

AGENDA  
ESCAMBIA COUNTY PLANNING BOARD  
February 5, 2019–8:35 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. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the January 8, 2019 Planning Board Regular Meeting.
    - B. Planning Board Monthly Action Follow-up Report for January 2019.
    - C. Planning Board 6-Month Outlook for February 2019.
5. Acceptance of Planning Board Meeting Packet.
6. Public Hearings.
  - A. A Public Hearing Concerning the Review of an Ordinance Amending Chapters 2 and 4 Regarding Accessory Structures on Pensacola Beach.

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Land Development Code (LDC), Chapters 2 and 4, to clarify general variance provisions and the regulation of accessory structures, especially those on Pensacola Beach and as may be directed by the Santa Rosa Island Authority.
7. Action/Discussion/Info Items.
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, March 5, 2019 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: 02/05/2019**

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**Agenda Item:**

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the January 8, 2019 Planning Board Regular Meeting.
- B. Planning Board Monthly Action Follow-up Report for January 2019.
- C. Planning Board 6-Month Outlook for February 2019.
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**Attachments**

Draft January 8, 2019 Planning Board Regular Meeting Minutes

Monthly Action Follow-Up

Six Month Outlook

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# DRAFT

## MINUTES OF THE ESCAMBIA COUNTY PLANNING BOARD January 8, 2019

CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(10:25 A.M. – 12:23 P.M.)

Present: Reid Rushing  
Jay Ingwell  
Timothy Pyle  
Patty Hightower  
Alan Gray  
Eric Fears  
William Clay

Absent: Wayne Briske, Chairman  
Stephen Opalenik

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning  
Griffin Vickery, Urban Planner, Planning & Zoning  
Horace Jones, Director, Development Services  
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.
3. 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: Wayne Briske (ABSENT)

4. Approval of Minutes.

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the December 4, 2018 Regular Planning Board Meeting.
- B. Planning Board Monthly Action Follow-up Report for December 2018.
- C. Planning Board 6-Month Outlook for January 2019.

Motion by Reid Rushing, Seconded by Alan Gray

Motion was made to approve the Rezoning Planning Board meeting minutes from December 4, 2018.

**Vote:** 6 - 0 Approved

Other: Wayne Briske (ABSENT)

- 5. Acceptance of Planning Board Meeting Packet.

Motion by Reid Rushing, Seconded by Alan Gray

Motion was made to accept he Regular Planning Board meeting packet for January 8, 2019.

**Vote:** 6 - 0 Approved

Other: Wayne Briske (ABSENT)

- 6. Public Hearings.

- A. A Public Hearing Concerning the Review of an Ordinance adopting the 2018-2022 Update to the Five- Year Schedule of Capital Improvements

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance adopting the Five-Year Schedule of Capital Improvements, pursuant to Section 163.3177(3)(b), Florida Statutes, and Objective CIE 1.2, Escambia County Comprehensive Plan: 2030

Motion by Alan Gray, Seconded by Eric Fears

Motion was made to recommend approval to the BCC, as presented.

**Vote:** 6 - 0 Approved

Other: Wayne Briske (ABSENT)

- B. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Section 3-2.11; Chapter 4, Section 4-7.13

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 3, Section 3-2.11, Heavy Commercial & Light Industrial, and Chapter 4, Section 4-7.13, Temporary Uses and structures.

Motion by Jay Ingwell, Seconded by Eric Fears

Motion was made to recommend denial to the BCC.

**Vote:** 4 - 2 Approved

Voted No: Alan Gray  
William Clay

Other: Wayne Briske (ABSENT)

7. Action/Discussion/Info Items.

A. Location Criteria Discussion.

Board Members asked to schedule a workshop on this item to have more time to discuss.

8. Public Forum.

Larry Downs, Jr., Jacqueline Rogers, and Melissa Pino spoke at 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, February 5, 2019 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:** January 25, 2019  
**RE:** Monthly Action Follow-Up Report for January 2019

The following is a status report of Planning Board (PB) agenda items for the prior month of January. 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-2018-02**

10-01-18 PB recommended denial  
11-01-18 BCC transmitted to DEO  
02-07-19 BCC meeting (2of2)

• **Map Amendments:**

**LSA-2018-01**

07-10-18 Applicant requested continuance to next PB  
08-07-18 PB recommended denial  
09-06-18 BCC remanded case back to PB (*ON HOLD for comp plan change CPA-2018-02*)

## **LAND DEVELOPMENT CODE ORDINANCES**

### **Medical Marijuana**

10-01-18 PB recommended approval  
11-19-18 BCC reviewed (1of2)  
01-10-19 BCC approved

### **CIP**

01-08-19 PB recommended approval  
02-07-19 BCC meeting

### **Temp Auto Sales**

01-08-19 PB recommended denial  
02-07-19 BCC meeting

## **REZONING CASES**

1. Rezoning Case Z-2018-08 (*on HOLD with LSA-2018-01*)
  - 07-10-18 Applicant requested continuance to next PB meeting
  - 08-07-18 PB meeting ended before hearing
  - 09-04-18 No quorum at PB mtg
  
2. Rezoning Case Z-2018-17
  - 11-08-18 PB recommended approval
  - 12-06-18 BCC remanded back to PB
  - 01-08-19 PB recommended approval
  - 02-07-19 BCC meeting
  
3. Rezoning Case Z-2018-11
  - 12-04-18 PB recommended approval
  - 1-10-19 BCC approved
  
4. Rezoning Case Z-2018-19
  - 12-04-18 PB recommended approval
  - 1-10-19 BCC approved
  
5. Rezoning Case Z-2019-01
  - 01-08-19 PB recommended approval
  - 02-07-19 BCC meeting



# PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR FEBRUARY 2019

(Revised 1/25/19)

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
<b>Tuesday, February 5, 2019</b>	<ul style="list-style-type: none"> <li>• Acc. Struct. on P'Cola Beach</li> </ul>		<ul style="list-style-type: none"> <li>• Z-2019-02</li> <li>• Z-2019-03</li> </ul>	
<b>Tuesday, March 5, 2019</b>	<ul style="list-style-type: none"> <li>• VRD-2019-01</li> </ul>			
<b>Tuesday, April 2, 2019</b>				
<b>Tuesday, May 7, 2019</b>				
<b>Tuesday, June 4, 2019</b>				
<b>Tuesday, July 2, 2019</b>				

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



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**6. A.**

**Meeting Date:** 02/05/2019

**Issue:** A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapters 2 and 4 Regarding Accessory Structures on Pensacola Beach

**From:** Horace Jones, Director

**Organization:** Development Services

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**RECOMMENDATION:**

A Public Hearing Concerning the Review of an Ordinance Amending Chapters 2 and 4 Regarding Accessory Structures on Pensacola Beach.

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Land Development Code (LDC), Chapters 2 and 4, to clarify general variance provisions and the regulation of accessory structures, especially those on Pensacola Beach and as may be directed by the Santa Rosa Island Authority.

