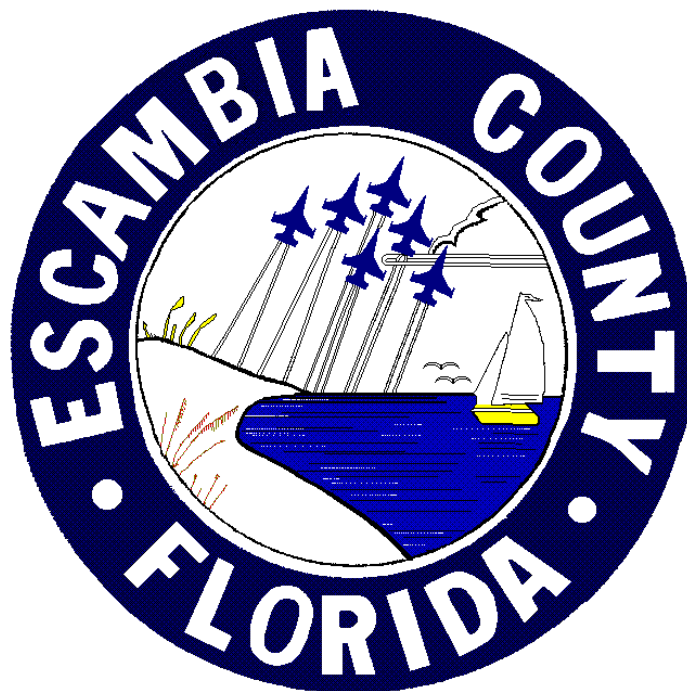


PART III

Escambia County Land Development Code



DISCLAIMER:

This is for general information on the land use regulations within the unincorporated areas of Escambia County. Please note that Escambia County regularly amends its land use regulations and that recent amendments may not yet be shown on this website. Accordingly, when buying, selling, or developing land in Escambia County, please come in to our office & speak with a Front Counter Planner for assistance on the most current regulations affecting your property.

Article 1 LEGAL

Article 1 LEGAL

- 1.00.00. Reserved.
- 1.01.00. Legal.
- 1.02.00. Title.
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- 1.04.00. Intent.
- 1.05.00. Abrogation.
- 1.06.00. Severability.
- 1.07.00. Effective date.
- 1.08.00. Ordinances repealed and replaced.
- 1.09.00. Applicability.

1.00.00. Reserved.**1.01.00. Legal.**

Whereas, the Florida Legislature has enacted the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. ch. 163, pt. II) which mandates the preparation of comprehensive plans and unified land development codes for all units of local government; and

Whereas, the board of county commissioners of Escambia County, Florida has determined that the Comprehensive Plan: 2000, Ordinance 93-20, is compatible with and furthers the state comprehensive plan and the West Florida Comprehensive Regional Policy Plan; and

Whereas, on May 10, 1994, the Governor and Cabinet, sitting as the administration commission, entered a final order finding the adopted comprehensive plan, Ordinance 93-20, in compliance with all relevant rules and regulations; and

Whereas, the adoption of a unified land development code is required to implement the comprehensive plan and toward this end the Escambia County Planning Board (sitting as the local planning agency (LPA)) has prepared this land development code on behalf of the board of county commissioners consistent with the comprehensive plan; and

Whereas, F.S. § 163.3194(1)(b) requires that land development regulations be consistent with the comprehensive plan and F.S. § 163.3202 details the minimum requirements for content of the county's land development code (LDC); and

Whereas, the board of county commissioners of Escambia County finds that this land development code, and the provisions and regulations contained herein, is consistent with and implements the adopted comprehensive plan (Ordinance 93-20); and

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Whereas, the board of county commissioners of Escambia County finds that the regulations contained within this Code are necessary to protect the public health, safety, general welfare, natural environment and economic vitality of the county; now

Therefore be it ordained by the board of county commissioners of Escambia County, Florida that this ordinance [Ordinance No. 96-3] is hereby adopted in conformance with F.S. ch. 163 and provides an effective date and repeals all provisions of ordinances or resolutions in conflict herewith.

1.02.00. Title.

This ordinance shall be known as the "Escambia County Land Development Code" and also may be known as Ordinance No. 96-3.

1.03.00. Jurisdiction.

The lands subject to this ordinance include all unincorporated areas of Escambia County.

1.04.00. Intent.

It is the intent of this ordinance to provide orderly growth management rules and regulations for those areas of Escambia County identified hereinabove. This ordinance is not intended to terminate growth but rather to provide mechanisms for growth management in order to serve the citizens of Escambia County and, toward that end, this ordinance is to be construed broadly to accomplish its intents and purposes.

1.05.00. Abrogation.

This ordinance is not intended to repeal, abrogate or interfere with any existing easements, covenants, existing lease agreements or deed restrictions duly recorded in the public records of the county.

(Ord. No. 97-51, § 1, 10-2-1997)

1.06.00. Severability.

If any provision of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holdings shall not affect the validity of any other provision and to that end the provisions of this ordinance are declared to be severable.

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1.07.00. Effective date.

The effective date of this ordinance shall be the date of receipt, by Escambia County, of notice from the Florida Department of State that this ordinance has been received and duly filed. [Ord. No. 96-3 was filed by the secretary of state on February 23, 1996.]

1.08.00. Ordinances repealed and replaced.

This ordinance repeals and replaces the provisions of any and all land development and land use ordinances, policies and regulations including, but not limited to, ordinances 87-2, 89-27, 89-32, 90-21, 92-2; 74-2, 84-11, 85-31, 73-7, 85-28 (Chapter 1-8); 87-2, 89-20 (Chapter 1-13, Article II); 90-21, 90-24 (Chapter 1-13, Article VI); 91-25 (Chapter 1-13.7, Article III); 88-16, 89-3 (Chapter 1-24, Article VII); 74-5, 79-29, 85-38, 85-62 (Chapter 1-24, Article II); 88-18, 89-26, 94-3 (Chapter 1-28.5); 73-6, 78-3, 91-5 (Chapter 1-2, Article II); 74-6, 84-10, 85-32 (Chapter 1-13, Article IV); 89-4 (Chapter 1-32.5); 89-3, 89-6, 89-17, 89-21, 92-2, 92-38, 92-47, 93-25 (Title I of Appendix C of the Code of Ordinances of Escambia County); 86-7, 87-7, 88-7, 88-16, 89-3, 92-2, 92-11, 92-38, 93-25 (Title II of Appendix C of the Code of Ordinances of Escambia County); 88-16, 89-3, 89-27, 90-1, 90-2, 90-7, 92-38, 94-2, 91-6, 92-2, 93-25, 91-4 (Title III of Appendix C of the Code of Ordinances of Escambia County); 89-13 (Title IV of Appendix C of the Code of Ordinances of Escambia County). In the event of a conflict between the provisions of this ordinance and any previously adopted ordinance or resolution governing matters addressed herein, the provisions of this ordinance shall prevail.

(Ord. No. 97-51, § 1, 10-2-1997)

1.09.00. Applicability.

Provisions of this Code apply to all applications for development approval, building or construction permits, subdivision plans and plats, planned unit developments, site plans and any other permits or approvals from Escambia County, the application for which has been made after the effective date of this Code. Valid development orders issued on or before the effective date shall continue to be valid and the activities contemplated by the existing permit or approval may continue in good faith to completion pursuant to the rules and regulations governing the contemplated activity at the time of issuance of the existing valid permit or approval.

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Article 2 ADMINISTRATION

Article 2 ADMINISTRATION*

***Cross references:** Administration, pt. I, ch. 2.

2.00.00. Reserved.

2.01.00. Purpose.

2.02.00. Permits required.

2.03.00. Board of adjustment.

2.04.00. Appeal of administrative decisions.

2.05.00. Variances, conditional uses, extension of a development order for site plan approval, and temporary use of a mobile home as a guest residence due to medical hardship.

2.06.00. Enforcement, violations and penalties.

2.07.00. Interpretation, purpose and conflict.

2.08.00. Rezoning, amendments to the zoning map, and text amendments to this Code.

2.09.00. Comprehensive plan amendments.

2.10.00. Modifications and adjustments of district regulations.

2.11.00. Vested rights for land use.

2.12.00. Planning board.

2.13.00 Development review.

2.00.00. Reserved.**2.01.00. Purpose.**

This article sets forth application and permit requirements for obtaining development orders, development permits, amendments to the text of these regulations and to the zoning district maps, variances and conditional use permits, subdivision approval, building permits or any other official action of the county having the effect of permitting the development of land. Procedures for appealing interpretations or decisions made while administering this Code and for initiating Comprehensive Plan amendments are provided. Provisions for modifications and adjustments to zoning district regulations also are provided.

2.01.01. Administrators assigned. This Code shall be administered by the county administrator, or his designee, or as otherwise provided herein.

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2.02.00. Permits required.

Notwithstanding the issuance of a development order, no development may commence without a valid Escambia County permit, including but not limited to, building permits, land and tree management permits, utility permits whenever crossing under (cutting, boring or tubing of a road or street by any means) county dedicated roads or streets, land use certificates, construction in right-of-way permits, etc., that are issued by the various departments of the public works and land management agency (also, see sections 4.01.02 and 4.06.02).

- A. Land use certificate. No building permit may be issued (see section 4.03.06) without a development order having been issued by the development review committee (DRC) or a land use certificate having been issued by the director of planning and zoning or his designee.
- B. This land use certificate shall be obtained from either the development services division "one stop development desk" or through the development review committee process. See, section 12.16.01 relative to the assessment of environmentally sensitive lands.
- C. In the case of projects on Pensacola Beach, any such permit request must first be approved by the general manager (or designee thereof) of the Santa Rosa Island Authority.

In addition, the department shall regularly maintain information regarding the level of development activity by FLUM category on Perdido Key and Pensacola Beach, so as to monitor the progress in achieving the provisions of Comprehensive Plan policy FLU 1.3.1. Note: No permit will be issued if such permit would cause any threshold or requirement established by policy FLU 1.3.1 to be exceeded or violated.

2.02.01. Application for permits. Every person who proposes to commence any development regulated by this Code shall first obtain all applicable permit applications therefor. Such applications shall be provided each applicant, upon request, by the department. In addition, checklists, guidance and other assistance shall be provided any applicant by the department. Applications for permits shall be available for public use and regularly maintained by the director of planning and zoning or his designee (also, see sections 4.03.06 and 4.03.07).

2.02.02. Issuance of permits. The county administrator, or his designee, is hereby authorized to issue permits for development when such development conforms to the requirements of this Code. However, anytime this Code or other duly adopted regulations require approvals by local boards prior to county approval, including but not limited to the Santa Rosa Island Authority, the LPA, the BOA or the BCC, such approvals shall be evidenced to the county in advance of the issuance of the requested permit. This section shall not be interpreted as prohibiting conditional approvals of preliminary subdivision plats, site plans, master plans or other similar plans or proposals requiring state or federal permits. However, for any development permit application filed with the county, the county may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit. Issuance of a development permit by the county does not in any way create any rights in the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain

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requisite approvals or fulfill the obligations imposed by the state or federal agency or undertakes actions that result in a violation of state or federal law.

(Ord. No. 2012-36, § 9-13-2012)

2.02.03. Other agency approvals may be required. The applicant for any development order or permit is hereby notified that other agencies or entities may regulate, govern or impact a proposed development or application therefor. It is the applicant's responsibility to determine whether such other entity or agency has jurisdiction or responsibility over the property or use or activity proposed by the applicant. Applicants are advised to communicate with responsible parties associated with such entities or agencies. The county shall direct the applicant to the appropriate entities or agencies, including but not limited to:

- A. The Santa Rosa Island Authority (SRIA) - for development activities proposed at Pensacola Beach.
- B. Department of Environmental Protection (DEP) - for stormwater management issues, jurisdictional determinations, CCCL permits, etc.
- C. Utility providers (ECUA, People's Water, etc.) - for utility capacities, facilities, improvements, etc.
- D. Florida Department of State - for assistance with historic preservation.
- E. Northwest Florida Water Management District (NFWFMD) - for establishing potable water wells, surface water management, etc.
- F. Florida Department of Transportation (FDOT) - for road improvements, connections, accesses, etc.
- G. Florida Department of Health and Rehabilitative Services (HRS) - for standards for individual sewage disposal facilities.
- H. U.S. Army Corps of Engineers - for issues impacting federal waters, navigable waterways, jurisdictional determinations, etc.
- I. Federal Aviation Administration (FAA) - for tall structures permits, etc.
- J. Other public agencies or entities which have jurisdiction over all or a portion of any particular application including, but not limited to, any local governments or applications impacted by interlocal agreements authorized and executed by the Escambia County Board of County Commissioners.

Other nonpublic entities may exert jurisdiction over development or applications therefor. Such entities may include homeowners associations, condominium associations, merchants associations, neighborhood improvement groups, etc. It is the responsibility of the applicant to determine whether such entity has any jurisdiction over his proposal and the county shall not assume any responsibility or be liable in any way for failure to adhere to any private entity restrictions or jurisdiction including those enumerated herein or any others which may hereafter be created.

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2.02.04. Appeals, variances and conditional uses. No permit or development order may be issued by the county administrator, or his/her designee, for any development if such development would violate the terms and conditions of this Code. If an application for a conditional use, variance or administrative appeal, as defined and regulated by this Code, has been submitted, no permit or development order, with or without conditions, will be issued until the matter has been resolved pursuant to the provisions of this article.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2002-45, §§ 1, 2, 10-17-2002; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2006-62, § 1, 8-3-2006; Ord. No. 2013-54, § 1, 12-5-2013)

2.03.00. Board of adjustment.

The board of county commissioners (BCC) established the board of adjustment (BOA) by County Ordinance 88-16, enacted on December 1, 1988.

203.01 Authority and duties. The BCC hereby endows the BOA with the power to conduct any required quasi-judicial public hearings to grant, grant with conditions, or deny applications for variances, conditional uses, requests for final extension of development orders for site plan approval, requests for the temporary use of a mobile home as a guest residence due to medical hardship, and appeals of administrative decisions filed by those persons aggrieved by interpretations or administration of these regulations.

2.03.02. Membership. The BOA shall consist of seven members, all of whom must reside within Escambia County. Each of the five commissioners shall appoint one BOA member, preferably from among constituents residing in his or her respective district, and the BCC as a whole shall nominate two "at large" members. All seven members must be approved by a majority vote of the BCC. Each BOA member shall furnish a resume or curriculum vitae to the county administrator and all commissioners. No member of the BOA shall be a paid or elected employee of the county.

2.03.03. Term of office; removal from office and vacancies.

A. Each member of the BOA shall be appointed to serve for a period of four years, concurrent with the term of office of their appointing county commissioner, or thereafter until his or her successor is appointed, and each appointment shall be made to ensure staggered terms, except in the case of the two "at large" members who shall serve two-year staggered terms.

B. Any member of the BOA may be removed from office during his or her term by the appointing BCC member. In the case of the two "at large" members, any member may be removed by a majority vote of the BCC. The BOA chair shall notify the BCC in writing whenever a BOA member has missed four meetings within a 12-month period and outline the reasons for the absences. The BCC shall then remove and replace said member if the absences were not beyond the control of the appointee. Any vacancy occurring during the unexpired term of office of any member shall be filled as set forth in section 2.03.02 for the balance of the term.

2.03.04. Officers; staff technical assistance.

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A. The BOA shall elect a chair and vice-chair from among its members. Terms of these offices shall be for two years, with eligibility for re-election.

B. Designated staff of the planning and zoning department shall prepare agendas, publish notices, arrange meetings and distribute minutes of the proceedings as necessary to assist the BOA. The BOA shall be authorized to call upon any department of the county at any time for information and advice that, in the board's opinion, will aid in the efficiency of its work. Upon approval of such request by the county administrator, it shall be the duty of each department of the county to furnish such information and advice promptly. The county attorney, or his/her designee, shall act as legal advisor to the BOA.

2.03.05. Procedures and meetings; records.

A. The BOA shall adopt procedural rules in accordance with the provisions of this Code. The BOA shall hold regular meetings. Special meetings may be heard at the call of the chair at such times as the BOA may determine appropriate. All regular and special meetings of the BOA shall be open to the public.

B. The BOA shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed with the recording secretary of the BOA.

2.03.06. Quorum and vote required. Four of the seven members of the BOA shall constitute a quorum, and the vote of a majority of the quorum shall be necessary for any action thereof.

(Ord. No. 97-13, § 1, 4-3-1997; Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2001-35, §§ 1, 2, 7-5-2001; Ord. No. 2002-46, § 1, 10-17-2002; Ord. No. 2004-9, § 1, 2-5-2004; Ord. No. 2005-45, § 1, 10-6-2005)

2.04.00. Appeal of administrative decisions.

When it is alleged that there is an error in any order, requirement, decision or determination regarding issuance or denial of a development order, land use certificate or permit made by an administrative official in the administration of this chapter, the issue in dispute shall be taken before the board of adjustment. For cases on Pensacola Beach, the appeal shall first be reviewed by the Santa Rosa Island Authority Board, which shall then forward a recommendation to the BOA. An action sufficient to confer standing on a person aggrieved by an administrative decision, or administration of the Land Development Code would be an official action granting, denying or granting with conditions an application for a development order, permit or land use certificate. This section shall not apply to citations issued by code enforcement officers.

2.04.01. Procedures for the appeal of administrative decisions. To initiate the appeals process, the person appealing the administrative decision must make written application for such appeal on a form(s) provided by the department of planning and zoning department within 15 days of the administrative decision. Said application shall be accompanied by sufficient and adequate information to define and describe the alleged error, the proposed remedies, and any other pertinent information the applicant wishes to have considered during the appeals process.

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A. The BOA is authorized to hear and to rule upon any appeal made by those persons aggrieved by administration of this Code. An administrative decision, or staff interpretation, shall not be reversed, altered, or modified by the BOA unless it finds that:

1. A written application for the appeal was submitted within 15 days of the administrative decision or action indicating the section of this Code under which said appeal applies together with a statement of the grounds on which the appeal is based; and
2. That the person filing said appeal has established that the decision or action of the administrative official was arbitrary and capricious; or
3. An aggrieved party who files an appeal of a decision of the DRC approving or approving with conditions a development plan application, must show, by competent substantial evidence that:
 - (i) The decision of the DRC is not in compliance with the Comprehensive Plan or the Land Development Code;
 - (ii) Their property will suffer an adverse impact as a result of the development approval decision;
 - (iii) The adverse impact must be to a specific interest protected or furthered by the Comprehensive Plan or the Land Development Code; and
 - (iv) It must be greater in degree than any adverse impact shared by the community at large.
4. In the event the owner, developer, or applicant is aggrieved or adversely affected by a denial of a development plan application or the imposition of conditions, the owner, developer or applicant filing the appeal must show, by competent substantial evidence, that the denial of the development plan or the imposition of conditions is neither required nor supported by the Comprehensive Plan or the Land Development Code or the application of technical design standards and specifications adopted by reference in the Code, or Concurrency Management Procedures and is, therefore, arbitrary and capricious.

B. *Hearing of appeal; notice required.* The BOA shall schedule the hearing for the appeal to occur within 30 working days after the filing of the notice of appeal, give due notice to the parties in interest, and decide the same within a reasonable time. Any party may appear at the hearing in person or by agent or attorney. The BOA hearing may be continued or postponed by vote of the BOA or by the property owner, or his [or her] agent or attorney, upon his or her written request.

C. *Decision of the BOA.* In applying the provisions of this Code, said provisions shall be held to be minimum provisions. The BOA may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed, but may so modify only to the extent supported by the competent substantial evidence presented, and as necessary to maintain compliance with the requirements of the Code

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and Comprehensive Plan. To that end only, the BOA shall have the powers of the administrative official(s) to whom the appeal is directed. The BOA shall have no authority to reverse, diminish, or otherwise modify the application of technical design standards and specifications adopted by reference in the Code, or concurrency management procedures therein, or to exempt development from required review and approval. The concurring vote of a majority of the members of the BOA present and voting shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to vote. Any party aggrieved by the decision of the BOA on an administrative appeal shall have 30 days to petition the circuit court for judicial review of such order.

2.04.02. Impacts on permitting and owners of property subject to review. Because decisions of the BOA relating to variances, conditional uses, temporary use of a mobile home as a guest residence due to medical hardship, and extension of development order for site plan approval are final, unless overturned by a court of competent jurisdiction, the county may issue development orders and permits for properties in accordance with the decisions of the BOA. However, if a property owner or applicant requests the issuance of any such order or permit and such order or permit is issued, the permittee, and not the county, shall bear any risk that such decision may be set aside, the permit or development order may be revoked, or the development may be otherwise enjoined by the reviewing court.

2.04.03. Reserved.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 99-25, § 1, 5-6-1999; Ord. No. 2001-35, §§ 3--5, 7-5-2001; Ord. No. 2002-45, § 3, 10-17-2002; Ord. No. 2004-9, § 3, 2-5-2004; Ord. No. 2004-21, § 1, 5-6-2004; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2007-15, § 1, 3-5-2007)

2.05.00. Variances, conditional uses, extension of a development order for site plan approval, and temporary use of a mobile home as a guest residence due to medical hardship.

The BOA shall hear and decide requests for variances, conditional uses, requests for an extension of a development order for site plan approval, or temporary use of a mobile home as a guest residence due to medical hardship, as hereinafter provided. Pursuant to the provisions of section 2.05.02 of this Code, the director of planning and zoning, or his/her designee, may grant administrative variances. The SRIA board shall act on variance applications on Pensacola Beach in conformance with article 13 prior to the quasi-judicial hearing by the BOA.

