

AGENDA
ESCAMBIA COUNTY PLANNING BOARD WORKSHOP
March 21, 2019–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Locational Criteria Discussion.
3. Public Forum.
4. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, April 2, 2019 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

5. Announcements/Communications.
6. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board Workshop
Meeting Date: 03/21/2019

2.

Agenda Item:

Locational Criteria Discussion.

Attachments

Intro to Location Criteria and Compatibility

Location vs. Compatibility Comparison Table

Summary of Proposed Revisions to Zoning Districts

Working Draft

Introduction to Location Criteria and Compatibility

The primary purpose of the proposed LDC changes is to replace existing “location criteria” with flexible provisions that more effectively promote the intended compatibility of new uses.

What are location criteria?

Location criteria are mainland zoning district-based constraints primarily on the location or placement of new non-residential uses. They were established to promote compatibility with existing uses and are included as district rezoning conditions for the several districts that allow significant non-residential uses.

How did location criteria come to be within the LDC?

Prior to the 1993 adoption of a Comprehensive Plan, zoning and permitted uses largely followed patterns of existing land use, market influences, and property owner preferences. In response to compatibility concerns, detailed location criteria were established in the Comp Plan “to ensure the appropriate location of commercial and industrial uses” and “to minimize impacts on abutting uses that have less intense uses or zoning.” The detailed criteria of the Comp Plan were subsequently established within the zoning districts of the LDC to better ensure consideration of the location of non-residential uses, especially in relation to residential.

What are the primary reasons to replace LDC location criteria?

- The BCC directed an evaluation of current criteria and potential changes to improve them.
- A court found that the compatibility analysis provisions of the criteria lacked clarity, not defining what an analysis should contain, who is qualified to prepare it, when it is considered competent substantial evidence, and otherwise what is expected in the analysis process.
- No criteria can adequately predict incompatibility and appropriately assign corrective conditions across the full range of permitted non-residential uses of each district. Some uses are unnecessarily or inflexibly limited by the current criteria and other uses are insufficiently protected by them.
- The term “location criteria” incompletely conveys the desired compatibility of uses. The location of a use is not the only measure of compatibility and may not necessarily be the best measure for some uses. Location does not consider scale, intensity, and other impacts that can influence compatibility.

What are the primary reasons to modify location criteria for rezoning?

- The same criteria are not appropriate for both new uses within a district and rezoning to the district. Rezoning criteria can only be a coarse measure addressing general use characteristics. Criteria that are sufficiently restrictive to assume compatibility for the most intense uses are too restrictive for less intensive uses, resulting in low-intensity neighborhood uses as locationally limited as higher intensity community or regional uses in districts that allow them.

- For most districts, a rezoning case finding that all permitted uses of the proposed district are compatible on the subject parcel with all the surrounding uses overstates what can be concluded with any confidence. At most, it is speculation not documentation of how a proposed use will be developed on the parcel of the rezoning. A rezoning compatibility finding is more accurately a general conclusion that all district uses likely could be developed compatibly with surrounding uses.

What is proposed to replace location criteria?

- With compatibility the principal consideration, more functional compatibility conditions are proposed that retain the compatibility implications of location. Location remains the gross measure for rezoning, and the starting point for a compatibility determination.
- Simplified district conditions limit all uses to locations appropriate for any district use but allow a use to alternatively demonstrate compatibility at the location where proposed.
- New non-residential uses within residential districts must demonstrate site-specific residential compatibility but are not restricted by street classification.
- District conditions for rezoning are coordinated with use compatibility conditions, but are separate to avoid the inappropriate application of use-specific criteria to rezoning.
- Similar districts share the same or similar compatibility provisions. For example, rural districts share provisions, residential districts share provisions, and mixed-use districts share provisions.

How will the LDC be modified for location criteria replacement?

The new provisions are proposed largely within five separate articles of two LDC chapters, coordinated to better promote compatibility.

(a) The compatibility confirmation process (Article 2 of Chapter 2) (page 3-5)

- replaces currently inadequate text to implement the zoning district option of a compatibility analysis
- fully describes a compatibility analysis of potential adverse impacts on neighboring uses and mitigation for those impacts
- enumerates use characteristics and provides other guidance to adequately document compatibility

(b) The administrative appeal process (Article 6 of Chapter 2) (page 5-7)

- directs appeal of compatibility analysis determination to BCC, not BOA, and makes coordinating reference changes to “the reviewing board”

(c) The rezoning process (Article 7 of Chapter 2) (page 9)

- remedies the overstatement of use compatibility when too little is known to make more than general statements about the potential for compatibility
- clarifies that rezoning approval confirms the potential of district permitted uses to be compatible with surrounding uses, but does not confirm use-specific compatibility

- clarifies that compatibility of proposed zoning presumes compliance of new uses with all applicable requirements, many intended to promote compatibility

(d) Zoning regulations, general provisions (Article 1 of Chapter 3) (page 12-15)

- emphasizes compatibility specific to the use, not just the district
- emphasizes that district uses are defined in Chapter 6, not by any placement within a list or under a heading
- location criteria statement expanded to emphasize all elements of compatibility and reference compatibility analysis option

(e) Zoning regulations, mainland districts (page 16-53)

- See “Summary of proposed revisions to zoning districts” and “Table Summary of Existing Location Criteria and Proposed Compatibility Requirements for Mainland Zoning Districts”

Table Summary of Existing Location Criteria and Proposed Compatibility Requirements for Mainland Zoning Districts

Note: These summaries are intended accurately represent the existing and proposed requirements referenced, but they are for general comparisons only and are not substitutes for the actual texts of the referenced documents.

District	Current LDC Location Criteria	Proposed LDC Compatibility Requirements
Agr	<ul style="list-style-type: none"> • prime farmland protected • non-residential uses shall avoid adverse impacts to residential • retail sales & services limited to <u>arterial or collector streets</u>, but <u>no required intersection proximity</u> • industrial uses subject to Ind district location criteria • no use exemptions or other compatibility considerations 	<ul style="list-style-type: none"> • prime farmland protections clarified • all uses shall avoid adverse impacts to other uses • new non-residential uses (with exceptions) limited to <u>arterial or major collector streets</u>, OR <u>documented compatibility</u> • some uses identified as district-wide compatible (compatibility exceptions)
	<ul style="list-style-type: none"> • no rezoning location criteria (general conditions apply) 	<ul style="list-style-type: none"> • compatibility of rezoning per general rezoning conditions
RR	<ul style="list-style-type: none"> • prime farmland protected • non-residential uses shall avoid adverse impacts to residential • retail sales & services limited to <u>arterial or collector streets</u>, but <u>no required intersection proximity</u> • industrial uses subject to Ind district location criteria • no use exemptions or other compatibility considerations 	<ul style="list-style-type: none"> • prime farmland protections clarified • all uses shall avoid adverse impacts to other uses • new non-residential uses (with exceptions) limited to <u>part of a predominantly residential development</u>, OR <u>documented compatibility</u> • some uses identified as district-wide compatible (compatibility exceptions)
	<ul style="list-style-type: none"> • no rezoning location criteria (general conditions apply) 	<ul style="list-style-type: none"> • compatibility of rezoning per general rezoning conditions
LDR MDR HDR	<ul style="list-style-type: none"> • non-residential uses shall avoid adverse impacts to residential • no use exemptions or other compatibility considerations 	<ul style="list-style-type: none"> • all uses shall avoid adverse impacts • new non-residential uses (with exceptions) limited to <u>part of a predominantly residential development</u>, OR <u>documented compatibility</u> • some uses identified as district-wide compatible (compatibility exceptions)
	<ul style="list-style-type: none"> • no rezoning location criteria (general conditions apply) 	<ul style="list-style-type: none"> • compatibility of rezoning per general rezoning conditions

District	Current LDC Location Criteria	Proposed LDC Compatibility Requirements
RMU	<ul style="list-style-type: none"> • prime farmland protected • new non-residential uses shall avoid adverse impacts to residential and are (if not exempt, industrial, or part of predominantly residential or PUD) limited to: <u>arterial or collector streets and</u> (1) <u>within 200 ft.</u> of intersection with same, or (2) in proximity to traffic generator, or (3) as infill; OR along an <u>arterial</u> at a connecting local street and with site design conditions; OR <u>documented compatibility</u> • industrial uses subject to Ind district location criteria • no use exemptions or other compatibility considerations 	<ul style="list-style-type: none"> • prime farmland protections clarified • all uses shall avoid adverse impacts to other uses • new non-residential uses (with exceptions) limited to <u>arterial or major collector streets and within ¼ mile</u> of intersection with same, OR <u>part of a predominantly residential development,</u> OR <u>documented compatibility</u> • some uses identified as district-wide compatible (compatibility exceptions)
	<ul style="list-style-type: none"> • rezoning subject to same location criteria as new non-residential use within district 	<ul style="list-style-type: none"> • rezoning limited to arterial or major collector streets and within ¼ mile of intersection with same, or <u>adjoining RMU</u>
LDMU	<ul style="list-style-type: none"> • new non-residential uses (if not exempt or part of predominantly residential or PUD) limited to: <u>arterial or collector streets and</u> (1) <u>within 200 ft.</u> of intersection with same, or (2) in proximity to traffic generator, or (3) as infill; OR along an <u>arterial</u> at a connecting local street and with site design conditions; OR <u>documented compatibility</u> • no use exemptions, general avoidance of adverse impacts, or other compatibility considerations 	<ul style="list-style-type: none"> • all uses shall avoid adverse impacts to other uses • new non-residential uses (with exceptions) limited to <u>arterial or major collector streets and within 200 ft.</u> of intersection with same, OR <u>part of a predominantly residential development,</u> OR <u>documented compatibility</u> • some uses identified as district-wide compatible (compatibility exceptions)
	<ul style="list-style-type: none"> • rezoning subject to same location criteria as new non-residential use within district 	<ul style="list-style-type: none"> • rezoning limited to arterial or major collector streets and within 200 ft. of intersection with same, or <u>adjoining LDMU but not RR</u>

District	Current LDC Location Criteria	Proposed LDC Compatibility Requirements
HDMU	<ul style="list-style-type: none"> • new non-residential uses (if not exempt or part of predominantly residential or PUD) limited to: <u>arterial or collector</u> streets and (1) <u>within 200 ft.</u> of intersection with same, or (2) in proximity to traffic generator, or (3) as infill; OR along an <u>arterial</u> at a connecting local street and with site design conditions; OR <u>documented compatibility</u> • no use exemptions, general avoidance of adverse impacts, or other compatibility considerations 	<ul style="list-style-type: none"> • all uses shall avoid adverse impacts to other uses • new non-residential uses (with exceptions) limited to <u>arterial or major collector</u> streets and <u>within 200 ft.</u> of intersection with same, OR <u>part of a predominantly residential development</u>, OR <u>documented compatibility</u> • some uses identified as district-wide compatible (compatibility exceptions)
	<ul style="list-style-type: none"> • rezoning subject to same location criteria as new non-residential use within district 	<ul style="list-style-type: none"> • rezoning limited to arterial or major collector streets and within 200 ft. of intersection with same, or <u>adjoining HDMU but not RR or LDR</u>
Com	<ul style="list-style-type: none"> • new non-residential uses (if not exempt or part of PUD) limited to: <u>arterial or collector</u> streets and (1) <u>within ¼ mile</u> of intersection with <u>arterial</u>, or (2) in proximity to traffic generator, or (3) as infill, or (4) <u>within ½ mile</u> of intersection with <u>arterial or collector</u> and with site design conditions but not abutting RR, LDR or MDR; OR <u>documented compatibility</u> • no use exemptions, general avoidance of adverse impacts, or other compatibility considerations 	<ul style="list-style-type: none"> • all uses shall avoid adverse impacts to other uses • new non-residential uses (with exceptions) limited to <u>arterial or major collector</u> streets and <u>within ¼ mile</u> of intersection with same, OR <u>part of a predominantly residential development</u>, OR <u>documented compatibility</u> • some uses identified as district-wide compatible (compatibility exceptions)
	<ul style="list-style-type: none"> • rezoning subject to same location criteria as new non-residential use within district 	<ul style="list-style-type: none"> • rezoning limited to arterial or major collector streets and within ¼ mile of intersection with arterial or major collector, or <u>adjoining Com but not single-family use or zoning</u>

District	Current LDC Location Criteria	Proposed LDC Compatibility Requirements
HC/LI	<ul style="list-style-type: none"> • new non-residential uses (if not exempt, part of PUD, or prior GBD in MU-S and along US 29 or SR 95A) limited to: <u>arterial</u> streets and <u>within ¼ mile</u> of intersection with same; OR along <u>arterial</u> and <u>within ½ mile</u> of intersection with same, and with site design conditions, including infill, but not abutting RR, LDR or MDR; OR <u>documented compatibility</u> • no use exemptions, general avoidance of adverse impacts, or compatibility considerations 	<ul style="list-style-type: none"> • all uses shall avoid adverse impacts to other uses • new non-residential uses (with exceptions) limited to <u>arterial</u> streets and either (1) <u>within ¼ mile</u> of intersection with same, or (2) prior GBD within MU-S and along US 29 or SR 95A; OR part of a predominantly residential development; OR <u>documented compatibility</u> • some uses identified as district-wide compatible (compatibility exceptions)
	<ul style="list-style-type: none"> • rezoning subject to same location criteria as new non-residential use within district 	<ul style="list-style-type: none"> • rezoning limited to arterial streets and within ¼ mile of intersection with the same, or adjoining HC/LI but not residential use or zoning
Ind	<ul style="list-style-type: none"> • new industrial uses (if not part of PUD) must: (1) avoid and minimize adverse impacts to natural systems, and (2) have adequate access to public facilities and services at adopted levels of service, and (3) have adequate land area to support the use and provide buffering to minimize adverse off-site impacts for compatibility with surrounding uses 	<ul style="list-style-type: none"> • all uses shall avoid adverse impacts to other uses • new industrial uses subject to same but clarified location criteria as compatibility requirements
	<ul style="list-style-type: none"> • rezoning subject to same location criteria as new industrial use within district 	<ul style="list-style-type: none"> • rezoning subject to same compatibility requirements as new industrial use

Summary of proposed revisions to zoning districts

All districts (those currently with location criteria)

- All new uses are directed to promote compatibility by avoiding adverse impacts to surrounding uses.
- A compatibility demonstration (by site-specific analysis) is an alternative compatibility condition in each district for any permitted non-residential use proposed within the district.
- Collector street location options are limited to major collectors since minor collectors are neighborhood streets similar to local streets in their intensity of use (speed and volume).
- References made within permitted use categories to related uses within other district categories are modified so the organizational purpose of the category headings (e.g., retail sales/services) is not read as defining or otherwise limiting the listed uses.
- Uses with low impacts are proposed as compatible district-wide and identified as exceptions not subject to district compatibility conditions.
- Rezoning of mixed-use and commercial districts, including RMU and HC/LI, is limited to the same location condition as for district non-residential use compatibility, but with allowances for expanding existing zoning; i.e., parcels directly adjoining the same zoning district as proposed.

