

AGENDA  
ESCAMBIA COUNTY PLANNING BOARD  
June 5, 2018–8:35 a.m.  
Escambia County Central Office Complex  
3363 West Park Place, Room 104

1. Call to Order.
2. Proof of Publication and Waive the Reading of the Legal Advertisement.
3. Approval of Minutes.
  - A. A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the May 1, 2018 Planning Board Meeting.  
  
B. Planning Board Monthly Action Follow-up Report for May 2018.  
  
C. Planning Board 6-Month Outlook for June 2018.
4. Acceptance of Planning Board Meeting Packet.
5. Public Hearings.
  - A. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Zoning Regulations  
  
That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Land Development Code (LDC) Chapter 3, Zoning Regulations, Article 1, General Provisions, Section 3-1.5, Site and Building Requirements, Distance between dwellings.
  - B. A Public Hearing Concerning the Review of an Ordinance Amending the Design Standards Manual, Chapter 1 and Land Development Code, Chapter 6, Definitions  
  
That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Design Standards Manual (DSM), Chapter 1 and Land Development Code (LDC),

## Chapter 6, Definitions

- C. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 2, Development and Compliance Review, Article 5, Subdivisions, Section 2-5.3, Minor subdivisions and amending Chapter 5, Development Standards, Article 3, Division of Land, Section 5-3.2, General provisions

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Land Development Code (LDC) Chapter 2, Development and Compliance Review on Minor Subdivisions and Chapter 5, Development Standards, to modify provisions governing subdivisions and the division of land within the county.

6. Action/Discussion/Info Items.
- A. Shipping Containers Discussion.

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

The next Regular Planning Board meeting is scheduled for **Tuesday, July 3, 2018 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.
12. Adjournment.



## BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

**Planning Board-Regular**

**3. A.**

**Meeting Date:** 06/05/2018

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**Agenda Item:**

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the May 1, 2018 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for May 2018.

C. Planning Board 6-Month Outlook for June 2018.

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**Attachments**

Draft May 1, 2018 Planning Board Regular Meeting Minutes

Monthly Action Follow-Up

Six Month Outlook

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# DRAFT

## MINUTES OF THE ESCAMBIA COUNTY PLANNING BOARD May 1, 2018

CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(9:48 A.M. – 11:40 A.M.)

Present: Reid Rushing  
Jay Ingwell  
Wayne Briske, Chairman  
Patty Hightower  
Alan Gray  
Eric Fears  
William Clay  
Stephen Opalenik

Absent: Timothy Pyle

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

1. Call to Order.
2. Proof of Publication and Waive the Reading of the Legal Advertisement.  
  
Motion by Alan Gray, Seconded by Jay Ingwell  
  
Motion was made to approve the proof of publication and to waive the reading of the legal advertisement.  
**Vote:** 6 - 0 Approved  
  
Other: Timothy Pyle (ABSENT)
3. Approval of Minutes.

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 3, 2018 Regular Planning Board Meeting.
- B. Planning Board Monthly Action Follow-up Report for April 2018.
- C. Planning Board 6-Month Outlook for May 2018.

Motion by Reid Rushing, Seconded by Alan Gray

Motion was made to approve the Regular Planning Board meeting minutes from April 3, 2018.

**Vote:** 6 - 0 Approved

Other: Timothy Pyle (ABSENT)

- 4. Acceptance of Planning Board Meeting Packet.

Motion by Alan Gray, Seconded by Eric Fears

Motion was made to accept the Regular Planning Board Meeting packet for May 1, 2018.

**Vote:** 6 - 0 Approved

Other: Timothy Pyle (ABSENT)

- 5. Public Hearings.

- A. A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 3, Regarding HC/LI Uses

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Land Development Code (LDC), Chapter 3, the HC/LI mainland zoning district, to modify district limits on new residential uses outside of the Industrial FLU, reduce single-family dwelling structure setbacks, and allow microbreweries and like facilities regardless of prior zoning.

Motion by Alan Gray, Seconded by Eric Fears

Motion was made to recommend adoption of the changes.

**Vote:** 6 - 0 Approved

Other: Timothy Pyle (ABSENT)

- B. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 5, Development Standards

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 5, Development Standards, to remove reference to Density Bonuses.

Motion by Reid Rushing, Seconded by William Clay

Motion was made to accept changes and recommend approval.

**Vote:** 6 - 0 Approved

Other: Timothy Pyle (ABSENT)

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

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

Motion by Alan Gray, Seconded by William Clay

Motion was made to recommend approval of the changes.

**Vote:** 6 - 0 Approved

Other: Timothy Pyle (ABSENT)

6. Action/Discussion/Info Items.

A. Discussion Item - Lot Width

Board Members and Staff discussed the item.

7. Public Forum.

Theresa Blackwell spoke at public forum.

8. Director's Review.

9. County Attorney's Report.

10. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, June 5, 2018 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.

