Date: 9/29/15

ENACTED: September 24, 2015

FILED WITH THE DEPARTMENT OF STATE: September 30, 2015

EFFECTIVE DATE: September 30, 2015

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

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

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

Attachments

Draft Ordinance

Clean Ordinance

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ORDINANCE NUMBER 2015-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 3 "ZONING REGULATIONS," ARTICLE 1, "GENERAL PROVISIONS," TO CREATE SECTION 3-1.8 "DENSITY AND USES SAVINGS CLAUSE," TO ALLOW RESIDENTIAL DENSITY AND LAND USES PERMITTED UNDER PREVIOUS ZONING DISTRICTS TO BE REINSTATED UNDER SPECIFIED CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to establish, coordinate, and enforce zoning regulations as is necessary for the protection of the public; and,

WHEREAS, on April 16, 2015, the Board established new zoning regulations through the adoption of the Escambia County Land Development Code; and,

WHEREAS, the newly adopted Escambia County Land Development Code consolidated the number of zoning districts, thereby modifying the density restrictions and land uses permitted within the various districts of the County; and,

WHEREAS, the Board finds that reinstating density limits and land uses that were permitted under the zoning districts of the previous Land Development Code under certain circumstances serves an important public purpose and is in the best interest of the County and its citizens;

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 1, Section 3-1.8 "Density and uses savings clause" is hereby established as follows (words underlined are additions and words ~~stricken~~ are deletions):

1 **Sec. 3-1.8 Density and uses savings clause.**
2

- 3 (a) **General.** The owner of any parcel of land that had the residential density of its
4 applicable zoning district decreased or had permitted land uses of that district
5 eliminated as a result of the April 16, 2015 adoption of the LDC, may apply to
6 have the previous residential density or permitted land uses reinstated. Only
7 residential density and permitted land uses listed on the date of adoption shall be
8 eligible for reinstatement pursuant to this section. Applications shall be approved,
9 unless reinstating the previous residential density or land uses would cause the
10 parcel's density or uses to become inconsistent with the existing applicable future
11 land use (FLU) category. If the density or land uses would become inconsistent
12 with the existing applicable FLU, approval for reinstatement shall be granted only
13 after a FLU amendment consistent with the previous density and uses has been
14 approved and adopted according to the amendment provisions in Article 7 of
15 Chapter 2. All applications for reinstatement and FLU amendments made
16 pursuant to this section shall be submitted to the Planning Official and processed
17 at no cost to the land owner.
- 18 (b) **Applicability.** This section is not intended to authorize density or land uses that
19 are otherwise limited by the LDC. These limitations include, but are not limited to,
20 the provisions of the overlay zoning districts, the airport/airfield environs,
21 floodplain management, or location criteria.
22

23 **Section 2. Severability.**

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

28 **Section 3. Inclusion In Code.**

29
30 It is the intention of the Board of County Commissioners that the provisions of this
31 Ordinance shall be codified as required by F.S. § 125.68 (2015); and that the sections,
32 subsections and other provisions of this Ordinance may be renumbered or re-lettered
33 and the word "ordinance" may be changed to "section," "chapter," or such other
34 appropriate word or phrase in order to accomplish such intentions.
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1 **Section 4.** Effective Date.

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

DONE AND ENACTED this _____ day of _____, 2015.

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

By: _____
Steven Barry, Chairman

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

By: _____
Deputy Clerk

(SEAL)

**ENACTED:
FILED WITH THE DEPARTMENT OF STATE:
EFFECTIVE DATE:**

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 "ZONING REGULATIONS," ARTICLE 1, "GENERAL PROVISIONS," TO CREATE SECTION 3-1.8 "DENSITY AND USES SAVINGS CLAUSE," TO ALLOW RESIDENTIAL DENSITY AND LAND USES PERMITTED UNDER PREVIOUS ZONING DISTRICTS TO BE REINSTATED UNDER SPECIFIED CONDITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners to establish, coordinate, and enforce zoning regulations as is necessary for the protection of the public; and,

WHEREAS, on April 16, 2015, the Board established new zoning regulations through the adoption of the Escambia County Land Development Code; and,

WHEREAS, the newly adopted Escambia County Land Development Code consolidated the number of zoning districts, thereby modifying the density restrictions and land uses permitted within the various districts of the County; and,

WHEREAS, the Board finds that reinstating density limits and land uses that were permitted under the zoning districts of the previous Land Development Code under certain circumstances serves an important public purpose and is in the best interest of the County and its citizens;

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 1, Section 3-1.8 "Density and uses savings clause" is hereby established as follows (words underlined are additions and words ~~stricken~~ are deletions):

Sec. 3-1.8 Density and uses savings clause.