**BACKGROUND:**

The Santa Rosa Island Authority recognized that its established review responsibilities and practices regarding accessory structures on Pensacola Beach were only described by the LDC for residential uses, and not accurately described within either the code's variance provisions or its supplemental use regulations. In the resolution of these deficiencies, the general application of variances to eligible development standards is clarified and appropriate modifications are made to the supplemental use regulations that govern accessory uses and structures.

**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 recommendations or legal sufficiency comments made in that review are 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. The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

**IMPLEMENTATION/COORDINATION:**

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

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

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

Draft Ordinance annotated

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1 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development  
2 Code of Escambia County, Chapter 2, Development and Compliance Review, Article 6,  
3 Special Conditions and Circumstances, is hereby amended as follows (words  
4 underlined are additions and words ~~stricken~~ are deletions):

5 **Article 6 Special Conditions and Circumstances**

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

7 **(a) General.** ~~An applicant may request a variance to specified provisions of the LDC.~~  
8 The variance process considers whether there are deficiencies in real property that  
9 create hardships which limit or prevent development in compliance with LDC  
10 standards. Variances provide relief by allowing adjustments in eligible development  
11 standards to permit the reasonable use of land, mitigate limited site-specific  
12 conditions, and avoid undue hardship. A variance authorizes site use in a manner  
13 that is not otherwise allowed by the dimensional or physical requirements of the  
14 LDC, ~~but.~~ However, a variance cannot authorize uses any use that are is prohibited  
15 by the applicable zoning district or remedy any general hardship conditions that may  
16 extend to other sites properties. No applicant is automatically entitled to a variance.

17 **(b) Limits on variances.** Minor variances of 20% or less that are of mutual benefit to  
18 the public and the applicant are evaluated and may be approved by the Planning  
19 Official. All other variances shall be evaluated as substantial hardships through  
20 quasi-judicial public hearing review by the Board of Adjustment (BOA),<sub>2</sub> or by the  
21 SRIA for Pensacola Beach properties.

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

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

32 **(bc) General variance conditions.** All variances shall satisfy the following conditions:

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

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

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

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

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

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

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

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

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

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

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

30 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent  
31 via U.S. mail to the address registered with the property appraiser for each  
32 owner of real property with any portion of the property located adjacent to  
33 the subject property. The cost of the mailing is to be borne by the applicant.

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

38 **a. Exceptional conditions.** There are exceptional conditions or circumstances  
39 that are unique to the land in question, not ordinarily found on other lands in  
40 the vicinity and not a result of the owner's intentional action. Unique  
41 conditions or circumstances include exceptional narrowness, shallowness,

1 shape, or topographic conditions of the land or the presence of  
2 environmentally sensitive lands in or around the land.

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

9 **(4) Final determination.**

- 10 **a. Action of board.** If the reviewing board finds from the established record of  
11 the hearing that there is a compelling demonstration by the applicant of  
12 competent substantial evidence proving the required conditions, the board  
13 shall grant a variance. However, a variance may only be granted to the  
14 extent supported by the evidence presented.

- 15 **b. Period of valid approval.** If not otherwise reduced as a condition of  
16 approval, a variance is valid for two years from the date of approval. If within  
17 that period the variance is not part of an approved site development  
18 application or one continuing in good faith as determined by the Planning  
19 Official and no application for its extension has been submitted according to  
20 the provisions of this article, the variance approval expires and is void. Once  
21 the variance is part of an approved site development plan, however, the  
22 variance will remain valid through the approved plan.

- 23 **c. Other conditions of approval.** In granting a variance, the reviewing board  
24 shall have the authority to attach any conditions directly related to the  
25 variance as the board may find necessary for satisfaction of the variance  
26 conditions and preservation of the intent of the subject standard.

27 **Section 3.** Part III of the Escambia County Code of Ordinances, the Land Development  
28 Code of Escambia County, Chapter 4, Location and Use Regulations, Article 7,  
29 Supplemental Use Regulations, is hereby amended as follows (words underlined are  
30 additions and words ~~stricken~~ are deletions):

31 **Article 7 Supplemental Use Regulations**

32 **Sec. 4-7.3 Accessory uses and structures**

- 33 **(a) General conditions.** Accessory uses and structures shall be allowed in compliance  
34 with the provisions of the applicable zoning district and this section.

- 35 **(1) Subordinate.** An accessory use shall be subordinate in extent and purpose to  
36 the principal use and not simply a different, alternative or additional use. Multiple  
37 uses on a parcel may each be classified as a principal use, so the determination  
38 of subordinate uses shall, at a minimum, consider the following:

- 1       **a. Area.** The area devoted to the use in relation to the principal use. However,  
2       the fact that a use occupies less area does not necessarily make the use  
3       accessory.
- 4       **b. Time.** The time devoted to the use in relation to the principal use. For  
5       example, a seasonal activity may be accessory in relation to a year-round  
6       primary use, but a year-round use would not be subordinate to a seasonal  
7       primary use.
- 8       **c. Intensity.** The relative intensity of the use and the resulting impacts on the  
9       land and neighboring properties.
- 10       **d. Employees.** The number of employees assigned to a use. However, an  
11       accessory use need not always have fewer employees than the principal use.

12       **(2) Customarily incidental.** An accessory use shall be customarily incidental to the  
13       principal use, having commonly, habitually, and by long practice been  
14       established as reasonably associated with that use. A rare association of uses  
15       does not qualify as customary, but the uses need not be joined in a majority of  
16       the instances of the principal use. Additionally, an incidental use must have a  
17       reasonable relationship to the principal use, being clearly associated, attendant  
18       or connected. A use is customarily incidental when it is so necessary or so  
19       commonly to be expected in connection with the principal use that it cannot be  
20       reasonably supposed that the LDC intended to prevent it.

21       **(3) Establishment.** Unless otherwise specifically allowed by the provisions of the  
22       LDC, accessory uses and structures may only be established concurrently with  
23       or following the lawful establishment of a validating principal use or structure.

24       **(4) Location.** An accessory use or structure shall be located on the same lot as the  
25       principal use or structure. Accessory structures are limited to locations within  
26       side and rear yards, except as specifically allowed by LDC provisions, including  
27       the following:

- 28       **a. Large residential lots.** Accessory structures, including an accessory dwelling  
29       unit, on a lot ten acres in size or larger may be located within the front yard of  
30       the principal dwelling if the structures are at least 60 feet from the front lot line.
- 31       **b. Waterfront lots.** Accessory structures may be located in the front yard of a  
32       waterfront lot if the structures are at least 60 feet from the front lot line and  
33       granted conditional use approval by the Board of Adjustment (BOA).
- 34       **c. Signs and fences.** Signs and fences as accessory structures may be located  
35       within a front yard if in compliance with the sign and fence standards  
36       prescribed in Chapter 5.
- 37       **d. Fuel pumps.** Pumps and pump islands for retail fuel sales may be located  
38       within the front yard of a conforming non-residential use if the pumps and  
39       islands are at least 20 feet from any street right-of-way.
- 40       **e. Sewage systems.** The underground components of an on-site sewage  
41       treatment and disposal system (e.g., septic tank and drain field) may be



1 located within a front yard as necessary to obtain sufficient open space if the  
2 components are at least five feet from any lot line.