Agr, RR, RMU

The existing meaning of the prime farmland soils protection criterion, to avoid conversion to non-agricultural uses that do not require such soils, is clarified for all rural districts.

Agr

All new non-residential uses in Agr are made subject to the same street location requirement (along arterial or collector) currently applied only to retail sales and services in the district, but the previously unavailable compatibility demonstration is established as an alternative for those non-residential uses at any district location.

RR

The current requirement that retail sales and services be located only along arterial or collector streets is replaced with a compatibility demonstration required for any new non-residential use in this residential district, unless the use is part of a predominantly residential development.

RMU

In support of the rural district character of less concentrated development, the current street location option (along arterial or collector) for new non-residential uses within RMU is expanded from within 200 ft. of an intersection with another arterial or major collector to within ¼ mile of that intersection.

LDR, MDR, HDR

As with RR, the three residential districts that currently only require non-residential uses to avoid adverse impacts will require a compatibility demonstration for any new non-residential use not part of a predominantly residential development.

RMU, LDMU, HDMU, Com

The current street location, traffic generator, infill, site design, and compatibility criteria for new non-residential uses are consolidated. Only arterial or major collector locations are allowed for such uses unless they are part of predominantly residential development or their compatibility can be documented by site-specific analysis.

Com

For current street location criterion, the required quarter-mile proximity to an intersection with an arterial street is relaxed to include intersecting major collectors.

HC/LI

Current GBD/MU-S exemption, street location, site design, and compatibility criteria for new non-residential uses are consolidated. Only arterial locations are allowed for such uses unless they are GBD/MU-S on US 29 or SR95A, part of predominantly residential development, or their compatibility can be documented.

Ind

no substantial changes.

1 use, the analysis shall describe methods proposed to avoid them, and to
2 minimize and mitigate any unavoidable impacts. The evaluation of impacts
3 shall consider the use characteristics enumerated in this part. All conditions
4 of site development and use that exist or are proposed to ensure compatibility
5 shall be specifically identified, especially those exceeding minimum
6 requirements of the LDC.

7 **b. Neighboring uses.** The extent of existing neighboring uses considered by
8 the analysis shall be directly related to the extent of adverse impacts
9 reasonably expected from the proposed use. Existing conforming uses are
10 relevant, but nonconforming or unapproved uses are not relevant. The uses
11 of undeveloped land shall be considered the range of permitted uses of the
12 applicable zoning district. [Note: No specific radius or other arbitrary measure
13 for considering compatibility is imposed due to the variability among all
14 potential uses, sites, and zoning. The consideration of undeveloped land and
15 the relevance of nonconforming and unauthorized uses are consistent with
16 existing compatibility conditions for rezoning.]

17 **c. Infill development.** If the proposed use is identified by the analysis as infill
18 development, the parcel of the use shall be bounded on two or more sides by
19 conforming non-residential uses of equal or greater intensity. Additionally, the
20 analysis shall demonstrate that the proposed use avoids contributing to or
21 promoting strip commercial development.

22 **d. Use characteristics.** The following characteristics of the proposed use and
23 existing neighboring uses shall be evaluated by the analysis for their
24 influences on the compatibility of the new use:

25 **1. Surroundings.** The surrounding zoning and development characteristics
26 of surrounding land use (e.g., single-family, multi-family, retail
27 sales/service, vacant) for which compatibility is evaluated.

28 **2. Intensities.** The intensity of the proposed use, and intensities of existing
29 surrounding uses as applicable, including residential densities, gross floor
30 areas, floor area ratios, occupancies, capacities, hours of operation,
31 setbacks, off-site visibility, sources of noise, vibration, glare, or odor, and
32 any outdoor areas for storage, work, dining, assembly, or other activities.

33 **3. Structures.** The general design of proposed structures and relevant
34 features of existing structures, including height, area coverage,
35 orientation, and materials.

36 **4. Streets.** The reliance of the proposed use on the existing street network,
37 especially on local streets and any streets having deficiencies relative to
38 current design standards.

39 **5. Mobility.** Vehicle and pedestrian access to the proposed development
40 site and its on-site circulation, including sidewalks, driveways, parking
41 stalls, drive-through lanes, queuing space, and loading/unloading zones.

42 **6. Accessories.** The proposed or potential on-site accessory uses and the
43 placement of accessory structures and outdoor equipment, including

1 storage sheds, HVAC units, waste/recycling dumpsters, shipping
2 containers, tanks, speakers, fences/walls, signs, and lighting.

3 **7. Continuing obligations.** Deed restrictions or other means by which the
4 use and site characteristics found to demonstrate compatibility will be
5 preserved, regardless of any change in property ownership or
6 management, and especially for those characteristics exceeding the
7 minimum requirements of the LDC.

8 **8. Other considerations.** Other compatibility considerations of the
9 proposed use or existing surrounding uses as may be deemed relevant by
10 the applicant or the Planning Official.

11 **(3) Final determination.** After review of the compatibility analysis for a proposed
12 use, the Planning Official shall make a final determination on the site-specific
13 compatibility of the use based upon evidence presented in the analysis. The
14 determination shall be subject to the following:

15 **a. Timing.** If the analysis is submitted as part of a development plan
16 application, the final determination shall be made within the review schedule
17 of the plan. The determination for a separately submitted compatibility
18 application shall be made within five business days after receipt of a complete
19 application, unless the applicant provides a modified analysis or otherwise
20 requests the Planning Official to delay the final determination.

21 **b. Other Information.** Prior to a final determination, the Planning Official may
22 request from the applicant other relevant information appropriate to the
23 compatibility characteristics of the proposed use and location.

24 **c. Modifications.** Prior to a final determination, the applicant may modify the
25 content of the submitted analysis. Modifications proposed after a final
26 determination require submittal of a new application for review.

27 **d. Development approval.** As determined by the Planning Official, those
28 characteristics of the proposed use or its development found in the analysis to
29 demonstrate compatibility shall be retained and referenced in any associated
30 site development plan and development order approval.

31 **e. Period of approval.** A final determination of compatibility shall be valid for a
32 period of two years or the valid period of an approved site development plan
33 for the subject use, whichever is greater.

34 **f. Appeal.** A final determination of the Planning Official regarding compatibility
35 of a proposed use under the provisions of this section may only be appealed
36 to the Board of County Commissioners as prescribed in Article 6 of this
37 chapter for appeal of administrative decisions. [Note: This is a commissioner
38 requested condition.]

1 **Article 6 Special Conditions and Circumstances**

2 **Section 2-6.10 Appeal of Administrative Decisions**

3 **(a) Appeal option.** Any person whose substantial interests have been adversely
4 affected by an error in the order, requirement, interpretation, or determination of an
5 administrative official regarding compliance with the requirements of the LDC may
6 appeal that decision according to the provisions of this section. The provisions do
7 not apply to decisions regarding administration of the building code, actions of code
8 enforcement officers, or challenges of consistency of LDC regulations with the
9 Comprehensive Plan. A claim to appeal or challenge the consistency of a
10 development order with the adopted Comprehensive Plan must be filed with the
11 Clerk of the Circuit Court of Escambia County pursuant to Florida Statute 163.3215.

12 **(b) Appeal process.** Conditions that may justify modification of administrative
13 decisions are evaluated through quasi-judicial public hearing review by the Board of
14 Adjustment (BOA), or by the Board of County Commissioners (BCC) for conditions
15 specifically reserved by LDC provisions for BCC review. [Note: This and the other
16 section changes are necessary to allow commissioner requested BCC review of
17 appeals of the Planning Official's compatibility analysis final determinations.]

18 **(1) Application.** Application for appeal of an administrative decision shall be
19 submitted for compliance review within 15 days after the date of the decision
20 being appealed. A quasi-judicial public hearing for the appeal shall be scheduled
21 to occur within 30 business days after receipt of a complete application. The
22 application shall provide information as required by the adopted appeal
23 procedures, including the following:

- 24 **a. Decision appealed.** A copy of the written administrative decision to be
25 reviewed on appeal.
- 26 **b. LDC reference.** Identification of the specific LDC provisions for which
27 noncompliance is alleged.
- 28 **c. Alleged error.** A description of how the decision of the administrative official
29 is considered arbitrary or capricious.
- 30 **d. Conditions.** Documentation satisfying the conditions established in the
31 compliance review provisions of this section.
- 32 **e. Remedy.** A description of the proposed remedy.
- 33 **f. Other information.** Any other pertinent information the applicant wishes to
34 have considered.

35 **(2) Public participation.** Hearings to consider an appeal of administrative decision
36 shall be open to the public. Prior to any hearing to consider an appeal of
37 administrative decision, the county shall provide reasonable notice to the public
38 as required by Florida Statutes.

- 39 **a. Publication.** At least ten days prior to the hearing, notice shall be published
40 in a newspaper of general circulation in Escambia County.
- 41 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than 24
42 inches by 48 inches shall be prominently posted on, or as near as practicable

1 to, the subject property and shall be clearly readable from the nearest public
2 right-of-way.

- 3 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent
4 via U.S. mail to the address registered with the property appraiser for each
5 owner of real property with any portion of the property located within 500' of
6 the subject property. The cost of the mailing is to be borne by the applicant.

7 **(3) Standing.** Although the hearing before the BOA-reviewing board is open to the
8 public, only those person or entities with “standing” will be allowed to present
9 testimony or other evidence during the hearing. Persons with standing include:

- 10 **a.** The applicant or any other person who received the adverse decision from
11 the county administrative official.
12 **b.** Those persons who are third parties to the administrative decision and who
13 suffer an adverse impact that differs in kind (as opposed to degree) to any
14 adverse impact suffered by the community as a whole.

15 **(4) Compliance review.** The BOA-reviewing board shall conduct the quasi-judicial
16 public hearing to consider the appeal of an administrative decision. The
17 applicant has the burden of presenting competent substantial evidence to the
18 board that establishes each of the following conditions with regard to the decision
19 being appealed:

- 20 **a. Arbitrary or capricious.** The decision of the administrative official was
21 neither required nor supported by the Comprehensive Plan or the LDC and
22 was therefore arbitrary or capricious.
23 **b. LDC noncompliance.** The specific LDC provisions identified in the appeal
24 application are appropriate to the decision and the decision was not in
25 compliance with those provisions.
26 **c. Adverse impact.** The applicant’s property will suffer an adverse impact as a
27 result of the decision if it is not modified.
28 **d. Protected interest.** The adverse impact is to a specific interest protected or
29 furthered by the LDC or Comprehensive Plan.
30 **e. Greater impact.** The adverse impact adversely affects the applicant in a
31 greater degree than any adverse impact shared by the community at large;
32 and, if the applicant is a third party to the decision, the adverse impact
33 peculiar to the applicant differs in kind (as opposed to degree) to any suffered
34 by the community as a whole.

35 **(5) Final determination.**

- 36 **a. Board finding.** If the BOA-reviewing board finds from the record of the
37 hearing that the applicant has presented competent substantial evidence
38 proving the required conditions set out in the compliance review provisions of
39 this section, the board shall find the appealed decision in error. The finding
40 shall state with particularity how the decision of the administrative official was
41 arbitrary or capricious. If the conditions are not proven the board shall affirm
42 the decision.

1 **b. Board authority.** The ~~BOA~~ reviewing board shall have the same authority
2 and responsibility to change a decision found to be in error as is given by the
3 LDC to the official who made the decision, but no more. The board may act
4 only to the extent supported by the established record of evidence and only
5 as necessary to maintain compliance with the LDC and the Comprehensive
6 Plan. The board cannot offer opinions or interpretations generally. The
7 authority of the board to act as the official does not include any authority to
8 diminish or otherwise change the application of any technical design standard
9 or specification established or referenced in the LDC, to change any
10 concurrency management provisions, or to exempt any development from
11 required compliance review and approval.

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

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

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

13 **(b) Zoning map amendment (rezoning and special-use rezoning).** County-initiated
14 comprehensive changes to the zoning map that set policy require enactment through
15 the legislative procedures of the BCC. In compliance with the following process, an
16 owner-initiated zoning map amendment (rezoning or special-use rezoning) that
17 affects a limited number of identifiable parties and interests is evaluated first through
18 quasi-judicial public hearings by the Planning Board, or the Santa Rosa Island
19 Authority (SRIA) for property on Pensacola Beach, and then by the BCC:

20 **(1) Application.** Application for rezoning or a special-use rezoning through the
21 quasi-judicial process shall be submitted to the clerk of the reviewing board within
22 the time required by the adopted rezoning procedures of the board prior to the
23 scheduled board meeting at which the applicant requests to be heard. The
24 application shall provide the information required by the rezoning procedures. A
25 pre-application meeting of the applicant with the staff for the reviewing board is
26 recommended to discuss the process and to review county, board, and applicant
27 responsibilities.

28 **(2) Public participation.** Hearings to consider a rezoning application shall be open
29 to the public. Prior to any such hearing, the clerk of the reviewing board shall
30 provide reasonable notice to the public as required by Florida Statutes and the
31 Comprehensive Plan. Public notification shall include the following, each
32 identifying the purpose, subject, reviewing authorities, case number, dates, times
33 and locations of the hearings; the current and proposed zoning; and county
34 contacts for additional information:

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

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

41 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent
42 via U.S. mail to the address registered with the property appraiser for each
43 owner of real property with any portion of the property located south of Nine
44 Mile Rd within 500 feet of the subject property. For property located north of

1 Nine Mile Rd, notification will be sent to properties within 2500 feet of the
2 subject property. The cost of the mailing is to be borne by the applicant.