- (a) **General.** The owner of any parcel of land that had the residential density of its applicable zoning district decreased or had permitted land uses of that district eliminated as a result of the April 16, 2015 adoption of the LDC, may apply to have the previous residential density or permitted land uses reinstated. Only residential density and permitted land uses listed on the date of adoption shall be eligible for reinstatement pursuant to this section. Applications shall be approved, unless reinstating the previous residential density or land uses would cause the parcel's density or uses to become inconsistent with the existing applicable future land use (FLU) category. If the density or land uses would become inconsistent with the existing applicable FLU, approval for reinstatement shall be granted only after a FLU amendment consistent with the previous density and uses has been approved and adopted according to the amendment provisions in Article 7 of Chapter 2. All applications for reinstatement and FLU amendments made pursuant to this section shall be submitted to the Planning Official and processed at no cost to the land owner.
- (b) **Applicability.** This section is not intended to authorize density or land uses that are otherwise limited by the LDC. These limitations include, but are not limited to, the provisions of the overlay zoning districts, the airport/airfield environs, floodplain management, or location criteria.

Section 2. Severability.

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

Section 3. Inclusion in Code.

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

INTENTIONALLY LEFT BLANK

Section 4. Effective Date.

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

DONE AND ENACTED this _____ day of _____, 2015.

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

By: _____

Steven Barry, Chairman

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

By: _____

Deputy Clerk

(SEAL)

**ENACTED:
FILED WITH THE DEPARTMENT OF STATE:
EFFECTIVE DATE:**

Proposed CECAS-based Consolidated Zoning

Proposed Consolidated Zoning District with density maximum	Current Zoning District	Current Residential Density Maximum and % area of new district	Current District Description or Characterization [from LDC section noted]	Consistent 2030 FLU Categories with density maximum
Agriculture (Agr) 1du/20acres	VAG-1 Villages Agricultural 1	5du/100acres on 1-acre parcels (0.05du/acre) (100%)	Characterized by land resources necessary or used to support large farming operations, with the objective to keep large parcels of land from being broken into smaller tracts of multiple ownership that make it difficult to assemble enough acreage for efficient agricultural operations. [6.05.22]	AG (1du/20acres) or RC (2du/acre)
Rural Residential (RR) 1du/4acres	VAG-2 Villages Agricultural 2	1du/5acres (0.2du/acre) (53%)	Characterized by rural land areas that: (1) are small and of highly productive agricultural soils that may not be economically viable in mainstream farming operations due to limited size and changes in surrounding areas; or (2) have a mix of small farm operations, typical rural residential density of one unit per four acres, and soils least valuable for agricultural production and most suitable for future conversion out of the rural land market; or (3) are not being used to support large farming operations, and that are characterized by a mix of natural resources and soils typically unsuitable for urban residential densities or other urban uses unless sewered. [6.05.22]	RC (2du/acre)
	VR-1 Villages Rural Residential, Low Density	1du/4acres (0.25du/acre) (47%)	Characterized by single-family residential uses in rural land development patterns with rural community nonresidential uses allowed. Parcels are generally not assessed as agriculturally productive. Densities reflect large lot rural land development patterns. [6.05.23]	
Rural Mixed use (RMU) 2du/acre	VR-3 Villages Rural Residential, Medium Density	1du/2acres (0.5du/acre) (<1%)	Characterized by single-family residential uses in rural land development patterns with rural community nonresidential uses allowed. Parcels are generally not assessed as agriculturally productive. [6.05.23]	RC (2du/acre)
	AG Agricultural, low density	1du/1.5acres (0.66du/acre) (14%)	Areas used primarily for farming, raising of livestock, or silviculture. Provides for continuation and expansion of viable agricultural activities by preserving open spaces through low district-wide residential densities. [6.05.01]	
	VR-2 Villages Rural Residential, Density	1du/0.75acres (1.33du/acre) (38%)	Characterized by single-family residential uses in rural land development patterns with rural community nonresidential uses allowed. Parcels are generally not assessed as agriculturally productive. Density reflects the need for more affordable lot sizes for single family and mobile home development.	
	RR Rural Residential	2du/acre (48%)	Single-family residential area of low density in semi-rural or rural environment. Provides transition from urban to rural densities and agricultural uses. [6.05.02]	
Low Density Residential (LDR) 4du/acre	R-1 Single-family, low density	4du/acre (27%)	Single-family residential area with large lots and low population density. [6.05.05]	MU-S (25du/acre)
	V-1 Villages Single-family Residential	1du/acre (11%)	Single-family detached residential area characterized by urban land development patterns. [6.05.24]	
	V-2 Villages Single-family Residential	2du/acre (6%)	Single-family detached residential area characterized by urban land development patterns. [6.05.24]	
	V-2A Villages Single-family Residential	3du/acre (1%)	Single-family detached residential area characterized by urban land development patterns. [6.05.24]	
	V-5 Villages Clustered Residential	4du/acre (9%)	Mixed residential area designed to create a density-based incentive for sewerage in proximity to environmentally sensitive lands, and to promote location of development on non-sensitive lands which are otherwise suitable for low density development. Single-family detached and attached structures, duplexes, quadruplex, townhouses, and patio homes are allowed, but not other multi-family structures. [6.05.26]	
	SDD₂ Special Development <u>private lands</u>	3du/acre (44%)	Intended to conserve and protect environmentally sensitive areas that have certain ecological functions and other natural limitations that require special development standards. [6.05.21]	