2.05.01. Procedure for filing applications and notice requirements.

A. All applications to the BOA for granting of variances, conditional uses, any extension of a development order for site plan approval, or temporary use of a mobile home as a guest residence due to medical hardship shall be filed with the planning and zoning department, at least 30 working days prior to the next scheduled meeting and thereupon the board shall consider such application. At the time of filing such applications, the applicant shall deposit with the department a fee in an amount as prescribed by the board of county commissioners, along with all required forms and attachments. All applications to the director of

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planning and zoning for administrative variances shall be filed with the planning and zoning department in the form of a letter of request, which outlines in detail the nature of the request, along with a fee in an amount as prescribed by the board of county commissioners. The planning chief may require the submission of additional documents, plans, and/or information deemed necessary in making a final determination on the request.

B. For appeals, conditional uses, and/or temporary use of a mobile home as a guest residence due to medical hardship, notices explaining the purpose, time, date, and location of the meeting to be held to consider the matter(s) shall be sent to all owners of property within 500 feet of the subject property. In the case of variances, such notices shall go to all directly abutting owners of property (excluding properties across the street). In the case of conditional uses related to the prohibition of alcohol sales within 1,000 feet of a place of worship, such notices shall be sent to all owners of directly abutting property (excluding properties across the street) and additionally letters shall be sent to any places of worship within 1,000 feet. No such mailings shall be required in the case of an administrative variance. Notices shall be sent by the planning staff no later than 15 days prior to said meeting.

C. For appeals, variances, conditional uses, extension of a development order for site plan approval, and/or temporary use of a mobile home as a guest residence due to medical hardship, a sign, no smaller than 20 inches by 30 inches, shall be posted on said property clearly readable from the nearest road and stating the same information as the letters. The sign must be completed and erected 15 days prior to said meeting. No such posting shall be required in the case of an administrative variance.

D. Determinations made by the BOA regarding variances, or by the director of planning and zoning regarding administrative variances shall be valid for a period not to exceed two years. If an applicant does not apply for development approval (DRC process) or a building permit within said two-year period, the variance approval will expire. For conditional uses, the applicant must apply for development approval (DRC process) or building permit within four years following the determination made by the BOA. Once an applicant obtains a development order or building permit, the variance or conditional use will continue with the property.

E. Legal advertisements shall be published at least ten calendar days prior to the public hearing for conditional uses and administrative appeals. No such advertisement shall be required in the case of an administrative variance.

2.05.02. Variances.

A. The BOA may grant a variance(s) to the height, bulk, yard, parking, or open space zoning requirement(s) of this Code and a variance to any of the standards contained in articles 4 and 7 through 12 in specific cases when such variance(s) will not be contrary to the public interests. However, the BOA shall not grant a variance to any density requirement(s) or any provision in section 12.01.01 of the Land Development Code, except as provided for in section 12.01.01.A.3.

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B. The planning chief, or designee thereof, may likewise grant an administrative variance of up to ten percent to the height, bulk, yard, parking, or open space zoning requirements, except for density requirements, where such requests are deemed to be de minimis. For the purpose of this section, de minimis shall mean minor infractions of the physical dimensional requirements of the LDC, where:

1. The specific instance is the result of a measurement error in the field;
2. The specific instance was not intentional or created by design; and
3. Where the variance will not adversely affect any adjoining properties. Otherwise, where owing to special conditions, a literal enforcement of the provisions of this Code will result in unnecessary hardship, a variance may be granted so that the spirit and intent of this Code is observed and substantial justice done. Such special conditions shall be limited to unusual physical characteristics inherent in the specific piece of property and not common to properties similarly situated. Such physical characteristics include, but are not limited to, exceptional narrowness, shallowness, shape, topographic conditions, or the presence of sensitive environmental resources, any or all of which will result in peculiar or practical difficulties in the quiet enjoyment and use of the property. No variances shall be authorized under this provision unless the BOA, or in the case of an administrative variance, the planning chief, or designee thereof, finds that all of the following criteria are met:
 - a. The special circumstances or conditions applying to the building or land in question are peculiar to such property and do not apply generally to other land or buildings in the vicinity.
 - b. The variance is necessary for the preservation and enjoyment of a substantial property right as defined herein and not only to serve as a convenience to the applicant.
 - c. The authorization of the variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.
 - d. The variance will not, in any manner alter other provisions of this Code or the Comprehensive Plan, except this Code and the plan may be amended in the manner prescribed by law.
 - e. The variance is the minimum necessary to make possible the use of the land, building or other improvements as approved by the BOA, or by the planning chief, or designee thereof, in the case of an administrative variance.
 - f. The findings of fact, which shall be issued by the BOA after its deliberations, as a minimum shall include those determinations made by the BOA pursuant to paragraphs a. through e., above, or by the planning chief, or designee thereof, in the case of an administrative variance.

2.05.03. Conditional uses. The BOA is authorized to conduct a quasi-judicial public hearing to hear and decide conditional uses to the terms of this Code. The BOA is authorized to grant conditional uses in appropriate cases and

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with appropriate safeguards but only as specifically authorized by this Code and which results in the use of a premises for a purpose not otherwise permitted within the zoning district in which said premises is located, as set forth in section 7.14.01.E. During its deliberations, the BOA may interpret specific provisions of this Code whenever it finds sufficient facts to demonstrate to its satisfaction that such conditional use, if granted, would be substantially in harmony with the general purpose and intent of this Code. No conditional uses shall be authorized under this provision unless the BOA finds that all of the following criteria are met:

- A. *Application required.* Prior to fixing a public hearing to consider any conditional use, a complete written application must be submitted to the planning and zoning department on forms provided by the department. The application must indicate the section of this Code under which the conditional use is sought and state the grounds on which it is requested.
- B. *Public hearing.* A quasi-judicial public hearing shall be held by the BOA on all applications requesting a conditional use. The public notice requirements described herein shall apply.
- C. *Findings required.* Before any conditional use is approved or approved with conditions, the BOA shall make written findings, based on competent substantial evidence, certifying compliance with specific rules governing such individual conditional uses, and that satisfactory provisions and/or arrangements have been made concerning the following, where applicable:
 1. *On-site circulation.* Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.
 2. *Nuisance.* Any adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the district.
 3. *Solid waste.* Refuse and service areas with particular reference to concurrency requirements and items 1 and 2 above.
 4. *Utilities.* Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.
 5. *Buffers.* The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other manmade barriers, so long as the function of the buffer and the intent of policy FLU 1.1.9 of the Comprehensive Plan are fulfilled.
 6. *Signs.* Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.
 7. *Environmental impact.* Impacts to protected trees, wetlands, waterbodies, stormwater management or other natural features of the subject parcel.

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8. *Neighborhood impact.* General compatibility with adjacent properties and other property in the immediate area.

9. *Other requirements of code.* The proposed conditional use is consistent with all other relevant provisions of this Code.

D. *Conditional use limitations.* The authority to decide conditional uses is limited to the following cases, or as set forth in section 7.14.01.E.

1. To grant or deny uses listed as conditional uses by zoning district as such are found in article 6 of this Code.
2. To permit the reduction of parking or loading requirements whenever the character or use of a building is such as to render unnecessary the full provision of parking or loading facilities as specified herein or whenever the strict enforcement of such provision would impose an unreasonable hardship as contrasted with merely an advantage or convenience.
3. To permit the construction, extension, structural alteration, operation or establishment of uses, which are otherwise prohibited or restricted from certain districts and referenced in the zoning district regulations of this Code, upon finding by the BOA that proper safeguards and conditions have been provided to lessen congestion in the streets, to secure safety from fire, panic or other dangers, to promote health and general welfare, to provide adequate light and air and to prevent overcrowding of land. The BOA may suggest and/or permit, and the applicant may agree to such additional reasonable conditions and safeguards as it shall deem appropriate to promote the general purposes of this section.

2.05.04. *Additional considerations and requirements in review of coastal setback variance request (protective shoreline structures).*

A. *Explanation of need.* Protective shoreline structures waterward of the setback line shall not receive a variance unless the applicant demonstrates by competent, substantial evidence that the subject property is critically imperiled due to the imminent probability of the projected wave uprush predicted in the study by the University of Florida Coastal and Oceanographic Engineering Department, endorsed by the Florida Department of Environmental Protection (DEP) pursuant to F.S. § 161.053, or as amended. The applicant shall present a description of the exceptional physical conditions of the property and other special conditions that render compliance with the construction setback line a demonstratable hardship. The applicant shall submit scaled drawings showing the location of upland and adjacent structures, mean high water line, and the construction setback line referenced to DEP monuments if applicable.

B. *Impact on shoreline preservation and stability of adjacent property.* Prior to or concurrent with an application for a department of environmental protection (DEP) permit, the applicant shall prove by competent, substantial evidence that the location, alignment and general design of the structure shall not unreasonably impair shoreline stability and shall minimize the erosive tendency of hardened shoreline structures. The applicant shall provide a design concept prepared by an engineer registered in the State of

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Florida. The said engineer shall certify that the location, alignment and design of the structure shall minimize adverse impacts to the shoreline system and adjacent properties; and that the location and alignment of the structure shall be as far landward as possible to provide maximum opportunity for natural dissipation of energy arising from wave uprush. An approved DEP permit for the shoreline protective feature shall be accepted by the BOA as conclusive proof of compliance with all of the requirements of this section.

C. *Subgrade revetments; sand and vegetative cover; and sand replenishment.* The board shall require where reasonable and practical the use of subgraded revetments, sand cover and vegetative cover over all shoreline structures together with a sand replenishment program to maximize natural dissipation of energy from wave uprush, decrease scour and generally minimize erosive tendencies of hardened structures.

2.05.05. *Extension of a development order for site plan approval.* The BOA may grant one extension for a maximum of 12 months to the original effective period of 18 months for a development order for a site plan and its accompanying certificate of occupancy. A written request from the applicant must be provided prior to the expiration date of the development order. The BOA shall grant an extension to a development order and its accompanying certificate of concurrency only if the extension request complies with the following requirements:

- A. No building permit or land disturbing permit has been issued for the site plan parcel;
- B. Written application for the extension was submitted prior to the expiration of the development order; and
- C. The applicant demonstrates that obtaining county permits for the approved development was delayed by conditions not under the control of the applicant; including but not limited to:
 - 1. An act of God, natural disaster or fire.
 - 2. Required state or federal permits delayed by issuing agencies.
 - 3. Labor strike or civil unrest.
 - 4. Lawsuit or other legal actions.
 - 5. Extended illness or death of an individual essential to the development or construction process.

2.05.06. *Temporary use of a mobile home or park trailer as a guest residence due to medical hardship.* The BOA is authorized to hear and approve requests for the temporary use of a mobile home or park trailer as a guest residence due to medical hardship, in certain zoning districts as set forth in section 6.04.10.A. of this Code, due to medical hardship, as specifically authorized in this Code, following notice and a public hearing. After reviewing evidence provided by the applicant and testimony from the applicant, staff, and other parties with an interest in real property located within a 500-foot radius from the subject property, the BOA shall make written findings, based on competent substantial evidence, certifying compliance with the following specific requirements governing this use:

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- A. The need for medical care must be certified in writing by a physician licensed in the State of Florida stating the medical hardship and specifying the extent of the need for in-house medical care and approximate length of time for the in-house medical need.
- B. A mobile home or park trailer for temporary use shall not exceed 1,280 square feet in size.
- C. Both the primary residence and the mobile home or park trailer must be located on a parcel with the same property identification number.
- D. Either the caregiver and their immediate family, or the person in need of medical care may occupy the mobile home or park trailer.
- E. To avoid overcrowding on a parcel, the minimum lot size for the primary dwelling and mobile home or park trailer shall be one-quarter acre in all zoning districts for those parcels utilizing public sewer, as long as lot coverage and setback requirements of the relevant zoning district are met. For those parcels utilizing septic tanks, the minimum lot size shall be one-half acre, as long as lot coverage and setback requirements of the relevant zoning district are met.
- F. The mobile home or park trailer must have available adequate water, sewer (septic tank), solid waste removal, and electric service. The building inspections department shall inspect the utility connections and shall verify that the mobile home or park trailer complies with hurricane safety requirements.
- G. A survey or site plan is required and must be drawn to scale and show the location of all existing structures, the proposed location of the mobile home or park trailer, and all required setback distances.
- H. Once the mobile home or park trailer is placed upon the property, the wheels and axles shall not be removed, and no building permit shall be approved for additions to the mobile home or park trailer, except for handicapped access ramps.
- I. The BOA shall determine that the temporary use is the minimum necessary to afford relief due to a medical hardship as defined in article 3.
- J. The BOA shall make a compatibility finding that the temporary use will not have an adverse impact on the use of surrounding properties.
- K. The temporary use of a mobile home or park trailer as a guest residence due to medical hardship may be initially granted for a period of up to two years. One additional extension of up to two years may be granted by the BOA based on a physician's confirmation of the continuation of the hardship, and a finding of no changed circumstances, which would alter prior findings made by the BOA, filed prior to the two-year expiration date. The fee for notice, signage, and legal advertisement requirements shall apply to such extensions.
- L. When the medical hardship ends, or an extension is denied, or upon expiration of the initial approval, or upon expiration of the additional two-year extension, the mobile home or park trailer must be removed from the site within 60 days. Thereafter, code enforcement procedures will be instituted against the

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property owner to remove the mobile home or park trailer. Only the BOA, based on competent and substantial evidence or just cause, may extend the 60-day period.

M. Prior to the placement of the mobile home or park trailer on the property, the owner of the parcel shall execute a "hold harmless agreement" acknowledging the county's right to remove the mobile home or park trailer at the owner's expense if the owner, or his or her heirs and assigns, fail to remove the mobile home or park trailer within the specified 60-day time period or extended period.

2.05.07. Judicial review.

A. Any applicant for relief from a decision of BOA for a variance, conditional use, extension of a development order for site plan approval, request for temporary use of a mobile home as a guest residence due to medical hardship, or any aggrieved party as defined by state law, may seek review of such decision by filing an appropriate pleading in a court of competent jurisdiction within 30 days of the BOA decision. The date of the BOA decision shall be considered to be the date the BOA voted at the conclusion of the hearing. Note: Decisions of the BOA regarding conditional uses to the prohibition of alcohol sales within 1,000 feet of a place of worship may be appealed to the BCC, as described in section 7.14.01.F.

B. Whenever an application for a variance, conditional use, extension of a development order for site plans, or request for temporary use of a mobile home as a guest residence due to medical hardship shall be denied by the BOA, no new application for identical action of the same parcel shall be accepted for consideration within a period of 180 days of the decision of denial.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 99-2, § 1, 1-7-1999; Ord. No. 2000-44, § 1, 10-5-2000; Ord. No. 2002-46, § 2, 10-17-2002; Ord. No. 2003-54, § 1, 11-6-2003; Ord. No. 2004-9, §§ 4--6, 2-5-2004; Ord. No. 2005-13, § 1, 5-5-2005; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2005-56, § 1, 11-17-2005; Ord. No. 2006-86, § 1, 11-2-2006; Ord. No. 2007-14, § 1, 3-5-2007; Ord. No. 2007-69, § 1, 11-1-2007; Ord. No. 2009-35, § 1, 10-1-2009; Ord. No. 2010-3, § 1, 2-4-2010; Ord. No. 2014-09, § 1 & 2, 2-6-2014)

2.06.00. Enforcement, violations and penalties.

The county administrative staff is hereby directed to enforce this ordinance. Enforcement shall be compelled by the county administrator, or by civil action brought by an aggrieved party in a court of competent jurisdiction. Also, Escambia County can cause prosecution of violations in the name of the State of Florida pursuant to the authority granted by F.S. § 125.69.

2.06.01. Penalties.

A. *Civil remedies.* The Escambia County BCC or any aggrieved party as defined by state law may apply to the circuit court of Escambia County, Florida, to enjoin and restrain any person or other entity violating the provisions of this Code, and the court shall, upon proof of the violation of same, have the duty to forthwith issue such temporary and/or permanent injunctions as are necessary to prevent the violation(s).

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B. *Criminal remedies.* Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resist the enforcement of any of the provisions of this ordinance shall be punishable as a misdemeanor and fined accordingly (upon conviction, be fined up to \$500.00 or imprisoned for not more than 60 days, or both, and in addition shall pay all costs and expenses involved in the case). Each day a violation exists shall constitute a separate offense. Nothing herein contained shall prevent Escambia County from taking such other lawful action as is necessary to prevent or remedy any violation.

C. *Enforcement.* The provisions of this Code shall be enforced by any means provided, authorized, or allowed by law or ordinance including, but not limited to F.S. § 125.69 and as thereafter amended, F.S. ch. 162, and as thereafter amended, and chapter 1-8.5 [chapter 30] of the Escambia County Code of Ordinances.

(Ord. No. 97-51, § 1, 10-2-1997)

2.07.00. Interpretation, purpose and conflict.

In interpreting and applying the provisions of this Code, they shall be held to be the minimum standards for the promotion of the public health, safety, and general welfare of the community. It is not the intent of this Code to interfere with or abrogate or annul any existing easements, covenants, lease agreements or other agreements between parties; provided, however, that where this Code imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or required larger open spaces than are imposed or required by other ordinances, rules, regulation or by easements, covenants or agreements, the provisions of this Code shall control. Note: Nothing herein shall be construed to allow, encourage or require any change to the standards within this Code except through the formal amendment process established within this Code and Florida Statutes.

2.07.01. Planning board (LPA) interpretations. The planning board, sitting as the local planning agency (LPA), shall review and interpret any provisions of this Code for the purposes of clarification or determination of meaning and intent if questions should arise regarding the meaning, intent or interpretation of any provision or section. Such interpretation request shall be presented at the next regular planning board meeting if the request is received by the department of planning and zoning staff at least 20 calendar days in advance of said meeting.

Development review applications submitted for approval shall be subject to and reviewed in accordance with the Land Development Code provisions, including planning board interpretations and determinations, in effect at the time of the submittal to and acceptance by the department of planning and zoning of such plans in accordance with section 4.02.00. If a planning board interpretation or determination of this Code is desired by the applicant, the application shall be withdrawn from the development review process. after such interpretation or determination has been rendered by the planning board, if the applicant chooses to proceed with the development, a new application, with review fees, must be submitted subject to the then existing regulations and interpretations.

Interpretations, determinations or conditions rendered by an administrative official or designee shall not be under the jurisdiction of the planning board, but shall be subject to review by the board of adjustment as an administrative appeal per section 2.04.00.

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(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2000-38, § 1, 9-7-2000; Ord. No. 2002-45, § 4, 10-17-2002; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2013-54, § 1, 12-5-2013)

2.08.00. Rezoning, amendments to the zoning map, and text amendments to this Code.

The board of county commissioners may amend, supplement, change, modify, or repeal by ordinance the boundaries, districts, regulations or restrictions herein established after public hearing, in accordance with Florida law; provided, however, that such amendments, supplement, change, or modification be consistent with the adopted Comprehensive Plan. All rezonings, applications and proposals requiring a quasi-judicial hearing shall be reviewed and acted upon in accordance with the procedures set forth herein. All text amendments to the code shall be reviewed and acted upon by the LPA prior to final action by the BCC. And, if any such amendments affect any regulation, standard or criteria governing activities at Pensacola Beach (the MU-5 area), such amendment shall be reviewed and acted upon by the SRIA board prior to consideration by the LPA and prior to final action by the BCC.

2.08.01. Reserved.

2.08.02. Quasi-judicial rezonings.

A. Planning Board (LPA); functions regarding quasi-judicial rezonings.

1. The Planning Board (LPA), as established in this Code, shall have the powers and authority set forth in this article.
2. Any code or ordinance to the contrary notwithstanding, applications for rezonings requiring a quasi-judicial hearing shall be heard by the planning board, as provided herein, which shall make recommendations to the board of county commissioners whose decisions shall be final.
3. The planning staff shall provide administrative support to the planning board and shall appoint one of its employees to serve as records custodian.

B. Conduct of meetings; reports and records.

1. The board of county commissioners shall adopt rules for transaction of rezoning business and the planning board shall conduct meetings pursuant to the provisions of the applicable codes, ordinances and resolutions.
2. The planning staff shall provide for a court reporter at all quasi-judicial proceedings. All hearings shall be transcribed. Additional transcripts shall be provided by the court reporter at the request of interested parties who shall bear the costs thereof.
3. The planning staff shall keep indexed records of all hearings.

C. Applications for rezoning. Any person requesting a rezoning of a given parcel of real property shall make an application for such change with the planning staff on forms provided by the County. The application

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forms shall be accompanied by a copy of this ordinance and those resolutions that establish procedures for quasi-judicial hearings and procedures for the disclosure of ex parte communications.

1. When such application is initiated by the owner of the property in question or the authorized agent(s) of such owner, the application shall indicate by legal description and by street address, where possible, the property to be affected by the proposed change, setting forth the present zoning applicable thereto and specifying the zoning district, requested by the applicant. Such application shall be in a form substantially in accordance with the form prescribed by the county.
2. All such applications by owners or duly authorized agents or individuals shall include a verified statement showing each and every individual person having a legal and/or equitable ownership interest in the property upon which the application for rezoning is sought, except limited partnerships and corporations in which case the name and address of the partnership or corporation will be sufficient. When the property is in fee simple ownership, a copy of the deed shall be sufficient to comply with the terms of this part.
3. Upon submitting an application, there shall be paid to the planning staff a sum for each requested change; provided, however, that contiguous lots or parcels of property may be considered in any single petition. Furthermore, separate parcels within a platted subdivision may be included in a single petition. The sum to be paid for said rezoning shall be prescribed by the board of county commissioners.
4. Not later than 60 days after submission, the planning staff shall schedule a hearing and forward completed applications to the planning board who shall conduct a public hearing and make a recommendation to the board of county commissioners.
5. *Special application for designation as C-2NA zoning.* If an applicant applies for a rezoning to the C-2 zoning district, the applicant shall additionally indicate whether the applicant is voluntarily seeking a C-2NA designation in conformance with Section 6.05.16.K. of this land development code.