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

9 **(4) Approval conditions.**

10 **a. Rezoning.** The applicant has the burden of presenting competent substantial
11 evidence to the reviewing board establishing that the requested zoning district
12 would contribute to or result in a logical and orderly development pattern.
13 The appropriate surrounding area within which uses and conditions must be
14 considered may vary with those uses and conditions and is not necessarily
15 the same area required for mailed notification. A logical and orderly pattern
16 shall require demonstration of each of the following conditions:

17 **1. Consistent with Comprehensive Plan.** The proposed zoning is
18 consistent with the future land use (FLU) category as prescribed in LDC
19 Chapter 3, and with all other applicable goals, objectives, and policies of
20 the Comprehensive Plan. If the rezoning is required to properly enact a
21 proposed FLU map amendment transmitted for state agency review, the
22 proposed zoning is consistent with the proposed FLU and conditional to its
23 adoption.

24 **2. Consistent with zoning district provisions.** The proposed zoning is
25 consistent with the purpose and intent of the proposed district, and with
26 any other zoning establishment provisions prescribed by the ~~proposed~~
27 district in Chapter 3. **[Note: Text change to better convey that a substantial**
28 **measure of compatibility is in the consistency a proposed zoning has with**
29 **the stated purposes of the proposed district.]**

30 **3. Compatible with surroundings.** All of the permitted uses of the
31 proposed zoning, not just those anticipated by the rezoning applicant, ~~are~~
32 ~~compatible,~~ can be developed and maintained compatibly with surrounding
33 uses as the term “compatible” is defined in Chapter 6, ~~with the surrounding~~
34 ~~uses.~~ Such compatibility presumes that new uses will fully comply with all
35 requirements of the proposed district and other applicable regulations.
36 The uses of any surrounding undeveloped land shall be considered the
37 range of permitted uses of the applicable district.

38 Compatibility is not considered with potential conditional uses or with any
39 nonconforming or unapproved uses. Also, in establishing the compatibility
40 of a residential use, there is no additional burden to demonstrate the
41 compatibility of specific residents or activities protected by fair housing
42 law. **[Note: In the absence of specific use and site development**
43 **characteristics to evaluate, a rezoning finding of compatibility for all the**
44 **uses of a district can only be a general confirmation of what is more**

1 accurately the “potential” compatibility of the uses. Also, a finding of
2 compatibility is always predicated on the assumption that uses will be
3 developed and maintained in compliance with all applicable development
4 standards, many of which are specific to the promotion of compatibility by
5 their limiting of adverse off-site impacts (e.g., buffers, structure setbacks,
6 stormwater management).

7 A confirmation of general compatibility potential is not a use-specific
8 confirmation, and it is appropriate and useful to explicitly state these limits
9 of the compatibility finding. Doing so will avoid any assumption that all
10 compatibility conditions for any individual use have already been
11 confirmed by a rezoning – an assumption contrary to the subsequent
12 application of compatibility-promoting development standards or use-
13 based compatibility conditions.]

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

21 **5. Appropriate with changed or changing conditions.** If the land uses or
22 development conditions within the area surrounding the property of the
23 proposed rezoning have changed or are changing, the changes are to
24 such a degree and character that it is in the public interest to allow new
25 uses, density, or intensity in the area through rezoning; and, the permitted
26 uses of the proposed district are appropriate and not premature for the
27 area or likely to create or contribute to sprawl.

28 **b. Special-use rezoning criteria for use of mobile homes:**

29 **1.** Notwithstanding the rezoning criteria enumerated above, a request for a
30 special-use rezoning may be permitted in zoning districts Medium Density
31 Residential district (MDR) and High Density Residential district (HDR) for
32 the use and placement of a mobile home as a single-family dwelling. The
33 applicant has the burden of presenting competent substantial evidence to
34 the reviewing board establishing that the site, use and proposed structure
35 would meet the following criteria:

- 36 **i.** Must be on a conforming lot or lot of record.
- 37 **ii.** Minimum lot size of one acre.
- 38 **iii.** Front setback must be a minimum of 40 feet.
- 39 **iv.** Only one mobile home allowed per lot.
- 40 **v.** Lot may not be subdivided.
- 41 **vi.** Lot may not be located within a platted subdivision.
- 42 **vii.** Use may not otherwise be prohibited by any overlay district.
- 43 **viii.** The use of a mobile home is compatible with the surrounding area.

- ix. Structure may not be located in a FEMA designated Special Flood Hazard Area, in a designated Coastal High Hazard Area or within Escambia County designated Evacuation Zones A, B or C.
- x. No other permitted or conditional use contained within the special use zoning, except for use of a mobile home as a single-family residence shall be allowed.
- xi. Upon notice to the County and confirmation that the property is no longer being used for placement of a mobile home as a single-family residence, the property owner or agent shall request reversion to the prior zoning category pursuant the rezoning criteria contained herein.
- xii. Lot may not be located in the Escambia County Mid-West Sector Plan.

(5) Board Action. If the reviewing board finds from the record of the hearing that the applicant has presented competent substantial evidence establishing the required conditions, the board shall then consider whether maintaining the current zoning will serve a greater public interest. The board shall recommend approval of the rezoning request to the BCC if the board finds that no new uses, density, or intensity of use of the proposed zoning will likely diminish quality of life, reduce property values, confer a special benefit on the subject property to the detriment of the community as a whole or create other adverse impacts upon surrounding properties, more than the uses, density, or intensity of the current zoning unless the board determines that maintaining the current zoning.

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

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

1 **Chapter 3 ZONING REGULATIONS**

2 **Article 1 General Provisions**

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

4 **(a) Generally.** The uses of land and structures are limited to those identified within the
5 applicable zoning district as “permitted uses” or “conditional uses,” and to their valid
6 accessory uses, unless other uses are secured through applicable vesting, and
7 nonconformance, or temporary use provisions of the LDC. Uses not so identified or
8 secured are prohibited, and the conducting of any prohibited use is a violation of the
9 LDC punishable as provided by law and ordinance. The burden is on the landowner,
10 not the county, to show that a use is allowed.

11 Even when a use is allowed by the applicable zoning, authorization to develop the
12 use within the district is not guaranteed. In addition to compatibility and other
13 requirements specific to the district, uses are subject to the general development
14 standards of Chapter 5 and the use and location regulations established in Chapter
15 4. [Note: Text additions are to emphasize that a use allowed within a district is also
16 subject to compatibility and other conditions of the district.]

17 **(b) Function of headings.** As established by the general provisions of the LDC for any
18 text headings within the code, those placed within zoning district lists of permitted
19 and conditional uses do not define or otherwise limit the scope or meaning of the
20 uses or the districts. Uses are defined only as provided in Chapter 6, and headings
21 are employed solely to organize the uses into comparably ordered district lists.

22 [Note: Text addition is to avoid the assumptions that the order or grouping of uses
23 within a district defines the uses, and that uses can only be characterized by one
24 group.]

25 **(bc) Conditional uses.** The identification of a use as conditional within a zoning district
26 is an indication that, given certain existing or imposed conditions, the use may be
27 appropriate for some locations in that district. The appropriateness of the use is
28 determined through discretionary county review of an applicant’s demonstration that
29 specific conditions will assure compatibility with surrounding uses. Conditions
30 applicable to all conditional uses are established in the conditional use process
31 provisions of Chapter 2. Additional conditions applicable to a specific use may be
32 established by the LDC where the conditional use is established.

33 **(ed) Accessory uses and structures.** Uses and structures accessory to permitted
34 uses and approved conditional uses are allowed as prescribed by the supplemental
35 use regulations of Chapter 4 unless otherwise prohibited by the applicable zoning
36 district. Where more than one zoning district applies to a parcel, an accessory use
37 or structure may not be established in one zoning district to serve a primary use in
38 the other district if the principal use is not allowed in the district in which the
39 accessory use is located.

40 **(de) Single-family dwellings and lots of record.** A single-family dwelling is a vested
41 and conforming principal use on any existing lot of record within any zoning district
42 and future land use category, regardless of applicable density, available lot access,
43 and lot width along any street right-of-way. A single-family dwelling may be
44 authorized for construction on a lot of record in compliance with all remaining

1 applicable requirements of the LDC. Additionally, where a lot of record is completely
2 divided by and along the boundary of an existing public right-of-way, the two
3 separate areas of the lot may each be authorized for a single-family dwelling,
4 regardless of density, lot width, and whether the two areas are retained in common
5 ownership.

6 **(ef) Mix of uses.** Unless clearly indicated otherwise in the LDC, the identification of
7 multiple permitted or conditionally permitted uses within a zoning district allows any
8 mix of those uses within an individual development, parcel, or building, regardless of
9 any designation or other characterization of the district as mixed-use. A mix of uses
10 generally does not modify the development standards and regulations applicable to
11 any individual use within the mix.

12 **(fg) Classifying uses.** Classifying a particular land use is the discretionary process of
13 determining whether the use is one already identified in the LDC as allowed by right
14 (permitted use) or by special approval (conditional use).

15 **(1) Information.** The Planning Official, or Board of Adjustment (BOA) on appeal,
16 shall obtain the information necessary to accurately classify a use. At a
17 minimum, the applicant shall describe in writing the nature of the use and the
18 county shall utilize public records, site investigations and other reliable sources of
19 information, including the *Land-Based Classification Standards* of the American
20 Planning Association and the *North American Industry Classification System*
21 (NAICS) of the U.S. Department of Commerce.

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

- 26 a. If a use is defined in the LDC, that definition shall be applied to the
27 classification.
- 28 b. The reviewing authority shall not read an implied prohibition of a particular
29 use into a classification.
- 30 c. Classification is limited to giving meaning to the uses already allowed within
31 the applicable zoning district. No policy determinations shall be made on
32 what types of uses are appropriate within the district.
- 33 d. When the use regulations are ambiguous, the purpose and intent of the
34 zoning district and the nature of the uses allowed within it shall be considered.
- 35 e. Classification is not based on the proximity of the proposed use to other uses.
- 36 f. The use or activity determines the classification, not property ownership,
37 persons carrying out the use or activity, or other illegitimate considerations.
- 38 g. Generally, the function rather than the form of a structure is relevant to its
39 classification.

40 **(3) Determinations.** All classifications determined by the Planning Official shall be
41 recorded to ensure consistency with future classifications. A use not determined
42 to be one specifically identified in the LDC as permitted or conditionally permitted

1 may be proposed to the Planning Board for consideration of subsequent zoning
2 district use amendment.

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

6 **(hi) Outdoor storage.** Outdoor storage is allowed as prescribed by the supplemental
7 use regulations of Chapter 4 unless modified or prohibited by the applicable zoning
8 district.

9 **(ij) Subdivision.** The subdivision of land to accommodate the permitted uses or
10 approved conditional uses of the applicable zoning district is allowed as prescribed
11 by the standards of Chapter 5 unless otherwise prohibited by the district.

12 **(jk) Medical use of cannabis.** Section 381.986, Florida Statutes (2018), as amended,
13 and Florida Administrative Code Chapter 64-4, as amended, authorize a limited
14 number of dispensing organizations throughout the State of Florida to cultivate,
15 process, and dispense medical cannabis for use by qualified patients. The
16 dispensing organizations must be approved by the Florida Department of Health
17 and, once approved, are subject to state regulation and oversight.

18 **(1) Intent.** The intent of this article is to establish the criteria for the location and
19 permitting of facilities that dispense medical cannabis by State authorized
20 dispensing organizations in accordance with Section 381.986, Florida Statutes
21 (2018), as amended, and Florida Administrative Code Chapter 64-4, as
22 amended.

23 **(2) Applicability.** The provisions of this section shall be applicable in the
24 unincorporated areas of Escambia County. This section shall only be construed
25 to allow the dispensing of medical cannabis by a state-approved dispensing
26 organization for medical use. The sale of cannabis or marijuana is prohibited in
27 Escambia County except in accordance with this provision.

28 This provision does not exempt a person from prosecution in any criminal offense
29 related to impairment or intoxication resulting from the use of medical cannabis
30 or relieve a person from any requirement under law to submit to a breath, blood,
31 urine, or other test to detect the presence of a controlled substance.

32 **Sec. 3-1.6 Compatibility.** [Note: Section changes are made to emphasize that
33 compatibility among uses is the purpose of zoning, with location of a use a principal
34 consideration but only one of many that influence compatibility.]

35 **(a) Generally.** Zoning districts provide the primary means to establish and maintain the
36 necessary balance between the needs and interests of different land uses, allowing
37 neighboring uses to coexist successfully in a stable fashion over time, protecting the
38 investments in each. Although zoning separates many generally incompatible
39 ~~development uses~~, inclusion as a permitted use within a district does not alone
40 ensure compatibility with other district uses. [Note: Revised to clarify the limitation of
41 compatibility among permitted uses of the same district; that is, sharing the same
42 district does not guarantee compatibility.]

1 **(b) ~~Location criteria~~ District requirements.** All land uses, regardless of their zoning,
2 shall be located, developed, and maintained to avoid nuisance, hazard, and other
3 adverse impacts to neighboring uses. ~~Location criteria~~ In addition to district use
4 limitations and standards, specific compatibility requirements are established within
5 some zoning districts to protect prime farmland and promote the compatibility among
6 uses, especially of new non-residential uses, especially in relation to existing
7 residential uses. Most requirements ~~criteria~~ are designed to create smooth
8 transitions of use intensity from large-scale ~~concentrations of~~ general commercial
9 uses concentrated near major street intersections to small-scale dispersed
10 neighborhood commercial uses in proximity to residential areas. Such transitions
11 prevent the adverse impacts of continuous strip commercial development along
12 major streets and avoid negative or blighting influences of some commercial uses on
13 adjacent residential neighborhoods. For the purposes of district requirements, a
14 change of use as defined in Chapter 6 is considered a new use. [Note: Change from
15 **narrow emphasis on location to broader emphasis on all elements of compatibility.**]

16 **(1) Intersection distance.** Any distance from a street intersection that is required
17 by ~~location criteria~~ a compatibility condition shall be measured along the street
18 right-of-way that forms the frontage of the subject parcel to the nearest point of
19 intersection with the other street right-of-way. A proposed use or rezoning of a
20 parcel will be considered in compliance with the required distance where at least
21 75 percent of the parcel frontage is within the required distance.