Proposed Consolidated Zoning District with density maximum	Current Zoning District	Current Residential Density Maximum and % area of new district	Current District Description or Characterization [from LDC section noted]	Consistent 2030 FLU Categories with density maximum
Low Density Mixed Use (LDMU) 7du/acre	VM-1 Villages Mixed Residential and Commercial	4du/acre (61%)	Mixed residential and neighborhood commercial area allowing neighborhood commercial uses within residential areas that include single-family, duplexes, quadruplexes, townhouses, and patio homes, but not other apartment structures. [6.05.27]	MU-S (25du/acre) or MU-U (25du/acre)
	VM-2 Villages Mixed Residential and Commercial	7du/acre (37%)	Mixed residential and commercial district allowing community serving commercial uses and single-family and multifamily residential uses. Neighborhood and C-1 commercial uses, and mobile home parks and mobile home subdivisions are allowed. [6.05.28]	
	AMU-1 Airfield Mixed Use 1	3du/acre (1%)	Allows compatible mix of commercial and single-family residential uses within airfield influence planning district AIPD-1, giving a commercial option without accompanying high residential densities. [6.05.03]	
	AMU-2 Airfield Mixed Use 2	3du/acre (1%)	Allows compatible mix of commercial and single-family residential uses within airfield influence planning district AIPD-2, giving a commercial option without accompanying high residential densities. [6.05.04]	
Medium Density Residential (MDR) 10du/acre	R-2 Single-family, low-med density	7du/acre (69%)	Single-family residential area with large lots and low population density. [6.05.07]	MU-S (25du/acre) or MU-U (25du/acre)
	R-3 One-family And Two-family, medium density	10du/acre (21%)	Mix of one-family and two-family dwellings at medium density compatible with single-family residential development. [6.05.09]	
	V-3 Villages Single-family Residential	5du/acre (8%)	Single-family detached residential area characterized by urban land development patterns. [6.05.24]	
	V-4 Villages Multi-family Residential	7du/acre (2%)	Multifamily residential area characterized by mix of single-family detached, duplexes, apartments, townhouses, patio homes, and mobile home subdivisions. [6.05.25]	
High Density Residential (HDR) 18du/acre limited	R-4 Multi-family, medium-high density	18du/acre (100%)	Encourages the efficient use of land for medium-high density residential uses and buffering between lower density residential and business, commercial and industrial districts. [6.05.11]	MU-S (25du/acre) or MU-U (25du/acre)
High Density Mixed Use (HDMU) 25du/acre	R-5 Urban Residential and Limited Office, high density	20du/acre (56%)	Provides for high density urban residential uses and compatible professional office development, and forms a transition area between lower density residential and commercial development. [6.05.12]	MU-S (25du/acre) or MU-U (25du/acre) or C (limited 25du/acre)
	R-6 Neighborhood Commercial and Residential, high density	25du/acre (44%)	Provides for mix of residential, office and professional, and certain types of neighborhood convenience shopping, retail sales and services, especially in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable. [6.05.13]	
Commercial (Com) 25du/acre limited	C-1 Retail Commercial	25du/acre (98%)	Provides for retailing of commodities and furnishing of selected services, but where all commercial operations are within the confines of buildings and do not produce undesirable effects on nearby property. New residential uses in commercial FLU permitted only as part of a predominantly commercial development. [6.05.14]	MU-U (25du/acre) or C (limited 25du/acre)
	GMD Gateway Mixed Use	7du/acre (2%)	Mixed residential and commercial area allowing community-serving commercial uses and single-family and multifamily residential areas. Neighborhood commercial, C-1, and specified C-2 uses allowed within a planned business development. [6.05.31]	