D. *Notice and public hearing.*

1. The planning staff shall notify the current property owners within a 500-foot radius of the property proposed to be rezoned, as well as the owner(s) of the property under consideration for change, or agent(s) for the owner(s), of the quasi-judicial public hearing by mail, at least 15 days prior to the first scheduled quasi-judicial public hearing. The notice shall state the date, time and place of the quasi-judicial public hearing and in addition shall advise the recipient(s) that only those present and giving testimony at the quasi-judicial hearing(s) may subsequently address the recommendation of the planning board when it is considered by the board of county commissioners.
 - a. Notification of such subsequent hearing before the planning board must occur at least ten days prior to the hearing. Distribution of notices is to be timed in a manner that would reasonably result in actual receipt of said notices within the specified time frame.

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- b. Each notice shall state the case number, current zoning, proposed zoning, physical address, date, time, and place of the quasi-judicial public hearing. See section 11.00.01.C. relative to notification within Navy Air Field areas of impact.
2. The planning staff shall place a 20" × 30" sign on the property to be rezoned announcing the case number, current zoning, proposed zoning, date, time and location of the quasi-judicial public hearing(s) at least 15 days prior to the first hearing. The sign shall remain posted on the property until a final decision by the board of county commissioners.
3. The planning staff shall publish in a newspaper of general circulation in Escambia County, at least 15 days prior to the public hearing, a notice stating the case number, current zoning, proposed zoning, physical address, date, time and place of the public hearing. The applicant shall deposit with the board of county commissioners an amount established by resolution of the board of county commissioners to cover the cost of hearing, publication, and distribution of notice.
4. Any reports, analyses or recommendations prepared by the planning staff for the planning board shall be copied to the applicant and made available to any interested party, as provided by law, at least ten days prior to the hearing. All such reports, analyses, and recommendations shall include information giving examples of the most intensive uses permitted within the requested zoning district in accordance with the Land Development Code.
5. Once the applicant has submitted his or her application for rezoning, the request may not be changed to a more intensive use. The applicant may amend the application to a less intensive zoning district provided the notice provisions set forth in section 2.08.02.D. have been complied with.
6. The planning board shall consider each application at a public hearing and, within 15 days of such hearing, make a written recommendation to the board of county commissioners setting forth findings of fact and conclusions of law. In order to ensure compliance with the Sunshine law, the planning board, by a majority vote, shall direct planning staff during the scheduled hearing as to the content of the findings of fact and conclusions of law that will be included in its recommendation to the board of county commissioners. Such recommendation shall be for approval, approval with modification, or denial including reasons for any modifications or denial; and shall include consideration of the following:
 - a. *Consistency with the Comprehensive Plan.* Whether the proposed amendment is consistent with the Comprehensive Plan;
 - b. *Consistency with this Code.* Whether the proposed amendment is in conflict with any portion of the Land Development Code, and is consistent with the stated purpose and intent of the Land Development Code;
 - c. *Compatibility with surrounding uses.* Whether and the extent to which the proposed amendment is compatible with existing and proposed uses in the area of the subject property(s);

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- d. *Changed conditions.* Whether and the extent to which there are any changed conditions that impact the amendment or property(s);
- e. *Effect on natural environment.* Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;
- f. *Development patterns.* Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

7. An applicant for a proposed rezoning has the burden of proving by substantial, competent evidence that the proposed rezoning: is consistent with the Comprehensive Plan; furthers the goals, objectives and policies of the Comprehensive Plan and is not in conflict with any portion of the county's Land Development Code.

Upon the applicant proving the proposed rezoning complies with these criteria, the planning board shall recommend approval of the rezoning request to the board of county commissioners unless the planning board determines that there is substantial, competent evidence that maintaining the current zoning designation accomplishes a legitimate public purpose. For purposes of this section, a legitimate public purpose shall include but not be limited to preventing the following or as may be determined by law from time to time:

- a. The proposed rezoning and the development permitted there-under is premature or otherwise creates or contributes to an urban sprawl pattern of development;
- b. The proposed rezoning will constitute "spot zoning," that is an isolated zoning district that may be incompatible with the adjacent and nearby zoning districts and uses, or as spot zoning is otherwise defined by Florida law;
- c. The proposed rezoning will create an intrusion of commercial or industrial uses into an established residential area, such as a platted residential subdivision;
- d. The proposed rezoning and the development permitted there-under will result in significant adverse impacts upon property values of adjacent or nearby properties or in the immediate area more than the types of uses currently permitted;
- e. The proposed rezoning and the development permitted there-under will detract from the character and quality of life in the general area or neighborhood by creating excessive traffic, noise, lights, vibration, fumes, odors, dust, physical activities or other detrimental effects or nuisances.

8. Within ten days of receipt of planning board's recommended order, the planning staff shall forward a copy of the recommended order to the applicant and to those interested parties who appeared at the quasi-judicial hearing. The applicant and such interested parties shall be advised as

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to the case number, current zoning, proposed zoning, physical address, date, time and place of the hearing at which the board of county commissioners shall consider the recommended order.

E. *Board of county commissioners; review and action on rezonings.*

1. The board of county commissioners shall review the record and the recommendation of the planning board and either adopt the recommended order, modify the recommended order as set forth herein, reject the recommended order, or remand the matter back to the planning board for additional facts or clarification. Findings of fact or findings regarding legitimate public purpose may not be rejected or modified unless they are clearly erroneous or unsupported by the record. When rejecting or modifying conclusions of law, the board of county commissioners must state with particularity its reasons for rejecting or modifying the recommended conclusion of law and must make a finding that its substituted conclusion of law is as or more reasonable than the conclusion that was rejected or modified. However, the board of county commissioners may not modify the recommendation to a more intensive use than requested by the applicant and advertised. The review shall be limited to the record below. Only a party of record to the proceedings before the planning board or representative shall be afforded the right to address the board of county commissioners and only as to the correctness of the findings of fact or conclusions of law as based on the record. The board of county commissioners shall not hear testimony.

2. In the event the matter is remanded to the planning board, an additional quasi-judicial hearing for the purpose of hearing testimony and receiving evidence relevant to additional facts and clarification requested by the board of county commissioners, will be conducted by the planning board. Within 15 days of the hearing on remand, the planning board shall submit a supplemental recommendation to the board of county commissioners for review in accordance with 1. above. When the supplemental recommendation is considered by the board of county commissioners, the entire record relating to the initial hearing and all supplemental hearings shall be presented to the board of county commissioners. Note: Re-notification to property owners within the 500-foot radius as well as the owner(s) of the property under consideration for change and those persons who testified or gave evidence at the initial hearing is required at least ten days prior to the hearing in accordance with section 2.08.02.D.1.b. for all remanded cases. Additionally, all persons who were furnished a copy of the original recommended order shall be furnished a copy of the supplemental order.

3. The planning staff shall provide the planning board with the resumes of all final action taken by the board of county commissioners on rezoning requests.

4. Exemption from Administrative Procedures Act. Escambia County is not an agency for the purposes of F.S. ch. 120. Therefore, the Administrative Procedures Act is not applicable to these proceedings.

F. *Decisions by the board of county commissioners shall be final; subsequent application.*

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1. *Final decisions.* Actions by the board of county commissioners adopting or rejecting the recommended order of the planning board for rezoning of particular parcels shall be final. Thereafter, if a rezoning is approved, the board of county commissioners shall amend the zoning map to reflect its final decision in accordance with the ordinance enactment procedures set forth in section 2.08.03. Any party who wishes to seek judicial review of the decision of the board of county commissioners must do so within 30 days of the date the board of county commissioners approves or rejects the recommended order of the hearing officer. Written notice of the filing of any such petition for judicial review shall promptly be provided by the planning staff to all property owners with 500 feet of the property for which the rezoning was sought.

2. *Limitation on subsequent application.* Whenever an application for rezoning shall be denied by the board of county commissioners, no new application for identical action on the same parcel shall be accepted for consideration within a period of 180 days of the decision of denial.

2.08.03. Actual zoning map amendments.

A. *Applicant-initiated zoning map amendments.* Without regard to whether the underlying rezoning decision requires a quasi-judicial hearing, amendments to the actual zoning map initiated by persons other than the county shall be enacted according to the procedures established by F.S. § 125.66(2) and as amended.

B. *County-initiated zoning map amendments involving less than ten contiguous acres.* Without regard to whether the underlying rezoning decision requires a quasi-judicial hearing, amendments to the actual zoning map initiated by the county and involving less than ten contiguous acres of land shall be enacted according to the procedures established by F.S. § 125.66(4)(a) and as amended.

C. *County-initiated zoning map amendments involving ten contiguous acres or more.* Without regard to whether the underlying rezoning decision requires a quasi-judicial hearing, actual zoning map amendments initiated by the county and involving ten or more contiguous acres of land shall be enacted according to the requirements of F.S. § 125.66(4)(b) and as amended.

2.08.04. Text amendments to this Code other than changes to the zoning map.

A. Any ordinance amending the provisions of this Land Development Code that does not change the actual list of permitted, conditional, or prohibited uses within a zoning category shall be enacted according to the procedures of F.S. § 125.66(2) and as amended and according to the applicable procedural requirements set forth in chapters 2 and 4 of the Escambia County Comprehensive Plan.

B. Any ordinance or resolution that changes the actual list of permitted, conditional, or prohibited uses within a zoning category shall be enacted according to the procedures of F.S. § 125.66(4)(b) and as amended and according to the applicable procedural requirements set forth in chapters 2 and 4 of the Escambia County Comprehensive Plan.

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(Ord. No. 96-42, § 1, 10-24-1996; Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2000-6, § 1, 2-10-2000; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2007-5, § 1, 2-1-2007; Ord. No. 2007-37, § 1, 7-19-2007; Ord. No. 2009-35, § 1, 10-1-2009; Ord. No. 2011-2, § 1, 1-6-2011; Ord. No. 2012-14, § 1, 5-3-2012; Ord. No. 2012-22, § 2, 6-28-2012)

2.09.00. Comprehensive plan amendments.

Pursuant to Florida law, the Escambia County Comprehensive Plan may be amended any time in a calendar year.

2.09.01. Timing of amendments. The BCC will establish dates for consideration of proposed plan amendments and such dates shall be determined based upon the needs of Escambia County, applicants for development approval and requirements of law.

2.09.02. Procedures. Applications for Comprehensive Plan amendments shall be made on forms provided by the department of planning and zoning. Applications must be submitted at least 30 days in advance of the first scheduled public hearing to consider Comprehensive Plan amendments.

A. Local planning agency consideration. The Escambia County Planning Board serves as the local planning agency. Prior to any plan amendment being proposed or adopted by the BCC, the LPA shall conduct a public hearing and promulgate recommendations on each plan amendment so considered.

B. Board of county commissioners action. Upon receipt of the LPA recommendation, the BCC may propose Comprehensive Plan amendments and develop such amendments with the requisite data and analysis pursuant to F.S. § 163.3184.

C. Department of Economic Opportunity (DEO) review. Pursuant to Florida Statutes, the BCC will transmit proposed plan amendments to DEO to allow opportunity for review and comment prior to adopting said amendments. Upon receipt of DEO comments, if any, on proposed amendments, the BCC may proceed with the adoption process as defined in F.S. § 163.3184.

2.09.03. Public participation. The public participation procedures defined and described in chapter 4 of the adopted Escambia County Comprehensive Plan (Ordinance No. 93-20) shall be followed.

2.09.04 Small scale amendment process. Small scale amendments can be proposed and adopted any time during the calendar-year. Application for consideration for a small scale amendment shall be submitted pursuant to section 2.09.02 above.

2.09.05. Responsibility for costs and expenses. The applicant shall be responsible for any and all costs associated with the preparation of any plan amendment request. However, ultimate control of the request, including form and format, will be at the direction of the county government. The plan amendment requests must include the necessary data and analysis, supporting information, graphics products, narratives, reproduction and sufficient copies of reports, consistency analysis and the like. In addition, the applicant or his agent will be responsible for the preparation of any remedial reports or analyses which may be required by the county or the DCA. Advertising the

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required public hearings is included as an expense to the applicant, but meeting space, utilities, staff attendance and routine overhead are not the responsibility of the applicant.

(Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2013-54, § 1, 12-5-2013)

2.10.00. Modifications and adjustments of district regulations.

The regulations set forth in this section modify, adjust or supplement the district regulations appearing in article 6 of this Code.

2.10.01. General modifications.

A. *Yard encroachment including roof overhang.* Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, belt courses, cornices, buttresses, awnings, eaves and similar features approved by the county BOA. None of the above projections shall project into any yard more than 24 inches, except roof overhangs and awnings which may extend 48 inches into any yard provided the respective yard is at least ten feet in depth. In no case shall a structure project into a public right-of-way without prior approval by the BCC.

B. *Projecting fire escapes, stairways, balconies, chimneys or flues.* Open or enclosed fire escapes, outside stairways and balconies projecting into a minimum yard not more than 3 1/2 feet and the ordinary projections of chimneys and flues may be permitted by the building official where the same do not obstruct light and ventilation.

C. *Distance between buildings on same lot.* As specified in the zoning district regulations, more than one dwelling may be located upon a lot provided that the horizontal open space between such buildings measured at the closest point shall not be less than twice the side yard required in the district in which such uses are located.

D. *Use of lots less than required size.* Any lot of record as of February 8, 1996, that contains less land area depth or width than is required in the district in which such lot is located, may be used for the uses permitted in such district.

E. *Sanitary waste disposal.* Whenever a lot is not served by an approved sewer, there must be provided such open space as required by F.A.C. ch. 10-D(6) (septic tank regulations) of the Florida Administrative Code and as administered by the Escambia County Health Unit for septic tanks with flows of up to 5,000 gallons per day and drainage field to serve the uses erected on such lot. Such sanitary installation may be located in a front, side or rear yard but not closer than five feet to any lot line.

F. *Density rounding.* When the calculated density for a parcel of land results in a fraction greater than or equal to 0.5, rounding to the next whole number shall be allowed up to a maximum of one additional dwelling unit per parcel.

2.10.02. Structure height modifications.

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A. *Agricultural structures.* Structures associated with agricultural uses, such as cotton gins, granaries, silos, windmills, and the like, may exceed the height limits of the respective zones, provided they are not in conflict with any height regulations established by article 11, airport environs, including flight angles of any airport.

B. *Other structures.* All other structures exceeding zoning district established height regulations are considered conditional uses, regardless of the land use category or zoning district wherein the proposed use will be located. This includes water towers, fire towers, commercial communication towers, etc. Public communication towers are exempt. See section 7.18.00 for performance standards governing commercial communication towers.

C. *Appurtenant structures.* The height regulations as prescribed in this section shall not apply to belfries, chimneys, church spires, cooling towers, elevator bulkheads, flag poles, television reception antennae, roof-mounted tanks, mechanical equipment rooms or similar appurtenances that (a) do not separately or in combination with other rooftop structures exceed ten percent of the horizontal roof area and (b) do not exceed otherwise applicable height limitations, subject to article 11, Height Restrictions, by more than 15 feet or ten percent of actual building height, whichever is greater.

2.10.03. Front yard modifications.

A. *Lots with double frontage.* Every such lot, including a corner lot, shall have a front yard, so designated by the owner.

B. *Corner lots.* There shall be a front yard on one street side of a corner lot; provided however, that the buildable width of such lot shall not be reduced to less than 30 feet; provided further that no accessory building on a corner lot shall project beyond the normal front yard setback line on any street, regardless of which of the two yards has been designated the front yard.

C. *Encroachment of porch or terrace.* An open, unenclosed and uncovered paved terrace or a covered porch may project into the required front yard for a distance of not more than ten feet.

D. *Encroachment by gas pumps and pump islands.* Filling station pumps and pump islands may be located within a front yard provided they are not less than 20 feet from any street line.

2.10.04. Rear yard modifications.

A. *Lots abutting an alley.* When a lot abuts upon an alley, one-half of the alley may be considered as part of the required rear yard.

B. *Corner lots.* For the purpose of applying rear yard modifications as set forth in this section, the rear yard shall be the area of the parcel opposite the front on lots with four sides. The bureau chief, development services, or designee thereof, shall determine the rear yard for all other lots.

2.10.05. Side yard modifications.

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- A. Lots less than required width. Whenever a lot in single ownership exists which contains less width than required in the district in which it is located, as referenced in section 2.10.01.D., above, the director of planning and zoning may authorize a side yard reduction. However, no side yard shall be reduced to less than five feet, providing further that the buildable width shall not be reduced to less than 20 feet.
- B. Buildings with mixed use. Whenever a portion of a building is used for residential purposes, including hotel, motel or transient quarters as well as nonresidential purposes, in such cases the provisions governing residential side yard setbacks shall be applicable

2.10.06. Setback distance regulations. Except as provided elsewhere in this Code, no structure shall be erected, reconstructed or expanded within the setback (required yard) area. The following standards shall apply:

- A. *Setbacks in subdivisions.* Approved subdivision plats shall indicate the required setbacks per article 6.
- B. *Setbacks in deed covenants or deed restrictions.* Setback distances recorded in deed covenants or deed restrictions are not enforceable under this section. Since they are not considered public policy, they are regarded as private limitations enforceable only through civil action by the original subdivider of the land, any grantee against any other grantee, and/or a homeowner's association.

2.10.07. Accessory buildings and structures. Accessory buildings or structures must observe the following conditions:

- A. *Interior lot line setback.* Any accessory structure may be constructed no closer than five feet from the interior side or rear lot line.
- B. *Guest residence setback.* Except as provided below in paragraph F. or section 6.03.01.E., no accessory building used for living quarters shall be located in any front yard, or any required side or required rear yard and shall not be within 60 feet of a front property line.
- C. *Corner lot line setback.* Whenever a side or rear lot line is also a street line (typically, a corner lot), the required yard for accessory buildings shall be the same as for main buildings.
- D. *Enclosures for swimming pools.* Screened enclosures for swimming pools may be erected no closer than five feet from the rear or side property line. No pool enclosure shall be allowed on any easement unless authorized by the holder(s) of such easement through an encroachment agreement.
- E. *Accessory structure distance from house.* This distance is specified in the building code.
- F. *Large lot.* Accessory buildings or a guest residence on lots ten acres or greater in size, may be located in a front yard or any nonrequired yard of the principal dwelling but shall not be within 60 feet of a front property line. No more than one guest residence is allowed per lot.

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G. *Accessory buildings or structures.* Accessory buildings or structures may only be located in any side or rear yard.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2000-28, § 1, 7-6-2000; Ord. No. 2000-44, § 2, 10-5-2000; Ord. No. 2004-9, § 7, 2-5-2004; Ord. No. 2004-13, § 1, 3-4-2004; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2006-22, § 1, 3-2-2006; Ord. No. 2007-44, § 1, 8-16-2007; Ord. No. 2008-46, § 1, 8-7-2008)

2.11.00. Vested rights for land use.

2.11.01. Intent. It is the intent of this section to provide a mechanism for a determination of vested rights for land use to those property owners who feel that they may have acquired vested rights for land use through official county action.

2.11.02. Application. An application for determination of vested rights for land use shall be submitted to the director of planning and zoning 1) no later than 12 months following any act or omission on the part of the county which the owner discovers and forms the basis for vested rights for land use, or 2) no later than 12 months following written notification to the owner of the need to apply for a determination of vested rights for land use, whichever occurs sooner.

An administrative fee as established by the board of county commissioners' resolution shall be charged for each application submitted. A portion of the administrative fee shall be used by the county engineer to review whether the development in question meets current stormwater and traffic concurrency standards in accordance with article 5 of the Land Development Code. The director shall within five working days determine whether the application for determination of vested rights for land use is facially complete and timely. If the application is facially complete and timely, the director shall refer the matter to the vested rights committee. The vested rights committee shall be composed of the county engineer, the director of planning and zoning and an attorney from the office of the county attorney, other than the attorney representing the board of county commissioners. If the application is facially incomplete or untimely, the director of planning and zoning shall notify the owner in writing of the deficiencies. The director of planning and zoning shall take no further steps to process the application until the deficiencies have been remedied.

2.11.03. Recommendation of the vested rights committee. The vested rights committee shall publish notice of its meetings and post a sign on the subject property in advance of its meeting. The vested rights committee shall review owner's requests and make recommendations of approval, denial or approval with conditions, of the applications to the board of county commissioners. Based on the review and evaluation of the application and other information available, the committee shall prepare a written report, which shall include findings of fact with respect to each relevant criteria identified in section 2.11.06, any conditions that may be attached, and any legal issues that will need to be resolved. The vested rights committee's recommendations shall be in writing and shall be signed by the chair of the committee, which shall be the director of planning and zoning. The committee may prepare procedural rules to govern its proceedings.

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2.11.04. Review of vested rights determination by the board of county commissioners. The vested rights committee shall forward its recommendation to the board of county commissioners for review within 30 days. The procedural rules relating to quasi-judicial hearings, as set forth in resolutions 96-34 and 97-189 and Florida law as applicable, shall apply to vested rights proceedings before the board of county commissioners. Notice of this meeting shall be posted on the property and mailed to residents residing within 500 feet of the property. The owner shall be responsible for postage and research fees to identify such residents.

2.11.05. Issuance of a certificate of vested rights for land use. The final decision of the board of county commissioners shall be in writing and shall include findings of fact, conclusions of law and a determination denying, approving or approving with conditions, the application for vested rights. If the board of county commissioners approves or approves with conditions, the application for vested rights, its decision shall be titled a certificate of vested rights for land use and recorded by the owner in the public records of Escambia County, Florida.

2.11.06. Criteria for vested rights determination.

A. An owner shall be entitled to a determination of vested rights only if through substantial competent evidence it can be established that the proposed use of the property meets the concurrency provisions of article 5 and in addition one of the following criteria has been met:

1. The proposed use was authorized pursuant to a county development order, or equivalent, issued on or before the effective date of this Code, or a pertinent amendment thereto, and the development has commenced and is continuing in good faith. In a claim based upon this criterion, the owner must produce evidence of actions and accomplishments that substantiate timely and lawful progression towards the completion of the intentions and plans documented in the original order, or equivalent. In a claim based upon this criterion, the right to which the owner may be vested is a continuation of the original order, or equivalent.