12. Adjournment.



# 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 29, 2018  
**RE:** Monthly Action Follow-Up Report for May 2018

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-2018-01**

03-06-18 PB recommended approval  
04-05-18 BCC approved transmittal  
06-21-18 BCC adoption hearing

- **Map Amendments:**

### **LAND DEVELOPMENT CODE ORDINANCES**

#### **Cargo Containers**

04-03-18 PB recommended approval  
05-03-18 BCC wanted more info

#### **Removing Density Bonus**

05-01-18 PB recommended approval  
06-07-18 BCC meeting

#### **HC/LI within MU-S**

05-01-18 PB recommended approval  
06-07-18 BCC meeting

### HC/LI Text Uses

05-01-18 PB recommended approval  
06-07-18 BCC meeting

### REZONING CASES

1. Rezoning Case Z-2017-17  
11-07-17 PB recommended placing case in abeyance until further actions are taken  
11-30-17 BCC meeting to drop  
01-09-18 PB recommended denial  
02-01-18 BCC remanded case back to PB and directed staff to draft 3 options for mobile homes in MDR/HDR zoning districts  
***\*coming back to the PB as a special-use rz case (see #6 below)***
2. Rezoning Case Z-2017-18  
01-09-18 PB voted to bring back to Feb PB  
02-06-18 PB recommended approval  
03-01-18 BCC wanted more info - case is on hold
3. Rezoning Case Z-2018-03  
04-03-18 PB recommended approval  
05-03-18 BCC approved
4. Rezoning Case Z-2018-04  
05-01-18 PB recommended approval  
06-07-18 BCC meeting
5. Rezoning Case Z-2018-05  
05-01-18 PB recommended approval  
06-07-18 BCC meeting
6. Special Rezoning Case SPZ-2018-01  
05-01-18 PB recommended approval  
06-07-18 BCC meeting



# PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR JUNE 2018

(Revised 05/29/18)

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 5, 2018	<ul style="list-style-type: none"> <li>Distance btw DU</li> <li>April DSM Changes</li> <li>Minor S/D Land Divisions</li> </ul>		<ul style="list-style-type: none"> <li>Z-2018-06</li> </ul>	<ul style="list-style-type: none"> <li>Containers</li> </ul>
Tuesday, July 3, 2018	<ul style="list-style-type: none"> <li>Lot Width Solutions</li> </ul>	<ul style="list-style-type: none"> <li>LSA-2018-01</li> </ul>	<ul style="list-style-type: none"> <li>Z-2018-07</li> <li>Z-2018-08</li> </ul>	
Tuesday, August 7, 2018				
Tuesday, September 4, 2018				
Tuesday, October 2, 2018				
Tuesday, November 6, 2018				

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

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



## BOARD OF COUNTY COMMISSIONERS

### Escambia County, Florida

#### Planning Board-Regular

5. A.

**Meeting Date:** 06/05/2018

**Issue:** A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapter 3, Zoning Regulations, Article 1, General Provisions

**From:** Horace Jones, Director

**Organization:** Development Services

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#### **RECOMMENDATION:**

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Zoning Regulations

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Land Development Code (LDC) Chapter 3, Zoning Regulations, Article 1, General Provisions, Section 3-1.5, Site and Building Requirements, Distance between dwellings.

#### **BACKGROUND:**

To change the language on the distance between dwelling units, to allow for more flexibility on site plans and to be more environmental friendly. Distance between dwelling units may be required to have 30 feet between them. New added language will require that the distance does not have to exceed over 15 feet.

#### **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 D. 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.

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### **Attachments**

Draft Ordinance

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**LEGAL REVIEW**

(COUNTY DEPARTMENT USE ONLY)

Document: Ordinance, Distance Between Dwellings

Date: 04-12-18

Date requested back by: 05-10-2018

Requested by: John C Fisher

Phone Number: 595-4651

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(LEGAL USE ONLY)

Legal Review by McCrannford

Date Received: 4/30/18

X

Approved as to form and legal sufficiency.

\_\_\_\_\_

Not approved.

\_\_\_\_\_

Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2018-\_\_\_\_\_

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, SECTION 3-1.5, SITE AND BUILDING REQUIREMENTS, DISTANCE BETWEEN DWELLINGS, NOT REQUIRED TO EXCEED 15 FEET; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

**WHEREAS**, the distance between dwellings shall have an established number not required to exceed 15 feet;

**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, Zoning Regulations, Article 1, General Provisions, Section 3-1.5, Site and Building Requirements, is hereby amended as follows, (words underlined are additions and words ~~stricken~~ are deletions), which is incorporated herein by reference

**LDC, Chapter 3, Zoning Regulations,**

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

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

**(b) Modifications.** Except as may be authorized in this article for the clustering of dwelling units, modifications to the strict application of site and building requirements may only be granted according to the compliance review processes prescribed in Chapter 2, and only if not excluded by other provisions of the LDC.

**(c) Street frontage.** For the application of site and building requirements and other LDC provisions to any lot with no street frontage the Planning Official shall

determine a front lot line in consideration of lot orientation, access, and other relevant conditions. The Planning Official shall also determine the appropriate rear lot line for any lot with multiple street frontages.