Proposed Consolidated Zoning District with density maximum	Current Zoning District	Current Residential Density Maximum and % area of new district	Current District Description or Characterization [from LDC section noted]	Consistent 2030 FLU Categories with density maximum
Heavy Commercial and Light Industrial (HC/LI) No residential uses allowed	C-2 General Commercial and Light Manufacturing	25du/acre (55%)	Provides for wholesaling and retailing of commodities and furnishing of several major services and selected trades, including manufacturing, fabrication and assembly operations, but where all such operations are within the confines of buildings and do not produce excessive noise, vibration, dust, smoke, fumes or glare. Outside storage is allowed with adequate screening. New residential uses located in a Commercial FLU are allowed only as part of a predominantly commercial development. [6.05.16]	MU-U (25du/acre) or C (limited 25du/acre) or I (No residential)
	ID-CP Commerce Park	No residential uses allowed (7%)	Provides for relatively large scale light industrial commerce and business park areas, with uses protected from adverse impacts of incompatible industrial and commercial uses and requiring a high level of site design standards. [6.05.17]	
	ID-1 Light Industrial	No residential uses allowed (28%)	Primarily for research-oriented activities, light manufacturing and processing not involving the use of materials, processes or machinery likely to cause undesirable effects upon nearby industrial uses, but with uses completely enclosed in buildings wherever practical and providing a buffer between commercial districts and more intensive industrial uses. Allowed uses include general assembly, warehousing and distribution, and major repair and services. [6.05.18]	
	GBD Gateway Business	No residential uses allowed (7%)	Characterized by community-serving commercial uses located adjacent to or in immediate proximity to the US 29 corridor and in immediate proximity to SR 97 at the Alabama-Florida line. C-2 type distribution, manufacturing, fabrication and assembly operations completely enclosed within buildings are permitted if within a planned business development. [6.05.29]	
	GID Gateway Industrial	No residential uses allowed (3%)	Intended to be light to moderate industrial area to enhance portions of US 29 and US 95A corridors as visually attractive, well-planned industrial areas screened and buffered to assure compatibility with adjacent nonindustrial districts and uses. Intended to accommodate uses requiring access to rail and principal arterial roadways, when other objectives are met. [6.05.30]	
	WMU₄ Waterfront Mixed Use	25du/acre (< 1%)	Created to protect and conserve the natural resources along and adjacent to Bayou Chico as well as to nurture water-dependent and water-related support uses that do not cause any water quality degradation or prevent the beneficial restoration of water or environmental quality in the bayou. Located entirely within Barrancas Overlay District. [6.05.33]	
Industrial (Ind) No residential uses allowed	ID-2 General Industrial	No residential uses allowed (100%)	Accommodates manufacturing, processing, fabrication, and other industrial uses which can only comply with minimal performance standards. [6.05.19]	I (No residential)
Recreation (Rec) No residential uses allowed	S-1 and S-1PK Outdoor Recreation	No residential uses allowed (100%)	Intended to preserve and maintain land for outdoor recreational uses and open space. [6.05.20]	AG, RC, MU-S, MU-U, C, or REC
Conservation (Con) No residential uses allowed	SDD₂ Special Development <u>primarily public lands</u>	3du/acre	Intended to conserve and protect environmentally sensitive areas that have certain ecological functions and other natural limitations that require special development standards. [6.05.21]	All FLU categories
Public (Pub) No residential uses allowed	P Public	No residential uses allowed (100%)	Publicly owned parcels for educational and correctional facilities and purposes, other public institutional uses, borrow pits and associated reclamation activities, and solid waste processing and disposal facilities. [6.05.32]	I or P (No residential)

Notes:

1. These proposed consolidations represent the anticipated changes to current zoning, but where the current zoning does not implement the 2030 FLU the anticipated zoning may be modified to obtain FLU consistency.

2. Current "Special Development District" (SDD) zoning was converted to "Conservation" if public lands, but to other districts appropriate to the location, use, FLU, and other characteristics of the parcel if privately owned.
3. Military bases, state college and university campuses, and other such lands for which the regulations of the LDC are not intended have no adopted zoning.
4. Current "Waterfront Mixed Use" (WMU) zoning was converted to HC/LI, but the provisions of WMU are incorporated into the Barrancas Overlay District to retain the original purposes for the same waterfront area, including residential uses.

ZONING DISTRICT Specific distribution and extent of uses	FUTURE LAND USE (FLU) CATEGORY General distribution and extent of uses								
	AG max 1du/20ac max 0.25 FAR	RC max 2du/ac max 0.25 FAR	MU-S min 2du/ac max 25du/ac max 1.0 FAR	MU-U min 3.5du/ac max 25du/ac max 2.0 FAR	C Limited res max 25du/ac max 1.0 FAR	I No res allowed max 1.0 FAR	P No res allowed	REC No res allowed max 0.5 FAR	CON No res allowed
Agr max 1du/20ac	Yes	Yes	No, min density	No, min density	No, uses	No, uses	No, uses	No, uses	No, uses
RR max 1du/4ac	No, max density	Yes	No, min density	No, min density	No, uses	No, uses	No, uses	No, uses	No, uses
RMU max 2du/ac	No, max density	Yes	No, min density	No, min density	No, uses	No, uses	No, uses	No, uses	No, uses
LDR max 4du/ac	No, max density	No, max density	Yes	No, min density	No, uses	No, uses	No, uses	No, uses	No, uses
LDMU max 7du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
MDR max 10du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDR max 18du/ac	No, max density	No, max density	Yes	Yes	No, uses	No, uses	No, uses	No, uses	No, uses
HDMU FLU-limited max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, uses	No, uses	No, uses	No, uses
Com FLU-limited max 25du/ac	No, max density	No, max density	Yes	Yes	Yes	No, res use	No, uses	No, uses	No, uses
HC/LI FLU-restricted max 25du/ac	No, uses	No, uses	No, uses	Yes	Yes	Yes	No, uses	No, uses	No, uses
Ind No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	No, uses	No, uses	No, uses
Rec No res allowed	Yes	Yes	Yes	Yes	Yes	No, uses	Yes	Yes	No, uses
Con No res allowed	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Pub No res allowed	No, uses	No, uses	No, uses	No, uses	No, uses	Yes	Yes	No, uses	No, uses

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



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular
Meeting Date: 06/06/2017

7. D.

Agenda Item:
Clustering Discussion.

Attachments

Draft Ordinance

41 **Section 1.** Part III of the Escambia County Code of Ordinances, the Land Development
42 Code of Escambia County, Chapter 3, Zoning Regulations, Article 1, General
43 Provisions, is hereby amended as follows (words underlined are additions and words
44 ~~stricken~~ are deletions):

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

46 **(a) Generally.** Each zoning district establishes its own site and building requirements
47 which define physical limits to the development of district parcels. These
48 requirements, in combination with other district provisions, the use and location
49 regulations of Chapter 4, and the general development standards of Chapter 5,
50 define the limits for all development within the district.