3 **f. Deposit boxes.** Deposit boxes for the donation of used items to charitable  
4 organizations may be located within the front yard of a conforming  
5 non-residential use if the total area coverage by the boxes is limited to 100  
6 square feet and they are placed in compliance with the sight visibility and sign  
7 standards prescribed in Chapter 5.

8 **g. Automated vending.** Automated vending structures may be located within  
9 the front yard of a conforming non-residential use if the vending structures are  
10 at least 20 feet from any street right-of-way and in compliance with the sight  
11 visibility and sign standards prescribed in Chapter 5. Such structures shall  
12 also be freestanding, self-contained, and unattended; have separately metered  
13 utilities; and be limited to on-demand self-service commercial activities such as  
14 the retail sale of ice or the provision of banking services.

15 **(5) Size in relation to single-family dwellings.** Structures accessory to a single-  
16 family dwelling, including accessory dwelling units, are subject to the following  
17 size limits, excluding accessory structures on farms or within agricultural zoning:

18 **a. Less than two acres.** On lots smaller than two acres, no individual  
19 accessory structure may exceed 50 percent of the gross floor area of the  
20 principal dwelling.

21 **b. Two to five acres.** On lots two acres to five acres, no individual accessory  
22 structure may exceed 75 percent of the size of the gross floor area.

23 **c. Greater than five acres.** On lots larger than five acres, no individual  
24 accessory structure may exceed the size of the principal dwelling.

25 Structures larger than the limits established here shall require variance approval  
26 from the BOA.

27 ~~**(6) Structures on Pensacola Beach.** Residential accessory structures on  
28 Pensacola Beach, except for signs and fences, require approval of the SRIA  
29 Board. Such private structures include garages, storage buildings, playhouses,  
30 swimming pools, cabanas, uncovered decks, and screened enclosures.  
31 Approval of these accessory structures is entirely at the discretion of the SRIA  
32 and shall require compliance with the following:~~

33 ~~**a.** The design of the structure is compatible with the design of the residence.~~

34 ~~**b.** If on a waterfront lot, the structure does not extend further seaward than  
35 residences on adjoining lots.~~

36 ~~**c.** If the structure is a detached elevated deck, it is no greater than 200 square  
37 feet in area and does not exceed 35 feet in height or the height of the  
38 residence, whichever height is less.~~

39 ~~**d.** No variance to established structure setback lines is necessary.~~

- 1 ~~e. No wall of the structure is closer than six feet to any wall of the residence, and~~  
2 ~~no part of the structure is closer than four feet to any part of the residence.~~
- 3 ~~f. If the structure includes a walkway cover between the residence and the~~  
4 ~~structure, the cover is no more than six feet wide.~~
- 5 ~~g. If the structure is a swimming pool or gazebo type structure, it does not~~  
6 ~~extend seaward of the state's 1975 Coastal Construction Control Line or a~~  
7 ~~line 50 feet landward of the crest of the primary dune line, whichever setback~~  
8 ~~from the shoreline is more restrictive.~~
- 9 ~~h. The structure complies with all other LDC and Florida Building Code~~  
10 ~~requirements.~~

11 **(b) Specific uses and structures.**

12 **(1) Accessory dwelling units.** Accessory dwelling units are allowed on the lots of  
13 single-family dwellings, but a second dwelling unit on a lot is not subject to the  
14 limitations of accessory structures if the lot area and applicable zoning district  
15 would otherwise allow the additional dwelling. Accessory dwelling units shall  
16 comply with the following conditions:

- 17 **a.** The applicable zoning is a mainland district, but is not Industrial (Ind),  
18 Recreation (Rec), Conservation (Con), or Public (Pub).
- 19 **b.** The principal dwelling and accessory dwelling unit are the only dwellings on  
20 the lot and the lot provides the minimum area required by the applicable  
21 zoning.
- 22 **c.** The resulting residential density on the lot may exceed the gross density limit  
23 of the applicable zoning, but complies with all other applicable density limits  
24 (e.g., airfield environs).
- 25 **d.** The form of accessory dwelling (e.g., manufactured home) is an allowed use  
26 of the applicable zoning.
- 27 **e.** The accessory dwelling complies with the setbacks applicable to the principal  
28 dwelling unless otherwise allowed by the LDC.

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

- 32 **a.** The structure setbacks of the applicable zoning district are not exceeded,  
33 except that a carport may encroach into the required front yard provided it is  
34 not less than ten feet from the front property line.
- 35 **b.** The carport is not prohibited by private deed restrictions.
- 36 **c.** Minor site development approval is obtained for the structure and it complies  
37 with applicable building codes.
- 38 **d.** A building permit is obtained for the structure unless it is a portable carport  
39 covering less than 400 square feet.

1 e. The structure is not attached to a mobile home.

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

8 a. **Limit by lot area.** No more than eight chickens shall be kept on any lot that  
9 is one quarter acre or less in size.

10 b. **Roosters.** No rooster shall be kept less than 100 yards from any inhabited  
11 residence other than the dwelling of the person keeping the rooster.

12 c. **Security.** Chickens may roam freely in the fenced rear yard of the principal  
13 dwelling from sunrise to sunset. During all other times the chickens shall be  
14 kept in secure coops, pens or enclosures that prevent access by predators.

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

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

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

23 **(6) Dog-friendly outdoor dining areas.** Chapter 509, Florida Statutes, as  
24 amended, authorizes a local exemption to certain regulations adopted by the  
25 Division of Hotels and Restaurants, Florida Department of Business and  
26 Professional Regulation, for the option of restaurants and other public food  
27 service establishments to offer dog-friendly outdoor dining areas. As further  
28 provided in this part, those establishments as defined by the state and licensed  
29 by the division may allow patrons' dogs within designated outdoor portions of the  
30 establishments as an accessory use to the food service. These provisions do not  
31 limit the areas of use by dogs as service animals for disabled persons or by dogs  
32 in the **service of law enforcement agencies.**

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

39 1. Name, location, and mailing address of the public food service  
40 establishment.