**(d) Density.** The number of dwelling or lodging units allowed within a parcel is determined by the product of the total (gross) development parcel area and the maximum density allowed by the applicable zoning district. When the calculated number of allowable units for a parcel result in a fraction greater than or equal to 0.5 units, rounding up to the next whole unit is permitted. However, in the division of an existing lot of record for two single-family lots, the product of the area and density for each proposed lot shall be at least one dwelling unit without rounding, unless the lots are created by the division of an existing public right-of-way. Regardless of the maximum density allowed, each lot of record is vested for a single-family dwelling as established in the preceding section.

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

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

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

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

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

**(3) Distance between dwellings.** Where the applicable zoning district allows more than one dwelling on a single lot, the minimum horizontal distance between such dwellings shall not be less than twice the side yard distance required by the district, but shall not be required to exceed 15 feet, and the minimum distance between any structures shall not be less than the minimum required by the Florida Building Code.

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

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

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

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

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

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

26 (Ord. No. 2017-27, § 1, 5-4-17; Ord. No. 2017-27, § 1, 5-4-2017; Ord. No. 2017-62, § 1, 11-2-2017)  
27

## 28 **Section 2 Severability.**

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

## 33 **Section 3. Inclusion in Code.**

34 It is the intention of the Board of County Commissioners that the provisions of this  
35 Ordinance shall be codified as required by F.S. § 125.68 (2017); and that the sections,  
36 subsections and other provisions of this Ordinance may be renumbered or re-lettered and  
37 the word "ordinance" may be changed to "section," "chapter," or such other appropriate  
38 word or phrase in order to accomplish such intentions.  
39

1  
2 **Section 4. Effective Date.**

3 This Ordinance shall become effective upon filing with the Department of State.  
4

5 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.  
6  
7

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

10  
11 **By:** \_\_\_\_\_

12 **Jeff Bergosh, Chairman**  
13

14 **ATTEST: PAM CHILDERS**  
15 **Clerk of the Circuit Court**  
16

17 **By:** \_\_\_\_\_

18 **Deputy Clerk**  
19

20 **(SEAL)**

21 **ENACTED:**  
22 **FILED WITH THE DEPARTMENT OF STATE:**  
23 **EFFECTIVE DATE:**  
24





## BOARD OF COUNTY COMMISSIONERS

### Escambia County, Florida

#### Planning Board-Regular

5. B.

**Meeting Date:** 06/05/2018

**Issue:** A Public Hearing Concerning the Review of an Ordinance Amending the Design Standards Manual, Ch. 1 and Land Development Code, Ch. 6, Definitions

**From:** Horace Jones, Director

**Organization:** Development Services

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#### **RECOMMENDATION:**

A Public Hearing Concerning the Review of an Ordinance Amending the Design Standards Manual, Chapter 1 and Land Development Code, Chapter 6, Definitions

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Design Standards Manual (DSM), Chapter 1 and Land Development Code (LDC), Chapter 6, Definitions

#### **BACKGROUND:**

At the Professional Advisory Committee (PAC) Meeting on April 11, 2018, the committee reviewed items regarding pond slopes, roadway design, and adding a definition in LDC Chapter 6, and have forwarded these changes to the Planning Board for review and recommendation to the Board of County Commissioners.

#### **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 D. 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.

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### **Attachments**

Draft Ordinance

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LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: DSM items- Ordinance

Date: 5/4/18

Date requested back by: 5/10/18

Requested by: Allyson Cain

Phone Number: 595-3547

.....

(LEGAL USE ONLY)

Legal Review by M. Crawford

Date Received: 5/10/18

X Approved as to form and legal sufficiency.

       Not approved.

       Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2018-\_\_\_\_\_

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 THE DESIGN STANDARDS MANUAL CHAPTER 1, ENGINEERING, SECTION 1-1.4 POND SLOPES, FENCING, AND MAINTENANCE; AMENDING CHAPTER 1, ENGINEERING, SECTION 2-1., ROADWAY DESIGN; AMENDING CHAPTER 1, ENGINEERING, SECTION 2-2.2, REMOVING DENSITY BONUSES; AMENDING CHAPTER 6, DEFINITIONS, SECTION "C", ADDING THE DEFINITION OF "CONVEYANCE SYSTEM"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

**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, Design Standards Manual, Chapter 1, Engineering, 1-1.4, Pond Slopes, Fencing, and Maintenance hereby amended as follows (words underlined are additions and words stricken are deletions), which is incorporated herein by reference.

**DSM, Chapter 1, Article 1 – STORMWATER**

**Sec. 1-1.4 Pond Slopes, Fencing, and Maintenance Access**

All ponds - Retention and detention sides shall slope at a gentle grade into the water as a safeguard against accidents, to encourage the growth of vegetation, allow for proper maintenance, and to allow alternate flooding and exposure of areas along the shore as water levels change.

**(a) Residential Subdivisions (private and public)**

**(1) Side slopes**

- a. Wet ponds - When unfenced, side slopes shall not be steeper than 4:1 (horizontal to vertical) out to a depth of two (2) feet below the control elevation. When fenced, side slopes shall not be steeper than 3:1 out to a depth of two feet below the control elevation.