2. The owner is determined to have acquired rights due to good faith reliance on an act of commission or omission of the county which has caused the owner to make such a substantial change in position or to incur such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights acquired. In a claim based upon this criterion, the owner must document, and the county must verify, the obligations and expenses that are in jeopardy. The owner must produce evidence of actions and accomplishments that substantiate timely and lawful progression towards the completion of the intentions and plans that have been jeopardized. Evidence including, but not limited to, that which demonstrates that such activity has not progressed in such a manner may be sufficient to negate a finding of good faith on the part of the owner and therefore invalidate the claim to vested rights.

B. If a vested right for land use involving an unrecorded subdivision is found to exist, a deed for the individual lot involved shall be recorded by the owner prior to the issuance of a permit or other development approval.

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C. Where an individual owner of a lot in an unrecorded subdivision on file with Escambia County, other than the developer, cannot obtain a building permit because the lot size is not sufficient under the current Land Development Code regulations, the director of planning and zoning is hereby authorized to grant an administrative variance to allow for the placement of a residential dwelling unit on said lot if the individual owner presents evidence he or she was unaware at the time of purchase that lot size or road drainage access was not sufficient. Denial of such requests may be appealed to the board of adjustment. The administrative fee set forth in section 2.11.02, above is hereby waived for such individual lot owners.

2.11.07. Limitation on vested rights. A determination of vested rights shall expire and be null and void unless construction of improvements in a subdivision, if any, are commenced pursuant to a development order within 18 months after the issuance of the determination of vested rights for land use by the board of county commissioners. The 18-month time limitation on the validity of vested rights shall be extended by staff for six months based on evidence of the owner's intent to commence development within that time period. Otherwise, the owner shall be required to seek a variance or comply with current code requirements. Notwithstanding the foregoing, the 18-month time limitation on the determination of vested rights for land use may be temporarily suspended or halted for any time and during any period within which development is delayed solely by acts of the county, state or federal governments, natural disasters, war and the like as it pertains to levels of service issued, upon written notice to the director of planning and zoning. This 18-month limitation on vested rights shall not, or is not intended to, prohibit the issuance of a building permit for a single-family residence in an unrecorded subdivision that has received vested rights determination just because construction of the single-family residence has not begun within 18 months.

2.11.08. Any party aggrieved by the vested rights determination made by the board of county commissioners may appeal such decision by filing a petition for certiorari in the circuit court in accordance with the Florida Rules of Appellate Procedure for the review of quasi-judicial decisions of a local government or other available legal remedies. Notwithstanding the foregoing, nothing herein shall prevent the owner from pursuing other available administrative remedies.

(Ord. No. 99-44, § 1, 9-16-1999; Ord. No. 2000-51, § 1, 11-2-2000; Ord. No. 2005-45, § 1, 10-6-2005)

2.12.00. Planning board.

This section is enacted pursuant to, and in accordance with, the provisions of F.S. § 163.3161 et seq., Local Government Comprehensive Planning and Land Development Regulation Act.

2.12.01. Authority. Pursuant to, and in accordance with, F.S. § 163.3174 et seq. and section 2.01 of the Escambia County Comprehensive Plan, the planning board is hereby established and designated as the "local planning agency" (LPA) for the total unincorporated area under the jurisdiction of the board of county commissioners (BCC).

2.12.02. Membership. The planning board shall consist of seven voting members appointed by the BCC, all of whom must reside within Escambia County and two ex officio, nonvoting members. The planning board shall also include one ex officio member appointed by the school board and one appointed by the commanding officers of NAS

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Pensacola and NAS Whiting Field pursuant to F.S. § 163.3175(5) to act on behalf of all military installations within Escambia County. Each of the five commissioners shall appoint one planning board member, preferably from among constituents residing in his or her respective district, and the BCC as a whole shall nominate two "at large" members. All seven voting members must be approved by a majority vote of the BCC. Each planning board member shall furnish a resume or curriculum vitae to the county administrator and all the commissioners. No voting member of the planning board shall be a paid or elected employee of the county.

2.12.03. Term of office; removal from office and vacancies.

A. Each member of the planning board shall be appointed to serve for a period of four years, concurrent with the term of office of their appointing county commissioner, or thereafter until his or her successor is appointed, and each appointment shall be made to ensure staggered terms, except in the case of the two "at large" members who shall serve two-year staggered terms. The nonvoting school board member shall serve until he or she resigns or is removed by the district school board. The nonvoting military member shall serve until replaced by agreement of the commanding officers of NAS Pensacola and NAS Whiting Field (see Comprehensive Plan Policy MOB 4.2.3).

B. Any member of the planning board may be removed from office during his/her term by the appointing BCC member. In the case of the two "at large" members, any member may be removed by a majority vote of the BCC. The planning board chair shall notify the BCC in writing whenever a planning board member has missed four meetings within a 12-month period and outline the reasons for the absences. The BCC shall then remove and replace said member if the absences were not beyond the control of the appointee. The school board may remove for any reason or at any time the nonvoting member appointed by the school board. Any vacancy occurring during the unexpired term of office of any voting member, or a vacancy of the nonvoting member, shall be filled as set forth in section 2.12.02 for the balance of the term.

2.12.04. Officers; staff technical assistance.

A. The planning board shall elect a chair and vice-chair from among its members. Terms of these offices shall be for two years, with eligibility for reelection.

B. Designated staff of the planning and zoning department shall prepare agendas, publish notices, arrange meetings and distribute minutes of the proceedings as necessary to assist the planning board. The planning board shall be authorized to call upon any department of the county at any time for information and advice that, in the board's opinion, will aid in the efficiency of its work. Upon approval of such request by the county administrator, it shall be the duty of each department of the county to furnish such information and advice promptly. A reasonable amount of expenses such as professional services, purchase of maps and legal advertisements, and so forth shall be paid by the county upon the approval of the county administrator. However, no services may be contracted for without prior approval of the board of county commissioners. The county attorney, or his/her designee, shall act as legal advisor to the planning board.

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2.12.05. Rules of procedure and meetings; records.

A. The planning board shall adopt rules of procedure for the transaction of its business. The planning board shall hold regular meetings. Special meetings may be heard at such times as the planning board may determine, or at the call of the chair thereof, or the director of the planning and zoning department, for the consideration of business before the planning board. All regular and special meetings of the planning board shall be open to the public.

B. The planning board shall keep minutes of its proceedings, showing the vote of each member upon each question considered, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be filed in the office of the clerk to the planning board.

2.12.06. *Quorum and vote required.* Four of the seven voting members of the planning board shall constitute a quorum, and the vote of a majority of the quorum shall be necessary for any action thereof.

2.12.07. *Duties.* It shall be the continuing duty of the planning board to be currently informed and knowledgeable of the conditions and development of the county and to make studies and recommendations relating to county growth management, either initiated by the planning board, the county administrator, or the BCC. The planning board shall hear, give consideration to, and make recommendations to the BCC on the following matters in accordance with the requirements of the applicable county ordinance or state regulation:

- A. The comprehensive planning program, including preparation of the Comprehensive Plan or elements or positions thereof for the county.
1. Coordination of such Comprehensive Plan or elements or portions thereof with the comprehensive plans of other appropriate city/town governments and the state.
 2. The monitoring of the effectiveness and status of the Comprehensive Plan adopted by the BCC.
 3. Changes in the Comprehensive Plan as may be required from time to time.
 4. Text change to county ordinances designed to promote orderly development as set forth in the Comprehensive Plan.
 5. Rezoning, both legislative and quasi-judicial.
- B. An application by any person, including the county, proposing the enactment, amendment, or repeal of a land development regulation shall be made to the director of the planning and zoning department on forms provided by the department. Completed applications will be forwarded to the planning board for consideration at a public meeting, and the board shall make a recommendation to the BCC. The meaning of land development regulation, as stated in this subsection, does not include a quasi-judicial action on a rezoning request.
- C. Applications on the following land use matters:

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1. Proposed county-initiated legislative rezoning of an area of specifically designated properties that does not require a quasi-judicial hearing.
2. Proposed quasi-judicial rezoning, regardless of initiating party.
3. Proposed amendments to the overall zoning ordinance (LDC).
4. Interpret provisions of the LDC for clarification or determination of meaning and intent if questions should arise regarding the meaning (see section 2.07.01).
5. Planned unit developments (PUD).

(Ord. No. 2004-9, § 8, 2-5-2004; Ord. No. 2005-17, § 1, 6-2-2005; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2013-54, § 1, 12-5-2013)

2.13.00. Development review.

2.13.01. Development review committee (DRC).

A. *Authority and duties.* The development review committee is herein established to consider development matters properly before it as prescribed by the provisions of the Code. The DRC is authorized to review, consider, and determine the sufficiency of applications for master plan, site plan, preliminary plat, final plat, planned unit development, and other development plan approval to demonstrate compliance with the requirements of the Code and Comprehensive Plan. The DRC is further authorized to make final determinations on specific plan types, and recommendations to administrative authorities making final determinations on other plan types, to approve, approve with conditions, or deny applications for such plans. The DRC may request other county officials and other agencies to comment on applications and participate in the review process, as it deems appropriate.

B. *Committee members.*

1. *Designation.* The DRC shall consist of the director of the planning and zoning department or his or her designee as well as those relevant ex officio members or special subject matter members as designated elsewhere in this Code (see section 11.01.02.C). Technical plan reviewers will act as staff to the DRC. Additionally, the county administrator or his designee shall approve any designees.
2. *Ex officio members.* The DRC may select advisory-only ex officio members from other county departments and/or noncounty agencies deemed relevant to specific development applications to be consulted on an as-needed basis.

C. *Staff and resources.* The planning and zoning department shall be the staff for the DRC and shall prepare agendas and coordinate the development review process as necessary to assist the DRC. The DRC shall call upon the technical review staff of the various departments and agencies for information and

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recommendations that will aid in the effectiveness of its work. The county attorney's office shall provide interpretations on legal issues for the DRC.

D. *Meetings.* Meetings of the DRC shall be consistent with Florida Statutes; specifically, that the meetings be open and readily accessible to the public, that reasonable notice of the meetings be given, and that minutes of the meetings be taken.

1. *Schedule and agenda.* Meetings of the DRC shall be held as scheduled by the DRC coordinator to address matters properly before the committee. A meeting agenda shall be prepared in advance of each meeting and shall set a meeting location and time certain with due public notice.

2. *Procedures.* The DRC shall adopt written procedures for the transaction of its business consistent with the development plan review provisions herein and any other applicable county or state requirements.

3. *Continuance.* The DRC shall have authority to postpone consideration of a development plan application, as it deems necessary, unless the applicant has requested in writing that there be no continuance. However, if the DRC postpones consideration of any matter, it shall announce a time certain at which it shall be reconsidered. If an applicant requests consideration of his application to be postponed, the applicant shall be responsible for rescheduling action by the DRC within the remaining effective period of the application.

4. *Public record.* Minutes of DRC meetings need not be verbatim, but at a minimum shall provide a written record of the meeting time, date, and location, confirmation of public notification, participants, and official actions taken by the committee. Meeting minutes, development plan applications, and all other records of the DRC shall be maintained through the planning and zoning department and shall be made available for inspection by the public, upon a public records request, during normal business hours.

2.13.02. *Development plan review.* For all development plans requiring review and approval through the development review committee as prescribed in article 4, the procedures and requirements of this subsection shall be followed. The level of final approving authority and extent of required public notice may vary among development plan types according to plan complexity, impact upon adjoining property or public systems, or other factors affecting sufficiency of review or public participation. Where the procedures of this subsection may differ with provisions of article 4, these procedures shall govern.

A. *Application.* All requests for review and approval of development plans through the DRC shall be submitted in application, together with the prescribed application forms, documents, and fees, to the planning and zoning department (the department) according to its established submittal checklists, procedures, and schedules. If the department determines through an initial completeness review that the application submittal does not contain the prescribed items, or review fees are not paid, the application shall not be accepted. Accepted submittals shall be distributed to reviewing departments for subsequent

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staff evaluation, and the department shall establish an application submittal deadline as the basis for timely completion of such evaluation.

1. *Plan requirements.* Clarity of presentation and documentation of compliance with the requirements of the Code and Comprehensive Plan shall be the principal requirement of development plans.

a. *Content and format.* A development plan shall accurately and legibly provide the information required by the provisions of the Code as applicable to the plan type, and according to the formats established by the reviewing departments for such plans.

b. *Certification.* All required engineering designs shall be prepared by a professional engineer licensed in the State of Florida pursuant to F.S. chs. 471 and 472, as amended. Additionally, such designs shall require an appropriate seal and signature on the subject plans.

2. *Application forms and authorizations.* Development plan review application submittals shall utilize the forms prescribed by the department and include proof of current site ownership. A developer other than the current owner shall provide proof of owner authorization through an executed sales agreement or similar documentation. Additionally, if a person other than the developer executes the plan review application, a written power of attorney or agent's affidavit authorizing that person to sign the application shall be attached. Copies of plan application forms and application submittal checklists shall be available directly from the department or via the Internet through links at the Escambia County home page.

3. *Application fees.* Fees in amounts specified by the board of county commissioners shall be required for development plan review and shall be provided by the applicant at the time of application submittal. A schedule of such fees shall be maintained in the department.

4. *Effective period of application.* A development plan application shall be valid for a period of one year from the initial date of submittal to the county. An application shall automatically expire and become null and void if, within the effective period, the applicant has not submitted to the department a final plan resolving any remaining review issues, or a written request for a final determination on the application. However, upon written request and documentation by an applicant that resolution of identified review issues is continuing in good faith, the department may, in writing, grant one 6-month extension to an application's effective period. These provisions shall apply to all pending applications, regardless of the date of submittal.

5. *Reapplication.* If the final determination of a development plan application submittal is denial, or the application has expired, and if the applicant chooses to proceed with development review, a new application shall be submitted for review and approval subject to the Code and Comprehensive Plan provisions, fees, and schedules in effect at the time of the new application.

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B. *Public notification.* Specific public notification requirements may vary by development plan type as prescribed in article 4, but meetings of the DRC shall be noticed in advance through legal advertisements published in a local newspaper of general circulation. Meeting agendas shall be available from the department and through the Internet on the Escambia County home page at least two days prior to the meetings. Development plans requiring a subsequent review and final determination by the planning board and/or the BCC shall provide public notification consistent with the established procedures for such review.

C. *Plan review criteria.* The principle issues considered during development plan review and approval are outlined herein. However, applicability varies among plan types, and to avoid potential plan resubmittal and additional review fees, applicants shall refer to the specific requirements and standards within the Code and Comprehensive Plan and substantially resolve issues identified therein before plan application is made. If uncertainty exists, the applicant shall seek clarification from appropriate county staff through individual contact or a scheduled preapplication conference with technical plan reviewers. In applying the provisions of the Code, said provisions shall be considered minimum provisions.

1. *Location and land use.* The provisions of the established zoning districts, future land use categories, and special overlays or zones shall collectively be the principal guide in determining the conformance of a proposed use within a specific site. These provisions include, but are not limited to, intent and purpose of a district, category, overlay and/or zone; residential density and/or intensity of nonresidential development; permitted, prohibited, and conditional uses; and minimum lot area and/or width, minimum yards, maximum impervious cover, and other site and building requirements. Primary references include articles 6, 7, 11, 12, and 13 of the Code and chapter 7 of the Comprehensive Plan.

2. *Concurrency and provision of adequate public services.* Stormwater drainage, sanitary sewer, potable water, mass transit, solid waste, recreation and open space, and traffic have established level of service (LOS) standards that shall be maintained concurrently with a development's impacts on those systems, facilities, and services. In addition to improvements necessary to maintain LOS standards, fire protection and other infrastructure needs shall be addressed. Primary references include articles 5 and 7 of the Code.

3. *Streets, access, internal circulation, and parking.* Streets, driveways, and areas for the internal circulation and parking of vehicles shall be located, designed, and controlled so as to provide for safe and convenient access from adjoining streets and accommodation of on site needs. Among factors to be considered are the character and location of existing and proposed streets, driveways, and drive aisles; the number, size, arrangement, and accessibility of parking stalls, loading areas, and pedestrian accesses; and the means of access to buildings for fire-fighting apparatus and other emergency vehicles. Primary references include articles 4 and 7 of the Code.

4. *Stormwater management.* On-site facilities shall be provided to limit stormwater run-off volumes, rates, and timing from proposed development to that which would have been expected from the development site under natural or predeveloped conditions for critical duration design storms. The site drainage plan shall include practical means of reducing the amount of pollution

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generated by the project to a level compatible with current Florida water quality standards. The plan shall also document maintenance of drainage facilities. All stormwater management plans shall be designed, signed, and sealed by a Florida licensed professional engineer and approved by the county engineer. Additionally, construction in flood prone areas shall comply with county flood hazard prevention regulations. Primary references include articles 7 and 10 of the Code.

5. *Landscaping, open space, off-site impacts, and signs.* Landscaping shall be addressed as applicable so as to utilize existing trees and other vegetation, limit stormwater run-off, prevent erosion, buffer between certain adjoining uses, and for other purposes established by the Code. Open space shall be provided so as to allow adequate light and air, facilitate surface water drainage and aquifer recharge, provide sufficient separation between buildings, uses, and site boundaries, and for other purposes established by the Code. In addition to landscaping and open space, structural screening or enclosure of materials and/or activities may be required to limit off-site impacts. Typical sign limitations include height, area, location, and quantity. Primary references include articles 7 and 8 of the Code.

6. *Wetland, aquifer, and other environmental impacts.* Adverse impacts to wetlands and other environmentally sensitive lands shall be avoided or otherwise minimized, and shall be mitigated when avoidance cannot be achieved through development modifications. The presence on site of facilities or materials that may endanger the sand and gravel aquifer or impair public potable water supply wells are limited or prohibited, and shall be addressed as applicable. For sites on Santa Rosa Island or Perdido Key, the prohibition of importation, transfer, and use of materials discoloring to barrier island white sands shall be addressed. Primary references include articles 7 and 12 of the Code and chapter 11 of the Comprehensive Plan.

7. *Other reviews, approvals and determinations.* Various uses, conditions, or characteristics of proposed development may require documentation of other approvals or determinations. As prescribed in article 4, a development plan may require a preapplication conference with technical review staff and/or master plan review and approval through the DRC. Additional nonDRC county administrative approvals, as described within this article, may also be required; including, but not limited to, variance, conditional use, rezoning, and Comprehensive Plan amendment.

D. *Staff evaluation.* Within ten workdays after the department's established development plan application submittal deadline, technical plan reviewers, as staff to the DRC, shall evaluate the plan application and issue written comments addressing any deficiencies or changes needed to bring the plans into conformance with applicable development requirements. The review comments shall document evaluation of the plan application and provide the basis of staff recommendations to the DRC in any subsequent action on the application, but they shall not constitute final approval or denial of the proposed development. Additionally, as recommendations only, completeness review and technical review comments shall not be subject to appeal as administrative decisions unless and until they are included in a development plan final determination as described herein below. Review comments shall remain valid for the effective period of the application as prescribed herein, but no longer.

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1. *Incomplete application.* If a reviewing department determines that a plan application submittal is incomplete with regard to information necessary to determine plan compliance with the requirements of the Code and Comprehensive Plan, the applicant shall be informed in writing of the deficiencies and required to address them through resubmittal prior to any further review.

2. *Complete application.* Upon determination by the reviewing departments that a plan application submittal is complete, the departments shall proceed with technical review of the plan.

E. *Applicant response.* Following the issuance of development plan application review comments, and within the effective period of the application, the applicant shall be responsible for obtaining the comments and determining any subsequent action on the application. To obtain a final determination on the development plan the applicant shall, in writing, either request that the unrevised plan and staff review comments be forwarded to the DRC for action, or request that no action be taken by the DRC until the applicant resolves any issues identified by reviewing staff and submits a revised final plan. Both options result in a determination for plan approval, approval with conditions, or denial by the DRC as described herein. The applicant may also decline a final determination by formally withdrawing the application or allowing its effective period, and thus the review comments, to expire.

F. *Final determination.*

1. *DRC review.* An application requesting development plan approval may only be considered by the DRC during a public meeting scheduled for such actions and for which sufficient public notification has been provided. Upon submittal and staff evaluation of a final plan, or other documented request for a final determination on a pending development plan application, the DRC shall conduct a timely review of the application according to its established procedures and schedules. During such review, the DRC shall evaluate the plan's compliance with the requirements of the Code and Comprehensive Plan. Based upon that evaluation, the committee shall make a final determination of plan approval, approval with conditions, or denial. However, for a plan requiring a subsequent review and final determination by the planning board and/or the BCC, the DRC shall make a recommendation to those boards for approval, approval with conditions, or denial of the plan.

A development plan requiring subsequent review may proceed to that review regardless of the DRC recommendation, but for a plan requiring a final determination by the DRC, the plan is denied by the committee if any member denies it. However, a DRC member may only withhold a recommendation or determination for approval, or approval with conditions, when a proposed development plan fails to meet a Code or Comprehensive Plan provision that the member is charged to administer. In matters regarding administration of Comprehensive Plan provisions, the chairman shall resolve any conflicts.

2. *Additional administrative review.* As prescribed in article 4 of the Code, certain development plans require planning board and/or BCC review and approval in addition to DRC review. For such a plan, upon recommendation by the DRC, and unless a written request is submitted by the applicant

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to delay or withhold further action on the application, the additional review shall be scheduled according to the established procedures and schedules of the boards.