22 **(2) Local streets as collectors.** For the purposes of ~~location criteria~~ compatibility
23 conditions only, and on a case-by-case basis, a local street not classified by the
24 Florida Department of Transportation as a collector street may be designated by
25 the County Engineer as a collector if all of the following conditions exist for the
26 applicable street segment:

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

32 **(3) Alternative analysis.** Where identified as an alternative compatibility condition
33 by the applicable zoning district, a site-specific compatibility analysis may be
34 prepared for a proposed use as prescribed in Article 2 of Chapter 2. The
35 analysis shall demonstrate that the use at the location proposed will be able to
36 coexist with existing neighboring uses in a stable fashion over time without undue
37 adverse impacts to either.

38 **(c) Other measures.** In addition to ~~the location criteria of the zoning districts~~
39 requirements, landscaping, buffering, and screening may be required to protect
40 lower intensity uses from more intensive uses, such as residential from commercial
41 or commercial from industrial. Buffers may also be required to protect natural
42 resources from intrusive activities and negative impacts of development such as
43 trespass, pets, vehicles, noise, lights, and stormwater.

1 **Article 2 Mainland Districts**

2 **Sec. 3-2.2 Agricultural district (Agr).**

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

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

18 **(1) Residential.**

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

24 See also conditional uses in this district.

25 **(2) Retail sales.** Medical marijuana dispensing facilities, only where ancillary to
26 cultivation or processing of medical marijuana. No other retail sales, except as
27 may be within other permitted or conditional use categories of this district. [Note:
28 **Modified to not limit other retail sales to the agricultural category.**]

- 29 ~~a. Medical marijuana dispensing facilities. Where ancillary to cultivation or~~
30 ~~processing, dispensing of medical marijuana shall also be permitted in the~~
31 ~~Agr zoning district.~~
- 32 ~~b. No other retail sales except as permitted agricultural and related uses in this~~
33 ~~district.~~

34 **(3) Retail services.** No retail services, except as may be within other permitted
35 agricultural and related uses or as conditional use uses in categories of this
36 district. [Note: **Modified to not limit retail services to the agricultural category.**]

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

- 38 a. Cemeteries, including family cemeteries. (compatibility exception)
- 39 b. Clubs, civic or fraternal.
- 40 c. Educational facilities, including preschools, K-12, colleges, and vocational
41 schools.

- 1 d. Emergency service facilities, including law enforcement, fire fighting, and
- 2 medical assistance.
- 3 e. Funeral establishments.
- 4 f. Places of worship.
- 5 g. Public utility structures 150 feet or less in height, including
- 6 telecommunications towers.

7 See also conditional uses in this district.

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

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

20 See also conditional uses in this district.

21 **(6) Industrial and related.** Borrow pit and reclamation activities 20 acres minimum

22 and subject to local permit and development review requirements per Escambia

23 County Code of Ordinances, Part I, Chapter 42, article VIII, and land use

24 regulations in Part III, the Land Development Code, chapter 4. (compatibility

25 exception) [Note: The exception is due to the review processes already required,

26 not the character of the use.]

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

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

1 i. Stables, public or private, on lots two acres or larger. (private are compatibility
2 exception)

3 j. Veterinary clinics. A minimum two acres for boarding animals.

4 **(8) Other uses.** Airports, private only, including crop dusting services.

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

7 **(1) Residential.** Group living, limited to nursing homes, assisted living facilities,
8 hospice facilities, and other uses providing similar services, assistance, or
9 supervision.

10 **(2) Retail services.**

11 a. Bed and breakfast inns.

12 b. Medical clinics, including those providing out-patient surgery, rehabilitation,
13 and emergency treatment.

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

15 a. Cinerators.

16 b. Community service facilities, including auditoriums, libraries, museums, and
17 neighborhood centers.

18 c. Hospitals.

19 d. Offices for government agencies or public utilities.

20 e. Public utility structures greater than 150 feet in height, including
21 telecommunications towers, but excluding any industrial uses.

22 f. Warehousing or maintenance facilities for government agencies or public
23 utilities.

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

25 a. Canoe, kayak, and float rental facilities.

26 b. Parks with permanent restrooms or outdoor event lighting.

27 c. Zoos and animal parks.

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

29 a. Mineral extraction, including oil and gas wells, not among the permitted uses
30 of the district.

31 b. Power plants.

32 c. Salvage yards, not including any solid waste facilities.

33 d. Solid waste collection points and transfer facilities.

34 e. Wastewater treatment plants.

35 ~~**(e) Location criteria.** The following location criteria apply to uses within the Agricultural~~
36 ~~district:~~

37 **Compatibility requirements.** Uses within the Agricultural district shall promote
38 compatibility by avoiding adverse impacts to surrounding uses, and shall comply
39 with the following:

1 (1) **Prime farmland.** All new or expanded uses shall be located to avoid the loss of
2 prime farmland (as defined in Chapter 6) to development that does not require
3 such soils. Where such loss cannot be avoided, it shall be effectively limited to
4 five acres or 10 percent of the development parcel area, whichever is greater.

5 [Note: This addition made to all three rural districts to clarify that existing soil
6 resource protection is soils-based, not use-based.]

7 (2) **Non-residential uses.** All non-residential uses shall be located to avoid
8 nuisance, hazard, and other adverse impacts to surrounding residential uses.
9 ~~Retail sales and services shall be located along collector or arterial streets.~~
10 ~~Industrial uses shall be on parcels that comply with the location criteria of the~~
11 ~~Industrial (Ind) zoning district.~~ All new non-residential permitted uses shall satisfy
12 at least one of the following compatibility conditions, unless specifically identified
13 as a compatibility exception: [Note: The street requirement is applied to all non-
14 residential uses, not just retail, but exceptions are identified and compatibility can
15 be assessed for any other locations. The lack of required proximity to any
16 intersecting street, as required by other districts, seems appropriate to the
17 character of the district and its limited uses. Predominantly residential
18 developments are purposely not included due to the character of the district.]

19 **a. Location.** The parcel of the use is located along a street that is functionally
20 classified as an arterial or major collector.

21 **b. Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
22 documents and confirms that the use can achieve and maintain compatibility
23 with surrounding uses at the location proposed.

24 (f) **Rezoning to Agr.** Agricultural zoning may be established only within the Agriculture
25 (AG) and Rural Community (RC) future land use categories. The district is suitable
26 for prime farmland, agriculturally used or assessed areas, large tracts of open
27 space, woodlands, or fields, but not for areas with central sewer or highly developed
28 street networks. The district is appropriate to provide transitions between areas
29 zoned or used for conservation or outdoor recreation and areas zoned or used for
30 more intense uses.

31 **Sec. 3-2.3 Rural Residential district (RR).**

32 (a) **Purpose.** The Rural Residential (RR) district establishes appropriate areas and
33 land use regulations for low density residential uses and compatible non-residential
34 uses characteristic of rural land development. The primary intent of the district is to
35 provide for residential development at greater density than the Agricultural district on
36 soils least valuable for agricultural production, but continue to support small-scale
37 farming on more productive district lands. The absence of urban and suburban
38 infrastructure is intentional. Residential uses within the RR district are largely self-
39 sustaining and generally limited to detached single-family dwellings on large lots,
40 consistent with rural land use and limited infrastructure. Clustering of smaller
41 residential lots may occur where needed to protect prime farmland from
42 non-agricultural use. The district allows public facilities and services necessary for
43 the basic health, safety, and welfare of a rural population, and other non-residential
44 uses that are compatible with agricultural community character.

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

2 **(1) Residential.**

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

8 See also conditional uses in this district.

9 **(2) Retail sales.** No retail sales, except as may be within other permitted
10 ~~agricultural and related uses in or conditional use categories of~~ this district. [Note:
11 **Modified to avoid limiting other retail sales to the agricultural category.**]

12 **(3) Retail services.** Bed and breakfast inns. No other retail services except as may
13 be within other permitted agricultural and related uses or as conditional use uses
14 ~~in categories of~~ this district. [Note: **Modified to avoid limiting other retail services**
15 **to the agricultural category.**]

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

- 17 a. Cemeteries, including family cemeteries. (compatibility exception)
- 18 b. Clubs, civic or fraternal.
- 19 c. Educational facilities, K-12, on lots one acre or larger.
- 20 d. Emergency service facilities, including law enforcement, fire fighting, and
21 medical assistance.
- 22 e. Funeral establishments.
- 23 f. Places of worship on lots one acre or larger.
- 24 g. Public utility structures 150 feet or less in height, excluding
25 telecommunications towers.

26 See also conditional uses in this district.

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

- 28 a. Campgrounds and recreational vehicle parks on lots five acres or larger.
- 29 b. Golf courses, tennis centers, swimming pools and similar active outdoor
30 recreational facilities, including associated country clubs.
- 31 c. Marinas, private. (compatibility exception)
- 32 d. Parks without permanent restrooms or outdoor event lighting. (compatibility
33 exception)
- 34 e. Passive recreational uses. (compatibility exception)

35 See also conditional uses in this district.

36 **(6) Industrial and related.** [Reserved]

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

- 38 a. Agriculture, including raising livestock, storing harvested crops, and
39 cultivation of nursery plants. A minimum of two acres for keeping any farm

- 1 animal on site and a maximum of one horse or other domesticated *equine* per
2 acre. (compatibility exception)
- 3 **b.** Aquaculture, marine or freshwater.
- 4 **c.** Farm equipment and supply stores.
- 5 **d.** Kennels and animal shelters on lots two acres or larger.
- 6 **e.** Produce display and sales of fruit, vegetables and similar agricultural
7 products. All structures for such use limited to non-residential farm buildings.
8 (compatibility exception)
- 9 **f.** Silviculture. (compatibility exception)
- 10 **g.** Stables, public or private, on lots two acres or larger. (private are compatibility
11 exception)
- 12 **h.** Veterinary clinics. A minimum of two acres for boarding animals.
- 13 **(8) Other uses.** [Reserved]
- 14 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2, the
15 BOA may conditionally allow the following uses within the RR district:
- 16 **(1) Residential.**
- 17 **a.** Group living, limited to nursing homes, assisted living facilities, hospice
18 facilities, and other uses providing similar services, assistance, or
19 supervision.
- 20 **b.** Manufactured (mobile) home parks on land zoned VR-1 prior to adoption of
21 RR zoning.
- 22 **c.** Two-family dwellings (duplex) and multi-family dwellings up to four units per
23 dwelling (triplex and quadruplex) on land zoned VR-1 prior to adoption of RR
24 zoning.
- 25 **(2) Retail services.** Medical clinics, including those providing out-patient surgery,
26 rehabilitation, and emergency treatment.
- 27 **(3) Public and civic.**
- 28 **a.** Community service facilities, including auditoriums, libraries, museums, and
29 neighborhood centers.
- 30 **b.** Educational facilities not among the permitted uses of the district.
- 31 **c.** Hospitals.
- 32 **d.** Offices for government agencies or public utilities.
- 33 **e.** Public utility structures greater than 150 feet in height, and
34 telecommunications towers of any height, excluding any industrial uses.
- 35 **f.** Warehousing or maintenance facilities for government agencies or public
36 utilities.
- 37 **(4) Recreation and entertainment.**
- 38 **a.** Hunting clubs and preserves.
- 39 **b.** Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
- 40 **c.** Parks with permanent restrooms or outdoor event lighting.

1 d. Shooting ranges.

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

3 a. Borrow pit and reclamation activities 20 acres minimum and subject to local
4 permit and development review requirements per Escambia County Code of
5 Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part
6 III, the Land Development Code, chapter 4.

7 b. Mineral extraction, including oil and gas wells.

8 c. Power plants.

9 d. Salvage yards, not including any solid waste facilities.

10 e. Solid waste collection points and transfer facilities.

11 f. Wastewater treatment plants.

12 **(6) Other uses.** Airports, private only, including crop dusting facilities.

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

14 **Compatibility requirements.** Uses within the RR district shall promote
15 compatibility by avoiding adverse impacts to surrounding uses, and shall comply
16 with the following:

17 **(1) Prime farmland.** All new or expanded uses shall ~~be located to avoid~~ the loss of
18 prime farmland (as defined in Chapter 6) to development that does not require
19 such soils. Where such loss cannot be avoided, it shall be effectively limited to
20 five acres or 10 percent of the development parcel area, whichever is greater.

21 **(2) Non-residential uses.** ~~All non-residential uses shall be located to avoid~~
22 ~~nuisance, hazard and other adverse impacts to surrounding residential uses.~~
23 ~~Retail sales and services shall be located along collector or arterial streets.~~
24 ~~Industrial uses shall be on parcels that comply with the location criteria of the~~
25 ~~Industrial (Ind) zoning district. All new non-residential permitted uses shall satisfy~~
26 ~~at least one of the following compatibility conditions, unless specifically identified~~
27 ~~as a compatibility exception: [Note: Given that the district is intended for single-~~
28 ~~family residential but allows various non-residential uses other than retail, the~~
29 ~~street location limit on retail was replaced with compatibility conditions for all non-~~
30 ~~residential uses not part of predominantly residential development.]~~

31 **a. Mixed-use.** The use is part of a predominantly residential development.

32 **b. Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
33 documents and confirms that the use can achieve and maintain compatibility
34 with surrounding uses at the location proposed.

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

1 **Sec. 3-2.4 Rural Mixed-use district (RMU).**

2 **(a) Purpose.** The Rural Mixed-use (RMU) district establishes appropriate areas and
3 land use regulations for a mix of low-density residential uses and compatible non-
4 residential uses within areas that have historically developed as rural or semi-rural
5 communities. The primary intent of the district is to sustain these communities by
6 allowing greater residential density, smaller residential lots, and a more diverse mix
7 of non-residential uses than the Agricultural or Rural Residential districts, but
8 continue to support the preservation of agriculturally productive lands. The RMU
9 district allows public facilities and services necessary for the health, safety, and
10 welfare of the rural mixed-use community, and other non-residential uses that are
11 compact, traditionally neighborhood supportive, and compatible with rural community
12 character. District communities are often anchored by arterial and collector streets,
13 but they are not characterized by urban or suburban infrastructure. Residential uses
14 are generally limited to detached single-family dwellings, consistent with existing
15 rural communities and limited infrastructure.