- 1           2. Name, mailing address, and telephone contact information of the permit  
2           applicant.
- 3           3. Accurately labeled, dimensioned, and scaled diagram of the outdoor area  
4           to be designated as available to patrons' dogs. The area shall be shown in  
5           relation to the establishment's property boundary, remaining unavailable  
6           area, and any sidewalks or other public ways within or adjoining the site.  
7           The diagram shall also depict any quantity and placement of tables,  
8           chairs, and restaurant equipment within the designated area for patrons'  
9           dogs, all entries and exits to that area, any existing or proposed fences or  
10          barriers, and locations of site signs proposed for the required posting of  
11          rules.
- 12          4. Days of the week and hours of operation that patrons' dogs will be  
13          permitted in the designated outdoor area.
- 14          5. Division-issued license number of the applying public food service  
15          establishment.
- 16          6. Scaled representations of the site signs proposed for the required posting  
17          of rules.
- 18      **b. Design and operation.** To protect the health, safety, and general welfare of  
19      the public, all public food service establishments authorized by this local  
20      exemption shall instruct employees in appropriate health and safety practices  
21      and include the following in their design and operation of outdoor areas  
22      provided for patron's dogs:
  - 23          1. **Hand sanitizer.** Waterless hand sanitizer shall be provided at all tables  
24          within the designated areas.
  - 25          2. **Surface cleaning.** Between the seating of patrons all table and chair  
26          surfaces shall be cleaned and sanitized with a division - approved product  
27          and all spilled food and drink shall be removed from the floor or ground.
  - 28          3. **Waste cleanup.** Accidents involving dog waste shall be cleaned  
29          immediately and the area sanitized with a division-approved product. A kit  
30          with the appropriate materials for this purpose shall be kept near the  
31          designated outdoor area.
  - 32          4. **Limited travel.** Except for dogs as service animals for disabled persons or  
33          dogs in the service of law enforcement agencies, no dogs shall be  
34          permitted to travel through indoor or non-designated outdoor portions of  
35          the establishment. Accordingly, ingress and egress to the designated  
36          outdoor portions of the establishment must not require entrance into or  
37          passage through other areas of the establishment.
  - 38          5. **Area signage.** One or more signs notifying the public that a designated  
39          outdoor area is available for the use of patrons and patrons' dogs shall be  
40          conspicuously posted on the premises of the establishment. Additionally,  
41          one or more signs at each entrance to the designated outdoor area shall

1 remind employees and patrons of the following statute-based rules of use  
2 of the area:

- 3 i. All employees shall wash their hands promptly after touching, petting,  
4 or otherwise handling dogs. Employees are prohibited from touching,  
5 petting, or otherwise handling dogs while serving food or beverages or  
6 handling tableware or before entering other parts of the public food  
7 service establishment.
- 8 ii. All patrons in the designated outdoor areas should wash their hands  
9 before eating.
- 10 iii. Employees and patrons shall not allow dogs to come into contact with  
11 serving dishes, utensils, tableware, linens, paper products, or any  
12 other items involved in food service operations.
- 13 iv. Patrons shall keep their dogs on leashes at all times and shall keep  
14 their dogs under direct control.
- 15 v. Dogs are not allowed on chairs, tables, or other furnishings.
- 16 vi. Except for dogs used as service animals for disabled persons or dogs  
17 in the service of law enforcement agencies, dogs are not permitted to  
18 travel through indoor or non-designated outdoor portions of the  
19 establishment.

20 **c. Owner obligations.** Any current or subsequent owner of a public food  
21 service establishment approved through these provisions to allow patrons'  
22 dogs within designated outdoor portions of the establishment is obligated by  
23 the approval to maintain all site conditions and elements as approved for all  
24 times the patrons' dogs are allowed within those designated areas.

25 **d. Enforcement.** The regulations of this part shall be enforced by county code  
26 enforcement officers as authorized pursuant to Chapter 30, Code  
27 Enforcement, Part I, Escambia County Code of Ordinances. Any party or  
28 parties in violation of these regulations shall be subject to notices of violation,  
29 citations, and civil penalties as prescribed in Chapter 30.

30 **e. State and local cooperation.** The county shall monitor permit compliance in  
31 cooperation with the Division of Hotels and Restaurants through the following:

32 **1. Planning Official.** The Planning Official shall, on no less than an annual  
33 basis, provide the division with a copy of all county-approved applications  
34 and issued permits for dog-friendly dining. The appropriate division-issued  
35 license numbers of the respective public food service establishments shall  
36 be on all documents provided.

37 **2. Code enforcement.** County Code Enforcement shall, on no less than an  
38 annual basis, report citizen complaints related to these dog-friendly dining  
39 provisions and the enforcement responses made to such complaints. The  
40 report shall include the division-issued license numbers of the respective

1 public food service establishments and may be submitted in coordination  
2 with the applications report of the Planning Official.

3 ~~(7) Family day care or foster homes.~~ A family day care home or family foster  
4 ~~home is allowed as an accessory use wherever the host dwelling unit is allowed~~  
5 ~~unless prohibited by the applicable zoning district.~~

6 **(87) Home occupations and home-based businesses.** Home occupations and  
7 home-based businesses are limited to the residents of a dwelling unit other than  
8 a manufactured (mobile) home, and allowed only as accessory uses to the  
9 residential uses. A home occupation, or employment at home, is allowed  
10 wherever the host dwelling unit is allowed, but shall generally be unnoticeable to  
11 adjoining land uses. A home-based business, which is at a greater scale or  
12 intensity than a home occupation, is limited to the rural zoning districts (Agr, RR,  
13 RMU) and only allowed if impacts to adjoining land uses are minimal. Home  
14 occupations and home-based businesses shall comply with each of the following  
15 requirements:

- 16 **a. Licenses.** All required business, professional, or occupational licenses are  
17 obtained prior to commencement of the occupation or business and are  
18 maintained for the duration of the activity.
- 19 **b. Exterior evidence.** For home occupations, there is no evidence visible from  
20 outside of the dwelling or accessory building that any part of a building is  
21 utilized for an occupation. For home-based businesses, any evidence visible  
22 from outside of the dwelling or accessory building that any part of a building is  
23 utilized for a business is minimal. Such exterior evidence includes any  
24 storage or display associated with the occupation or business. Signs are  
25 limited for both uses as prescribed by the outdoor sign provisions in Article 8  
26 of Chapter 5.
- 27 **c. Off-site impacts.** Occupations or business activities shall not create  
28 nuisances or adverse off-site impacts, including but not limited to noise,  
29 vibration, smoke, dust or other particulates, odors, heat, light or glare, or  
30 electromagnetic interference. In a residential neighborhood, no activities are  
31 allowed to alter the character of the neighborhood.
- 32 **d. Structural alterations.** No structural alterations are made that would be  
33 inconsistent with the use of the dwelling exclusively as a residence or that  
34 would not customarily be associated with dwellings or their accessory  
35 buildings.
- 36 **e. Employees.** Employment in a home occupation is limited to residents of the  
37 dwelling unit unless the applicable zoning district allows BOA conditional use  
38 approval of non-resident employees. Employment in a home-based business  
39 may include no more than two non-resident employees.
- 40 **f. Customers.** No customers shall visit the house and there shall not be any  
41 additional traffic or an increase in demand for parking due to trucks or other  
42 service vehicles coming to the house.

1           **g. Motor vehicles.** The manufacture or repair of motor vehicles or other  
2           transportation equipment is prohibited.

3           **(8) Pensacola Beach structures.** All accessory structures on Pensacola Beach  
4           require approval of the SRIA Board, except signs, fences, swimming pools within  
5           principal structure setbacks, and decks on grade (max. 12 inches above finished  
6           grade). Those structures requiring approval include detached garages, storage  
7           buildings, playhouses, swimming pools outside of structure setbacks, cabanas,  
8           gazebos, detached elevated decks, and screened enclosures. Approval is  
9           entirely at the discretion of the SRIA, but any approved accessory structure shall  
10           comply with the following:

11           **a. Compatible design.** The design of the accessory structure is compatible  
12           with the design of the principal structure.