3. *Approval.* For any development plan application approved, or approved with conditions, in a final determination by the approving authority, there shall be a continuing obligation to comply with the specifications of that plan and the terms and conditions of that approval.

a. *Development order issued.* Final development plan approval shall be documented on the approved plan and, with the exception of subdivision final plats, through the issuance of a written development order with applicable concurrency certification. At a minimum, a development order shall identify the development approved, the effective period of approval, and any conditions of the approval. Development orders shall be effective for periods as specified by plan type in article 4. An executed development order shall authorize the applicant, subject to the project description and conditions therein, to obtain the necessary permits to commence development activity or, for master plans and preliminary plats, make subsequent required plan submittals further detailing proposed improvements. Use other than that described, or conditions not satisfied, constitute a violation of the development order and render it void. Further, the development order does not constitute approval by any other authority.

b. *Approval termination and extension.* Development plan approval shall expire and become null and void if permitting or other prescribed action for the approved development has not occurred within the effective period of the development order and no available extension has been applied for. If a development order expires or is terminated, any allocated concurrency is withdrawn, and if the applicant chooses to proceed with development of the project site, a new application shall be submitted for review and approval subject to the Code and Comprehensive Plan provisions at the time of the new application.

Any applicant issued a development order by final determination of the DRC may request an extension of the effective period from the board of adjustment consistent with the established procedures of the board and within the allowable time as prescribed in article 2. However, if the development order was issued through a quasi-judicial procedure, an extension may only be granted through a quasi-judicial procedure by the same approving authority according to the established procedures for such approval.

c. *Special approval conditions.* In addition to the standard conditions of development plan approval established in the Code, the approving authority may attach any reasonable conditions, limitations, or requirements deemed necessary by the reviewing departments, boards, or officials to address the impacts of the proposed development and carry out the requirements and purposes of the Code and the Comprehensive Plan. Such conditions may be documented directly on the development plans, within the development order, or as otherwise deemed appropriate by the approving authority.

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- d. *Approval subject to appeal.* Although development permits may be issued subsequent to the issuance of a development order, an approved development plan remains subject to challenge by appeal of any aggrieved party as described herein below. If such permits are issued, the permittee, not the county, shall bear any risk that the development plan approval may be reversed or modified, wholly or partly, upon appeal, and that the issued permits may be modified or revoked.
- e. *Permits required.* The issuance of a development order alone does not authorize site development to commence. No site development activity may commence without the necessary permits as prescribed in article 4.
- f. *Approval documents on site.* A copy of the development order and approved site development plans shall be maintained and readily available on site once any development activity has begun, including clearing and grading. The approved construction plans shall also be available on site once any construction has begun. Permits shall be posted as required by the issuing authorities.
- g. *Plan modifications.* After a development order has been issued, it shall be unlawful to modify, amend, or otherwise deviate from its terms and conditions without first obtaining written authorization through the DRC departments. Approval of such modifications shall be requested in writing. Requests for modifications to engineering designs shall only be accepted from the engineer of record. The applicable review process for proposed modifications shall be determined based upon the provisions of article 4. Plan modifications constructed without prior written approval shall be subject to the penalties and/or increased fees specified by the BCC. No certificate of occupancy or other final construction approval by the county shall be issued for unauthorized development plan modifications.
- h. *Plan transferability.* In the event that ownership of the property receiving development plan approval is transferred, the development order and any extensions to its effective period shall be transferable, provided the new owner agrees in writing to be bound by all plan approval terms and conditions.
- i. *Violations.* Failure to comply with the specifications, terms, and conditions of an approved development plan, including maintenance of all approved elements, shall be a violation of the Code and subject to enforcement and penalties as provided herein.

4. *Denial.* For each development plan application denied by the DRC in a final determination, the denying department(s) shall inform the applicant in writing of the basis of such determination. Denial by the planning board or the BCC shall be according to their findings as documented in the records of those boards.

5. *Appeal.* An aggrieved party may request a quasi-judicial hearing with the board of adjustment to appeal the approval, conditions, or denial of a development plan application. Such request shall be

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filed in application consistent with the established procedures of the BOA, following the final determination, and within the allowable appeal time as prescribed in article 2. Appeal of determinations made by the BOA or other administrative boards or officials shall be made according to the established procedures for such appeals. Not all approving authorities are required to make verbatim records of their meetings, and any person choosing to appeal any matter considered at such meetings shall independently ensure that a verbatim record of the proceeding is made should they wish to rely on such record.

6. *Impact and other fees.* Impact, site inspection, tree removal, site-specific survey, and other fees in amounts specified by the BCC shall be required as applicable to the proposed development and shall be provided by the applicant upon issuance of a development order. However, fees for any services rendered are due prior to and regardless of final plan approval or denial. A schedule of development fees shall be maintained in all departments where they are assessed.

(Ord. No. 2004-21, § 2, 5-6-2004; Ord. No. 2005-45, § 1, 10-6-2005; Ord. No. 2007-60, § 1, 10-4-2007; Ord. No. 2012-36, § 9-13-2012)

2.14.00. Community Redevelopment Agency.

This article implements the goals, objectives and policies set forth in the Comprehensive Plan related to community redevelopment in Escambia County.

2.14.01. *Legislative intent for the Community Redevelopment Agency.* The Escambia County Community Redevelopment Agency (CRA) refers to the public entity created by the Board of County Commissioners through the 1995 Community Redevelopment Strategy and functions within the County government. The strategy was developed in response to the State of Florida's Community Redevelopment Act enacted in 1969 (Chapter 163, Part III, Florida Statutes).

The Florida Legislature amended the Community Redevelopment Act on July 1, 1977, to allow governments to use tax increment financing (TIF) funding as a tool for redevelopment. The BCC has adopted individual TIF funds for each designated Palafox, Englewood, Brownsville, Warrington, Barrancas community redevelopment districts to utilize the revenues from the sale of tax increment bonds for specific projects aimed at redeveloping areas defined as eligible under the community redevelopment regulations.

2.14.02 *Implementation of CRA Plans and Overlay Districts.* The CRA and all other County divisions shall implement the recommendations of the Palafox, Englewood, Brownsville, Warrington, Barrancas and Cantonment Redevelopment Plans, in which the plans drive the enhancement efforts for each individual community redevelopment district. These plans provide guidance enhancing the district's quality of life, encouraging private sector reinvestment, promoting sound economic development principles and providing recommendations for public sector enhancement opportunities such as capital improvement projects. The CRA Manager or designee shall determine compliance with the overlay regulations and determine whether exceptions to the overlay district standards may be granted.

(Ord. No. 2012-31, § 1, 8-23-2012; Ord. No. 2013-32, § 1, 8-8-2013)

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3.00.00. Purpose.

3.01.00. General provisions.

3.02.00. Terms defined.

3.00.00. Purpose.

This article sets forth and maintains the definitions of terms for all of the Land Development Code of Escambia County.

(Ord. No. 2008-38, § 1, 6-5-2008)

3.01.00. General provisions.

- A. For the purposes of the Land Development Code (hereinafter referred to as the "LDC"), certain words, numbers, abbreviations, terms, and phrases shall be used, interpreted or defined as set forth herein.
- B. Unless the context clearly indicates otherwise, words used in the present tense include the future tense and words used in the plural include the singular. The words "shall" and "will" are mandatory and the word "may" is permissive.
- C. The definitions contained herein are in general or customary use in the practice of growth management and/or land use planning, engineering, and zoning. Sources include, but are not limited to, standard dictionaries; the Florida Administrative Code and Florida Statutes, as amended; and: A Planner's Dictionary, The Practice of Local Government Planning, and Zoning, Development, and Planning Terms (American Planning Association); Development Definitions (Center for Urban Policy Research); and Florida Land Use and Growth Management Law and Florida Zoning Law (D & S Publishers).

(Ord. No. 2008-38, § 1, 6-5-2008)

3.02.00. Terms defined.

Absolute. As used in articles 6 and 11 pertaining to the density restrictions in some airport influence planning district areas, the minimum lot size allowed is established as the inverse of the maximum density. For example, when the maximum density is three dwelling units per acre, the minimum lot size is one-third acre per dwelling unit.

Abut/abutting. To physically touch or border upon, or share a common boundary line, but not overlap.

Access point. A driveway or other opening for vehicles into a public or private street.

Accessory. Of secondary or subordinate importance.

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Accessory building. A building that is secondary and/or subordinate to the principal building on the premises.

Accessory structure. A structure that is secondary and/or subordinate to the principal structure on the premises.

Accessory use. The use of land or structures secondary and/or subordinate to a principal use.

Accident potential zones (APZ). As applied to military airfields, an area identified as being significantly impacted by accident potential from aircraft.

Acre-foot. The volume of water contained by an acre of land, exactly one foot deep. The formula for acre-foot is: $N=(X/43,560) *Y$, where N is the number of acre-feet, X is the land area in square feet and Y is the depth in feet. Example: If the area of excavation is 180,000 square feet and the depth of excavation is 30 feet, the number of acre-feet is $(180,000/43,560) *30$ or $(4.13) *30$ which equals 123.97 acre-feet.

Addition. Any walled and roofed expansion of a building that increases the existing site coverage, height, length, width, or floor area. If an expansion is connected to a building by a firewall, or is separated by independent perimeter load-bearing walls, it is considered new construction.

Administrative appeal. A request for the board of adjustment to review and invalidate or modify an administrative decision.

Administrative decision. A determination made by an administrative official regarding the provisions of the LDC.

Administrative official. The county administrator or any staff member of the department authorized by the county administrator or by ordinance to administer the LDC.

Administrative variance. Deviation from the requirements and provisions of the LDC as may be allowed by the LDC, the application for which is reviewed, and a final determination is made, by the applicable department director or designee, and which does not require a quasi-judicial public hearing.

Adult congregate living facility. See "Assisted living facility."

Adult day care center. A facility providing care for the elderly and/or functionally impaired adults in a protective setting for only a portion of each day.

Adult entertainment. An adult use or activity, specific terms for which are provided for in section 18-386 of the Escambia County Code of Ordinances.

Affordable housing. Housing with costs, including monthly rents or mortgage payments, taxes, insurance, and utilities, not exceeding 30 percent of the amount that represents the percentage of the median adjusted gross annual income for the households as indicated in F.S. §§ 420.0004(3) and 420.602(3), as amended.

Agent. Any person with valid authority provided by a property owner, as evidenced by a notarized document authorizing the agent to represent the owner, and acting on behalf of the owner including, but not limited to: a contractor, developer, project engineer, project manager, and/or project representative.

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Aggrieved party. Any person with proprietary interest in real property within the county, which property will suffer an adverse impact as the result of a county permitting or development approval decision.

Agricultural-related activity. An activity customarily incidental, in support of, or accessory to agriculture.

Agriculture. The production, storage, harvesting, processing, maintenance, or keeping, for sale, lease or personal use, of plants, animals or their products, including but not limited to: forage, sod, timber, grain, and feed crops; dairy animals and dairy products; livestock, including dairy and beef cattle, poultry, sheep, swine, horses, and goats, including the breeding and grazing of all such animals; bees and apiary products; fruits of all kinds including grapes, nuts, and berries; vegetables; and nursery and greenhouse products.

Airport/airfield. Any area of land or water that is designated and properly permitted for the landing and taking off of aircraft, whether civilian or military, and utilized or to be utilized in the interest of the public for such purposes. All such federally owned areas are designated as airfields, and all others are airports.

Airport/airfield elevation. The highest point of an airport's/airfield's landing areas measured in feet above mean sea level (AMSL).

Airport/airfield environs. The area that has been identified as being significantly impacted by airport/airfield noise and accident potential around or within any airport or airfield in Escambia County. Additional terms specific to airport/airfield environs are defined in article 11 of this Code.

Airport/airfield hazard. Any structure or tree or use of land which would exceed the federal obstruction standards, as contained in Code of Federal Regulations (C.F.R.) §§ 77.21 (scope), 77.23 (standards), 77.25 (civil airports), 77.28 (military airports), 77.29 (helicopters), FAA Handbook 7400.2C (Procedures for Handling Airspace Matters), and FAA circular 1500/5300-4B (zoning and grants), which obstructs the airspace required for the flight of aircraft taking off, maneuvering, or landing and that has not previously obtained a permit or variance pursuant to F.S. § 333.07 or 333.025.

Airport/airfield hazard area. Any area of land or water upon which an airport hazard might be established if not prevented by this Ordinance and such shall be as designated by the Escambia County Zoning Map.

Airport/airfield land use administrator. The county administrator or his/her duly appointed designee.

Alcoholic beverage. A liquid brewed or distilled for human consumption containing more than one percent alcohol by weight, including beer, wine and liquors.

Alley. A public or private right-of-way that affords a secondary means of access to the back or the side of a building site otherwise abutting a larger street and is not intended or used for general traffic circulation.

All-weather surface. A road with a hard driving surface (compacted clay, gravel or shell or asphaltic materials) designed and constructed in such a way as to ensure adequate runoff of stormwater from the driving surface under normal rainfall conditions.

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Alteration. Any change or modification that would result in a change in height or lateral dimensions of an existing structure, including, but not limited to, cosmetic improvements, repairs, remodeling, and structural support changes.

Animal, exotic. See "Exotic animal."

Animal, farm. See "Farm animal."

Animal grooming service. A business where domestic animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value and/or health and for which a fee is charged. Such use does not include the services provided by an animal hospital, kennel, or veterinary clinic.

Animal hospital. See "Veterinary clinic."

Animal husbandry. A branch of agriculture concerned with the production and care of animals.

Apartment. One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within a building and used exclusively for lease or rent as a residence.

Appliance repair shop. An establishment that provides repair services to household and office appliances used by individuals, that serves the general vicinity in which it is located and that excludes work, services, and parts distribution directed primarily toward nonlocal commercial, industrial, and institutional customers.

Applicant. Any person, firm, corporation or other entity that submits an application to the county requesting consideration under any of the review and approval processes provided for in this Code.

Arcade amusement center. A place of business operating as an arcade amusement center in compliance with Chapter 849, Florida Statutes, and with Chapter 18, Escambia County Code of Ordinances. However, nothing in this code shall be construed to limit a property owner's ability to install and operate non-redemptive, skill-based electronic games at an otherwise lawful commercial facility.

Architect. A person registered and currently licensed to practice architecture in the State of Florida.

Area of shallow flooding. A designated AO, AH or VO Zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard. Land within a floodplain that is subject to a one percent or greater chance of flooding in any given year and designated as zones A, AE, AO, AH, V, or VE.

Artificial lake. A manmade body of water that is created by the purposeful obstruction of a flowing water body or by the excavation of soil. They are of such size and shape that the water temperature varies with the depth. Generally larger and deeper than ponds, sunlight does not penetrate enough to support rooted vegetation on the bottom. Larger artificial lakes may be used for recreational purposes such as boating, fishing, and/or skiing. Retention and detention ponds and other stormwater controls are excluded.

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Artificial light or artificial lighting. The light emanating from a manmade point source of light.

Artificial pond. A manmade residential or ornamental body of water that is shallow enough to have a uniform water temperature and to receive enough sunlight to support rooted vegetation on the bottom. They are typically created for use in landscaping applications and are not suitable for recreational purposes such as boating, fishing, and/or skiing. Retention and detention ponds and other stormwater controls are excluded.

Assisted living facility. As defined in F.S. § 400.402, any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which undertakes through its ownership or management to provide housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. As applied here, personal services means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication but not the provision of medical, nursing, dental, or mental health services.

Automobile rental agency. An establishment primarily engaged in renting or leasing passenger cars, vans, motorcycles, and light trucks, without drivers, for purposes of routine conveyance of passengers, generally for short periods of time. These establishments may include incidental storage or parking, and washing and servicing of vehicles for rent or lease. See also "Car rental agency."

Automobile repair and service. A business engaged in the service, repair, and restoration of motor vehicles.

Automobile sales. The use of any building, land area, or other premises for the display and sale of new or used motor vehicles and including any vehicle preparation, repair work, or rental/leasing conducted as accessory uses.

Average finished grade. The average finished elevation of the ground surface next to the structure.

Awning. A roof-like cover that projects from the wall or roof of a building that can either be constructed in-place with a rigid frame or constructed to retract against the face of a supporting building.

Bakery, retail. A business engaged in the over-the-counter sale of baked goods, prepared either on or off site, for off-premises consumption.

Bakery, wholesale. A commercial business engaged in the production and/or wholesaling of baked goods for off-premises distribution, and where no over-the-counter sales are allowed.

Bar. A commercial establishment licensed to sell alcoholic beverages for consumption on the premises and which may offer meals on an incidental basis.

Barrier island. A geological feature located above mean high water, generally comprised of quartz sand, that is typically surrounded by marine waters and fronts upon the open waters of the Gulf of Mexico.

Base flood. A flood having a one percent chance of being equaled or exceeded in any given year. Also known as the 100-year flood.

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Base flood elevation. The water-surface elevation associated with the base flood, as established by the flood insurance rate map (FIRM) or the flood insurance study (FIS), as applicable.

Basement. A story, whether or not suitable for living purposes, with more than one-half of its clear floor-to-ceiling height below the mean grade.

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

Bed and breakfast inn. A family home structure, with no more than 15 sleeping rooms, which has been modified to serve as a lodging establishment offering only breakfast and minimal amenities to overnight guests for compensation. Evidence shall include a check-in area, advertising signage, and licensure by the state pursuant to F.S. § 509.241.

Bingo facility. A building, facility, or structure where participants engage in lawful games of bingo in compliance with Chapter 849, Florida Statutes, and with any County ordinances that define or otherwise regulate bingo facilities. However, nothing in this code shall be construed to limit the ability of a charitable, nonprofit, or veterans' organization to conduct bingo games as an accessory use on property owned by the charitable, nonprofit, or veterans' organization.

Block. A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical limits and having an assigned number, letter or other name by which it may be identified.

Board of Adjustment (BOA). The board appointed by the board of county commissioners to conduct any required quasi-judicial public hearings as prescribed in the LDC.

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

Boarding house. A residential dwelling used for the commercial purpose of providing meals or lodging or both to persons other than members of the family occupying such dwelling.

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

Bond. Any form of a security in an amount, or surety in a form, satisfactory to the BCC.

Borrow pit. A site or parcel of property where soils, clays, gravel or similar materials are removed, or have been removed for use elsewhere. May also be referred to as a mining, mineral, or resource excavation and/or extraction site.

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Breakway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Buffer. A designated area with natural and/or manmade features functioning to minimize or eliminate adverse impacts on adjoining land uses.

Buildable area. The unsubmerged area within a lot or parcel not otherwise restricted for building placement by easements, minimum yards, setbacks, or other limits established by governmental regulatory authorities.

Buildable lot. One that meets all minimum requirements set forth in the LDC, such as landscaping, lot coverage, minimum yard, open space, and setbacks, and not otherwise restricted for development by any floodplain, wetland, or similarly designated unbuildable land.

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

Building coverage. The total horizontal area measured at mean grade level within the outside of the exterior walls or columns of the ground floor of all principal and accessory buildings.

Building height. See "Height."

Building height (Pensacola Beach). See "Height."

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

Building official. The representative of the county building inspections department designated by the county administrator or his designee to administer all applicable codes.

Building permit. Written evidence of building construction plan compliance with all applicable codes, issued by the county building inspections department and granting the right to construct, repair, alter or add to a building or structure.

Building, noncomplying. See "Noncomplying building or structure."

Building, principal. See "Principal building."

Building setback. See "Setback."

Bulk regulations. Provisions of this Code that govern the size of buildings and other structures and their relationships to each other and lot lines. Bulk regulations include: regulations relative to height limitations, required yards, limitations on floor area, building coverage, location of exterior walls with respect to lot lines, streets or other buildings, or other structural components and other similar development characteristics.

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

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

Business day. See "Working day/workday."

Campground. A place where buildings or sites for recreational vehicles or tents are provided for use as temporary living quarters for commercial recreational purposes or as temporary living quarters (recreational vehicles or mobile homes) due to a declared natural disaster such as hurricanes, floods, tornados, etc. See also "Recreational vehicle park."

Canopy tree. See "Tree, canopy."

Capacity. The maximum demand that can be accommodated by a public facility or service at the adopted level of service standard (LOS), as it pertains to concurrency.

Capital improvement program/plan (CIP). A proposed schedule of all future projects listed in order of construction priority, together with cost estimates and the anticipated means of financing each project where appropriate. Such programs or schedules are promulgated by the Escambia County government, the Pensacola MPO, local governments in or adjacent to Escambia County, the ECUA, the SRIA, the FDOT, and other local, regional, state or federal agencies with operational or maintenance responsibilities within Escambia County, Florida.

Caregiver. As defined in F.S. § 415.102, a person who has been entrusted with or has assumed the responsibility for frequent and regular care of or services to a vulnerable adult on a temporary or permanent basis and who has a commitment, agreement, or understanding with that person or that person's guardian that a caregiver role exists. The term includes, but is not limited to, relatives, household members, guardians, neighbors, and employees and volunteers of facilities such as nursing homes, assisted living facilities, adult day care centers, and group homes, but does not include childcare personnel.

Carport. A structure made of canvas, aluminum, wood, concrete, or similar materials, or any combination thereof, used to offer limited protection to motor vehicles, boats, recreational vehicles, etc. from the elements. The structure can either be freestanding or attached to the principal dwelling in a manner consistent with the local building codes.

Car rental agency/rental car agency. An establishment primarily engaged in renting or leasing passenger vehicles.

Cemetery. Land used or dedicated to the interment of the deceased. May include a burial park for earth interments, a crematorium and columbarium for cinerary interments, a mausoleum for vault or crypt interments, or a combination thereof, and necessary sales and maintenance facilities. Mortuaries may be included when operated within the boundary of such cemetery and if allowed in the same zoning district as the cemetery.