51 **(b) Modifications.** Except as may be authorized in this article for the clustering of
52 dwelling units, modifications ~~Variances~~ to the strict application of site and building
53 requirements may only be granted according to the compliance review processes
54 prescribed in Chapter 2, and only if the variances maintain the stated purposes of
55 ~~the applicable zoning district and are not otherwise excluded by provisions of the~~
56 LDC.

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

62 **(d) Density.** The number of dwelling or lodging units allowed within a parcel is
63 determined by the product of the total development parcel area and the maximum
64 density allowed by the applicable zoning district. When the calculated number of
65 allowable units for a parcel results in a fraction greater than or equal to 0.5 units,
66 rounding to the next whole number is permitted to allow a maximum of one
67 additional unit. Regardless of the maximum density allowed, each existing lot of
68 record is vested for a single-family dwelling as the principal use.

69 **(e) Lot width and area.** All new lots shall provide the minimum width and area required
70 by the applicable zoning, except that parcels created for public utilities or preserved
71 for recreation, conservation, or open space need only have width sufficient for
72 access to that limited use. Any existing lot of record that contains less width or area
73 than required by the applicable zoning district may be used for any use allowed
74 within that district if the use complies with all other applicable regulations, including
75 buffering and use-specific minimum lot area.

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

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

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

89 **(2) Accessory structures.** Accessory structures shall be limited to side and rear
90 yards and be at least five feet from any interior side or rear lot line except where
91 specifically allowed as encroachments. Accessory dwellings shall be limited to
92 the setbacks required for the principal dwelling.

93 **(3) Distance between dwellings.** Where the applicable zoning district allows more
94 than one dwelling on a single lot, the minimum horizontal distance between such
95 dwellings shall not be less than twice the side yard distance required by the
96 district, and the minimum distance between any structures shall not be less than
97 the minimum required by the Florida Building Code.

98 **(4) Encroachments by building features.** Every part of a required yard shall be
99 open from its lowest point to the sky, unobstructed except for the ordinary
100 projection of sills, belt courses, cornices, buttresses, awnings, eaves and similar
101 building features. No such projection shall extend more than 24 inches into any
102 yard, except roof overhangs, awnings, outside stairways, and balconies which
103 may extend up to 48 inches into any yard provided the building setback is
104 otherwise at least 10 feet

105 **(5) Encroachment of porch or terrace.** An open, unenclosed and uncovered
106 paved terrace or a covered porch may extend into the required front yard no
107 more than 10 feet.

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

110 **(1) Agricultural structures.** Structures such as cotton gins, granaries, silos, and
111 windmills associated with permitted agricultural uses may exceed the district
112 height limits if not in conflict with any applicable airport or airfield height
113 restrictions.

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

118 a. They do not separately or in combination with other rooftop structures exceed
119 10 percent of the horizontal roof area.

120 b. They do not exceed applicable airport or airfield height restrictions.

121 c. They do not exceed otherwise applicable height limitations by more than 15
122 feet or 10 percent of actual building height, whichever is greater.

123 **Sec. 3-1.7 — Density bonuses.**

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

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

137 **(1) Environmentally sensitive lands.** Donation of environmentally sensitive lands
138 to a public agency approved by the county, or dedication of a conservation
139 easement in perpetuity which encompasses environmentally sensitive lands,
140 earns two points per acre donated or reserved.

141 **(2) Public access to waters, beaches, and shores.** Donation of land to a public
142 agency approved by the county, or dedication and maintenance of a minimum
143 15-foot wide public access easement, for the provision of public access to public
144 waterways, beaches, or shores earns four points per accessway.

145 **(3) Water conservation.** Appropriate use of low water demand plants and native
146 vegetation in all landscaped areas earns two points per site or one point per acre
147 of qualifying land. The use of drip irrigation or other low water use methods of
148 landscape irrigation earns one point per site, and the use of treated wastewater
149 or "grey" water for irrigation earns one point per site or one point per acre
150 irrigated.

151 **(4) Affordable housing.** In a development that includes at least 30 dwelling units,
152 10 percent of the units assured by the approved plan to be affordable housing for
153 low to moderate income families earns three points, and 20 percent assured
154 affordable earns six points. If the development contains 50 or more dwelling units
155 and 20 percent qualify as affordable for low to moderate income, the applicant
156 may directly obtain a 5 percent increase in density. No more than 20 percent of
157 the units in a conventional housing development shall be credited for affordable
158 housing bonus points.

159 **(5) Redevelopment or adaptive reuse.** Existing non-residential structures
160 proposed for reuse as residential earn one point per five dwelling units. For
161 rehabilitation of existing multi-family residential structures and participation in
162 state or federal weatherization programs, one point is earned per five dwelling

163 units. These bonuses only apply to structures for which no notices of violation of
164 building or life safety codes have been issued, or where all deficiencies identified
165 in an initial notice have been corrected within the time specified in the notice and
166 no subsequent violation notices issued.