13           **b. Waterfront location.** Other than a state-approved dune walkover, if the  
14           accessory structure is on a waterfront lot, it does not extend further seaward  
15           than principal structures on adjoining lots. Additionally, if the lot fronts the  
16           Gulf of Mexico, the structure does not extend seaward of the state's 1975  
17           Coastal Construction Control Line or a line 50 feet landward of the crest of the  
18           primary dune line, whichever setback from the shoreline is more restrictive.

19           **c. No variance.** No variance to established structure setback lines is requested  
20           or necessary.

21           **d. Structure separation.** No wall of the accessory structure is closer than six  
22           feet to any wall of the principal structure, and no part of the accessory  
23           structure is closer than four feet to any part of the principal structure.

24           **e. Elevated decks.** If the accessory structure is a detached elevated deck, it is  
25           no greater than 200 square feet in area and does not exceed 35 feet in height  
26           or the height of the principal structure, whichever height is less.

27           **f. Walkway covers.** If the accessory structure includes a walkway cover  
28           between it and the principal structure, the cover is no more than six feet wide.

29           **g. Swimming pools.** If the accessory structure is a swimming pool, it is  
30           designed and constructed in consideration of barrier island environmental  
31           conditions and complies with the following conditions:

32           **1. Hold harmless.** The property leaseholder executes a Hold Harmless  
33           Agreement with the SRIA prior to approval.

34           **2. Outside of setbacks.** Any request to construct the swimming pool  
35           outside of the building setback lines of the applicable zoning district,  
36           although not subject to a variance approval, is approved as prescribed by  
37           adopted SRIA procedures, including a requirement of no objections from  
38           adjoining property leaseholders.

39           **3. Hardscape setbacks.** No swimming pool hardscape is closer than five  
40           feet to any side or rear property line.

1 **h. Other requirements.** The accessory structure complies with all other LDC  
2 and Florida Building Code requirements, and all applicable building permits  
3 are obtained from the county prior to commencement of construction.

4 **(9) Small wind energy systems.** For the purposes of this section, a small wind  
5 energy system is an accessory use consisting of a wind turbine, structural  
6 support, and associated control or conversion electronics design to supply some  
7 of the on-site electrical power demands of a home, farm, or small business. A  
8 small wind energy system is allowed only if constructed and operated in  
9 compliance with each of the following requirements:

10 **a. System Height.** The height of the system is the minimum necessary to  
11 reliably provide the required power.

12 **b. Prohibited use.** To protect the unique scenic view, the system is not  
13 installed within the Scenic Highway Overlay District.

14 **c. Airport and military review.** If the installation of the system or additional  
15 turbines is within the Pensacola International Airport Planning District  
16 (PNSPD) or any military Airfield Influence Planning District (AIPD), the  
17 applicant has notified and obtained a response from the respective  
18 airport/airfield authority. If the authority has objections to the installation, the  
19 Planning Official shall consider them in any final determination and may  
20 impose approval conditions on the installation to address the objections.

21 **d. Setback.** The center of the system tower base is no closer to any part of a  
22 dwelling outside of the system installation parcel than the total height of the  
23 system. Additionally, no part of the system structure, including any guy wires  
24 or anchors, is closer than five feet to the property boundary of the installation  
25 parcel.

26 **e. Appearance.**

27 **1. Design and Location.** Towers are designed and located to minimize  
28 visual impacts. Colors and surface treatment of system components  
29 minimize visual distraction.

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

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

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

38



1 **Section 4. Severability.**

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

5 **Section 5. Inclusion in Code.**

6 It is the intention of the Board of County Commissioners that the provisions of this  
7 Ordinance shall be codified as required by F.S. § 125.68 (2018); and that the sections,  
8 subsections and other provisions of this Ordinance may be renumbered or re-lettered  
9 and the word "ordinance" may be changed to "section," "chapter," or such other  
10 appropriate word or phrase in order to accomplish such intentions.

11 **Section 6. Effective Date.**

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

13 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

14 **BOARD OF COUNTY**  
15 **COMMISSIONERS**  
16 **ESCAMBIA COUNTY, FLORIDA**

17 **By:** \_\_\_\_\_  
18 **Lumon May, Chairman**

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

21 **By:** \_\_\_\_\_  
22 **Deputy Clerk**

23 **(SEAL)**

24 **ENACTED:**  
25 **FILED WITH THE DEPARTMENT OF STATE:**  
26 **EFFECTIVE DATE:**



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

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

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

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

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

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

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

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

30 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent  
31 via U.S. mail to the address registered with the property appraiser for each  
32 owner of real property with any portion of the property located adjacent to  
33 the subject property. The cost of the mailing is to be borne by the applicant.

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

38 **a. Exceptional conditions.** There are exceptional conditions or circumstances  
39 that are unique to the land in question, not ordinarily found on other lands in  
40 the vicinity and not a result of the owner's intentional action. Unique  
41 conditions or circumstances include exceptional narrowness, shallowness,

1 shape, or topographic conditions of the land or the presence of  
2 environmentally sensitive lands in or around the land.

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

9 **(4) Final determination.**

- 10 **a. Action of board.** If the reviewing board finds from the established record of  
11 the hearing that there is a compelling demonstration by the applicant of  
12 competent substantial evidence proving the required conditions, the board  
13 shall grant a variance. However, a variance may only be granted to the  
14 extent supported by the evidence presented.

- 15 **b. Period of valid approval.** If not otherwise reduced as a condition of  
16 approval, a variance is valid for two years from the date of approval. If within  
17 that period the variance is not part of an approved site development  
18 application or one continuing in good faith as determined by the Planning  
19 Official and no application for its extension has been submitted according to  
20 the provisions of this article, the variance approval expires and is void. Once  
21 the variance is part of an approved site development plan, however, the  
22 variance will remain valid through the approved plan.

- 23 **c. Other conditions of approval.** In granting a variance, the reviewing board  
24 shall have the authority to attach any conditions directly related to the  
25 variance as the board may find necessary for satisfaction of the variance  
26 conditions and preservation of the intent of the subject standard.

27 **Article 7 Supplemental Use Regulations**

28 **Sec. 4-7.3 Accessory uses and structures**

- 29 **(a) General conditions.** Accessory uses and structures shall be allowed in compliance  
30 with the provisions of the applicable zoning district and this section.

- 31 **(1) Subordinate.** An accessory use shall be subordinate in extent and purpose to  
32 the principal use and not simply a different, alternative or additional use. Multiple  
33 uses on a parcel may each be classified as a principal use, so the determination  
34 of subordinate uses shall, at a minimum, consider the following:

- 35 **a. Area.** The area devoted to the use in relation to the principal use. However,  
36 the fact that a use occupies less area does not necessarily make the use  
37 accessory.
- 38 **b. Time.** The time devoted to the use in relation to the principal use. For  
39 example, a seasonal activity may be accessory in relation to a year-round

1 primary use, but a year-round use would not be subordinate to a seasonal  
2 primary use.