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

17 **(1) Residential.**

- 18 a. Manufactured (mobile) homes, excluding new or expanded manufactured
19 home parks or subdivisions.
20 b. Single-family dwellings (other than manufactured homes), detached only, on
21 lots one half acre or larger.

22 See also conditional uses in this district.

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

- 25 a. Automotive fuel sales.
26 b. Convenience stores.
27 c. Drugstores.
28 d. Grocery or food stores, including bakeries and butcher shops whose products
29 are prepared and sold on the premises.
30 e. Hardware stores.
31 f. Medical marijuana dispensing facilities.

32 See also retail sales as may be within other permitted agricultural and related
33 uses and or conditional use uses in categories of this district. [Note: Modified to
34 not limit other retail sales to the agricultural category.]

35 **(3) Retail services.** The following small scale (gross floor area 6000 sq.ft. or less
36 per lot) retail services with no outdoor work or storage.

- 37 a. Bed and breakfast inns. (compatibility exception)
38 b. Personal services, including those of beauty shops, health clubs, pet
39 groomers, dry cleaners, and tattoo parlors.
40 c. Professional services, including those of realtors, bankers, accountants,
41 engineers, architects, dentists, physicians, and attorneys.

- 1 d. Repair services, including motor vehicle repair, appliance repair, furniture
2 refinishing and upholstery, watch and jewelry repair, and small engine and
3 motor services.
- 4 e. Restaurants, excluding on-premises consumption of alcoholic beverages and
5 drive-in or drive-through service.

6 See also retail services as may be within other permitted agricultural and related
7 uses and or conditional use uses in categories of this district. [Note: Modified to
8 not limit other retail services to the agricultural category.]

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

- 10 a. Cemeteries, including family cemeteries. (compatibility exception)
- 11 b. Clubs, civic or fraternal.
- 12 c. Community service facilities, including auditoriums, libraries, museums, and
13 neighborhood centers.
- 14 d. Educational facilities, including preschools, K-12, colleges, and vocational
15 schools, on lots one acre or larger.
- 16 e. Emergency service facilities, including law enforcement, fire fighting, and
17 medical assistance.
- 18 f. Funeral establishments.
- 19 g. Offices for government agencies or public utilities, small scale (gross floor
20 area 6000 sq.ft. or less per lot).
- 21 h. Places of worship on lots one acre or larger.
- 22 i. Public utility structures 150 feet or less in height, excluding
23 telecommunications towers.

24 See also, conditional uses in this district.

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

- 26 a. Campgrounds and recreational vehicle parks on lots five acres or larger.
- 27 b. Golf courses, tennis centers, swimming pools and similar active outdoor
28 recreational facilities, including associated country clubs.
- 29 c. Marinas, private only. (compatibility exception)
- 30 d. Parks, with or without permanent restrooms or outdoor event lighting.
31 (facilities without are compatibility exception)

32 See also conditional uses in this district.

33 **(6) Industrial and related.** Borrow pit and reclamation activities 20 acres minimum
34 and subject to local permit and development review requirements per Escambia
35 County Code of Ordinances, Part I, Chapter 42, article VIII, and location and use
36 regulation Part III, the Land Development Code, chapter 4. *Borrow pits require
37 conditional use on land zoned RR prior to the adoption of the RMU zoning.
38 (compatibility exception) [Note: The exemption is due to the review processes
39 already required, not the use.]

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

- 2 a. Agriculture, including raising livestock, storing harvested crops, and
3 cultivation of nursery plants. A minimum of two acres for keeping any farm
4 animal on site and a maximum of one horse or other domesticated *equine* per
5 acre. (compatibility exception)
6 b. Agricultural research or training facilities.
7 c. Aquaculture, marine or freshwater.
8 d. Farm equipment and supply stores.
9 e. Produce display and sales of fruit, vegetables and similar agricultural
10 products. (compatibility exception)
11 f. Silviculture. (compatibility exception)
12 g. Stables, public or private, on lots two acres or larger. (private are compatibility
13 exception)
14 h. Veterinary clinics, excluding outside kennels.
15 See also conditional uses in this district.

16 **(8) Other uses.**

- 17 a. Airports, private only, including crop dusting facilities.

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

20 **(1) Residential.**

- 21 a. Group living, limited to nursing homes, assisted living facilities, hospice
22 facilities, and other uses providing similar services, assistance, or
23 supervision.
24 b. Manufactured (mobile) home parks.
25 c. Two-family dwellings (duplex).

26 **(2) Retail sales.** Small-scale (gross floor area 6000 sq. ft. or less per lot) retail sales
27 not among the permitted uses of the district, including outdoor display of
28 merchandise, but excluding sales of liquor or motor vehicles.

29 **(3) Retail services.**

- 30 a. Boarding or rooming houses.
31 b. Medical clinics, including those providing out-patient surgery, rehabilitation,
32 and emergency treatment.

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

- 34 a. Cinerators.
35 b. Hospitals.
36 c. Offices for government agencies or public utilities with greater floor area than
37 those among the permitted uses of the district.
38 d. Public utility structures greater than 150 feet in height, and
39 telecommunications towers of any height, excluding any industrial uses.

- e. Warehousing or maintenance facilities for government agencies or public utilities.

(5) Recreation and entertainment.

- a. Hunting clubs and preserves.
- b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
- c. Shooting ranges.

(6) Industrial and related.

- a. Mineral extraction, including oil and gas wells not among the permitted uses in the district.
- b. Power plants.
- c. Salvage yards, not including any solid waste facilities.
- d. Solid waste collection points and transfer facilities.
- e. Wastewater treatment plants.

(7) Agricultural and related.

- a. Exotic animals, keeping or breeding.
- b. Kennels not interior to veterinary clinics.

~~(e) Location criteria.~~ The following location criteria apply to uses within the RMU district:

Compatibility requirements. Uses within the RMU district shall promote compatibility by avoiding adverse impacts to surrounding uses, and shall comply with the following:

(1) Prime farmland. All new or expanded uses shall be located to avoid the loss of prime farmland (as defined in Chapter 6) to development that does not require such soils. Where such loss cannot be avoided, it shall be effectively limited to five acres or 10 percent of the development parcel area, whichever is greater.

(2) Non-residential uses. All new non-residential uses shall be located to avoid nuisance, hazard and other adverse impacts to surrounding residential uses. Industrial uses shall be on parcels that comply with the location criteria of the Industrial (Ind) zoning district. All other non-residential uses that are not part of a predominantly residential development or a planned unit development, or are not specifically identified as exempt by district regulations, shall be on parcels that comply with at least one of the following location criteria: All new non-residential permitted uses shall satisfy at least one of the following compatibility conditions, unless specifically identified as a compatibility exception:

- ~~a. Proximity to intersection.~~ Along an arterial or collector street, and within 200 feet of an intersection with another arterial or collector.
- ~~b. Proximity to traffic generator.~~ Along an arterial or collector street and within a one-quarter mile radius of an individual traffic generator of more than 600 daily trips, such as an apartment complex, military base, college campus, hospital, shopping mall, or industrial plant.
- ~~c. Infill development.~~ Along an arterial or collector street, in an area where already established non-residential uses are otherwise consistent with the

1 RMU district, and where the new use would constitute infill development of
2 similar intensity as the conforming development on surrounding parcels.
3 Additionally, the location would promote compact development and not
4 contribute to or promote strip commercial development.

5 ~~d. **Site design.** Along an arterial street at the intersection with a local street that~~
6 ~~connects the arterial street to another arterial, and all of the following site~~
7 ~~design conditions:~~

8 ~~1. Any intrusion into a recorded residential subdivision is limited to a corner~~
9 ~~lot.~~

10 ~~2. Access and stormwater management is shared with adjoining uses or~~
11 ~~properties to the extent practicable.~~

12 ~~3. Adverse impacts to any adjoining residential uses are minimized by~~
13 ~~placing the more intensive elements of the use (solid waste dumpsters,~~
14 ~~truck loading/unloading areas, drive-thru facilities, etc.) furthest from the~~
15 ~~residential uses.~~

16 ~~e. **Documented compatibility.** A compatibility analysis prepared by the~~
17 ~~applicant provides competent substantial evidence of unique circumstances~~
18 ~~regarding the parcel or use that were not anticipated by the alternative~~
19 ~~location criteria, and the proposed use will be able to achieve long-term~~
20 ~~compatibility with existing and potential uses. Additionally, the parcel has not~~
21 ~~been rezoned by the landowner from mixed-use, commercial, or industrial~~
22 ~~zoning assigned by the county.~~

23 a. **Location.** The parcel of the use is located along a street that is functionally
24 classified as an arterial or a major collector and is within one-quarter mile of
25 an intersection with another arterial or major collector. [Note: Distance from
26 intersection expanded, consistent with purpose and character of the district.]

27 b. **Mixed-use.** The use is part of a predominantly residential development.

28 c. **Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
29 documents and confirms that the use can achieve and maintain compatibility
30 with surrounding uses at the location proposed.

31 **(f) Rezoning to RMU.** Rural Mixed-use zoning may be established only within the
32 Rural Community (RC) future land use category. The district is suitable for
33 recognized rural communities, especially those developed around intersections of
34 higher classification streets and in areas that are generally not agriculturally
35 productive. The district is appropriate to reinforce the value of existing rural
36 communities in serving surrounding areas and minimizing the need to travel long
37 distances for basic necessities. Rezoning to RMU is subject to the same location
38 criteria as any new non-residential use proposed within the RMU district limited to
39 either parcels along arterial or major collector streets and within one-quarter mile of
40 an intersection with another arterial or major collector, or parcels directly adjoining
41 existing RMU zoning. [Note: RMU is intended “within areas that have historically
42 developed as rural or semi-rural communities,” and those communities are typically
43 anchored by arterial and collector streets. The “adjoining parcel” provision is an
44 expansion from the street location limit.]

1 **Sec. 3-2.5 Low Density Residential district (LDR).**

2 **(a) Purpose.** The Low Density Residential (LDR) district establishes appropriate areas
3 and land use regulations for residential uses at low densities within suburban areas.
4 The primary intent of the district is to provide for large-lot suburban type residential
5 neighborhood development that blends aspects of rural openness with the benefits
6 of urban street connectivity, and at greater density than the Rural Residential district.
7 Residential uses within the LDR district are predominantly detached single-family
8 dwellings. Clustering dwellings on smaller residential lots may occur where needed
9 to protect prime farmland from non-agricultural use or to conserve and protect
10 environmentally sensitive areas. The district allows non-residential uses that are
11 compatible with suburban residential neighborhoods and the natural resources of the
12 area.

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

14 **(1) Residential.**

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

25 See also conditional uses in this district.

26 **(2) Retail sales.** No retail sales except as may be within other permitted use or
27 conditional use categories of this district. [Note: Modified to not exclude retail
28 sales that may be within other use categories.]

29 **(3) Retail services.** No retail services except as may be within other permitted use
30 or conditional use categories of this district. [Note: Modified to not exclude retail
31 services that may be within other use categories.]

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

- 33 a. Cemeteries, family only. (compatibility exception)
34 b. Public utility structures, excluding telecommunications towers.

35 See also conditional uses in this district.

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

- 37 a. Marinas, private only. (compatibility exception)
38 b. Parks without permanent restrooms or outdoor event lighting. (compatibility
39 exception)

40 See also conditional uses in this district.

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

1 **(7) Agricultural and related.** On land not zoned SDD prior to adoption of LDR
2 zoning, agricultural production and storage is limited to food primarily for
3 personal consumption by the producer. The following additional agricultural uses
4 are allowed on lands zoned SDD prior to LDR zoning:

- 5 a. Agriculture, but no farm animals except horses and other domesticated
6 *equines* kept on site, and stables for such animals, accessory to a private
7 residential use with a minimum lot area of two acres and a maximum of one
8 animal per acre.
- 9 b. Aquaculture, marine or freshwater. [recommend change to conditional use]
- 10 c. Produce display and sales of fruit, vegetables and similar agricultural
11 products.
- 12 d. Silviculture. (compatibility exception)

13 See also conditional uses in this district.

14 **(8) Other uses.** [reserved].

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

17 **(1) Residential.**

- 18 a. Accessory dwellings on lots less than two acres.
- 19 b. Home occupations with non-resident employees.

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

- 21 a. Clubs, civic and fraternal.
- 22 b. Educational facilities, excluding preschools or kindergartens independent of
23 other elementary grades.
- 24 c. Emergency service facilities, including law enforcement, fire fighting, and
25 medical assistance.
- 26 d. Offices for government agencies or public utilities, small scale (gross floor
27 area 6000 sq.ft. or less per lot).
- 28 e. Places of worship.
- 29 f. Public utility structures exceeding the district structure height limit, excluding
30 telecommunications towers.

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

- 32 a. Golf courses, tennis centers, swimming pools and similar active outdoor
33 recreational facilities, including associated country clubs.
- 34 b. Parks with permanent restrooms or outdoor event lighting.

35 **(4) Agricultural and related.** Horses and other domesticated *equines* kept on site,
36 and stables for such animals, as a private residential accessory not among the
37 permitted uses of the district, or for public riding on land zoned SDD prior to
38 adoption of LDR zoning. A minimum lot area of two acres if accessory to a
39 private residential use and a minimum 10 acres if for public riding, with a
40 maximum of one animal per acre for either use.

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

3 **Compatibility requirements.** Uses within the LDR district shall avoid adverse
4 impacts to surrounding uses. All new non-residential permitted uses are limited to
5 parcels that satisfy at least one of the following compatibility conditions, unless
6 specifically identified as a compatibility exception:

7 **(1) Mixed-use.** The use is part of a predominantly residential development.

8 **(2) Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
9 documents and confirms that the use can achieve and maintain compatibility with
10 surrounding uses at the location proposed.