Cemetery, family. A private, nonprofit cemetery owned for the benefit of and devoted to the interment of members of a family, or relatives bound by family or similar personal ties, to the exclusion of the public. Note: Per F.S. § 497.003(g), if the land area for this use is less than two acres in size, the use is exempt from state licensing.

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Certificate of Concurrency. An official, formal certification by the county that all required tests for concurrency have been met for a particular development project.

Champion tree. See "Tree, champion."

Change of use. Any use of a structure or land that substantially differs from the previous use Note: A change of ownership or tenants (i.e., restaurant to restaurant) shall not be construed as a change of use unless accompanied by a change in the type of use (i.e., single-family dwelling to restaurant).

Childcare center/service. A facility, other than a private residence, licensed by the State of Florida to provide child care for six or more children unrelated to the operator and which receives a payment, fee, or grant, whether or not operated for profit, for any of the children receiving care, excluding the integral programs of public and nonpublic schools, summer camps having children in full-time residence, summer day camps, Bible schools normally conducted during vacation periods, and transient establishments such as hotels.

Clearing. The removal of trees, brush, and/or other vegetation from land, not including mowing or other routine landscaping or lawn maintenance activities.

Clinic. A medical facility where human patients are examined and treated on an outpatient basis by one or a group of physicians, dentists, or other health care professionals practicing any form of healing or health-related services that are lawful in the State of Florida.

Club. An establishment where activities are typically performed by a group of persons for social, civic or recreational purposes not operated for profit.

Cluster development/clustering. A development design technique that centers on the groupings of dwellings in a development, provided that the overall density of the parcel does not exceed the density allowed by that parcel's zoning.

Coastal construction control line (CCCL). The line for regulation of construction established by the Florida Department of Environmental Protection (DEP) pursuant to F.S. § 161.053.

Coastal high hazard area (CHHA). Pursuant to F.S. 163.3178(2)(h), the area below the elevation of the category 1 storm surge line as established by a Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model.

Coastal management. See article 12 of this LDC for terms specific to coastal management.

Coastal property. Real property bounded by any of the following water bodies of Escambia County, Florida: the Gulf of Mexico, Escambia Bay, Pensacola Bay, Santa Rosa Sound, Old River, Perdido Bay, all major bayous, the Intracoastal Waterway, and those adjacent water bodies under daily tidal influence.

Cocktail lounge. See "Bar."

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Commercial food freezer. A building containing refrigerator or freezer space for storage of goods at a specific low temperature to maintain the quality of the product(s).

Commercial use. Any nonresidential use that is typically carried out for the purpose of monetary gain, including, but not limited to, any business use or activity at a scale greater than a home occupation.

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

Community residential home. As defined in F.S. § 419.001, an occupied residence, licensed by the State of Florida to serve clients of the department of children and family services. Providing a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of residents. Residents are limited to children, frail elders, physically disabled or handicapped persons, developmentally disabled persons, or nonviolent mentally ill persons.

Comprehensive Plan. The Comprehensive Plan of Escambia County (Part II of the Escambia County Code of Ordinances, Ordinance No. 93-20, as amended), prepared by the local planning agency and adopted by the board of county commissioners, pursuant to F.S. ch. 163, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Concurrency. The condition or circumstance that public facilities meet or exceed the adopted level of service (LOS) standards established by the Comprehensive Plan.

Conditional Use. Any use not otherwise permitted but, because of special requirements or characteristics, may be allowed in a particular zoning district only after a site-specific review by the board of adjustment according to the provisions of article 2.

Condominium. That form of ownership of real property, created pursuant to F.S. ch. 718, which is comprised entirely of units that may be owned by one or more persons, and in which there are jointly owned and shared areas and facilities. See also "Dwelling, multifamily."

Condotel or condo-hotel. Any hotel or motel, as defined in this section, whereby the individual hotel/motel units are under a condominium form of ownership. However, the common elements shall not be subject to the control of the individual unit owners, owners' association or board of directors but rather the person or corporation that operates the hotel/motel. In addition to meeting the general requirements of the definitions of hotel or motel set forth in this section, a condotel must also satisfy the following additional requirements:

- A. Be permanently dedicated in its entirety to the complete control and management of a single person or corporation that operates hotel or motel;
- B. Contain no dwelling units and contain only individual hotel/motel units (one or more rooms designed, occupied or intended for sleeping purposes by a transient guest or guests) that are permanently and wholly dedicated to rental to the public for transient occupancy on a full time basis by the hotel/motel operator;

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provided, however, that an owner of an individual unit in a condotel may be permitted to occupy the unit without rental charge for up to 12 weeks in any calendar year; provided further, that when not owner-occupied, the unit(s) shall be made available to the public by the operator, for short-term transient rentals of less than 30 days;

C. Be advertised and appropriately marked with signage appropriately identifying the condotel as a hotel or motel;

D. Be served by singly metered utility services with a central telephone system and a central television system serving all individual units;

E. Be created, sold and maintained under documentation in compliance with State of Florida requirements relating to condominium declaration, bylaws, sales brochures, and preconstruction agreements;

F. The operator shall be directed by the owners' association or board of directors to make the guest register available for inspection during business hours by Escambia County and its authorized agents, officers and employees to verify compliance;

G. The operator shall be directed by the owners' association or the board of directors to provide access to all rental records, tax receipts or other documents and records necessary to allow Escambia County and its authorized agents, officers and employees to verify compliance with the requirements of this provision;

H. The operator shall be directed by the owners' association or board of directors to retain the records referred to above, for a minimum of five years.

I. Condotel units that are offered in fractional shares must have all unoccupied units available for daily transient rental by the operator or an exchange company.

Conflict points. Any location on a roadway where there is merging traffic, i.e. intersections, interchanges, driveways, etc.; or other conflicts such as traffic control devices.

Conforming use. Any use that complies with all the regulations of the LDC and the Comprehensive Plan.

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

Construction and demolition debris. As defined in F.A.C. Rule 62-701.200, nonhazardous material generally considered not to be water-soluble including, but not limited to, steel, concrete, glass, brick, asphalt, roofing material or lumber from a construction or demolition project. Construction and demolition debris contaminated with any other type of solid waste is not classified as construction and demolition debris. Reference also Escambia County Code of Ordinances, Part I, section 82-225(i).

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Construction plan. As pertains to subdivision infrastructure, the drawings and technical specifications accompanying a plat and showing the specific location and design of improvements to be installed in the subdivision according to all the relevant provisions of the LDC.

Contract construction service. A business or enterprise providing support services related to the building trades but with no outside work, storage of supplies, or work equipment on site.

Contiguous property. Two or more abutting properties.

Convenience store. A retail establishment that sells a limited line of convenience goods, such as prepackaged food products, household items, newspapers and magazines, and/or ready-to-eat sandwiches and salads, typically for off-site consumption, and which may also include the sale of gasoline but does not include motor vehicle repair.

County. Escambia County, Florida.

County attorney. The attorney, licensed to practice law in the State of Florida, who has been appointed by the board of county commissioners to serve as the attorney for Escambia County.

Cul-de-sac. The circular vehicular turnaround at the closed end of a local street with only one outlet and that provides for the safe and convenient reversal of vehicular movement.

Cultural or civic events, resources, or uses. Activities typically performed by public or not-for-profit private entities for the promotion of a common cultural or civic objective such as literature, science, music, drama, art or similar objectives.

Day care center. See "Child care center."

Day care facility, adult. See "Adult day care center."

Day-night average sound level (Ldn). A basic measure for quantifying noise exposure. See also definition for "Ldn."

dBA. The unit of corrected noise level measured in accordance with the A-weighted scale that replicates the response characteristics of the ear.

Decibel (dB). A unit for measuring the relative loudness of sound, or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with one for the faintest audible sound.

De minimis development. See "Development, de minimis."

Density. The number of dwelling units per acre and expressed in terms of gross or net or buildable acreage.

Developer. A person, or agent thereof, who undertakes development or related activities covered by the LDC, including, but not limited to: applicant, builder, contractor, owner, and/or subdivider.

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Development. The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels. Specific activities or uses involving or excluded from development are defined in F.S. § 380.04.

Development agreement. An agreement entered into by a developer and the county for development approval, or any other purpose, pursuant to Florida Statutes, the LDC or the Comprehensive Plan and on a form and in a format approved by the county.

Development approval. The written authorization from the county allowing development, subsequent to a demonstration by an applicant of compliance with the provisions of the LDC and the Comprehensive Plan.

Development, de minimis. A project of low intensity or density that has no, or an insignificant, impact upon the level of service (LOS) standards set forth in the Escambia County Comprehensive Plan. Since de minimis developments are deemed to have no impact on LOS standards and do not degrade such standards, they are considered concurrent. If a development meets the provisions of section 5.12.03, it is de minimis in regard to traffic. If a development is as described in A. or B., below, it is de minimis in regard to stormwater. A development is considered de minimis for all concurrency requirements if it meets the provisions of section 5.12.02 and is as described in A. or B., below:

- A. Residential accessory buildings or structures and additions to primary residences that meet appropriate codes, including height, area, bulk and locational restrictions included within the LDC, and if the impervious area associated with said buildings, structures, or additions does not exceed 1,500 square feet; or
- B. Nonresidential accessory buildings or structures or additions thereto and additions to primary structures that meet appropriate codes, including height, area, bulk, and locational restrictions included within the LDC, and if the impervious area associated with said buildings, structures, or additions does not exceed 1,000 square feet.

Development, major. Development that is neither minor nor exempt from the requirement of development plan review and approval through the development review committee (DRC) as described herein.

Development, minor. Development that is not exempt from the requirement of development plan review and approval through the development review committee (DRC), but is eligible for an abbreviated DRC review process as described in article 4.

Development of regional impact (DRI). A development undertaken, or proposed to be undertaken, pursuant to F.S. § 380.06.

Development order. A written order issued by or through the development review committee documenting the final approval, approval with conditions, or denial of a development plan application.

Development permit. Any written authorization issued by the appropriate approving authority allowing the commencement of site-specific development activity.

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Development review committee (DRC). A committee composed of the bureau chief of the development services bureau, or designee thereof, and any ex officio members or special subject matter members as provided by the Code, as established in article 2 of this Land Development Code, with administrative authority to review development plan applications for compliance with the requirements of the Code and the Comprehensive Plan, and to determine or recommend final approval, approval with conditions, or denial of such applications.

Diameter at breast height (DBH). A standard measure of tree trunk diameter in inches that is taken four and one-half feet above the surface of the ground at the base of the tree. For multitrunk trees, DBH is reported for each trunk.

Disorientation. Inability of hatchling or adult sea turtles to orient properly to the Gulf of Mexico

Disposal facility. A site where solid waste or debris is disposed of, whether by sanitary landfilling, incineration, treatment, recovery, or recycling.

Disposal facility, construction and demolition debris. A disposal facility for construction and demolition debris only, requiring state and local permits and groundwater monitoring wells.

Disposal facility, land clearing debris. A disposal facility for land clearing debris only, requiring state and local permits, with no environmental protection system or quality monitoring.

Disposal facility, solid waste. See "Landfill."

Division manager, development services (DMDS). A position within the development services bureau, or other county employee as designed by the bureau chief of the development services bureau, requiring a professional engineering license in Florida and who is responsible for review of construction plans, technical specifications and such other duties as set forth in this Code and who reports to the county engineer.

Dock. A fixed or floating structure waterward of the mean high water line, including moorings and boatlifts, used for water access and/or as a berthing place for boats. May also be referred to as a wharf or pier.

Dormitory. A building, or portion thereof, containing sleeping accommodations for the use of students enrolled in an educational institution.

Drip line. The outermost perimeter of the crown of a plant as projected vertically to the ground.

Dry cleaner. A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion or agitation in volatile organic solvents including, but not limited to, petroleum distillates, and/or chlorinated hydrocarbons, and the processes incidental thereto, which may include the dyeing of clothes or fabrics.

Dune. A mound or ridge of loose sediments, such as quartz sand, located on Santa Rosa Island or Perdido Key. Dunes are typically vegetated, and may be deposited by natural or artificial mechanism. Does not include temporary stockpiles.

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Dune, primary. The first natural or manmade dune located landward of the beach with sufficient vegetation, height, continuity, and configuration to offer protective value. The landward extent occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Duplex. See "Dwelling, two-family."

Dwelling, four-family, quadruplex. A detached building designed for four dwelling units.

Dwelling, multifamily. A building containing three or more dwelling units on a single parcel, including, but not limited to, triplex, quadruplex, condominium, apartment structure, or building.

Dwelling, single-family. In all primarily single-family zoning districts as designated by Section 6.01.00 (R-1, R-2, R-3, V-1, V-2, V-2A, and V-3), and also in the R-4 and R-5 zoning districts, this shall mean a single detached residential building consisting of one dwelling unit that is arranged, intended, or designed for one family.

Dwelling, three-family, triplex. A detached building designed for three dwelling units.

Dwelling, two-family, duplex. A detached building designed for two dwelling units.

Dwelling unit (DU). One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling for the exclusive use of a single household.

Easement. An area of land defined for limited public or private use (e.g., conservation, drainage, ingress-egress, utility), the title to which shall remain in the name of the property owner, subject to the designated right of use.

Educational facility. An institution primarily for academic instruction, public, parochial or private, including child care centers and kindergartens.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Elevation. The height above mean sea level (MSL) measured from certified benchmarks. Note: A list of benchmarks for Pensacola Beach is available in the Santa Rosa Island Authority office.

Enclosed living area. The area measured from the outside of all exterior walls of a building, excluding garages, patios, screened porches, and closets not opening to the interior of the structure.

Engineer. A person registered and currently licensed to practice professional engineering in the State of Florida.

Environmentally sensitive lands. Those areas of land or water that are determined by the BCC as being necessary to conserve or protect natural habitats and ecological systems. The following classifications are those that have been determined by Escambia County to be environmentally sensitive:

- A. Wetlands as defined herein, and wetlands as defined by the U.S. Army Corps of Engineers.

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- B. Shoreline protection zone 1.
- C. Aquatic preserves and the Escambia River Management Area.
- D. Outstanding Florida waters.
- E. Habitats of threatened or endangered species as defined by the U.S. Fish and Wildlife Service (USFWS), the Florida Fish and Wildlife Conservation Commission (FWC) or other state or federal agencies.
- F. Essential fishery habitat (EFH), including seagrasses.
- G. Floodplain areas, as defined (see article 10).
- H. Potable water wells, cones of influence, and potable water well fields.
- I. Areas identified by the Florida Natural Areas Inventory (FNAI.)

Emerald Coast Utilities Authority (ECUA). The independent special district created by Laws of Fla., ch. 92-248, for the purpose of operating and maintaining utilities previously owned or operated by political subdivisions, including Escambia County and the City of Pensacola, within the jurisdiction of Escambia County, and areas adjacent thereto. Note: Laws of Fla., ch. 2001-324; amended on June 17, 2004, to change the name from "Escambia County" Utilities Authority.

Escrow. A surety posted with a local government or escrow agent to secure the promise to perform required improvements.

Essential fishery habitat (EFH). Those waters and substrate necessary for fish to spawn, breed, feed, or grow to maturity. See Magnuson-Stevens Act, 16 U.S.C. 1802 (101).

Estuarine system. A semi-enclosed, coastal body of water in which saltwater is naturally diluted by freshwater including, but not limited to, bays, embayments, mouths of rivers, salt marshes, lagoons, and sounds.

Excavation. The action of making a cavity or hole, removing by digging or scooping out, or exposing or uncovering.

Exchange company. Any person owning or operating, or owning and operating, an exchange program as defined in F.S. § 721.05(16).

Exotic animal. Any member of a species of animal, reptile or bird, warm or cold blooded, that is not indigenous to the environs of the local area and/or is not classified or considered as wildlife or farm animals, including, but not limited to: camels, emus, llamas, ostriches, fur animals such as mink.

Family. One person, or a group of two or more persons living together occupying the whole or part of a single-family dwelling as a single housekeeping unit; however, "family" shall not include the following:

- A. Any group of five (5) or more persons who are each not related by blood, marriage or adoption, guardianship, or other duly authorized custodial relationship, unless such group is operating as a group home or community residential home as defined by this code or is otherwise protected by the Fair Housing Act.

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- B. A fraternity, sorority, or other association, club, or team consisting of students affiliated with a social, honorary, or professional organization, whether or not recognized by a college or university, including occupancies of off-campus single-family dwellings, whether or not formally regulated by the college or university. Evidence of such occupancies may include, but is not limited to, conspicuous display of group insignias or logos, recurring meetings, and parties or other social events. Nothing in this section shall be deemed to impose liability for any college or university for violations of this section unless the college or university owns, possesses, or otherwise controls the property being used as a single-family dwelling.
- C. Any group of individuals who are in a group living arrangement as a result of criminal offenses, unless otherwise required by state or federal law.

Family cemetery. See "Cemetery, family."

Family day care home. An occupied residence, licensed by the State of Florida, in which child care is regularly provided for children from at least two unrelated families and which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and providing care for one of four groups of children specified in F.S. § 402.302.

Family foster home. An occupied residence, licensed by the State of Florida, in which no more than five minor children, who are unattended by a parent or legal guardian, are placed by a licensed child placement agency and provided 24-hour care.

Farm animal. Any animal that customarily is raised and/or bred on farms and has the potential of causing a nuisance if not properly maintained, including, but not limited to: dairy animals, poultry, and livestock such as beef cattle, bison, goats, horses, sheep, and swine.

Fence. A structure functioning as a boundary or barrier usually made of posts, boards, or wire.

First floor level. The lowest habitable floor of a structure above ground level, not including parking facilities.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM). An official map of the community, issued by the Federal Emergency Management Agency (FEMA), showing floodprone areas.

Flood insurance rate map (FIRM). An official map on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community, a copy of which is available for public inspection at the department during normal business hours.

Flood insurance study (FIS). The official hydraulic and hydrologic report provided by FEMA. It contains an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations; or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. It may also contain flood profiles, as well as the FIRM, FHBM, where applicable, and other related data and information.

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Floodplain management. See article 10 of this LDC for terms specific to floodplain management.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Floor area. The usable floor area of any dwelling unit, including outside walls, but exclusive of basements, garages or porches.

Floor area, gross. Total floor area of all stories of any structure including halls, stairways, elevator shafts, and other related uses, measured to outside faces of exterior walls.

Floor area ratio (FAR). A measure of the intensity of land use, calculated by dividing the total gross floor area of all structures on a site by the gross site area.

Food freezer, commercial. See "Commercial food freezer."

Footprint. The building area defined as the maximum combined area occupied by all principal and accessory buildings, taken on a horizontal plane at the mean grade level, but not including uncovered entrance platforms, terraces and steps, plus the outermost projections of any story or floor. Elevated, abovegrade parking facilities are hereby deemed to be buildings; however, uncovered groundlevel parking lots are not buildings as defined herein.

Forestry activity. See "Silviculture."

Foster care center. See "Family foster home."

Fraternity/sorority house. See "Family."

Frontage. All of the property abutting any street, measured along the right-of-way.

Full cut-off fixture (luminaires). A fixture with a flat, horizontally oriented lens and opaque sides that does not permit light distribution above a horizontal plane located at the bottom of the fixture.

Garage. A detached accessory building, or portion of a principal building, typically used for the noncommercial parking or noncommercial storage of motor vehicles.

Garage, parking. A commercial building or structure solely for the off-street parking or storage of operable motor vehicles.

Golf courses. Acreage used to play golf, with customary accessory clubhouses and other related structures and uses. Miniature golf courses, driving ranges, and similar facilities not accessory to a golf course are excluded from this activity as defined.

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Governmental use. Any use or activity owned and operated by a city, county, state or federal government or legally empowered special governmental district, necessary to the conduct of government or the furnishing of a public service, and over which such government exercises direct and complete control.

Grade. The level, contour, or slope of the finished or natural surface of the ground.

Grading. Changing the grade of land.

Grocery/food store. A retail establishment selling an extensive variety of prepackaged food products, staple foodstuffs, household supplies, and fresh food items such as meat, produce, and dairy products.

Gross density. The total number of dwelling units divided by the gross site area.

Gross site area. The total number of acres within the perimeter boundary of a parcel of land.

Ground floor. The lowest floor, including the basement.

Group home/group home facility. An occupied residence, licensed by the State of Florida, in which a family living environment is provided for six or fewer unrelated residents with developmental disabilities, as defined in F.S. § 393.063, including such supervision and care by support staff as may be necessary to meet the physical, emotional, and social needs of its residents.

Guest residence. A detached site-built dwelling located on the same tax parcel as the principal residence. Note: In those zoning districts where such use is allowed only as a conditional use, the specific conditional use criteria established in article 2 of this LDC shall apply.

Guest residence mobile home/manufactured home. A mobile home or manufactured home located on the same tax parcel as the primary residence. Note: In those zoning districts where such use is allowed only as a conditional use, the specific conditional use criteria established in article 2 of this LDC shall apply.

Habitable first floor. The first floor usable for living, working, sleeping, eating, cooking or recreation, or any combination thereof. A floor used only for storage purposes is not a habitable floor.

Hatchling. Any individual of a species of sea turtle, within or outside of a nest, which has recently hatched from an egg.

Hazardous waste. Material or a combination of materials that require special management techniques because of their acute and/or chronic effects on air and water quality; on fish, wildlife, or other biota; or on the health and welfare of the public. Such materials include, but are not limited to, volatile, chemical, biological, explosive, flammable, radioactive and toxic materials regulated pursuant to F.A.C. ch. 62-730.

Height. The overall vertical dimension. It includes any appurtenance thereon, except as noted in the structure height modifications of section 2.10.00, and is measured from the average elevation of the finished grade, or from mean high water for structures over open water, to the mean roof height. In coastal high hazard areas, height is measured from three feet above the minimum required base flood elevation for the bottom of the lowest horizontal

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structural member of the lowest floor. In all other special flood hazard areas, height is measured from three feet above the minimum required base flood elevation for the lowest floor. Where FDEP minimum required elevations exceed three feet above FEMA base flood elevations, the FDEP elevations shall apply as the height measurement reference, except as noted in the overlay districts of section 6.07.00. Structures within airport/airfield environs and airfield zones and surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11. For buildings on Pensacola Beach, height is measured from the established mean grade at the front building line to the highest point of the building, unless modified by other provisions of this Code.