- 1           b. Dry ponds - Side slopes may not be steeper than 3:1, and must be fenced  
2           when steeper than 4:1 (horizontal to vertical).
- 3           c. Dry Pond Bottom Slope- Shall have a minimum slope of 0.3% from the toe  
4           of pond banks to the nearest edge of any engineered treatment device  
5           (i.e. sand filter, sand chimney) for dry ponds in poor soils.  
6

7           **(2) Fencing** - The required fence shall be six (6) feet high chain link meeting  
8           County technical specifications<sup>1</sup> and be installed along the perimeter of the  
9           pond parcel. Privacy fencing, or other fencing, may be used to supplement  
10          screening to the chain link fence provided it is located within a private fence  
11          easement and offset by a minimum of five (5) feet from the chain link fence  
12          for maintenance.

13          **(3) Stabilization**

14           ~~a. Wet ponds — wet ponds shall be stabilized in solid sod above the~~  
15           ~~permanent pool elevation, unless stabilization is obtained through~~  
16           ~~incorporation of littoral plantings.~~

17           a. Wet ponds-

18           1. Shall be stabilized in solid sod above the permanent pool elevation,  
19           unless stabilization is obtained through incorporation of littoral plantings.

20           2. All pond embankments shall be designed to have an impermeable  
21           clay core of sufficient width and stability and be keyed in below the pond  
22           bottom according to geotechnical recommendations.

23          b. Dry Ponds - Side slopes shall be solid sod from the bottom to three (3)  
24          feet beyond the top of bank

25          **(4) Maintenance access** shall meet the following criteria:

- 26           a. Unobstructed access with a minimum width of fifteen (15) feet to the  
27           wet/dry pond area constructed of graded aggregate a minimum twelve  
28           (12) feet wide, no steeper than 6:1 (horizontal to vertical) at least five (5)  
29           inches thick, and underlain with pervious geotextile fabric.
- 30           b. A concrete driveway from the roadway meeting County standards.
- 31           c. Minimum fourteen (14) feet wide, six (6) feet tall double access gate at the  
32           pond -parcel boundary line.
- 33           d. Dry ponds shall include a minimum twelve (12) feet wide access road into  
34           the bottom of the retention/detention basin no steeper than 6:1. The  
35           access shall be unobstructed and constructed of graded aggregate a  
36           minimum of five (5) inches thick, and underlain with pervious geotextile  
37           fabric.
- 38           e. Access width around the dry pond perimeter shall be a minimum of 5 feet  
39           wide with a cross slope no steeper than 6:1.
- 40           f. Wet ponds shall have a minimum fifteen (15) feet wide access route  
41           around the top bank perimeter of the retention area with a cross slope no

1 steeper than 6:1. access onto the perimeter route shall have a slope no  
2 steeper than 6:1.  
3  
4

5 **(b) Commercial and industrial sites and subdivisions**  
6

7 **(1) Private developments**

- 8 a. Side slopes - Wet or dry ponds. Stormwater basins designed to collect  
9 more than two (2) feet of water must contain side slopes that are not  
10 steeper than 4:1 (horizontal to vertical) out to a depth of two feet below the  
11 control elevation unless fenced to restrict public access.  
12 b. Fencing – Per engineer of record  
13 c. Stabilization – Per engineer of record  
14 d. Maintenance access – Per engineer of record  
15

16 **(2) Public developments -**

- 17 a. Side slopes  
18 1. Wet ponds - When unfenced, side slopes shall not be steeper than 4:1  
19 (horizontal to vertical) out to a depth of two (2) feet below the control  
20 elevation. When fenced, side slopes shall not be steeper than 3:1 out  
21 to a depth of two feet below the control elevation.  
22 2. Dry ponds - Side slopes may not be steeper than 3:1, and must be  
23 fenced when steeper than 4:1 (horizontal to vertical).  
24 b. Fencing - The required fence shall be six (6) feet high chain link meeting  
25 County technical specifications<sup>1</sup> and be installed along the perimeter of  
26 the pond parcel. Privacy fencing, or other fencing, may be used to  
27 supplement screening to the chain link fence provided it is located within a  
28 private fence easement and offset by a minimum of five (5) feet from the  
29 chain link fence for maintenance.  
30 c. Stabilization  
31 1. Wet ponds - Wet ponds shall be stabilized in solid sod above the  
32 permanent pool elevation, unless stabilization is obtained through  
33 incorporation of littoral plantings.  
34 2. Dry Ponds - Side slopes shall be solid sod from the bottom to three  
35 (3) feet beyond the top of bank.  
36 a. Maintenance access - Required (See requirements for  
37 maintenance access, this section).  
38

39 <https://myescambia.com/our-services/public-works/engineering-and-construction>  
40

41 **Section 2.** Part III of the Escambia County code of Ordinances, the Land Development  
42 Code of Escambia County, Design Standards Manual, Chapter 1, Engineering, 2-1,  
43 Roadway Design hereby amended as follows (words underlined are additions and  
44 words stricken are deletions), which is incorporated herein by reference.

1 **DSM, Chapter 1, Article 2 – TRANSPORTATION**

2 **2-1 Roadway Design**

3 All roads and bridges constructed within Escambia County, public or private, shall be  
4 constructed to meet the design and materials standards identified within the DSM and  
5 Escambia County Technical Specifications.