167 ~~(6) **Provision of sidewalks and bikeways.** The provision of sidewalks or the~~
168 ~~provision of bicycle paths or lane markings in developments where such facilities~~
169 ~~are not otherwise required earns three points. If the facilities connect to an~~
170 ~~existing commercial, office, service, or public recreation area within one-half mile~~
171 ~~of the development, four points are earned.~~

172 ~~(7) **Protection of historic resources.** Donation of land to a public agency~~
173 ~~approved by the county for the purpose of preservation of sites or artifacts with~~
174 ~~known archaeological or historic value, or the dedication of a conservation~~
175 ~~easement in perpetuity for the preservation of such sites or artifacts, earns two~~
176 ~~points per acre or site donated.~~

177 ~~(8) **Provision of underground utilities.** The provision of underground utilities~~
178 ~~earns one point for every four dwelling units served.~~

179 ~~(9) **Clustering outside prime farmland.** Subdivision of parcels containing prime~~
180 ~~farmland which plats lots entirely outside of that farmland and designates such~~
181 ~~lands for agricultural or open space use earns three points per acre of prime~~
182 ~~farmland set aside.~~

183 ~~(10) **Clustering outside wetlands.** Subdivision of parcels containing jurisdictional~~
184 ~~wetlands which plats lots entirely outside of the wetlands and designates such~~
185 ~~lands for conservation or open space uses earns three points per acre of~~
186 ~~wetlands set aside.~~

187 ~~(11) **Tree preservation in subdivisions.** In subdivisions where at least 75 percent of~~
188 ~~the protected trees within the required yards and any common open space are~~
189 ~~preserved, one bonus point is earned for each 10 lots with protected trees on~~
190 ~~them.~~

191 ~~(12) **Retention ponds as amenities.** Wet retention ponds for subdivision stormwater~~
192 ~~management which also provide true scenic amenities to the subdivision earn~~
193 ~~one point for each four subdivision lots.~~

194 **Sec. 3-1.7 Clustering dwelling units.**

195 (a) **Purpose.** Where the presence of wetlands, floodways, and other protected
196 resources reduces the developable area of a parcel and effectively limits
197 development of the available number of dwellings units within the parcel, site and
198 building requirements of the applicable zoning district may be modified as prescribed
199 in this section through the applicable site plan or subdivision review process to
200 facilitate the clustering of additional units within the reduced area.

201 (b) **Eligible areas.** The provisions of this section apply to all areas of the county except
202 the Perdido Key and Pensacola Beach zoning districts, Airfield Influence Planning
203 Districts (AIPDs) as defined in Article 4 of Chapter 4, and any other area specifically

204 excluded by the LDC. Additionally, the adopted provisions of the Escambia County
205 Mid-West Optional Sector Plan prevail for any development subject to that plan.

206(c) **Eligible development.** The provisions of this section apply to any dwelling units,
207 attached or detached, within any proposed predominantly residential development
208 allowed by the applicable zoning and on contiguous lands under unified control as
209 these terms are defined in Chapter 6.

210(d) **Eligible resources.** The provisions of this section apply to protected resources
211 within eligible areas and development. Except as may be authorized through the
212 PUD process prescribed in Chapter 2, modifications to facilitate clustering require
213 that the total area of one or more of the following resources comprises no less than
214 10 percent of the gross development parcel area and complies with the other
215 conditions applicable to that resource:

216 **(1) Environmentally sensitive lands.** For lands containing wetlands or the habitat
217 of threatened or endangered species as defined for the natural resources
218 regulations in Chapter 4, the platting of lots and all other development must be
219 entirely upland of the wetlands and outside of the habitat. Additionally, the entire
220 resource area must remain undisturbed and preserved as more particularly
221 prescribed in the environmental provisions of the DSM.

222 **(2) Floodways.** For lands containing a floodway as defined for the floodplain
223 management regulations in Chapter 4, the platting of lots and all other
224 development must be entirely outside of the floodway.

225 **(3) Prime farmland.** For lands containing prime farmland as defined in Chapter 6,
226 the platting of lots and all other development must be entirely outside of the
227 prime farmland. Additionally, any subdivision shall designate the resource area
228 on the plat for agricultural or undeveloped open space use.

229 **(4) Historical resources.** For lands containing historical or archeological resources
230 as defined for those resource regulations in Chapter 4, the platting of lots and all
231 other development must be entirely outside of those resource areas.
232 Additionally, the sites and artifacts of those resources shall be protected by the
233 dedication of a perpetual conservation easement for their preservation, or by the
234 donation of land to a public agency approved by the county for the preservation
235 of resources with known historical or archaeological value.

236 **(5) Open space.** Open space permanently preserved by a perpetual conservation
237 easement that may allow passive recreation use by tenants of the development.

238(e) **Eligible modifications.** The provisions of this section apply to modifications of
239 specific site and building requirements of the applicable zoning district. The
240 maximum number of dwelling units available within a development remains the
241 product of the gross development parcel area and the maximum density of the
242 district, but the following requirements may be modified within the stated limits:

243 **(1) Lot width.** Except within the LDR zoning district, the minimum lot width may be
244 reduced by up to 10 percent, but to no less than 20 feet for cul-de-sac lots and
245 40 feet for all other lots.