3 **c. Intensity.** The relative intensity of the use and the resulting impacts on the  
4 land and neighboring properties.

5 **d. Employees.** The number of employees assigned to a use. However, an  
6 accessory use need not always have fewer employees than the principal use.

7 **(2) Customarily incidental.** An accessory use shall be customarily incidental to the  
8 principal use, having commonly, habitually, and by long practice been  
9 established as reasonably associated with that use. A rare association of uses  
10 does not qualify as customary, but the uses need not be joined in a majority of  
11 the instances of the principal use. Additionally, an incidental use must have a  
12 reasonable relationship to the principal use, being clearly associated, attendant  
13 or connected. A use is customarily incidental when it is so necessary or so  
14 commonly to be expected in connection with the principal use that it cannot be  
15 reasonably supposed that the LDC intended to prevent it.

16 **(3) Establishment.** Unless otherwise specifically allowed by the provisions of the  
17 LDC, accessory uses and structures may only be established concurrently with  
18 or following the lawful establishment of a validating principal use or structure.

19 **(4) Location.** An accessory use or structure shall be located on the same lot as the  
20 principal use or structure. Accessory structures are limited to locations within  
21 side and rear yards, except as specifically allowed by LDC provisions, including  
22 the following:

23 **a. Large residential lots.** Accessory structures, including an accessory dwelling  
24 unit, on a lot ten acres in size or larger may be located within the front yard of  
25 the principal dwelling if the structures are at least 60 feet from the front lot line.

26 **b. Waterfront lots.** Accessory structures may be located in the front yard of a  
27 waterfront lot if the structures are at least 60 feet from the front lot line and  
28 granted conditional use approval by the Board of Adjustment (BOA).

29 **c. Signs and fences.** Signs and fences as accessory structures may be located  
30 within a front yard if in compliance with the sign and fence standards  
31 prescribed in Chapter 5.

32 **d. Fuel pumps.** Pumps and pump islands for retail fuel sales may be located  
33 within the front yard of a conforming non-residential use if the pumps and  
34 islands are at least 20 feet from any street right-of-way.

35 **e. Sewage systems.** The underground components of an on-site sewage  
36 treatment and disposal system (e.g., septic tank and drain field) may be  
37 located within a front yard as necessary to obtain sufficient open space if the  
38 components are at least five feet from any lot line.

39 **f. Deposit boxes.** Deposit boxes for the donation of used items to charitable  
40 organizations may be located within the front yard of a conforming  
41 non-residential use if the total area coverage by the boxes is limited to 100

1 square feet and they are placed in compliance with the sight visibility and sign  
2 standards prescribed in Chapter 5.

- 3 **g. Automated vending.** Automated vending structures may be located within  
4 the front yard of a conforming non-residential use if the vending structures are  
5 at least 20 feet from any street right-of-way and in compliance with the sight  
6 visibility and sign standards prescribed in Chapter 5. Such structures shall  
7 also be freestanding, self-contained, and unattended; have separately metered  
8 utilities; and be limited to on-demand self-service commercial activities such as  
9 the retail sale of ice or the provision of banking services.

10 **(5) Size in relation to single-family dwellings.** Structures accessory to a single-  
11 family dwelling, including accessory dwelling units, are subject to the following  
12 size limits, excluding accessory structures on farms or within agricultural zoning:

- 13 **a. Less than two acres.** On lots smaller than two acres, no individual  
14 accessory structure may exceed 50 percent of the gross floor area of the  
15 principal dwelling.
- 16 **b. Two to five acres.** On lots two acres to five acres, no individual accessory  
17 structure may exceed 75 percent of the size of the gross floor area.
- 18 **c. Greater than five acres.** On lots larger than five acres, no individual  
19 accessory structure may exceed the size of the principal dwelling.

20 Structures larger than the limits established here shall require variance approval  
21 from the BOA.

22 ~~**(6) Structures on Pensacola Beach.** Residential accessory structures on~~  
23 ~~Pensacola Beach, except for signs and fences, require approval of the SRIA~~  
24 ~~Board. Such private structures include garages, storage buildings, playhouses,~~  
25 ~~swimming pools, cabanas, uncovered decks, and screened enclosures.~~  
26 ~~Approval of these accessory structures is entirely at the discretion of the SRIA~~  
27 ~~and shall require compliance with the following: [Note: These provisions are~~  
28 ~~relocated, revised, and supplemented within the specific uses and structures~~  
29 ~~provisions in subsection (b) of this section.]~~

- 30 ~~**a.** The design of the structure is compatible with the design of the residence.~~
- 31 ~~**b.** If on a waterfront lot, the structure does not extend further seaward than~~  
32 ~~residences on adjoining lots.~~
- 33 ~~**c.** If the structure is a detached elevated deck, it is no greater than 200 square~~  
34 ~~feet in area and does not exceed 35 feet in height or the height of the~~  
35 ~~residence, whichever height is less.~~
- 36 ~~**d.** No variance to established structure setback lines is necessary.~~
- 37 ~~**e.** No wall of the structure is closer than six feet to any wall of the residence, and~~  
38 ~~no part of the structure is closer than four feet to any part of the residence.~~
- 39 ~~**f.** If the structure includes a walkway cover between the residence and the~~  
40 ~~structure, the cover is no more than six feet wide.~~

1 ~~g. If the structure is a swimming pool or gazebo type structure, it does not~~  
2 ~~extend seaward of the state's 1975 Coastal Construction Control Line or a~~  
3 ~~line 50 feet landward of the crest of the primary dune line, whichever setback~~  
4 ~~from the shoreline is more restrictive.~~

5 ~~h. The structure complies with all other LDC and Florida Building Code~~  
6 ~~requirements.~~

7 **(b) Specific uses and structures.**

8 **(1) Accessory dwelling units.** Accessory dwelling units are allowed on the lots of  
9 single-family dwellings, but a second dwelling unit on a lot is not subject to the  
10 limitations of accessory structures if the lot area and applicable zoning district  
11 would otherwise allow the additional dwelling. Accessory dwelling units shall  
12 comply with the following conditions:

- 13 a. The applicable zoning is a mainland district, but is not Industrial (Ind),  
14 Recreation (Rec), Conservation (Con), or Public (Pub).
- 15 b. The principal dwelling and accessory dwelling unit are the only dwellings on  
16 the lot and the lot provides the minimum area required by the applicable  
17 zoning.
- 18 c. The resulting residential density on the lot may exceed the gross density limit  
19 of the applicable zoning, but complies with all other applicable density limits  
20 (e.g., airfield environs).
- 21 d. The form of accessory dwelling (e.g., manufactured home) is an allowed use  
22 of the applicable zoning.
- 23 e. The accessory dwelling complies with the setbacks applicable to the principal  
24 dwelling unless otherwise allowed by the LDC.