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

17 **Sec. 3-2.6 Low Density Mixed-use district (LDMU).**

18 **(a) Purpose.** The Low Density Mixed-use (LDMU) district establishes appropriate
19 areas and land use regulations for a complementary mix of low density residential
20 uses and compatible non-residential uses within mostly suburban areas. The
21 primary intent of the district is to provide for a mix of neighborhood-scale retail sales,
22 services and professional offices with greater dwelling unit density and diversity than
23 the Low Density Residential district. Additionally, the LDMU district is intended to
24 rely on a pattern of well-connected streets and provide for the separation of
25 suburban uses from more dense and intense urban uses. Residential uses within
26 the district include most forms of single-family, two-family and multi-family dwellings.

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

28 **(1) Residential.**

- 29 a. Manufactured (mobile) homes within manufactured home parks or
30 subdivisions, including new or expanded manufactured home parks and
31 subdivisions.
- 32 b. Single-family dwellings (other than manufactured homes), attached or
33 detached, including townhouses and zero lot line subdivisions.
- 34 c. Two-family dwellings (duplex) and multi-family dwellings up to four units per
35 building (triplex and quadruplex).
36 See also conditional uses in this district.

37 **(2) Retail sales.** Small-scale (gross floor area 6000 sq. ft. or less per lot) retail
38 sales, or retail sales within a neighborhood retail center no greater than 35,000
39 square feet per lot and containing a mix of retail sales and services. Retail sales
40 including medical marijuana dispensing facilities, sales of beer and wine, but
41 excluding sales of liquor or motor vehicles, and exclude permanent outdoor

1 storage, display, or sales. See also retail sales as may be within other permitted
2 use or conditional uses in categories of this district.

3 **(3) Retail services.** Small-scale (gross floor area 6000 sq. ft. or less per lot) retail
4 services, or retail services within a neighborhood retail center no greater than
5 35,000 square feet per lot and containing a mix of retail sales and services.
6 Retail services are limited to the following with no outdoor work or permanent
7 outdoor storage:

- 8 a. Bed and breakfast inns.
- 9 b. Personal services, including those of beauty shops, health clubs, pet
10 groomers, dry cleaners, and tattoo parlors.
- 11 c. Professional services, including those of realtors, bankers, accountants,
12 engineers, architects, dentists, physicians, and attorneys.
- 13 d. Repair services, including appliance repair, furniture refinishing and
14 upholstery, watch and jewelry repair, small engine and motor services, but
15 excluding major motor vehicle or boat service or repair.
- 16 e. Restaurants, including on-premises consumption of alcohol, but excluding
17 drive-in or drive-through service.

18 See also retail services as may be within other permitted use or conditional uses
19 in categories of this district.

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

- 21 a. Cemeteries, including family cemeteries. (compatibility exception)
- 22 b. Educational facilities, including preschools, K-12, colleges, and vocational
23 schools.
- 24 c. Emergency service facilities, including law enforcement, fire fighting, and
25 medical assistance.
- 26 d. Funeral establishments.
- 27 e. Offices for government agencies or public utilities, small scale (gross floor
28 area 6000 sq.ft. or less per lot).
- 29 f. Places of worship.
- 30 g. Public utility structures, excluding telecommunications towers.

31 See also conditional uses in this district.

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

- 33 a. Marinas, private only. (compatibility exception)
- 34 b. Parks without permanent restrooms or outdoor event lighting. (compatibility
35 exception)

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

37 **(7) Agricultural and related.** Veterinary clinics, excluding outside kennels.

38 Agricultural production limited to food primarily for personal consumption by the
39 producer, but no farm animals.

40 **(8) Other uses.** [reserved]

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

3 **(1) Residential.**

- 4 a. Group living, including nursing homes, assisted living facilities, dormitories
5 and residential facilities providing substance abuse treatment and post-
6 incarceration reentry.
- 7 b. Manufactured (mobile) homes outside manufactured home parks or
8 subdivisions.

9 **(2) Retail sales.**

- 10 1. Liquor sales.
- 11 2. Medium-scale (gross floor area greater than 6000 sq. ft. per lot, but no greater
12 than 35,000 sq. ft.) retail sales, excluding sales of motor vehicles and
13 excluding permanent outdoor storage, sales, or display.

14 **(3) Retail services.**

- 15 a. Medium-scale (gross floor area greater than 6000 sq. ft. per lot, but no
16 greater than 35,000 sq. ft.) retail services, excluding outdoor work and
17 permanent outdoor storage.
- 18 b. Restaurants with drive-in or drive-through service.

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

- 20 a. Clubs, civic and fraternal.
- 21 b. Community service facilities, including auditoriums, libraries, museums, and
22 neighborhood centers.
- 23 c. Offices for government agencies or public utilities, with gross floor area
24 greater than 6000 square feet.
- 25 d. Public utility structures exceeding the district structure height limit, and
26 telecommunications towers of any height, excluding any industrial uses.
- 27 e. Warehousing or maintenance facilities for government agencies or public
28 utilities.

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

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

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

35 ~~**(e) Location criteria.** All new non-residential uses proposed within the LDMU district
36 that are not part of a predominantly residential development or a planned unit
37 development, or are not identified as exempt by district regulations, shall be on
38 parcels that satisfy at least one of the following location criteria:~~

39 **Compatibility requirements.** Uses within the LDMU district shall promote
40 compatibility by avoiding adverse impacts to surrounding uses. All new non-

1 residential permitted uses shall satisfy at least one of the following compatibility
2 conditions, unless specifically identified as a compatibility exception:

3 **(1) Proximity to intersection.** ~~Along an arterial or collector street, and within 200~~
4 ~~feet of an intersection with another arterial or collector.~~

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

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

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

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

19 ~~b. Access and stormwater management is shared with adjoining uses or~~
20 ~~properties to the extent practicable.~~

21 ~~c. Adverse impacts to any adjoining residential uses are minimized by placing~~
22 ~~the more intensive elements of the use (solid waste dumpsters, truck~~
23 ~~loading/unloading areas, drive-thru facilities, etc.) furthest from the residential~~
24 ~~uses.~~

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

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

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

35 **(1) Location.** The parcel of the use is located along a street that is functionally
36 classified as an arterial or major collector and is within 200 feet of an intersection
37 with another arterial or major collector.

38 **(2) Mixed-use.** The use is part of a predominantly residential development,

39 **(3) Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
40 documents and confirms that the use can achieve and maintain compatibility with
41 surrounding uses at the location proposed.

42 **(f) Rezoning to LDMU.** Low Density Mixed-use zoning may be established only within
43 the Mixed-Use Suburban (MU-S) and Mixed-Use Urban (MU-U) future land use

1 categories. The district is suitable for suburban or urban areas with central water and
2 sewer and developed street networks. The district is appropriate to provide
3 transitions between areas zoned or used for low or medium density residential and
4 areas zoned or used for high density mixed-use. Rezoning to LDMU is ~~subject to the~~
5 ~~same location criteria as any new non-residential use proposed within the LDMU~~
6 district limited to either parcels along arterial or major collector streets and within 200
7 feet of an intersection with another arterial or major collector, or parcels directly
8 adjoining existing LDMU zoning but not adjoining existing Rural Residential (RR)
9 zoning.

10 **Sec. 3-2.7 Medium Density Residential district (MDR).**

11 **(a) Purpose.** The Medium Density Residential (MDR) district establishes appropriate
12 areas and land use regulations for residential uses at medium densities within
13 suburban or urban areas. The primary intent of the district is to provide for
14 residential neighborhood development in an efficient urban pattern of well-connected
15 streets and at greater dwelling unit density than the Low Density Residential district.
16 Residential uses within the MDR district are limited to single-family and two-family
17 dwellings. The district allows non-residential uses that are compatible with suburban
18 and urban residential neighborhoods.

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

20 **(1) Residential.**

- 21 a. Manufactured (mobile) homes only within manufactured home parks or
22 subdivisions. No new or expanded manufactured home parks, and new or
23 expanded manufactured home subdivisions only on land zoned V-4 prior to
24 adoption of MDR zoning.
- 25 b. Single-family dwellings (other than manufactured homes), detached and only
26 one per lot, excluding accessory dwellings. Accessory dwellings only on lots
27 one acre or larger. Attached single-family dwellings and zero lot line
28 subdivisions only on land zoned R-3 or V-4 prior to adoption of MDR zoning.
- 29 c. Two-family dwellings only on land zoned R-3 or V-4 prior to adoption of MDR
30 zoning, and multi-family dwellings up to four units per dwelling (quadruplex)
31 only on land zoned V-4 prior to MDR zoning.

32 See also conditional uses in this district.

33 **(2) Retail sales.** No retail sales, except as may be within other permitted use or
34 conditional use categories of this district. [Note: Modified to not exclude retail
35 sales that may be within other use categories.]

36 **(3) Retail services.** No retail services, except as may be within other permitted use
37 or conditional uses in categories of this district. [Note: Modified to not exclude
38 retail services that may be within other use categories.]

39 **(4) Public and civic.** Public utility structures, excluding telecommunications towers.
40 See also conditional uses in this district.

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

- 42 a. Marinas, private. (compatibility exception)

1 **b.** Parks without permanent restrooms or outdoor event lighting. (compatibility
2 exception)

3 See also conditional uses in this district.

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

5 **(7) Agricultural and related.** Agricultural production limited to food primarily for
6 personal consumption by the producer, but no farm animals. See also
7 conditional uses in this district.

8 **(8) Other uses.** [reserved]

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

11 **(1) Residential.**

12 **a.** Accessory dwellings on lots less than one acre.

13 **b.** Group living, excluding residential facilities providing substance abuse
14 treatment, post-incarceration reentry, or similar services.

15 **c.** Home occupations with non-resident employees.

16 **d.** Townhouses not among the permitted uses of the district.

17 **(2) Retail services.** Boarding and rooming houses.

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

19 **a.** Clubs, civic and fraternal.

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

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

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

26 **e.** Places of worship.

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

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

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

32 **b.** Parks with permanent restrooms or outdoor event lighting.

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

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

39 **Compatibility requirements.** Uses within the MDR district shall promote
40 compatibility by avoiding adverse impacts to surrounding uses. All new non-

1 residential permitted uses within the district shall satisfy at least one of the following
2 compatibility conditions, unless specifically identified as a compatibility exception:

3 **(1) Mixed-use.** The use is part of a predominantly residential development.

4 **(2) Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
5 documents and confirms that the use can achieve and maintain compatibility with
6 surrounding uses at the location proposed.

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

13 **Sec. 3-2.8 High Density Residential district (HDR).**

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

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

23 **(1) Residential.**

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

33 See also conditional uses in this district.

34 **(2) Retail sales.** No retail sales, except as may be within other permitted or
35 conditional uses in categories of this district. [Note: Modified to not exclude retail
36 sales that may be within other use categories.]

37 **(3) Retail services.**

- 38 a. Boarding and rooming houses.
- 39 b. Child care facilities.

1 See also retail services as may be within other permitted and conditional uses in
2 categories of this district. [Note: Modified to not exclude retail services that may
3 be within other use categories.]

4 **(4) Public and civic.** Public utility structures, excluding telecommunications towers.
5 See also conditional uses in this district.

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

7 a. Marina, private.

8 b. Parks without permanent restrooms or outdoor event lighting. (compatibility
9 exception)

10 See also conditional uses in this district.

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

12 **(7) Agricultural and related.** Agricultural production limited to food primarily for
13 personal consumption by the producer, but no farm animals. See also
14 conditional uses in this district.

15 **(8) Other uses.** [Reserved].

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

18 **(1) Residential.**

19 a. Dormitories.

20 b. Fraternity or sorority houses.

21 c. Home occupations with non-resident employees.

22 **(2) Retail sales.** Retail sales only within a predominantly residential multi-story
23 building.

24 **(3) Retail services.** Retail services only within a predominantly residential multi-
25 story building.

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

27 a. Clubs, civic and fraternal.

28 b. Educational facilities, excluding preschools or kindergartens independent of
29 other elementary grades.

30 c. Emergency service facilities, including law enforcement, fire fighting, and
31 medical assistance.

32 d. Hospitals.

33 e. Offices for government agencies or public utilities, small scale (gross floor
34 area 6000 sq.ft. or less per lot).

35 f. Places of worship.

36 g. Public utility structures exceeding the district structure height limit, excluding
37 telecommunications towers.

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

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

1 **b.** Parks with permanent restrooms or outdoor event lighting.

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

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

7 **Compatibility requirements.** Uses within the HDR district shall promote
8 compatibility by avoiding adverse impacts to surrounding uses. All new non-
9 residential permitted uses within the district shall satisfy at least one of the following
10 compatibility conditions, unless specifically identified as a compatibility exception:

11 **(1) Mixed-use.** The use is part of a predominantly residential development.

12 **(2) Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
13 documents and confirms that the use can achieve and maintain compatibility with
14 surrounding uses at the location proposed.

15 **(f) Rezoning to HDR.** High Density Residential zoning may be established only within
16 the Mixed-Use Suburban (MU-S) or Mixed-Use Urban (MU-U) future land use
17 category. The district is suitable for urban areas with central water and sewer and
18 developed street networks. The district is appropriate to provide transitions between
19 areas zoned or used for medium density residential and areas zoned or used for
20 high density mixed-use or commercial.

21 **Sec. 3-2.9 High Density Mixed-use district (HDMU).**

22 **(a) Purpose.** The High Density Mixed-use (HDMU) district establishes appropriate
23 areas and land use regulations for a complimentary mix of high density residential
24 uses and compatible non-residential uses within urban areas. The primary intent of
25 the district is to provide for a mix of neighborhood retail sales, services and
26 professional offices with greater dwelling unit density and diversity than the Low
27 Density Mixed-use district. Additionally, the HDMU district is intended to rely on
28 urban street connectivity and encourage vertical mixes of commercial and residential
29 uses within the same building to accommodate a physical pattern of development
30 characteristic of village main streets and older neighborhood commercial areas.
31 Residential uses within the district include all forms of single-family, two-family and
32 multi-family dwellings.