- 246 **(2) Front and rear setbacks.** The minimum front setback may be reduced to 20
247 feet and the minimum rear setback may be reduced to 15 feet.
- 248 **(3) Side setbacks.** The minimum side structure setbacks may be reduced by up to
249 10 percent, but to no less than five feet.
- 250 **(4) Distance between buildings.** The minimum distance between dwellings on the
251 same parcel, prescribed in this article as twice the minimum side structure
252 setback, may be reduced by up to 10 percent based on the unmodified side
253 setback of the zoning district and subject to any prevailing structure separation
254 requirements of the Florida Building Code.

255

256 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development
257 Code of Escambia County, Chapter 4, Location and Use Regulations, Article 5, Natural
258 Resources, is hereby amended as follows (words underlined are additions and words
259 ~~stricken~~ are deletions):

260 **Sec. 4-5.2 General provisions.**

261 **(a) Approval required.** All land uses and development activities which impact
262 environmentally sensitive lands require prior county review and approval for
263 compliance with the regulations of this article unless the use or activity is specifically
264 identified in the Land Development Code (LDC) as exempt from these regulations.
265 The Board of County Commissioners (BCC) has determined the following land and
266 water resources to be environmentally sensitive lands:

- 267 **(1) Wetlands** as defined by the State of Florida.
- 268 **(2) Shoreline protection zones** as defined in this article.
- 269 **(3) Aquatic preserves** and the Escambia River Wildlife Management Area as defined
270 or authorized by Florida Statutes.
- 271 **(4) Outstanding Florida Waters** as listed in the rules of Florida Administrative Code
272 (Ch. 62-302.700).
- 273 **(5) Habitats of threatened and endangered species** as defined by the U.S. Fish and
274 Wildlife Service (FWS), the Florida Fish and Wildlife Conservation Commission
275 (FWC), or other state or federal agencies.
- 276 **(6) Essential fish habitat**, including seagrasses, defined as those waters and
277 substrate necessary for fish to spawn, breed, feed, or grow to maturity. (See
278 Magnuson-Stevens Act, 16 U.S.C. 1802 (101)).
- 279 **(7) Floodplain areas** identified on the Federal Emergency Management Agency's
280 Flood Insurance Rate Map as areas of special flood hazard subject to a one
281 percent or greater annual chance of flooding.
- 282 **(8) Wellhead protection areas** as defined in this article, including potable water wells,
283 cones of influence, and potable water well fields.

284 (9) Surface waters identified as impaired under Section 303(d) of the Clean Water
285 Act

286**(b) Modification of regulations.** Variances to the strict application of the regulations of
287 this article may only be granted according to the compliance review processes of
288 Chapter 2, and only if such modifications maintain the stated purposes of this article,
289 are specifically allowed by its provisions, and comply with all stated conditions.

290**(c) Environmental trust fund.** The Escambia County Environmental Lands Trust Fund
291 (ECELTF) is established for use in managing wetlands and other environmentally
292 sensitive lands in the county. The county is authorized and directed here to
293 establish the fund and to receive and disburse all monies according to the following
294 provisions:

295 **(1) Fund sources.** The ECELTF shall receive monies from the following sources:

296 a. All revenues collected pursuant to mitigation and enforcement of this article.

297 b. All monies accepted by Escambia County in the form of grants, allocations,
298 donations, contributions, or appropriations for the acquisition, restoration,
299 enhancement, management, mapping, and/or monitoring of environmentally
300 sensitive lands.

301 c. All interest generated from the deposit or investment of ECELTF monies.

302 **(2) Fund maintenance and disbursements.** The ECELTF shall be maintained in
303 trust by the county solely for the purposes prescribed here, in a separate and
304 segregated fund of the county that shall not be commingled with other county
305 funds until disbursed, and only disbursed for the following purposes:

306 a. Acquisition (including by eminent domain), restoration, enhancement,
307 management, mapping, and/or monitoring of environmentally sensitive lands
308 and conservation easements within Escambia County.

309 b. All costs associated with acquisitions, including appraisals, surveys, title
310 search work, real property taxes, documentary stamps, surtax fees, and other
311 transaction costs.

312 c. Costs of administering the activities enumerated in this section.

313**(d) Resource identification.** Where the potential for on-site wetlands or the habitat of
314 threatened or endangered species is indicated, a site-specific survey shall be
315 conducted and shall include the delineation of all such lands on the subject parcel.
316 The survey shall be evaluated for the protection of significant resources prior to
317 clearing, grading or other alterations, and the delineations shall be used in the
318 determination of buildable area on the lot or parcel.

319**(e) Avoidance, minimization, and mitigation.** If a proposed land use or development
320 activity includes impacts to protected natural resources, the application for county
321 compliance review and approval shall include written documentation that adverse
322 impacts to those resources have been avoided to the maximum extent practicable.
323 For unavoidable adverse impacts, the application shall demonstrate that the impacts
324 have been minimized to the greatest extent practicable. Only with such

325 demonstration will the county review and consider a mitigation plan for those
326 impacts.