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

- 28 a. The structure setbacks of the applicable zoning district are not exceeded,  
29 except that a carport may encroach into the required front yard provided it is  
30 not less than ten feet from the front property line.
- 31 b. The carport is not prohibited by private deed restrictions.
- 32 c. Minor site development approval is obtained for the structure and it complies  
33 with applicable building codes.
- 34 d. A building permit is obtained for the structure unless it is a portable carport  
35 covering less than 400 square feet.
- 36 e. The structure is not attached to a mobile home.

37 **(3) Chickens and single-family dwellings** The ownership, possession, and raising  
38 of live chickens (*Gallus gallus domesticus*) is an allowed accessory use for any  
39 single-family dwelling principal use, except on Perdido Key and Santa Rosa

1 Island, regardless of any prohibition of farm animals or minimum lot area for farm  
2 animals established by the applicable zoning district. However, such keeping of  
3 chickens shall comply with the following standards:

4 **a. Limit by lot area.** No more than eight chickens shall be kept on any lot that  
5 is one quarter acre or less in size.

6 **b. Roosters.** No rooster shall be kept less than 100 yards from any inhabited  
7 residence other than the dwelling of the person keeping the rooster.

8 **c. Security.** Chickens may roam freely in the fenced rear yard of the principal  
9 dwelling from sunrise to sunset. During all other times the chickens shall be  
10 kept in secure coops, pens or enclosures that prevent access by predators.

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

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

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

19 **(6) Dog-friendly outdoor dining areas.** Chapter 509, Florida Statutes, as  
20 amended, authorizes a local exemption to certain regulations adopted by the  
21 Division of Hotels and Restaurants, Florida Department of Business and  
22 Professional Regulation, for the option of restaurants and other public food  
23 service establishments to offer dog-friendly outdoor dining areas. As further  
24 provided in this part, those establishments as defined by the state and licensed  
25 by the division may allow patrons' dogs within designated outdoor portions of the  
26 establishments as an accessory use to the food service. These provisions do not  
27 limit the areas of use by dogs as service animals for disabled persons or by dogs  
28 in the **service of law enforcement agencies.**

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

35 1. Name, location, and mailing address of the public food service  
36 establishment.

37 2. Name, mailing address, and telephone contact information of the permit  
38 applicant.

39 3. Accurately labeled, dimensioned, and scaled diagram of the outdoor area  
40 to be designated as available to patrons' dogs. The area shall be shown in  
41 relation to the establishment's property boundary, remaining unavailable



1 area, and any sidewalks or other public ways within or adjoining the site.  
2 The diagram shall also depict any quantity and placement of tables,  
3 chairs, and restaurant equipment within the designated area for patrons'  
4 dogs, all entries and exits to that area, any existing or proposed fences or  
5 barriers, and locations of site signs proposed for the required posting of  
6 rules.

- 7 4. Days of the week and hours of operation that patrons' dogs will be  
8 permitted in the designated outdoor area.
- 9 5. Division-issued license number of the applying public food service  
10 establishment.
- 11 6. Scaled representations of the site signs proposed for the required posting  
12 of rules.

13 **b. Design and operation.** To protect the health, safety, and general welfare of  
14 the public, all public food service establishments authorized by this local  
15 exemption shall instruct employees in appropriate health and safety practices  
16 and include the following in their design and operation of outdoor areas  
17 provided for patron's dogs:

- 18 1. **Hand sanitizer.** Waterless hand sanitizer shall be provided at all tables  
19 within the designated areas.
- 20 2. **Surface cleaning.** Between the seating of patrons all table and chair  
21 surfaces shall be cleaned and sanitized with a division - approved product  
22 and all spilled food and drink shall be removed from the floor or ground.
- 23 3. **Waste cleanup.** Accidents involving dog waste shall be cleaned  
24 immediately and the area sanitized with a division-approved product. A kit  
25 with the appropriate materials for this purpose shall be kept near the  
26 designated outdoor area.
- 27 4. **Limited travel.** Except for dogs as service animals for disabled persons or  
28 dogs in the service of law enforcement agencies, no dogs shall be  
29 permitted to travel through indoor or non-designated outdoor portions of  
30 the establishment. Accordingly, ingress and egress to the designated  
31 outdoor portions of the establishment must not require entrance into or  
32 passage through other areas of the establishment.
- 33 5. **Area signage.** One or more signs notifying the public that a designated  
34 outdoor area is available for the use of patrons and patrons' dogs shall be  
35 conspicuously posted on the premises of the establishment. Additionally,  
36 one or more signs at each entrance to the designated outdoor area shall  
37 remind employees and patrons of the following statute-based rules of use  
38 of the area:
  - 39 i. All employees shall wash their hands promptly after touching, petting,  
40 or otherwise handling dogs. Employees are prohibited from touching,  
41 petting, or otherwise handling dogs while serving food or beverages or

1 handling tableware or before entering other parts of the public food  
2 service establishment.

3 ii. All patrons in the designated outdoor areas should wash their hands  
4 before eating.

5 iii. Employees and patrons shall not allow dogs to come into contact with  
6 serving dishes, utensils, tableware, linens, paper products, or any  
7 other items involved in food service operations.

8 iv. Patrons shall keep their dogs on leashes at all times and shall keep  
9 their dogs under direct control.

10 v. Dogs are not allowed on chairs, tables, or other furnishings.

11 vi. Except for dogs used as service animals for disabled persons or dogs  
12 in the service of law enforcement agencies, dogs are not permitted to  
13 travel through indoor or non-designated outdoor portions of the  
14 establishment.

15 **c. Owner obligations.** Any current or subsequent owner of a public food  
16 service establishment approved through these provisions to allow patrons'  
17 dogs within designated outdoor portions of the establishment is obligated by  
18 the approval to maintain all site conditions and elements as approved for all  
19 times the patrons' dogs are allowed within those designated areas.

20 **d. Enforcement.** The regulations of this part shall be enforced by county code  
21 enforcement officers as authorized pursuant to Chapter 30, Code  
22 Enforcement, Part I, Escambia County Code of Ordinances. Any party or  
23 parties in violation of these regulations shall be subject to notices of violation,  
24 citations, and civil penalties as prescribed in Chapter 30.

25 **e. State and local cooperation.** The county shall monitor permit compliance in  
26 cooperation with the Division of Hotels and Restaurants through the following:

27 **1. Planning Official.** The Planning Official shall, on no less than an annual  
28 basis, provide the division with a copy of all county-approved applications  
29 and issued permits for dog-friendly dining. The appropriate division-issued  
30 license numbers of the respective public food service establishments shall  
31 be on all documents provided.

32 **2. Code enforcement.** County Code Enforcement shall, on no less than an  
33 annual basis, report citizen complaints related to these dog-friendly dining  
34 provisions and the enforcement responses made to such complaints. The  
35 report shall include the division-issued license numbers of the respective  
36 public food service establishments and may be submitted in coordination  
37 with the applications report of the Planning Official.

38 ~~(7) Family day care or foster homes. A family day care home or family foster~~  
39 ~~home is allowed as an accessory use wherever the host dwelling unit is allowed~~  
40 ~~unless prohibited by the applicable zoning district. [Note: These uses are not~~  
41 ~~accessory to dwelling units or prohibited by zoning. They are state licensed uses~~

1 of dwelling units as “community residential homes” for the “functional equivalent  
2 of a family.”]