6  
7 Escambia County base requirements are as follows:

- 8 a. All roadways shall require the installation of Graded Aggregate Base from an  
9 FDOT approved supplier, and meeting the requirements of technical specification  
10 2400 per the Escambia County Technical Specifications.
- 11 b. Lime rock may be substituted for Graded Aggregate Base on all roadways with at  
12 least four (4) foot separation between the bottom of the base and the seasonal  
13 high ground water table if supported by the geotechnical engineering report. A  
14 note shall be included on the plans as follows: The Limerock must meet FDOT  
15 specifications and shall be from an FDOT approved supplier. The contractor  
16 shall utilize appropriate methods to prevent moisture intrusion until completely  
17 paved. Any apparent failure during the two-year warranty period shall require the  
18 removal of the asphalt and limerock base material (across the entire roadway  
19 width and 50' either side of the failed area), replacement with Graded Aggregate  
20 Base, and re-paving of the area.
- 21 c. All roadways on the barrier islands shall require the installation of Bahama Rock.

22 Approval by the County Engineer is required prior to the use of any other substitution of  
23 base material. This approval process shall utilize the County approval form.

24  
25 **Section 3.** Part III of the Escambia County code of Ordinances, the Land Development  
26 Code of Escambia County, Design Standards Manual, Chapter 1, Engineering, 2-2.2,  
27 Pedestrian Access hereby amended as follows (words underlined are additions and  
28 words stricken are deletions), which is incorporated herein by reference.

29  
30 **DSM, Chapter 1, Article 2 – TRANSPORTATION**

31 **2-2.2 Pedestrian Access**

32 **(a) Commercial Development**

33 For commercial sites with buildings individually or cumulatively 50,000 GSF or greater,  
34 pathways through parking lots and across driveways between buildings and out parcels  
35 shall be provided for pedestrians. Such pathways shall be separated from vehicle  
36 driveways and shall be clearly identified by curbs, pavement markings, planting areas,  
37 fences or similar features designed to promote pedestrian safety.

1 **(b) Sidewalks**

2 Sidewalks are to be constructed along the *frontage of a development* if any of the  
3 following conditions apply:  
4

- 5       1. An existing sidewalk abuts the development, or is on one or both sides of an  
6       intervening/intersecting street.  
7       2. The need for site specific improvements are identified within an approved  
8       Florida/Alabama TPO Bike/Pedestrian Master Plan.  
9       3. When 50% or more of any developable portion of the property is within 2  
10      miles of public school property as measured radially from the school's main  
11      front office entrance.

12       *Frontage shall be described as the property line that is located closest to the*  
13       *shortest walkable route to the school and possesses at least one main*  
14       *subdivision entrance.*  
15

16 **(c) Bikeways**

17 Class I (separated from the roadway) or II (striped) bikeways shall be constructed along  
18 the frontage of a development if any of the following conditions apply:

- 19       1. An existing bikeway abuts the development; or  
20       2. The need for a bikeway is identified by TPO Bike and Pedestrian Plan.  
21

22 **(d) Repair**

23 Existing sidewalks and bikeways damaged during the development of a property shall  
24 be repaired or replaced by the owner of such property as directed by the division  
25 manager, development services.  
26

27 **(e) Connectivity**

28 A separate access connection that routes pedestrians from the sidewalk to the building  
29 shall be provided for developments which are expected to attract pedestrian traffic.  
30  
31

32 **~~(f) Density bonuses~~**

33 ~~Details regarding the provisions for density bonuses for sidewalks and bike paths are~~  
34 ~~provided in LDC Chapter 3 — zoning.~~  
35

36 **Section 4.** Part III of the Escambia County Code of Ordinances, the Land Development  
37 Code of Escambia County, Chapter 6, Definitions, is hereby amended as follows (words  
38 underlined are additions and words stricken are deletions):  
39  
40



1 **LDC Chapter 6, Definitions**

2  
3 **Convenience store.** A small-scale retail establishment, typically with extended hours of  
4 operation, that sells a limited line of groceries, household items, and other convenience  
5 goods, and which may also sell automotive fuels.

6 Conveyance system. A drainage system made up of above or below ground collection  
7 system conveying stormwater flow accumulated from an area of at least three lots or  
8 three-quarter of an acre, whichever is less.

9 **Corner lots.** A lot which abuts two or more streets at their point of intersection. There  
10 shall be a front yard on one street side of a corner lot; provided, however, that the  
11 buildable width of such lot shall not be reduced to less than 30 feet; provided further that  
12 no accessory building on a corner lot shall project beyond the setback on any street.