327 **(1) Clustering.** Where lands proposed for predominantly residential development
328 contain wetlands or the habitat of threatened or endangered species,
329 ~~development dwelling units~~ may be clustered within non-environmentally
330 sensitive areas as prescribed in Article 1 of Chapter 3 to more fully develop
331 available density on the remainder of the parcel and avoid adverse impacts on
332 the resources. ~~to avoid adverse impacts and promote full utilization of property~~
333 ~~rights. This provision overrides any provision in Chapter 3 zoning regulations~~
334 ~~that would otherwise prohibit clustering, with the exclusion of any AIPD areas.~~

335 **(2) Mitigation.** A land use or development activity shall not cause a net adverse
336 impact on resource functions that is not offset by mitigation. Methods to
337 compensate for adverse direct or indirect impacts are required when uses or
338 activities degrade estuaries, wetlands, surface waters, submerged aquatic
339 vegetation, threatened and endangered species habitat and other protected
340 natural resources.

341 **(3) Mitigation plans.** A mitigation plan shall be submitted to the County and
342 include provisions for the replacement of the predominant functional values of
343 the lost resources, specify the criteria by which success will be measured, and
344 specify any necessary maintenance entity and its responsibilities.

345

346 **Section 3.** Part III of the Escambia County Code of Ordinances, the Land Development
347 Code of Escambia County, Chapter 4, Location and Use Regulations, Article 6,
348 Historical and Archaeological Resources, is hereby amended as follows (words
349 underlined are additions and words ~~stricken~~ are deletions):

350 **Sec. 4-6.2 General provisions.**

351 **(a) Identification of resources.** The potential for on-site historical and archeological
352 sites shall be determined through review of the Florida Master Site File, Florida's
353 official inventory of historical and cultural resources maintained by the Florida
354 Department of State, and probability maps found in the technical manual.

355 **(b) Protection required.** To protect historical and archeological sites, land uses and
356 development activities require prior county review and approval for compliance with
357 the regulations of this article unless the use or activity is specifically identified in the
358 LDC as exempt from these regulations. Additionally, these regulations apply to any
359 historical or archeological artifact discovered during any phase of construction until
360 such time as the artifact has been protected or proven insignificant.

361 **(c) Cessation of activities.** Any time historical or archeological artifacts or resources
362 are discovered during the process of construction or development activities, such
363 activities impacting the artifact or resource shall immediately cease until such time
364 as a determination of significance has been provided.

365 (1) **Partial cessation.** If the location of the artifact or resource is such that the area
366 can be protected while construction or development activities continue elsewhere
367 on the site, such protection shall be allowed. However, if the location or nature of
368 the artifact or resource is such that any site disturbing activities would impact the
369 artifact or resource, then activities on the entire site shall cease.

370 (2) **Extension of approval time.** If the cessation of construction or development
371 activities goes beyond the time limits established by development orders,
372 building permits or any other county approvals issued according to the provisions
373 of the LDC, then the time for completion of such activities shall be extended to
374 allow for the successful completion of the development or construction.

375(d) **Determination of significance.**

376 (1) **Artifacts.** The determination of whether or not an artifact is of significant
377 importance and afforded protection by federal or state regulation shall be
378 concluded no later than ten business days after discovery and notification to the
379 county.

380 (2) **State approved.** The determination of the significance of any artifact or
381 historical or archeological evidence found on any construction site or on any site
382 listed on the Florida Master Site File shall be made by those persons, firms or
383 corporations approved to make such determination by the Florida Department of
384 State, Division of Historical Resources.

385(e) **Available resources.** The county shall use any available resources of the Florida
386 Department of State, Division of Historical Resources, in the identification of historic
387 structures within the county. The county will utilize guidance, direction and technical
388 assistance received from the agency to insure protection of identified historic
389 structures, sites and areas. Additionally, the county will utilize state assistance
390 together with the assistance of the University of West Florida and others in
391 identifying newly discovered historic or archeological resources. The identification
392 will include an analysis to determine the significance of the resource.

393(f) **Clustering.** Where lands proposed for predominantly residential development
394 contain historical or archeological resources, the dwelling units may be clustered as
395 prescribed in Article 1 of Chapter 3 to more fully develop available density on the
396 remainder of the parcel and avoid adverse impacts on the resources. ~~Clustering-~~
397 ~~provisions found in Article 5 may be utilized for this resource.~~

398

399 **Section 4. Severability.**

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

403

404 **Section 5. Inclusion in Code.**

405It is the intention of the Board of County Commissioners that the provisions of this
406Ordinance shall be codified as required by F.S. § 125.68 (2016); and that the sections,
407subsections and other provisions of this Ordinance may be renumbered or re-lettered
408and the word "ordinance" may be changed to "section," "chapter," or such other
409appropriate word or phrase in order to accomplish such intentions.

410

411**Section 6. Effective Date.**

412This Ordinance shall become effective upon filing with the Department of State.

413

414**DONE AND ENACTED** this _____ day of _____, 2017.

415

416

**BOARD OF COUNTY COMMISSIONERS
ESCAMBA COUNTY, FLORIDA**

417

418

419

**By: _____
D. B. Underhill, Chairman**

420

421

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

424

425 **By: _____**
426 **Deputy Clerk**

427**(SEAL)**

428

429**ENACTED:**

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

431**EFFECTIVE DATE:**

432