3 **(87) Home occupations and home-based businesses.** Home occupations and  
4 home-based businesses are limited to the residents of a dwelling unit other than  
5 a manufactured (mobile) home, and allowed only as accessory uses to the  
6 residential uses. A home occupation, or employment at home, is allowed  
7 wherever the host dwelling unit is allowed, but shall generally be unnoticeable to  
8 adjoining land uses. A home-based business, which is at a greater scale or  
9 intensity than a home occupation, is limited to the rural zoning districts (Agr, RR,  
10 RMU) and only allowed if impacts to adjoining land uses are minimal. Home  
11 occupations and home-based businesses shall comply with each of the following  
12 requirements:

- 13 **a. Licenses.** All required business, professional, or occupational licenses are  
14 obtained prior to commencement of the occupation or business and are  
15 maintained for the duration of the activity.
- 16 **b. Exterior evidence.** For home occupations, there is no evidence visible from  
17 outside of the dwelling or accessory building that any part of a building is  
18 utilized for an occupation. For home-based businesses, any evidence visible  
19 from outside of the dwelling or accessory building that any part of a building is  
20 utilized for a business is minimal. Such exterior evidence includes any  
21 storage or display associated with the occupation or business. Signs are  
22 limited for both uses as prescribed by the outdoor sign provisions in Article 8  
23 of Chapter 5.
- 24 **c. Off-site impacts.** Occupations or business activities shall not create  
25 nuisances or adverse off-site impacts, including but not limited to noise,  
26 vibration, smoke, dust or other particulates, odors, heat, light or glare, or  
27 electromagnetic interference. In a residential neighborhood, no activities are  
28 allowed to alter the character of the neighborhood.
- 29 **d. Structural alterations.** No structural alterations are made that would be  
30 inconsistent with the use of the dwelling exclusively as a residence or that  
31 would not customarily be associated with dwellings or their accessory  
32 buildings.
- 33 **e. Employees.** Employment in a home occupation is limited to residents of the  
34 dwelling unit unless the applicable zoning district allows BOA conditional use  
35 approval of non-resident employees. Employment in a home-based business  
36 may include no more than two non-resident employees.
- 37 **f. Customers.** No customers shall visit the house and there shall not be any  
38 additional traffic or an increase in demand for parking due to trucks or other  
39 service vehicles coming to the house.
- 40 **g. Motor vehicles.** The manufacture or repair of motor vehicles or other  
41 transportation equipment is prohibited.

1 [Note: The following provisions specific to accessory structures on Pensacola Beach are  
2 relocated from the "General conditions" subsection (a) and proposed here with  
3 additions. They are modified to correspond to current SRIA policies and approval  
4 processes.]

5 **(8) Pensacola Beach structures.** All accessory structures on Pensacola Beach  
6 require approval of the SRIA Board, except signs, fences, swimming pools within  
7 principal structure setbacks, and decks on grade (max. 12 inches above finished  
8 grade). Those structures requiring approval include detached garages, storage  
9 buildings, playhouses, swimming pools outside of structure setbacks, cabanas,  
10 gazebos, detached elevated decks, and screened enclosures. Approval is  
11 entirely at the discretion of the SRIA, but any approved accessory structure shall  
12 comply with the following:

13 **a. Compatible design.** The design of the accessory structure is compatible  
14 with the design of the principal structure.

15 **b. Waterfront location.** Other than a state-approved dune walkover, if the  
16 accessory structure is on a waterfront lot, it does not extend further seaward  
17 than principal structures on adjoining lots. Additionally, if the lot fronts the  
18 Gulf of Mexico, the structure does not extend seaward of the state's 1975  
19 Coastal Construction Control Line or a line 50 feet landward of the crest of the  
20 primary dune line, whichever setback from the shoreline is more restrictive.

21 [Note: This item combines former items (b) and (g)]

22 **c. No variance.** No variance to established structure setback lines is requested  
23 or necessary.

24 **d. Structure separation.** No wall of the accessory structure is closer than six  
25 feet to any wall of the principal structure, and no part of the accessory  
26 structure is closer than four feet to any part of the principal structure.

27 **e. Elevated decks.** If the accessory structure is a detached elevated deck, it is  
28 no greater than 200 square feet in area and does not exceed 35 feet in height  
29 or the height of the principal structure, whichever height is less.

30 **f. Walkway covers.** If the accessory structure includes a walkway cover  
31 between it and the principal structure, the cover is no more than six feet wide.

32 **g. Swimming pools.** If the accessory structure is a swimming pool, it is  
33 designed and constructed in consideration of barrier island environmental  
34 conditions and complies with the following conditions: [Note: This item  
35 relocates and supplements existing provisions misplaced within the variance  
36 provisions of Chapter 2.]

37 **1. Hold harmless.** The property leaseholder executes a Hold Harmless  
38 Agreement with the SRIA prior to approval.

39 **2. Outside of setbacks.** Any request to construct the swimming pool  
40 outside of the building setback lines of the applicable zoning district,  
41 although not subject to a variance approval, is approved as prescribed by

1                   adopted SRIA procedures, including a requirement of no objections from  
2                   adjoining property leaseholders.

3                   **3. Hardscape setbacks.** No swimming pool hardscape is closer than five  
4                   feet to any side or rear property line.

5                   **h. Other requirements.** The accessory structure complies with all other LDC  
6                   and Florida Building Code requirements, and all applicable building permits  
7                   are obtained from the county prior to commencement of construction.

8                   **(9) Small wind energy systems.** For the purposes of this section, a small wind  
9                   energy system is an accessory use consisting of a wind turbine, structural  
10                  support, and associated control or conversion electronics design to supply some  
11                  of the on-site electrical power demands of a home, farm, or small business. A  
12                  small wind energy system is allowed only if constructed and operated in  
13                  compliance with each of the following requirements:

14                 **a. System Height.** The height of the system is the minimum necessary to  
15                 reliably provide the required power.

16                 **b. Prohibited use.** To protect the unique scenic view, the system is not  
17                 installed within the Scenic Highway Overlay District.

18                 **c. Airport and military review.** If the installation of the system or additional  
19                 turbines is within the Pensacola International Airport Planning District  
20                 (PNSPD) or any military Airfield Influence Planning District (AIPD), the  
21                 applicant has notified and obtained a response from the respective  
22                 airport/airfield authority. If the authority has objections to the installation, the  
23                 Planning Official shall consider them in any final determination and may  
24                 impose approval conditions on the installation to address the objections.

25                 **d. Setback.** The center of the system tower base is no closer to any part of a  
26                 dwelling outside of the system installation parcel than the total height of the  
27                 system. Additionally, no part of the system structure, including any guy wires  
28                 or anchors, is closer than five feet to the property boundary of the installation  
29                 parcel.

30                 **e. Appearance.**

31                         **1. Design and Location.** Towers are designed and located to minimize  
32                         visual impacts. Colors and surface treatment of system components  
33                         minimize visual distraction.

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

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

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