13  
14 **Section 5. Severability.**

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

18  
19 **Section 6. Inclusion in Code.**

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

25  
26  
27  
28  
29 **INTENTIONALLY LEFT BLANK**

**Section 7. Effective Date.**

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

**DONE AND ENACTED** this\_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

**By:** \_\_\_\_\_  
**Jeff Bergosh, 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

5. C.

**Meeting Date:** 06/05/2018

**Issue:** A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapter 5, Article 3, and Chapter 2, Article 5

**From:** Horace Jones, Director

**Organization:** Development Services

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#### **RECOMMENDATION:**

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 2, Development and Compliance Review, Article 5, Subdivisions, Section 2-5.3, Minor subdivisions and amending Chapter 5, Development Standards, Article 3, Division of Land, Section 5-3.2, General provisions

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Land Development Code (LDC) Chapter 2, Development and Compliance Review on Minor Subdivisions and Chapter 5, Development Standards, to modify provisions governing subdivisions and the division of land within the county.

#### **BACKGROUND:**

To clarify the process of splitting lots or the division of land. Creating a more established starting point of dividing land by using the Lot of Record as a starting point. For the purposes of the LDC, the lot of record (as defined in Chapter 6) is the reference for any division of land and the basis for determining the applicable review and approval process for such division.

#### **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 D. 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.

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**Attachments**

Draft Ordinance

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LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Minor Subdivision Land Division

Date: 05-15-18

Date requested back by: 05-16-2018

Requested by: John C Fisher

Phone Number: 595-4651

.....

(LEGAL USE ONLY)

Legal Review by MD Crawford

Reviewed  
Date Received: 5/22/18

☒ Approved as to form and legal sufficiency.

☐ Not approved.

☐ Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2018-\_\_\_\_\_

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 2, DEVELOPMENT AND COMPLIANCE REVIEW, ARTICLE 5, SUBDIVISIONS, SECTION 2-5.3, MINOR SUBDIVISIONS, AMENDING CHAPTER 5, GENERAL DEVELOPMENT STANDARDS, ARTICLE 3, DIVISION OF LAND, SECTION 5-3.2, GENERAL PROVISIONS, TO MODIFY PROVISIONS GOVERNING SUBDIVISIONS AND THE DIVISION OF LAND WITHIN THE COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

**WHEREAS**, the County finds it necessary to modify regulations governing the development of subdivisions and the general division of land to ensure orderly land development patterns and to protect the citizens of the County from any off-site impacts which may be caused by subdivision or division of land; and

**WHEREAS**, it is necessary to establish and define a point of beginning for all division of land in order to regulate the subsequent division of land; and

**WHEREAS**, the County finds it necessary to clarify definitions related to subdivisions and the division of land; and

**WHEREAS**, the Board of County Commissioners finds that it is in the best interest of the health, safety, and general welfare of the County to modify its provisions governing subdivisions and the division of land.

**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 2, Development and Compliance Review, Article 5, Subdivisions, Section 2-5.3, Minor subdivisions, is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

## Chapter 2 DEVELOPMENT AND COMPLIANCE REVIEW

### Article 5 Subdivisions

#### Sec. 2-5.3 Minor subdivisions.

**(a) General.** Minor subdivision approval is a limited option for the subdivision of ~~land~~ one or more lots of record where the supporting infrastructure is already in place ~~final plat is not recorded in the public records of the county and the subdivision is not~~ subject to the platting requirements of Florida ~~S~~tatutes. ~~One of the requirements is that the supporting infrastructure is already in place. Unless subdivision complies with A minor subdivision shall fulfill all of the following criteria:, it is not eligible for the~~ minor subdivision option and shall require preliminary and final plat approval as prescribed in this article:

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

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

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

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

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

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

#### **(b) Approval process.**

Checklists provided by the appropriate department will give the applicant quick and ready access to the requirements of this article. Approved minor subdivisions shall be effective and remain valid for period of 1 year from the date of approval. The minor subdivision plat shall expire and be void if each of the newly created lots are not recorded by deed or other legal instrument in the official records of Escambia County within the valid period of approval.

**Section 2.** Part III of the Escambia County code of Ordinances, the Land Development Code of Escambia County, Chapter 5, General Development Standards, Article 3,

Division of Land, Section 5-3.2, General provisions, is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

## **Chapter 5 GENERAL DEVELOPMENT STANDARDS**

### **Article 3 Division of Land**

#### **Sec. 5-3.1 Purpose of article.**

This article establishes land development standards for the division of land that implement Comprehensive Plan policies requiring the uniform subdivision regulations that support and facilitate the desired development patterns. It is the intent of these standards to promote sound communities and healthful living environments as well as to require new development to bear its fair share of the costs of providing adequate public facilities and services.

#### **Sec. 5-3.2 General provisions.**

**(a) Approval required.** The division of land requires County review and approval for compliance with the standards of this article unless the division is specifically identified in the LDC as exempt from these standards. For the purposes of the LDC, the lot of record (as defined in Chapter 6) is the reference for any division of land and the basis for determining the applicable review and approval process for such division.

**(b) Modification of standards.** Variances to the strict application of the standards of this article are not available from the Planning Official, BOA or SRIA. Where the provisions of this article specifically allow, the County Engineer has discretion within accepted standards of engineering practice to allow for modifications that maintain the stated purposes of the article.