Heritage tree. See "Tree, heritage."

Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

High Pressure Sodium Light (HPS). An electric discharge lamp containing sodium, neon, argon, and mercury that produces a wide-spectrum yellow light.

Holding pond. A stormwater facility that may be further characterized as:

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

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

C. *Dry pond.* A storage facility designed to collect and store stormwater runoff in a normally dry basin in accordance with F.A.C. §§ 62-25.025 and 62.25.035.

D. *Wet pond.* A storage facility designed to collect and store stormwater runoff in a permanently wet impoundment in accordance with F.A.C. § 62-25.042 and with a gently sloping littoral zone shelf designed to support the growth of rooted aquatic plants. A wet pond provides for treatment through physical, chemical, and biological processes.

Home occupation. Any activity carried out for the purpose of gain by a resident conducted as an accessory use in the resident's dwelling unit or accessory structure.

Hospital. An institution, licensed as a hospital by the State of Florida pursuant to F.S. § 393.063, providing primary health services and medical or surgical care to persons, primarily inpatients, and including related facilities such as laboratories, outpatient services, training and rehabilitation facilities, and staff offices.

Hotel. Any state licensed public lodging establishment, recognized as a hotel in the community in which it is situated or by the hospitality industry, that contains sleeping units (room or suite) accommodations for 25 or more guests for

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public rental on a daily or weekly basis; has a central, internal lobby; contains and maintains standardized furniture, furnishings and decor in all individual sleeping units; provides daily room cleaning and linen changes on a daily or less frequent basis if agreed to by its guests; and may have the following: meeting rooms, incidental retail sales and commercial services, central kitchen facility, dining rooms, restaurants, lounges, office areas, swimming pools, recreational facilities, spas and fitness/exercise areas and other similar services and amenities intended principally as services for registered guests. Due to the unique characteristics of Pensacola Beach, the number of large rooms (defined as those greater than 850 square feet) is limited to no more than 726 additional hotel or motel units which is 30 percent of the remaining hotel/motel capacity, excluding projects currently under development, as of July 26, 2007, the date of adoption of Ordinance No. 2007-38.

Impervious surface. Any surface that does not allow, or minimally allows, the penetration of water, and is highly resistant to infiltration by water. Such surfaces include, but are not limited to, building and structure roofs, normal concrete and asphaltic pavements, and some fine-grain compacted soils such as compacted clay or shell. Gravel and other material surfaces may be considered pervious, semi-impervious or impervious depending upon the material and compaction specification. Compacted gravels such as nonuniform graded crushed lime rock or limestone, concrete "washout" and recycle asphalt materials allow insignificant infiltration and are considered impervious. Other semi-impervious surface materials such as porous concrete, paver stones, and shell, which allow moderate percolation, are treated as impervious surfaces for the purpose of stormwater review.

Improvement. Any manmade, permanent item, fixture or facility that becomes part of, is placed upon, or is affixed to real property, including but not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water supply mains, sanitary sewers, storm sewers or drains, permanent signs, landscaping, permanent reference monuments (P.R.M.s), or permanent control points (P.C.P.s).

Inspection, final (subdivision). An on-site inspection conducted by appropriate county departments and their staff upon completion of subdivision improvements. This inspection is made to determine if the improvements have been constructed in accordance with the plans and specifications, as approved or amended, by the appropriate county departments and their staff. This inspection precedes acceptance of the public streets and drainage improvements by the board of county commissioners.

Inspection, warranty. An on-site inspection for all constructed subdivision improvements conducted by appropriate county departments and their staff. This inspection is made to determine if there are design or construction deficiencies that require correction before the developer's surety is released.

Intensity. An objective measurement of the extent to which land may be developed or used, including the consumption or use of space above, on or below the ground; the measurement of the use of or demand on natural resources; and the measurement of the use of or demand on facilities or services (F.A.C. Rule 9.J5).

Junkyard. A structure or site used for collection, storage, and sale of wastepaper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging, or sale of parts, machinery, or vehicles not in running condition.

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Kennel. Any structure or premises in which domestic animals are housed, boarded, bred, or trained typically for commercial gain, including incidental grooming. However, an animal grooming service, as defined herein, is not included in this definition.

Kindergarten. An educational facility that provides academic instruction in preparation for admittance to elementary school to children who have attained the age of five years on or before September 1 of the school year (F.S. § 1003.21).

Lake, artificial. See "Artificial lake."

Land area. The total land area within the property lines of a lot.

Land clearing debris. Rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing or land development operations for a construction project. Excludes yard trash from commercial or residential landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not directly related to a construction project.

Land Development Code (LDC). The Land Development Code of Escambia County (Part III of the Escambia County Code of Ordinances, Ordinance 96-3, as amended); prepared by the local planning agency and adopted by the board of county commissioners, pursuant to F.S. ch. 163; and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Land development regulations. The contents of the LDC and any duly authorized amendments thereto.

Land disturbing activity. Any construction or excavation that alters land topography or vegetative cover. The term does not include routine maintenance on agriculturally zoned land.

Landfill. A disposal facility for the placement of wastes that requires permits per F.S. § 403.707 and engineered environmental protection systems. The term does not include a land-spreading site, surface impoundment, injection well defined under and subject to the provisions of F.A.C. ch. 62-528, construction and demolition debris, or land clearing debris disposal facilities with separate permitting requirements. Landfills are further categorized and permitted by the state as Class I, II, or III landfills and regulated accordingly.

Land surveyor. A person currently licensed by the State of Florida to survey and map land.

Land use certificate. A certificate issued by Escambia County indicating that a proposed use of land is in conformity with the LDC and the Comprehensive Plan.

Landscaping. Allocated and maintained pervious areas of trees, shrubs, groundcover, grass, or other preserved and/or installed plants, exclusive of vehicular use and those stormwater management uses specified in article 7. Such plants may be supplemented with mulch, bark, decorative rock, timbers, brickwork and similar nonliving materials. The term may also refer to the activity of installing plants and other landscape components.

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Laundromat/laundry, self-service. A business that provides self-operated clothes washers and dryers for on-site customer use.

Ldn. A day/night average sound level obtained by averaging the 24-hour sound level, in decibels, after the addition of a ten-decibel penalty to nighttime (10:00 p.m. to 7:00 a.m.) sound levels.

Level of service (LOS). An indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility, with respect to the demand on the infrastructures. LOS standards are established in the Escambia County Comprehensive Plan and in Florida Statutes.

Light Emitting Diode fixture (LED). A semiconductor light source. For wildlife lighting applications the diode shall emit true red, orange, or amber light.

Line of Sight of the Beach. Observable from the mean high water line at a height of two feet.

Loading area/facility. A space intended for the loading or unloading of trucks or other vehicles on the lot or parcel.

Local planning agency (LPA). The Escambia County Planning Board.

Lodging establishment. Pursuant to F.S. § 509.013, a building(s) in which rental sleeping accommodations are provided for a fee. Evidence shall include a check-in counter, display of advertising signage, and licensure by the state pursuant to F.S. § 509.241.

Lodging units. Units in public lodging establishments that are rented to the public on a daily or weekly basis, including those in hotels, motels, and condotels.

Long wavelength. Light with wavelengths greater than 580 nm that emit light in the yellow to red color spectrum

Lot. The least fractional part of subdivided lands having limited fixed boundaries and assigned a letter or number by which it may be identified. The word "lot" shall include the words "plot", "parcel", or "tract".

Lot, buildable. See "Buildable lot."

Lot, corner. A lot having frontage on two or more streets at their intersection.

Lot line, front. That part of any lot line abutting an established or proposed street right-of-way line, other than an alley, unless modified by other provisions of the LDC.

Lot line, rear. The lot line opposite the established front line, unless modified by other provisions of the LDC.

Lot line, side. Any lot line that is not a front or rear lot line.

Lot lines. The lines bounding a lot.

Lot of record. A lot that is part of a subdivision that has been recorded in the official records of Escambia County or a lot or parcel described by metes and bounds, the description of which has been so recorded or accepted on or

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before February 8, 1996. In article 11, airport/airfield environs, a lot of record for the purpose of constructing one single-family dwelling shall be a parcel recorded on or prior to August 21, 2001, the effective date of adoption of the airfield/airport environs zoning map overlay zones.

Lot, waterfront. A lot abutting a navigable water body that is under daily tidal influence. Along any part of the boundary, the lot may be separated from the water body by encroachments that include, but are not limited to, easements, rights-of-way, public shoreline access, and railroad tracks. The lot may not be separated from the water body by a dedicated road or by more than ten feet of land under different ownership.

Lounge. See "Nightclub."

Low-pressure sodium light (LPS). An electric discharge lamp containing sodium, neon, and argon and that appears amber-yellow when lighted.

Manufactured building. A closed structure, building assembly or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to residential, commercial, institutional, storage or industrial structures, and bearing a State of Florida Department of Community Affairs (DCA) insignia typically located on or near the electrical panel. May also be referred to as a modular home as defined herein. However, this definition does not include mobile homes or manufactured homes.

Manufactured home. Factory-built, single-family structures manufactured on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standards Act, commonly known as the United States Department of Housing and Urban Development (HUD) Code. This program is administered in Florida by the Department of Highway Safety and Motor Vehicles and is not affiliated with the manufactured buildings program. These structures bear a HUD certification label typically located on the rear roadside corner. Although this definition does not include a mobile home as defined herein, pursuant to the Act the terms "manufactured home" and "mobile home" are deemed to include each term respectively, except that the term "manufactured home" applies only to those units constructed on or after June 15, 1976, and may also be referred to as manufactured housing.

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

Marina. A facility for the mooring, berthing, storing, or securing of watercraft and other related uses as defined herein.

Marina, industrial. A facility for the mooring, berthing, storing, or securing of watercraft and located adjacent to a public navigable waterway, which provides slips and/or moorings for major repairs such as construction or rebuilding of boats, installations of new bottoms, substantial structural additions, or alterations.

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Marina, private. A facility for the mooring, berthing, storing, or securing of watercraft and associated with a private residential development, such as a subdivision or multifamily development, as an amenity and not for public use.

Marina, recreational and commercial. A facility for the mooring, berthing, storing, or securing of watercraft for public use and located adjacent to a public navigable waterway, which provides slips and/or moorings, and which may include upland marina support facilities such as the servicing or repairing of watercraft, but does not include industrial marinas or related industrial activities.

Marine system. The Gulf of Mexico and its associated high-energy coastline. The landward extent of a marine system is defined by a set elevation above mean sea level.

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

Mean high water (MHW). As defined in F.S. § 177.27, the average height of the high waters over a 19-year period; or for shorter periods of observation, the average height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

Mean high water line (MHWL). As defined in F.S. § 177.27, the intersection of the tidal plane of mean high water with the shore.

Mean roof height. The average of the roof eave height and the height to the highest point on the roof surface, except that eave height shall be used for roof angle of less than or equal to ten degrees (0.18 rad).

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

Medical clinic. See "Clinic, medical."

Medical hardship. A condition of health, certified in writing by a Florida-licensed physician, whereby a person requires in-house medical care and assistance by another but where circumstances make it difficult or impossible for the caregiver and the person in need of such care to reside in the same dwelling.

Metal halide light. An electric light that produces light by an electric arc through a gaseous mixture of vaporized mercury and metal halides. For beach lighting applications, this does not include lights characterized as a high pressure sodium light or low pressure sodium light

Mining. Extraction of minerals or ore from the earth, including any materials overlying the mineral ore deposit, for the purpose of reaching underlying ore. Includes all associated clearing, grading, construction, processing, transportation and reclamation on the mine property.

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Mini-warehouse. A building or group of buildings containing separate, individual, and private storage spaces of varying sizes, leased or rented on an individual basis for varying periods of time for storage only. Also known as a "self-service storage facility."

Mixed use. Any use that includes both residential and nonresidential uses.

Mobile home. A structure transportable in one or more sections that is eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein. Pursuant to the National Manufactured Home Construction and Safety Standards Act (HUD Code), the terms "mobile home" and "manufactured home" are deemed to include each term respectively, except that the term "mobile home" applies only to those units constructed prior to June 15, 1976.

Mobile home/manufactured home park. An area designed, constructed, equipped, operated and maintained for either direct or indirect remuneration of the owner, lessor, or operator of such place to provide space for the parking, accommodation, or rental of five or more mobile homes, manufactured homes, and/or recreational vehicles intended to be used as permanent living facilities.

Mobile home/manufactured home subdivision. A subdivision designed and/or intended for the sale of lots for sitting mobile homes or manufactured homes.

Model home. A dwelling unit used initially for display purposes as an example of the homes that will be constructed in a specific subdivision and which will not be permanently occupied as a residence until the final plat is approved and recorded.

Mobile vending unit. A portable structure, either motorized or non-motorized, that is used to store, prepare, or serve food and/or beverages to the public, or to store, distribute, or sell merchandise, good, or wares to the public. A mobile vending unit is not deemed to be a temporary structure as defined by this Land Development Code.

Modular home. A dwelling constructed on-site in accordance with the building code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. A modular dwelling bearing a department of community affairs (DCA) insignia (typically located on or near the electrical panel) can be installed in a subdivision of conventionally constructed homes, provided it is compatible with the existing, conventional dwellings. May also be referred to as a manufactured residential building as defined herein.

Motel. Any public lodging establishment which offers rental units with an exit to the outside (outdoors) from each rental unit; offers daily or weekly rates; has off-street parking for each unit; has a central office on the property with specified hours of operation; contains a bathroom or connecting bathroom for each rental unit; has a minimum of six rental units; and which is recognized as a motel in the community in which it is situated or by the hospitality industry. Due to the unique characteristics of Pensacola Beach, the number of large rooms (defined as those greater than 850 square feet) is limited to no more than 726 additional hotel or motel units which is 30 percent of the remaining hotel/motel capacity, excluding projects currently under development, as of the date of this ordinance.

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Motorcycle sales. The use of any building, land area, or other premises for the display and sale of new or used motorcycles, and including any maintenance, repair work, and/or rental/leasing conducted as accessory uses.

Mylar™ . A trademark used for a thin, strong polyester film used for photo-reproducing a final recorded plat.

North American Vertical Datum (NAVD) of 1988. A vertical control used as a reference for establishing varying elevations with the floodplain.

New construction. Structures or substantial improvements for which the start of construction commenced on or after the effective date of the LDC.

Nightclub. A commercial establishment licensed to sell alcoholic beverages for consumption on the premises, typically operated as a place of entertainment offering live, recorded, or televised music and dancing.

Noncomplying building or structure. Any building or other structure which was lawful (permitted or nonconforming) prior to the effective date of the LDC, but which does not comply with all applicable provisions herein including bulk regulations, performance standards, or other requirements, either on or after the effective date of the LDC or as a result of any subsequent amendment.

Nonconforming use. Any lawfully established use of a structure, land, or water, in any combination, which does not conform to the land use regulations of the zoning district or future land use category in which the use is located. Refer also to noncomplying buildings or structures.

Nursery/garden shop. An indoor or outdoor establishment that conducts the retail and/or wholesale growth, display, and/or sale of plants, shrubs, trees, and accessory materials, such as packaged fertilizers, soils, hardware, and the like.

Nursing, retirement, or convalescent home. As defined in F.S. § 400.021, a facility licensed by the State of Florida pursuant to, established for profit or nonprofit, to provide nursing care and related medical services on a 24-hour per day basis to three or more individuals due to illness, disease, or physical or mental infirmity. This activity shall not include adult foster care homes, group homes, community care homes, or services for those persons in need of hospital care.

Off-site. Located outside the lot or parcel boundary of the primary/principal use.

Off-site parking. Parking provided for a specific use that is located on a site not abutting or contiguous with the property on which the primary/principal use is located. Includes parking separated by roads or streets from the property upon which the primary use is located.

Off-street parking. Parking provided for a specific use that is directly accessible to a drive aisle and is not located within the right-of-way of a dedicated street.

On-site sewage treatment and disposal (OSTD) system. A septic tank or other wastewater disposal and treatment device located on site and serving a single lot.

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Open space. Land or portions of land preserved and protected, whether public or privately owned and perpetually maintained and retained for active or passive recreation, for resource protection, or to meet lot coverage requirements. The term includes, but is not limited to, required yards, developed recreation areas and improved recreation facilities, natural and landscaped areas, and common areas.

Outdoor/outside storage. Storage outside the principal or accessory building(s) of a site.

Overlay district. An overlay district is a professionally accepted planning tool for establishing development restrictions on land within a defined geographic area or characterized by specific physical features or site conditions. Overlay districts are typically superimposed over one or more underlying conventional zoning districts in order to address areas of community interest that warrant special consideration such as historic preservation, area enhancement, or protection of a particular resource(s); however, overlay districts may also be used as stand-alone regulations to manage development in desired areas of the community

Owner. Any person(s), firm(s), corporation(s), or any other legal entity(ies) having legal or equitable title to or sufficient proprietary interest in or to any property.

Parcel. A unit of land within legally established property lines, or a lot, zone lot, or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development.

Park Trailer. As defined in F.S. § 320.01, a a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay window, does not exceed 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards. The length of a park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the rear of the body (at the opposite end of the body), including any protrusions.

Parks and recreation facilities. Pursuant to Policy RREC 1.3.3 of the Comprehensive Plan, areas in Escambia County open to or available for use by the general public for recreation, amusement, relaxation, play or other activity or passive leisure time activities. These include any dedicated or functioning parks and those public parks and/or recreation facilities operated or maintained by Escambia County, a list of which is maintained by the Escambia County Parks and Recreation Department.

Parking lot (off-street public or private). An open area at ground level providing parking spaces, excluding residential driveways and vehicle sales lots.

Parking space. An area used for and sufficient in size to park one motor vehicle.

Permitted use. Any use authorized or of right in a particular zoning district or land use category.

Personal service. A business or enterprise providing individual services generally related to personal needs, including, but not limited to, barber shops, beauty and tanning salons, shoe repair, and tailor shops.

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Pervious surface. Any surface that will accommodate the percolation of water. Such surfaces may also be known as permeable, penetrable, porous or pregnable.

Pier. A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

Place of worship. A property or building used for religious worship and/or assembly, including terms such as cathedral, chapel, church, mosque, religious institution, synagogue, temple, and the like.

Planned business development (PBD). An area of a minimum contiguous size to be planned, developed, operated, and maintained as a single entity and containing one or more structures to accommodate retail, service, commercial, or office uses, or a combination of such uses, and appurtenant common areas and accessory uses incidental to the predominant uses.

Planned neighborhood center (PNC). A land area under unified control designed and planned to be developed in a single operation, or by a series of prescheduled development phases, according to an officially approved site development plan to accommodate more than one commercial use of a neighborhood convenience type, such as offices, public buildings, parks, playgrounds, libraries, and others as allowed by this Code.

Planned unit development (PUD). A land area under unified control designed and planned to be developed in a single operation or by a series of prescheduled development phases according to an officially approved final development plan that permits and encourages more efficient and creative development, consistent with the Comprehensive Plan.

Planning Board. The advisory authority appointed by the board of county commissioners (BCC) to serve as the local planning agency (LPA) for Escambia County; and whose scope of authority and specific duties are established in article 2 of the Land Development Code and chapter 2 of the Comprehensive Plan.

Plat or replat. A map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and including other information in compliance with the requirements of all applicable sections of F.S. ch. 177 and the LDC.

Plat, final. The completed plat of a proposed subdivision of land that is submitted for consideration and approval according to all relevant provisions of the LDC.

Plat, preliminary. A provisional plat of a proposed subdivision of land that is submitted for consideration and approval according to all relevant provisions of the LDC.

Point source of light. A bulb, lamp, filament or other manmade source within a fixture that emanates light, including, but not limited to incandescent, tungsten-iodine (quartz), mercury vapor, fluorescent, metal halide, neon, halogen, high pressure sodium, and low pressure sodium light sources, as well as natural gas lights, torches, camp and bonfires. When a lamp is contained within a translucent fixture, the entire fixture shall be considered the point source of light.

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Pole lighting. A light fixture set on a base or pole that raises the source of light higher than forty-eight (48) inches off the ground.

Political subdivision. A county, municipality, commission, department, district, board or other public agency or public body, whether corporate or otherwise, which is created by or under state law.

Pond, artificial. See "Artificial pond."

Porch. A roofed structure attached to a building and open on two or more sides, which may be screened, and with direct access to or from a building.

Portable storage container. See "Storage container, portable."

Positive drainage outfall. A conveyance system which contains, controls and transmits stormwater runoff to a creek, stream, river, bay, gulf, ocean, or other waters of the state, or waters of the United States, or to any approved Escambia County or Florida Department of Transportation drainage system.

Premises. Any parcel together with any improvements thereon.

Preserved tree. See "Tree, preserved."

Principal building. The building(s) in which the principal use of the premises is conducted.

Principal structure. The primary structure that defines the use on a premises.

Principal use. The primary use of land or structures.

Prohibited use. Any use not listed as a permitted or conditional use in a zoning district.

Property line. The recorded boundaries of a lot or tract of land.

Protected tree. See "Tree, protected."

Pruning. The act of removing branches, limbs, or portions of tree canopy in accordance with standard practices such as those outlined in the American National Standards Institute Inc., ANSI A300 Part 1-2001, "Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices".

Public facilities. Major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, government buildings, and health systems.

Public hearing. A meeting of the Escambia County Board of County Commissioners, the Escambia County Planning Board, the Escambia County Board of Adjustment, or other administrative or policy boards of the county that has been advertised with a public notice as defined herein.