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

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

37 **a.** Group living, excluding dormitories, fraternity and sorority houses, and
38 residential facilities providing substance abuse treatment, post-incarceration
39 reentry, or similar services.

40 **b.** Manufactured (mobile) homes, including manufactured home subdivisions,
41 but excluding new or expanded manufactured home parks.

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

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

4 See also conditional uses in this district.

5 **(2) Retail sales.** Small-scale (gross floor area 6000 sq.ft. or less per lot) retail sales,
6 including medical marijuana dispensing facilities, sales of beer and wine, but
7 excluding sales of liquor, automotive fuels, or motor vehicles, and excluding
8 permanent outdoor storage, display, or sales. See also retail sales that may be
9 within other permitted or conditional uses in categories of this district.

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

12 a. Bed and breakfast inns.

13 b. Boarding and rooming houses.

14 c. Child care facilities.

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

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

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

22 g. Restaurants, and brewpubs, including on-premises consumption of alcoholic
23 beverages, but excluding drive-in or drive-through service and brewpubs with
24 distribution of alcoholic beverages for off-site sales.

25 See also retail services that may be within other permitted or conditional uses in
26 categories of this district.

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

28 a. Preschools and kindergartens.

29 b. Emergency service facilities, including law enforcement, fire fighting, and
30 medical assistance.

31 c. Foster care facilities.

32 d. Places of worship.

33 e. Public utility structures, excluding telecommunications towers.

34 See also conditional uses in this district.

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

36 a. Marinas, private only. (compatibility exception)

37 b. Parks without permanent restrooms or outdoor event lighting. (compatibility
38 exception)

39 See also conditional uses in this district.

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

1 **(7) Agricultural and related.** Agricultural production limited to food primarily for
2 personal consumption by the producer, but no farm animals.

3 **(8) Other uses.** [Reserved]

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

6 **(1) Residential.**

- 7 a. Dormitories.
- 8 b. Fraternity and sorority houses.
- 9 c. Manufactured (mobile) home parks.

10 **(2) Retail sales.** Medium-scale (gross floor area greater than 6000 sq.ft. per lot, but
11 no greater than 35,000 sq.ft.) retail sales, including sales of beer and wine and
12 automotive fuels, but excluding sales of motor vehicles and liquor, and excluding
13 permanent outdoor storage, display, or sales.

14 **(3) Retail services.**

- 15 a. Medium-scale (gross floor area greater than 6000 sq. ft. per lot, but no
16 greater than 35,000 sq. ft.) retail services, excluding motor vehicle service
17 and repair.
- 18 b. Restaurants and brewpubs with drive-in or drive-through service and
19 brewpubs with the distribution of on-premises produced alcoholic beverages
20 for off-site sales.
- 21 c. Small-scale (gross floor area 6000 sq.ft. or less per lot) major motor vehicle
22 service and repair, excluding painting or body work and outdoor work.

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

- 24 a. Broadcast stations with satellite dishes and antennas, excluding towers.
- 25 b. Cemeteries, including family cemeteries. (compatibility exception)
- 26 c. Clubs, civic and fraternal.
- 27 d. Community service facilities, including auditoriums, libraries, museums, and
28 neighborhood centers.
- 29 e. Cinerators.
- 30 f. Educational facilities not among the permitted uses of the district.
- 31 g. Funeral establishments.
- 32 h. Hospitals.
- 33 i. Offices for government agencies or public utilities.
- 34 j. Public utility structures exceeding the district structure height limit and
35 telecommunications towers of any height, excluding any industrial uses.
- 36 k. Warehousing or maintenance facilities for government agencies or public
37 utilities.

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

- 39 a. Amusement arcade centers and bingo facilities.

1 b. Golf courses, tennis centers, swimming pools and similar active outdoor
2 recreational facilities, including associated country clubs.

3 c. Parks with permanent restrooms or outdoor event lighting.

4 **(6) Industrial and related.** Microbreweries, microdistilleries, and microwineries

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

6 a. Horses or other domesticated *equines* kept on site, and stables for such
7 animals, only as a private residential accessory with a minimum lot area of
8 two acres and a maximum of one animal per acre.

9 b. Veterinary clinics.

10 **(8) Other uses.**

11 a. Self-storage facilities with a maximum lot area of one acre and outdoor
12 storage limited to operable motor vehicles and boats. No vehicle rental.

13 b. Structures of permitted uses exceeding the district structure height limit,
14 excluding telecommunications towers.

15 **(e) Location criteria.** ~~All new non-residential uses proposed within the HDMU district
16 that are not part of a predominantly residential development or a planned unit
17 development, or are not identified as exempt by district regulations, shall be on
18 parcels that satisfy at least one of the following location criteria:~~

19 **Compatibility requirements.** Uses within the HDMU district shall promote
20 compatibility by avoiding adverse impacts to surrounding uses. All new non-
21 residential permitted uses within the district shall satisfy at least one of the following
22 compatibility conditions, unless specifically identified as a compatibility exception:

23 **~~(1) Proximity to intersection.~~** ~~Along an arterial or collector street and within 200~~
24 ~~feet of an intersection with another arterial or collector.~~

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

29 **~~(3) Infill development.~~** ~~Along an arterial or collector street, in an area where~~
30 ~~already established non-residential uses are otherwise consistent with the HDMU~~
31 ~~district, and where the new use would constitute infill development of similar~~
32 ~~intensity as the conforming development on surrounding parcels.~~

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

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

37 ~~b. Access and stormwater management is shared with adjoining uses or~~
38 ~~properties to the extent practicable.~~

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

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

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

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

11 (1) Location. The parcel of the use is located along a street that is functionally
12 classified as an arterial or major collector and is within 200 feet of an intersection
13 with another arterial or major collector.

14 (2) Mixed-use. The use is part of a predominantly residential development.

15 (3) Analysis. A compatibility analysis, as prescribed in Article 2 of Chapter 2,
16 documents and confirms that the use can achieve and maintain compatibility with
17 surrounding uses at the location proposed.

18 **(f) Rezoning to HDMU.** High Density Mixed-use zoning may be established only
19 within the Mixed-Use Suburban (MU-S), Mixed-Use Urban (MU-U), or Commercial
20 (C) future land use categories. The district is suitable for areas where the
21 intermixing of uses has been the custom, where future uses are uncertain, and some
22 redevelopment is probable. The district is appropriate to provide transitions between
23 areas zoned or used for medium or high density residential and areas zoned or used
24 for commercial. Rezoning to HDMU is subject to the same location criteria as any
25 new non-residential use proposed within the HDMU district limited to either parcels
26 along arterial or collector streets and within 200 feet of an intersection with an
27 arterial or collector, or parcels directly adjoining existing HDMU zoning but not
28 adjoining existing Rural Residential (RR) or Low Density Residential (LDR) zoning.

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

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

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

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

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

12 See also conditional uses in this district.

13 **(2) Retail sales.** Retail sales, including medical marijuana dispensing facilities, sales
14 of alcoholic beverages and automotive fuels, but excluding motor vehicle sales
15 and permanent outdoor storage. See also retail sales that may be within other
16 permitted and conditional uses in categories of this district.

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

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

36 See also retail services that may be within other permitted and conditional uses
37 in categories of this district.

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

- 39 a. Broadcast stations with satellite dishes and antennas, including towers.
- 40 b. Cemeteries, including family cemeteries. (compatibility exception)
- 41 c. Community service facilities, including auditoriums, libraries, museums, and
42 neighborhood centers.

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

14 See also conditional uses in this district.

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

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

23 See also conditional uses in this district.

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

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

27 See also conditional uses in this district.

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

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

34 See also conditional uses in this district.

35 **(8) Other uses.**

- 36 a. Billboard structures.
- 37 b. Outdoor storage if minor and customarily incidental to the allowed principal
- 38 use, and if in the rear yard, covered, and screened from off-site view, unless
- 39 otherwise noted.
- 40 c. Parking garages and lots, commercial.

- 1 d. Self-storage facilities, excluding vehicle rental.
- 2 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
3 the BOA may conditionally allow the following uses within the Commercial district:
- 4 **(1) Residential.**
- 5 a. Group living not among the permitted uses of the district.
- 6 b. Home occupations with non-resident employees.
- 7 **(2) Retail sales.**
- 8 a. Boat sales, new and used.
- 9 b. Automobile sales, used autos only, excluding parcels fronting on any of the
10 following streets: Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR
11 292); Blue Angel Parkway (SR 173); Pine Forest Road, south from Interstate
12 10 to State Road 173; Navy Boulevard (SR 295 and US 98); and Scenic
13 Highway (SR 10A and US 90). Additionally, the parcel shall be no larger than
14 one acre and provided with a permanent fence, wall, or other structural barrier
15 of sufficient height and mass along all road frontage to prevent encroachment
16 into the right-of way other than through approved site access.
- 17 c. Automobile rental limited to the same restrictions as used automobile sales.
- 18 d. Utility trailer, heavy truck (gross vehicle weight rating more than 8500 lbs),
19 and recreational vehicle sales, rental, or service limited to the same
20 restrictions as used automobile sales.
- 21 **(3) Retail services.**
- 22 a. Restaurants not among the permitted uses of the district.
- 23 b. Service and repair of motor vehicles, small scale (gross floor area 6000 sq. ft.
24 or less per lot), excluding painting and body work and outdoor work and
25 storage.
- 26 **(4) Public and civic.**
- 27 a. Cemeteries, including family cemeteries. (compatibility exception)
- 28 b. Clubs, civic and fraternal.
- 29 c. Cinerators.
- 30 d. Homeless shelters.
- 31 **(5) Recreation and entertainment.**
- 32 a. Bars and nightclubs.
- 33 b. Golf courses, tennis centers, swimming pools and similar active outdoor
34 recreational facilities, including associated country clubs.
- 35 c. Parks with permanent restrooms or outdoor event lighting.
- 36 **(6) Industrial and related.**
- 37 a. Borrow pits and reclamation activities 20 acres minimum and (subject to local
38 permit and development review requirements per Escambia County Code of
39 Ordinances, Part I, Chapter 42, article VIII, and land use and regulations in
40 Part III, the Land Development Code, chapter 4. *Borrow pits are prohibited
41 on land zoned GMD prior to the adoption of the Commercial (Com) zoning.

1 **b.** Microbreweries, microdistilleries, microwineries.

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

5 **(8) Other uses.**

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

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

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

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

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

17 **Compatibility requirements.** Uses within the Commercial district shall promote
18 compatibility by avoiding adverse impacts to surrounding uses and. All new non-
19 residential permitted uses within the district shall satisfy at least one of the following
20 compatibility conditions, unless specifically identified as a compatibility exception:

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

23 ~~**(2) Infill development.** Along an arterial or collector street, in an area where~~
24 ~~already established non-residential uses are otherwise consistent with the~~
25 ~~Commercial district, and where the new use would constitute infill development of~~
26 ~~similar intensity as the conforming development on surrounding parcels.~~
27 ~~Additionally, the location would promote compact development and not contribute~~
28 ~~to or promote strip commercial development.~~

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

33 ~~**a.** Any intrusion into a recorded subdivision is limited to a corner lot.~~

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

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

40 ~~**(4) Documented compatibility.** A compatibility analysis prepared by the applicant~~
41 ~~provides competent substantial evidence of unique circumstances regarding the~~
42 ~~potential uses of parcel that were not anticipated by the alternative criteria, and~~
43 ~~the proposed use, or rezoning as applicable, will be able to achieve long-term~~

1 compatibility with existing and potential uses. Additionally, the following
2 conditions exist:

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

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

8 **(1) Location.** The parcel of the use is located along a street that is functionally
9 classified as an arterial or major collector and is within one-quarter mile of an
10 intersection with another arterial or major collector.

11 **(2) Mixed-use.** The use is part of a predominantly residential development.

12 **(3) Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
13 documents and confirms that the use can achieve and maintain compatibility with
14 surrounding uses at the location proposed.

15 **(f) Rezoning to Commercial.** Commercial zoning may be established only within the
16 Mixed-Use Suburban (MU-S), Mixed-Use Urban (MU-U) or Commercial (C) future
17 land use categories. The district is appropriate to provide transitions between areas
18 zoned or used as high density mixed-use and areas zoned or used as heavy
19 commercial or industrial. Rezoning to Commercial is ~~subject to the same location~~
20 ~~criteria as any new non-residential use proposed within the Commercial district~~
21 limited to either parcels along arterial or major collector streets and within one-
22 quarter mile of an intersection with another arterial or major collector, or parcels
23 directly adjoining existing Commercial zoning but not adjoining existing single-family
24 residential use or zoning (RR, LDR, MDR, HDR).

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

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

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

37 **(1) Residential.** Any residential uses outside of the Industrial (I) future land use
38 category but if within the Commercial (C) future land use category (and not the
39 principal single-family dwelling on an existing lot of record), only as part of a
40 predominantly commercial development; and excluding new or expanded
41 manufactured (mobile) home parks and subdivisions. See also conditional uses
42 in this district.

1 **(2) Retail sales.** Retail sales, including medical marijuana dispensing facilities,
2 sales of alcoholic beverages, sales of automotive fuels, and sales of new and
3 used automobiles, motorcycles, boats, and manufactured (mobile) homes. See
4 also retail sales that may be within other permitted or conditional use categories
5 of this district.

6 **(3) Retail services.**

- 7 a. Car washes, automatic or manual, full service or self-serve.
- 8 b. Child care facilities.
- 9 c. Hotels, motels and all other public lodging, including boarding and rooming
10 houses.
- 11 d. Personal services, including those of beauty shops, health clubs, pet
12 groomers, dry cleaners and tattoo parlors.
- 13 e. Professional services, including those of realtors, bankers, accountants,
14 engineers, architects, dentists, physicians, and attorneys.
- 15 f. Rental of automobiles, trucks, utility trailers and recreational vehicles.
- 16 g. Repair services, including appliance repair, furniture refinishing and
17 upholstery, watch and jewelry repair, small engine and motor services, and
18 major motor vehicle and boat service and repair, but excluding outdoor work
19 or storage.
- 20 h. Restaurants and brewpubs, including on-premises consumption of alcoholic
21 beverages, drive-in and drive-through service, and brewpubs with the
22 distribution of on-premises produced alcoholic beverages for off-site sales.
23 The parcel boundary of any restaurant or brewpub with drive-in or drive-
24 through service shall be at least 200 feet from any LDR or MDR zoning
25 district unless separated by a 50-foot or wider street right-of-way.
- 26 i. Taxi and limousine services.