**(c) Creation of new lots.** No lot shall be created which requires a variance or another exception to the requirements of the LDC to provide sufficient buildable area or other conditions necessary to use the lot for its intended purposes. Additionally, unless established through the family conveyance exception of this section or the division of a lot of record into two single-family lots by an existing public right-of-way as authorized in Article 1 of Chapter 3, the creation of any new lot shall comply with the following:

**(1) Zoning compliant.** Each lot provides the minimum lot area and dimensions required by the applicable zoning district.

**(2) Right-of-way frontage.** Each lot fronts on a public or private right-of-way, whether improved or unimproved, which conforms to the definition of "street" in Chapter 6. Although such right-of-way typically affords the principal means of lot access, frontage along a right-of-way does not authorize or require access to that street.

**(3) Subdivision review.** The creation of lots by the division of a ~~parcel~~ lot of record into three or more contiguous lots (i.e., subdivision) shall be reviewed for



1 ~~compliance~~ comply with the ~~subdivision~~ standards of this article and shall be  
2 ~~reviewed for compliance as~~ through the applicable subdivision review process  
3 prescribed in Chapter 2.

4 **(d) Family conveyance exception.** No division of land or building permit shall be  
5 denied where the property in question is to be used solely as a homestead by an  
6 owner-applicant who is the grandparent, parent, step-parent, adopted parent, sibling,  
7 child, step-child, adopted child, niece, nephew, aunt, uncle or grandchild of the  
8 person who conveyed the parcel to such applicant, notwithstanding the density or  
9 intensity of use assigned to the parcel by a particular zoning district. An affidavit of  
10 qualifying family relationship shall be filed with the application for this exception and  
11 shall be recorded in the Official Records of Escambia County, Florida with a copy to  
12 the Escambia County Property Appraiser, at the expense of the applicant. This  
13 exception shall apply only once to any owner-applicant.

14 **(e) Completion of platting.** Unless otherwise exempt under provisions of the LDC,  
15 before any lot may be sold or before any building permit is issued to construct  
16 improvements on any lot that makes reference to the final plat, the plat shall be  
17 approved by the Board of County Commissioners (BCC) and recorded in the public  
18 records of Escambia County.

### 20 **Section 3 Severability.**

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

### 25 **Section 4. Inclusion in Code.**

26 It is the intention of the Board of County Commissioners that the provisions of this  
27 Ordinance shall be codified as required by F.S. § 125.68 (2017); and that the sections,  
28 subsections and other provisions of this Ordinance may be renumbered or re-lettered and  
29 the word "ordinance" may be changed to "section," "chapter," or such other appropriate  
30 word or phrase in order to accomplish such intentions.

31  
32  
33 **INTENTIONALLY LEFT BLANK**  
34  
35

**Section 5. Effective Date.**

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

**DONE AND ENACTED** this\_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

By: \_\_\_\_\_  
**Jeff Bergosh, 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**  
**Meeting Date:** 06/05/2018

**6. A.**

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**Agenda Item:**

Shipping Containers Discussion.

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**Attachments**

Working Draft

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# Discussion Draft for Reconsideration of Shipping Containers

## Article 7 Supplemental Use Regulations

### Sec. 4-7.12 Shipping containers.

(a) **General conditions.** When in compliance with the provisions of this section, shipping containers, as defined herein, may be used outdoors for purposes other than the original industrial intermodal shipping for which they were designed. The primary considerations in any alternative use are whether the container placement will be temporary or permanent and its use residential or non-residential. The specific use of containers as components of structures engineered in compliance with the *Florida Building Code* is not limited by the provisions of this section.

(b) **Container defined.** For the purposes of this section, a shipping container is a standardized, reusable, and portable industrial container designed and manufactured to specifications of the International Organization for Standardization for the intermodal shipping of goods and commodities by ship, rail, and truck. A shipping container may also be known as a cargo container, ISO container, intermodal container, conex (container for export) box, or sea can.

(c) **General limits.** The following limits apply to all alternative uses and locations of shipping containers outdoors, whether temporary or permanent, residential or non-residential:

(1) **Period of use.** As defined in Chapter 6, container placement authorized for a limited time and discontinued upon expiration of that time is temporary; all other placement is considered permanent.

(2) **Container type.** Authorizations within this section are for uses of general purpose dry storage containers, standard (8.5 ft. high) or "high cube" (9.5 ft. high), including tunnel and open side configurations, but not for any use of tank, drum, flat rack, half height, refrigerated, or other special purpose shipping containers.

(3) **Other units.** The authorizations for alternative uses of shipping containers do not authorize the use of truck bodies, semi-trailers, solid waste containers, tanks, or other vessels for any alternative uses.

(4) **Habitation.** No container shall be used for human habitation unless converted to habitable space in compliance with all applicable regulations and as authorized by a building permit. For these purposes, habitable space is that space within a structure designated for living, sleeping, eating, or cooking, or as habitable space may otherwise be defined by the *Florida Building Code*.

(5) **Placement.** No container shall be placed within any right-of-way, easement, jurisdictional wetland, floodway, drainage swale, buffer, or greenbelt, and no container shall be allowed to obstruct or reduce any fire lane, fire escape, window, door, or other means of structure or site egress. Additionally, no

1 container shall be permanently placed in any manner that creates  
2 nonconformance regarding parking, loading, landscaping, outdoor storage, lot  
3 coverage, or other site development standards.

4 **(6) Appearance.** All containers displayed for sale or permanently placed shall be  
5 maintained in good condition and free of all graffiti and signage.

6 **(7) Stacking.** No container shall be stacked upon another container, or otherwise  
7 raised more than eight inches above grade, unless authorized by a building  
8 permit for the construction of a structure.

9 **(d) Temporary placement.** Except for the active intermodal shipping of containers  
10 through commercial or industrial facilities authorized for such shipping, the  
11 temporary outdoor placement of shipping containers may only be authorized for the  
12 following uses:

13 **(1) Portable storage containers.** Portable storage container use in compliance  
14 with the temporary uses and structures provisions in Article 7 of Chapter 4.

15 **(2) Construction containers.** The storage of construction material and equipment  
16 by licensed contractors, incidental to ongoing authorized construction activities  
17 within the parcel on which, and during the time within which, the construction has  
18 been authorized.

19 **(3) Seasonal storage.** Excluding Perdido Key parcels, the seasonal storage of  
20 merchandise within a parcel whose authorized principal use is the retail sales for  
21 which the merchandise is stored. On mainland parcels, this storage is limited to  
22 containers remaining in active intermodal shipping service, stored on site for a  
23 maximum 120 days per calendar year, and placed only within side or rear yards.  
24 On Pensacola Beach parcels, the terms of any seasonal use of containers is  
25 defined by a site-specific written agreement with the SRIA prior to use.

26 **(e) Permanent placement.** The permanent outdoor placement of a shipping container  
27 is considered a change of use from its original intermodal shipping to use as a  
28 structure, unless the placement is authorized for sales or bulk storage of containers.  
29 Permanent placement for any use is prohibited on Perdido Key and Pensacola  
30 Beach, and may be authorized elsewhere only through a county land use certificate.  
31 An individual certificate may authorize one or more containers on the same parcel  
32 when they comply with the provisions of this section.

33 **(1) Stormwater limits.** Any permanent placement of containers on a parcel shall  
34 comply with the impervious cover maximum of the applicable parcel zoning, and  
35 with any further site cover or grading constraints that may be imposed by a  
36 required stormwater management plan.

37 **(2) Use-based limits.** In addition to the preceding general limits for all alternative  
38 uses of containers, other specific limits are separately applicable to the  
39 permanent placement of containers for residential and non-residential uses.

- 1       a. **Residential use.** On parcels of residential use, shipping containers may only  
2       be converted to storage sheds or other accessory structures in compliance  
3       with the *Florida Building Code* and the following conditions:
- 4       1. **Zoning.** The parcel of the dwelling is zoned Agricultural (Agr), Rural  
5       Residential (RR), Rural Mixed-use (RMU), Commercial (Com), Heavy  
6       Commercial and Light Industrial (HC/LI), or Industrial (Ind).
- 7       2. **Parcel size.** If within Agr, RR, or RMU zoning, the parcel of the dwelling  
8       is no less than 2 acres in size; and if within Com, HC/LI, or Ind, the parcel  
9       is no less than one-half acre.
- 10      3. **Quantity.** There are no more than two shipping containers of any size on  
11      the parcel of the dwelling.
- 12      4. **Placement.** The placement of containers is limited to the side and rear  
13      yards of the dwelling, with a minimum setback of 10 feet from any property  
14      line of the dwelling parcel.
- 15      5. **Screening.** The containers are substantially screened from view from any  
16      adjoining property, including public rights-of-way, by any combination of  
17      existing evergreen vegetation, berms, and authorized permanent  
18      structures, including dwellings, fences, and walls.
- 19      6. **Other conditions.** The containers comply with all other provisions of the  
20      LDC applicable to accessory structures.
- 21      b. **Non-residential use.** On parcels of non-residential use, or where residential  
22      is not the predominant use, shipping containers may be placed as items of  
23      storage or as accessory structures. However, outdoor storage and structures  
24      are subject to different standards, and authorization for one is not  
25      authorization for the other. Containers authorized as structures shall comply  
26      with applicable provisions of the *Florida Building Code*, and all uses of  
27      containers shall comply with the following:
- 28      1. **Zoning.** The use is authorized by the applicable zoning district, either as  
29      the principal use or accessory (customary and incidental) to the principal  
30      use.
- 31      2. **Not prohibited.** The use is not otherwise prohibited by any condition of  
32      development approval.
- 33      3. **Setbacks.** The containers are placed a minimum five feet from the  
34      nearest property line, and a minimum 10 feet from any residentially used  
35      or zoned property.
- 36      4. **Buffering.** Placement of a container on any parcel with non-conforming  
37      buffering for the principal use shall require the provision of buffering in  
38      compliance with the current landscaping standards.
- 39      5. **Size.** The containers do not exceed 40 feet in length.

- 1  
2  
3  
4
6. **Use as authorized.** Containers authorized only as items of storage on a parcel are not used as structures on that parcel.
  7. **Other conditions.** The containers comply with all other applicable provisions of the LDC.