27 See also retail services that may be within other permitted or conditional uses in
28 categories of this district.

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

- 30 a. Broadcast stations with satellite dishes and antennas, including towers.
- 31 b. Cemeteries, including family cemeteries. (compatibility exception)
- 32 c. Community service facilities, including auditoriums, libraries, museums, and
33 neighborhood centers.
- 34 d. Educational facilities, including preschools, K-12, colleges, and vocational
35 schools.
- 36 e. Emergency service facilities, including law enforcement, fire fighting, and
37 medical assistance.
- 38 f. Funeral establishments.
- 39 g. Homeless shelters.
- 40 h. Hospitals.
- 41 i. Offices for government agencies or public utilities.

- 1 j. Places of worship.
- 2 k. Public utility structures, including telecommunications towers, but excluding
- 3 industrial uses not otherwise permitted.

4 See also conditional uses in this district.

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

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

12 b. Commercial recreation facilities, passive or active, including those for walking,
13 hiking, bicycling, camping, recreational vehicles, swimming, skateboarding,
14 bowling, court games, field sports, and golf, but excluding off-highway vehicle
15 uses and outdoor shooting ranges. Campgrounds and recreational vehicle
16 parks require a minimum lot area of five acres.

17 c. Marinas, private and commercial. (private are compatibility exception)

18 d. Parks, with or without permanent restrooms or outdoor event lighting.
19 (facilities without are compatibility exception)

20 See also conditional uses in this district.

21 **(6) Industrial and related.** The following industrial and related uses, except within
22 MU-S.

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

27 b. Marinas, industrial, not allowed within MU-S.

28 c. Microbreweries, microdistilleries, and microwineries, except in areas with the
29 zoning designation HC/LI-NA.

30 See also conditional uses in this district.

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

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

34 b. Nurseries and garden centers, including adjoining outdoor storage or display
35 of plants.

36 c. Veterinary clinics, excluding outside kennels.

37 See also conditional uses in this district.

38 **(8) Other uses.** Within MU-S, outside storage is permitted only when adequately
39 screened per LDC regulations.

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

- 1 **b.** Building or construction trades shops and warehouses, including on-site
- 2 outside storage.
- 3 **c.** Bus leasing and rental facilities, not allowed within MU-S.
- 4 **d.** Deposit boxes for donation of used items when placed as an accessory
- 5 structure on the site of a charitable organization.
- 6 **e.** Outdoor adjacent display of plants by garden shops and nurseries.
- 7 **f.** Outdoor sales.
- 8 **g.** Outdoor storage of trailered boats and operable recreational vehicles,
- 9 excluding repair, overhaul or salvage activities.
- 10 **h.** Parking garages and lots, commercial, not allowed within MU-S.
- 11 **i.** Sales and outdoor display of prefabricated storage sheds.
- 12 **j.** Self-storage facilities, including vehicle rental as an accessory use.
- 13 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2, the
- 14 BOA, or the BCC as noted, may conditionally allow the following uses within the HC/LI
- 15 district:
- 16 **(1) Residential.** Caretaker residences not among the permitted uses of the district
- 17 and for permitted non-residential uses.
- 18 **(2) Retail services.** Restaurants not among the permitted uses of the district.
- 19 **(3) Public and civic.** Cinerators.
- 20 **(4) Recreation and entertainment.**
- 21 **a.** Motorsports facilities on lots 20 acres or larger.
- 22 **b.** Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
- 23 **c.** Shooting ranges, outdoor.
- 24 **(5) Industrial and related.** The following industrial and related uses, except within
- 25 MU-S:
- 26 **a.** Asphalt and concrete batch plants if within the Industrial (I) future land use
- 27 category and within areas zoned GID prior to adoption of HC/LI zoning.
- 28 **b.** Borrow pits and reclamation activities 20 acres minimum and (subject to local
- 29 permit and development review requirements per Escambia County Code of
- 30 Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part
- 31 III, the Land Development Code, chapter 4.) *Borrow pits are prohibited on
- 32 land zoned GBD, GID, and WMU prior to the adoption of the HC/LI zoning.
- 33 **c.** Salvage yards not otherwise requiring approval as solid waste processing
- 34 facilities.
- 35 **d.** Solid waste processing facilities, including solid waste collection points, solid
- 36 waste transfer facilities, materials recovery facilities, recovered materials
- 37 processing facilities, recycling facilities and operations, resource recovery
- 38 facilities and operations, and volume reduction plants.
- 39 The conditional use determination for any of these solid waste facilities shall
- 40 be made by the BCC in lieu of any hearing before the BOA. The applicant
- 41 shall submit a site boundary survey, development plan, description of

1 anticipated operations, and evidence that establishes each of the following
2 conditions in addition to those prescribed in Chapter 2:

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

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

18 **(7) Other uses.**

- 19 a. Structures of permitted uses exceeding the district structure height limit.
- 20 b. Heliports.

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

25 **Compatibility requirements.** Uses within the HC/LI district shall promote
26 compatibility by avoiding adverse impacts to surrounding uses. All new
27 non-residential permitted uses shall satisfy at least one of the following compatibility
28 conditions, unless specifically identified as a compatibility exception:

29 ~~(1) Parcel previously zoned GBD within the MU-S FLU along Hwy 29 or SR 95A.~~
30 ~~Parcels previously zoned GBD and within the MU-S future land use category~~
31 ~~which are located along and directly fronting U.S. Highway 29 or State Road~~
32 ~~95A.~~

33 ~~(2) Proximity to intersection.~~ Along an arterial street and within one-quarter mile
34 of its intersection with an arterial street.

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

- 37 a. ~~Not abutting a RR, LDR or MDR zoning district~~
- 38 b. ~~Any intrusion into a recorded residential subdivision is limited to a corner lot~~
- 39 c. ~~A system of service roads or shared access is provided to the maximum~~
40 ~~extent feasible given the lot area, lot shape, ownership patterns, and site and~~
41 ~~street characteristics.~~

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

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

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

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

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

19 ~~**(1) Location.** The parcel of the use is located along a street that is functionally~~
20 ~~classified as an arterial and is either (a) directly fronting U.S. Highway 29 or State~~
21 ~~Road 95A, and within future land use category MU-S, and previously zoned~~
22 ~~GBD, or (b) the parcel is within one-quarter mile of an intersection with another~~
23 ~~arterial.~~

24 ~~**(2) Mixed-use.** The use is part of a predominantly residential development.~~

25 ~~**(3) Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,~~
26 ~~documents and confirms that the use can achieve and maintain compatibility with~~
27 ~~surrounding uses at the location proposed.~~

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

29 **(1) Generally.** Heavy Commercial and Light Industrial zoning may be established
30 by rezoning only within the Mixed-Use Urban (MU-U), Commercial (C), or
31 Industrial (I) future land use categories. The district is appropriate to provide
32 transitions between areas zoned or used for commercial and areas zoned or
33 used for industrial. The district is suitable for areas able to receive bulk deliveries
34 by truck in locations served by major transportation networks and able to avoid
35 undesirable effects on nearby property and residential uses. Rezoning to HC/LI
36 is ~~subject to the same location criteria as any non-residential use proposed within~~
37 ~~the HC/LI district limited to either parcels along arterial streets and within~~
38 ~~one-quarter mile of an intersection with another arterial, or parcels directly~~
39 ~~adjoining existing HC/LI zoning but not adjoining existing residential use or~~
40 ~~zoning (RR, LDR, MDR, HDR).~~

41 **(2) HC/LI-NA designation.** Any applicant for rezoning to the HC/LI zoning district
42 may request a HC/LI-NA designation prohibiting the subsequent establishment of
43 any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult
44 entertainment uses on the rezoned property. The request shall be in the form of

1 a notarized affidavit that acknowledges this use restriction and affirms that it is a
2 voluntary request. Once approved according to the rezoning process of Chapter
3 2, the HC/LI-NA zoning designation and its prohibitions shall apply to the
4 property, regardless of ownership, unless the parcel is rezoned.

5 **Sec. 3-2.12 Industrial district (Ind).**

6 **(a) Purpose.** The Industrial (Ind) district establishes appropriate areas and land use
7 regulations for a broad range of industrial uses. The primary intent of the district is
8 to accommodate general assembly, outdoor storage, warehousing and distribution,
9 major repair and services, manufacturing, salvage and other such uses and activities
10 that contribute to a diverse economic base but cannot satisfy the compatibility
11 requirements and higher performance standards of other districts. The Industrial
12 district is also intended to provide appropriate locations and standards that minimize
13 dangers to populations and the environment from heavy industrial activities, and to
14 preserve industrial lands for the continuation and expansion of industrial production.
15 Non-industrial uses within the district are limited to ensure the preservation of
16 adequate areas for industrial activities. New or expanded residential development is
17 generally prohibited.

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

20 **(1) Residential.** No new residential uses, including accessory dwelling units, except
21 caretaker residences for permitted non-residential uses. Caretaker and vested
22 single-family dwellings include manufactured (mobile) homes.

23 **(2) Retail sales.** No retail sales except as ~~permitted industrial and related uses~~ may
24 be within other permitted or conditional use categories of this district.

25 **(3) Retail services.** No retail services except as ~~permitted industrial and related~~
26 uses may be included within other permitted use and conditional use categories
27 of this district.

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

29 a. Cinerators, including direct disposition.

30 b. Emergency service facilities, including law enforcement, firefighting, and
31 medical assistance.

32 c. Public utility structures, including telecommunications towers.

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

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

35 a. Bulk storage.

36 b. Industrial uses, light and heavy, including research and development, printing
37 and binding, distribution and wholesale warehousing, processing of raw
38 materials, manufacturing of finished and semi-finished products, salvage
39 yards, solid waste transfer and processing facilities, materials recovery and
40 recovered materials processing facilities, landfills, concrete and asphalt batch
41 plants, power plants, and mineral extraction.

42 c. Solid waste collection points.

1 (7) **Agricultural and related.** No agricultural or related uses except as permitted
2 industrial and related uses.

3 (8) **Other uses.** [reserved]

4 (c) **Conditional uses.** Through the conditional use process prescribed in Chapter 2,
5 the BOA or BCC as noted, may conditionally allow the following uses within the
6 Industrial district.

7 (1) The BOA may conditionally allow the following uses:

8 a. A permitted use of the industrial district to exceed the district structure height
9 limit.

10 b. Borrow pits and reclamation activities 20 acres minimum (subject to local
11 permit and development review requirements per Escambia County Code of
12 Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part
13 III, the Land Development Code, chapter 4.)

14 (2) The BCC may conditionally allow solid waste processing facilities, including solid
15 waste collection points, solid waste transfer facilities, materials recovery facilities,
16 recovered materials processing facilities, recycling facilities and operations,
17 resource recovery facilities and operations, and volume reduction plants.

18 For any of these solid waste facilities the applicant shall submit, to the Planning
19 Official or his designee, a site boundary survey, development plan, description of
20 anticipated operations, and evidence that establishes each of the following
21 compatibility conditions in addition to those prescribed in Chapter 2 to the
22 Planning department:

23 a. Trucks have access to and from the site from adequately wide collector or
24 arterial streets and do not use local residential streets.

25 b. The scale, intensity, and operation of the use will not generate unreasonable
26 noise, traffic, objectionable odors, dust, or other potential nuisances or
27 hazards to contiguous properties.

28 c. The processing of materials will be completely within enclosed buildings
29 unless otherwise approved by the BCC.

30 d. The plan includes appropriate practices to protect adjacent land and
31 resources, minimize erosion, and treat stormwater; landscaping and buffering
32 for adjacent uses; hours of operation; methods to comply with maximum
33 permissible noise levels; means of access control to prevent illegal dumping;
34 and plans for materials storage.

35 (e) ~~Location criteria~~ **Compatibility requirements.** Uses within the Industrial district
36 shall promote compatibility by avoiding adverse impacts to surrounding uses. All
37 new industrial uses, as "industrial use" is defined in Chapter 6, ~~proposed within the~~
38 ~~Industrial district~~ that are not part of a planned unit development shall be on parcels
39 that satisfy all of the following ~~location criteria~~ compatibility conditions:

40 (1) **Environmental impacts.** ~~Located so that~~ The negative impacts of the uses on
41 the functions of natural systems are avoided, if possible, and minimized when
42 unavoidable.

1 (2) **Access to services.** ~~Accessible to essential~~ Essential public facilities and
2 services are accessible by the use at the adopted levels of service-adopted in the
3 Comprehensive Plan.

4 (3) **Adequate area.** ~~Located on parcels of~~ The land area for the use is large enough
5 to adequately support the type of industrial development proposed and minimize
6 any adverse impacts upon surrounding properties through effective buffering so
7 that the proposed use is compatible with surrounding uses.

8 (e) **Rezoning to Ind.** Industrial zoning may be established only within the Industrial (I)
9 future land use category. The district is appropriate where conflicts with other uses
10 can be minimized through orderly zoning transitions and effective buffering, and
11 where sufficient access to transportation and other public facilities is available.
12 Rezoning to Industrial is subject to the same ~~location criteria~~ compatibility
13 requirements as any new industrial use proposed within the Industrial district.

14 Chapter 6 DEFINITIONS

15 Sec. 6-0.3 Terms defined.

16 **Compatible.** A condition in which land uses, activities or conditions can coexist in
17 relative proximity to each other in a stable fashion over time such that no use, activity,
18 or condition is unduly negatively impacted directly or indirectly by another use, activity,
19 or condition. [Note: Current definition provided for reference.]

20
21 **Retail services.** Services provided directly and primarily to the general public for
22 personal or household use, but also to business and industry, and including products
23 that are incidental to the services and usually consumed on the premises. The term
24 “retail services” includes restaurants, public lodging, personal services, professional
25 services, ~~and repair services,~~ and retail forms of recreation, entertainment, and other
26 services. [Note: Additional forms of services added to avoid implication that zoning
27 district categories define the listed uses.]