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Public notice or due public notice/notification. Advertisement of notice of the time and purpose of a meeting or public hearing, consistent with the requirements specified in F.S. §§ 125.66 and 163.3184/87, article 2 of the LDC, and chapter 4 of the Comprehensive Plan.

Public utility. Any public or private utility, including but not limited to surface water management, wastewater collection and treatment, electric power, water supply, gas service, or telephone lines, whether underground or overhead. Also includes use of land customary and necessary to the maintenance and operation of essential public services, such as electricity and gas transmission systems; water distribution, collection and disposal; communication; and similar services and facilities. See article 7 of the LDC for information regarding wellhead protection.

Public utility and service structures. Structures or equipment required for public utilities and services, excluding buildings for general administrative, executive, or studio functions, or for general warehousing or maintenance operations. Public utility and service structures include, but are not limited to, those necessary for: electrical, gas, petroleum, steam, and potable water distribution; stormwater and sanitary sewer collection; communication services; fire and police protection; and railroads, mass transportation, and streets and highways. Also included are public buildings that provide a service essential to the public health, safety and general welfare, including, but not limited to, fire and police stations.

Quadruplex. See "Dwelling, four-family, quadruplex."

Quasi-judicial hearing. A meeting where any administrative or policy board of the county adjudicates specific cases (i.e., administrative appeal, conditional use, planned unit developments, rezoning, variance) involving the application of policy to a particular set of facts. Hearings are subject to notice requirements and judicial review, and decisions must be based on competent substantial evidence.

Radio broadcasting and telecasting station. An establishment engaged in receiving oral and visual programs and transmitting to the public, including, but not limited to, studios, transmitters, towers, antennas, satellite dishes, and related offices.

Reclamation. The restoration of land made barren through processes such as erosion, mining, or land clearing to useful purposes with protection of the natural resources of the surrounding area. In some instances, reclamation may include land clearing debris as part of the ultimate reclamation process. While the type and degree of such restoration may vary in any specific instance, the objective is to establish vegetative cover, soil stability, water conditions and safety conditions appropriate to the area.

Reclamation plan. The operator's written proposal, as required and approved by Escambia County, for reclamation of affected mined-out land.

Record drawings. A set of drawings certified by the engineer of record and provided to the county for the purpose of documenting improvements that were actually constructed.

Recorded subdivision. See "Subdivision, recorded."

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Recreational vehicle. As defined in F.S. § 513.01, a vehicular-type portable structure without a permanent foundation, which has been or can be reasonably equipped with wheels and can be towed, hauled, or driven and primarily designed as temporary living quarters for recreational, camping, and travel use, and including, but not limited to, camping and travel trailers, truck campers, self-propelled motor homes, and converted vehicles.

Recreational vehicle park. As defined in F.S. § 513.01, a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents, used as seasonal or temporary living quarters for six months or less. See also "Campground."

Redevelopment. Demolition and reconstruction or substantial renovation exceeding 60% of the fair market value of existing buildings, sites or infrastructure within urbanized areas.

Residential dock or pier. See "Dock or pier."

Residential use. Any use for residences, domiciles, or dwellings, including, but not limited to, single-family houses, townhouses, condominiums, and apartments.

Restaurant. An establishment where food is prepared and served for profit, typically for consumption on the premises in a completely enclosed building and may include an outside seating area(s) designed for such purpose. See also "Restaurant, drive-in/drive-thru."

Restaurant, drive-in/drive-thru. A fast-food establishment furnishing rapidly prepared food for consumption on or off-premises by one or more of the following methods: by order from and service to vehicular passengers outside the confines of the principal building, typically with limited outside seating and limited or no inside seating; by order and service from an inside walk-up counter; or by order and service from an outside menu board and window designed to accommodate motor vehicle traffic.

Restrictive covenants. Private restrictions recorded with the final plat or deed, which limit or otherwise govern the use, intensity and development patterns of the land within a subdivision or parcel of land for a specified time.

Rezone/rezoning. An amendment to the map and/or text of a zoning ordinance to effect a change in the adopted zoning district of a designated parcel or land area and which typically involves a single property owner. The decision involving an applicant-initiated rezoning is typically considered quasi-judicial in nature, since it is contingent upon facts arrived at from distinct alternatives presented at a hearing and can be functionally viewed as policy application. However, it is possible to have a county-initiated quasi-judicial rezoning.

Rezoning, legislative. An amendment to the map and/or text of a zoning ordinance to effect a change in the adopted zoning district of designated parcels or land areas of substantial size and which involves numerous property owners. The decision involving a county-initiated rezoning is typically considered legislative in nature, since it is a comprehensive rezoning of multiple parcels affecting a large portion of the public and can be functionally viewed as policy setting. However, it is possible to have an applicant-initiated quasi-judicial rezoning.

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Right-of-way (R-O-W). A strip of land, separate and distinct from adjoining lots or parcels, occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water supply main, sanitary sewer, storm drain, or any other special use. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to public use.

Riverine system. A generally linear aquatic community of non-tidal waters, with a discrete channel, including, but not limited to, rivers, tributaries, creeks, and intermittent streams. The landward extent is defined by ordinary high water.

Road. See "Street."

Roofline. The uppermost line of the roof, including mansard roofs, the uppermost line of building with a flat roof, the uppermost height of an extended facade, or the lowest edge of a slanted or A-frame roof.

Sale or lease. Any transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, in testate succession or other transfer of an interest in a subdivision or part thereof, whether by metes and bounds or lot and block description.

Salvage yard. A site, or part thereof, where the primary use is the storage, sale, accumulation, exchange, packaging, disassembly, and/or handling of waste or scrap materials including, but not limited to, scrap metals, paper, rags, tires, and bottles.

Santa Rosa Island Authority (SRIA). The initial development approval authority for all development and redevelopment of property on Pensacola Beach under its jurisdiction.

School. See "Educational facility."

Screened/screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, and/or vegetation.

Sea turtle nesting season. The period from May 1 through October 31 of each year.

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

Security. The letter of credit or cash escrow or any other security arrangement acceptable to the county provided by the applicant to secure the provision of required improvements. See article 4 of the LDC for specific forms of security.

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

Sedimentation. The deposition of sediment.

Self-service storage facility. See "Mini-warehouse."

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Service station. An establishment primarily dispensing motor fuels and related products at retail, but which may offer minor automobile, car, and/or motorcycle repair and service on an incidental basis.

Setback. The required minimum distance from the street right-of-way line and any other lot line that establishes the area within which a structure is allowed to be erected or placed.

Shield. An opaque covering, canopy or other such device fitted over a light source that blocks the light source from being observed from the beach and prevents the light from illuminating the beach.

Shopping center. A group of commercial, nonindustrial establishments planned, constructed and managed as an entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, and designed to serve a community or neighborhood.

Sidewalk. An improved walkway intended primarily for pedestrians.

Sight distance. The extent of unobstructed vision in a horizontal and vertical plane along a street located at any given point on the street.

Sign. Any object, device, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Corporate flags are a sign and are allowed as part of the allowed square footage for a zone lot. National or state flags, window displays, graffiti, athletic scoreboards, and official government announcements or signs are excluded. Specific sign types are defined in article 8 of the LDC.

Silviculture. The art and science of harvesting and controlling the establishment, growth, composition, health, and quality of forests to meet the diverse needs of landowners and society on a sustainable basis.

Site plan. A scaled plan depicting the proposed development or redevelopment of a parcel, which shows existing uses, structures, and features and meets the requirements specified in article 4 of the LDC.

Solid waste. Material, including sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid waste disposal facility. See "Landfill."

Solid waste transfer station or collection point. A facility with the primary purpose of storing, holding, or collecting solid waste for transport to a processing or disposal facility.

Special flood hazard area. See "Area of special flood hazard".

Spot zoning. Rezoning of a lot or parcel of land that will create an isolated zoning district that may be incompatible with the adjacent and nearby zoning districts and uses, or as spot zoning is otherwise defined by Florida law.

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

Storage. The act of placement or accumulation, or the condition of things placed or accumulated, in a specific location for preservation, future use, or disposal.

Storage container, portable. A unit that includes, but is not limited to, a trailer, box or other shipping container that is typically rented or obtained by a property's owners or occupants for their storage use and which is delivered and/or removed by truck or trailer. Those items commonly considered to be dumpsters or tool sheds are not portable storage containers.

Storage, outdoor/outside. See "Outdoor/outside storage."

Stormwater management. Any technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff, including, but not limited to, storm sewers, retention or detention ponds, drainage channels or swales, and inlet or outlet structures.

Story (habitable or uninhabitable). That portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above it, then the space between such floor and the ceiling next above it. In computing the number of stories in a building, a basement shall not be considered a story if more than one-half of its height is below the mean grade. For areas governed by FDEP or FEMA elevation requirements, the number of stories in a building will be counted from the minimum required elevation for the habitable first floor, which has been interpreted to be the elevation as established by FEMA or FDEP, whichever is higher.

Street. A public or private avenue, boulevard, drive, highway, road or other thoroughfare, which must be paved and approved by the county, and which affords a principal means of access to the abutting property.

Street, collector. A street providing service that is of relatively moderate traffic volume, moderate trip length, and moderate operating speed, and which distributes traffic between local streets or arterial streets. Certain local streets that do not meet the foregoing criteria may be designated by the County Engineer as collector streets if the following alternate criteria are satisfied

- a) 22' (twenty two foot) width of pavement (two lanes)
- b) posted speed limit of 35 mph or more

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c) Signalized intersection on segment or at termini

d) Connection to a collector or arterial roadway

e) Average Annual Daily Traffic \geq 1500 vehicles

Street line. A dividing line between a lot, tract or parcel of land and a contiguous street right-of-way.

Street, local. A street providing service that is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property.

Street, major arterial. A street that provides service that is relatively continuous and of relatively high traffic volume, long trip length, and high operating speed. Note: Every United States numbered highway is an arterial street.

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

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

Structure. Anything constructed, assembled, or erected, the use of which requires location on or in the ground, or attachment to something having location on or in the ground. The term does not include unroofed paved surfaces, such as sidewalks, driveways, parking lots, and/or other paved areas used for sports activities.

Structure, noncomplying. See "Noncomplying building or structure."

Subdivision. The division of a parcel of land, whether improved or unimproved, into three or more contiguous lots or parcels of land or, if the establishment of a new street is involved, any division of the parcel.

Subdivision, nonresidential. A subdivision for other than residential uses, such as commercial or industrial.

Subdivision, recorded. Pursuant to F.S. Ch. 177, the plat of an approved subdivision as recorded in the office of the Escambia County Clerk of the Court.

Subdivision, unplatted. See article 4 of the LDC.

Substantial damage. For National Flood Insurance Program (NFIP) purposes, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. For increased cost of compliance (ICC) eligibility, damage caused by flood only must equal or exceed 50 percent of the market value of the structure. Flood damage, which exceeds 25 percent of market value twice within any ten-year period, shall be deemed a repetitive

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flood loss qualifying the property owner for ICC benefits. Note: Substantial damage determinations are made by the county building official.

Substantial improvement. For floodplain purposes, refer to article 10 of the LDC. For building code purposes, refer to F.S. § 161.54 and C.F.R. (Code of Federal Regulations) § 59.2.

Substantial property right. The ability to use or improve land in such a manner as would be lawful except for the special circumstance or condition applicable to the building or land; the particular land development regulation that prohibits such use or improvement; and if it involves a use or improvement of real worth and importance that is or may be enjoyed by other similarly situated landowners in the vicinity.

Surety. The warranty of subdivision improvements by an applicant's submittal of one of the acceptable forms specified in article 4 of the LDC.

Taxicab/limousine company. A service that offers transportation in passenger automobiles, limousines, and/or vans to persons, including those who are handicapped, in return for a fee. The business may include facilities for servicing, repairing, and fueling the taxicabs, limousines, or vans.

Temporary structure. A structure that is designed, constructed, and intended to be used for a period of time and that will be removed after the expiration of such time. The period of time must run consecutively and may not exceed nine (9) months in duration.

Threatened and endangered species habitat. An area that contains, or shows factual evidence of, a species that is listed by a federal or state agency as "threatened", "endangered", or "species of special concern", including all such areas that are classified as "critical habitat" by the Florida Fish and Wildlife Conservation Commission (FWC).

Tinted glass. Any tinted glass treated to achieve an industry-approved, inside-to-outside light transmittance value of 45% or less. Such transmittance is limited to the visible spectrum (400 to 700 nanometers) and is measured as the percentage of light that is transmitted through the glass.

Townhouse. A building, not exceeding three stories in height, which is constructed in a series or group of attached single-family units that share common walls along the property lines separating each unit.

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

Tree, canopy. A living tree that is, or is anticipated to reach, a mature height of 30 feet or greater.

Tree, champion. A living tree measured to be the largest specimen of its species in the state, as recorded in the champion tree registry of the University of Florida and the Division of Forestry, Florida Department of Agriculture and Consumer Services.

Tree, heritage. A living tree of special status, 60 inches in diameter at breast height (DBH) or greater.

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Tree, preserved. A living tree 24 inches or larger in diameter at breast height (DBH). See article 7 for exemptions.

Tree, protected. A living tree 12 inches or larger in diameter at breast height (DBH), unless it is otherwise classified a champion tree. See article 7 for exemptions.

Tree, understory. A living tree that is anticipated to reach a mature height of less than 30 feet.

Triplex. See "Dwelling, three-family."

Truck, utility trailer, and recreational vehicle (RV) rental service or facility. An establishment engaged in the renting, leasing, or sale of trucks, truck tractors, buses, utility trailers, or RVs (recreational vehicles) without drivers, for purposes other than the routine conveyance of passengers.

Understory tree. See "Tree, understory."

Unified control. Two or more tracts of land in combined ownership wherein the owners have agreed to allow their tracts to be used and developed as a single lot under the provisions of the LDC.

Use. The purpose for which lands and/or structures are arranged, designed, occupied or maintained.

Use, accessory. See "Accessory use."

Use, conforming. See "Conforming use."

Use, mixed. See "Mixed use."

Use, permitted. See "Permitted use."

Use, residential. See "Residential use."

Variance. Deviation from the requirements and provisions of the LDC as may be allowed by article 2, the application for which is reviewed, and a final determination is made, by the board of adjustment at a quasi-judicial public hearing. Note: Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be used to expand or enlarge upon a nonconforming use, lot or structure if such variance would result in an increase in the level of nonconformity.

Variance, administrative. See "Administrative variance."

Vegetation line. The semi-continuous line of perennial vegetation that marks the normal landward limit of high tide/storm waves.

Vested rights for land use. The right to use and/or develop land, subject to the vested rights for land use review process established in article 2.

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Veterinary clinic. A business designed or used for the care, observation, or treatment of domestic animals, which may include medical or surgical treatment and care during the time of such treatment and grooming. The term includes animal hospitals. Use as a kennel shall be limited to short-term care incidental to the clinic use.

Walkway. A covered or uncovered passage for pedestrians.

Warehouse. A building providing long-term or short-term storage only of goods and materials and where no retail sales, manufacturing, assembly, or product processing occurs.

Warehouse, distribution. A facility warehouse providing short-term storage for commercial establishments, where goods are received, stored, and/or repackaged for distribution to customers at off-site locations.

Warehouse, mini. See "Mini-warehouse."

Warehouse, wholesale. A facility providing storage of goods for sale only to other businesses, including retailers, industrial, commercial, institutional, or professional business users, or other wholesalers.

Warranty deed. A legal form or conveyance in which the grantor warrants good, clear title.

Waste-tire processing facility. A site, permitted by state and local agencies having jurisdiction, where equipment is used to recapture reusable byproducts from waste tires or to cut, burn, or otherwise alter waste tires so that they are no longer whole.

Water body. Any bay, bayou, lagoon, inlet, pond, lake, reservoir or other area with a discernable shoreline that ordinarily or intermittently contains water, or a river, stream, or creek with permanent flow. The term does not include stormwater detention or retention facilities.

Waterfront lot. See "Lot, waterfront."

Wellhead protection area (WHPA). Land within an established boundary around a public potable water well. The level of protection is based upon the capacity of the well and an evaluation of the risk to human health and the environment. Additional terms specific to wellhead protection are defined in article 7 of the LDC.

Wetlands. Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include, but are not limited to, swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Also, F.S. § 373.019(22) reads: Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto. The term includes those lands meeting the definition of wetlands as promulgated by

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the Florida Department of Environmental Protection in Rule 62-340.200(19). State of Florida delineation methods are set forth in F.S. § 373.042 and F.A.C. § 62-340.300.

Wharf. See "Dock."

Wildlife lighting. Artificial lighting that minimizes the potential for negative effects to the nocturnal behaviors of nesting and hatchling sea turtles and other wildlife. Based on the premise of Keep it Low, Keep it Shielded, and Keep it Long, the following criteria apply:

- A. The light source is mounted as low to the ground or floor as practicable through the use of fixtures such as, low-mounted wall fixtures, low bollards, and ground-level fixtures;
- B. The lumens emitted by the light source are the minimal required for the intended application;
- C. The light source is contained within a full cut-off or fully shielded fixture such that no light is broadcast above a horizontal plane and the point source of light and any reflective surfaces of the fixture are not directly visible from the beach;
- D. The lamps emit predominately long-wavelength light (>580 nm). These long-wavelength light sources include low pressure sodium vapor lamps, bulbs marketed to reduce attraction of insects ("bug bulbs"), amber and red LEDs, true red neon lamps, and other lamps certified by the Florida Fish and Wildlife Conservation Commission as "Wildlife Lighting."

Window tinting. Tinting or film that meets the standards for tinted glass.

"Working day/workday. Any day not including Saturdays, Sundays, or legal holidays observed by the county, on which the offices of the county are open for regular business.

Xeriscape. A set of design and landscape maintenance principles that promote good horticultural practices and efficient use of water with drought-tolerant, water-conserving landscaping.

Yard. An open space on a lot, between a structure and the adjoining lot lines, unoccupied and unobstructed from its lowest point to the sky, except as may be occupied by landscaping, the ordinary and permitted placement of nonstructural unroofed surfaces, and/or encroachments otherwise allowed by the LDC.

Yard, front. A yard with full width and length of the lot extending from the nearest point of a principal building or structure, excluding permitted encroachments, to any front line of the lot.

Yard, rear. A yard extending across the rear of the lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections other than permitted encroachments. For lots with four sides, the rear yard shall be the area of the parcel opposite the front. For all other lots, the rear yard shall be determined by the director or designee.

Yard, required. The open space between a lot line and the setback line within which no structure shall be located except as provided in the LDC.

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Yard, side. A yard that is not a front or rear yard.

Yard trash. Vegetative matter resulting from landscaping maintenance, such as tree and shrub trimmings, grass clippings, and palm fronds.

Zero lot line. A development technique in which a detached dwelling unit is sited adjacent to one or more lot lines, according to the requirements listed in article 7 of the LDC.

Zone lot. A parcel of land in single ownership, or parcel of contiguous properties, existing as a unified or coordinated project, that is of sufficient size to meet minimum zoning requirements for area, coverage, and uses, and that can provide such yards and other open spaces as required by the LDC.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-44, § 2, 9-16-1999; Ord. No. 2000-4, § 1, 2-10-2000; Ord. No. 2000-28, § 2, 7-6-2000; Ord. No. 2000-30, § 1, 7-6-2000; Ord. No. 2000-46, § 1, 10-19-2000; Ord. No. 2000-50, § 1, 11-2-2000; Ord. No. 2000-52, § 1, 11-2-2000; Ord. No. 2001-11, § 1, 3-1-2001; Ord. No. 2001-12, § 1, 3-1-2001; Ord. No. 2001-20, § 1, 4-5-2001; Ord. No. 2001-40, § 1, 8-2-2001; Ord. No. 2001-52, § 1, 9-20-2001; Ord. No. 2002-23, § 1, 6-6-2002; Ord. No. 2002-30, § 1, 7-2-2002; Ord. No. 2002-36, § 1, 8-1-2002; Ord. No. 2002-46, § 3, 10-17-2002; Ord. No. 2002-54, § 1, 12-12-2002; Ord. No. 2003-4, § 1, 2-6-2003; Ord. No. 2003-9, § 1, 3-20-2003; Ord. No. 2003-38, § 1, 8-7-2003; Ord. No. 2003-39, § 1, 8-7-2003; Ord. No. 2003-53, § 1, 11-6-2003; Ord. No. 2004-21, § 3, 5-6-2004; Ord. No. 2004-32, § 1, 6-3-2004; Ord. No. 2004-68, § 1, 11-4-2004; Ord. No. 2005-12, § 1, 5-5-2005; Ord. No. 2005-23, § 1, 7-7-2005; Ord. No. 2005-45, § 2, 10-6-2005; Ord. No. 2006-4, § 1, 1-5-2006; Ord. No. 2006-64, § 1, 8-3-2006; Ord. No. 2006-70, § 1, 9-7-2006; Ord. No. 2006-72, § 1, 9-7-2006; Ord. No. 2007-3, § 1, 1-4-2007; Ord. No. 2007-25, § 1, 5-1-2007; Ord. No. 2007-36, § 1, 7-19-2007; Ord. No. 2007-38, § 1, 7-19-2007; Ord. No. 2007-44, § 2, 8-16-2007; Ord. No. 2007-60, § 2, 10-4-2007; Ord. No. 2007-68, § 1, 11-1-2007; Ord. No. 2008-38, § 1, 6-5-2008; Ord. No. 2008-39, § 1(3.00.01), 6-5-2008; Ord. No. 2009-34, § 1, 10-1-2009; Ord. No. 2009-35, § 2, 10-1-2009; Ord. No. 2009-45, § 1, 12-10-2009; Ord. No. 2010-3, § 2, 2-4-2010; Ord. No. 2010-23, § 1, 7-22-2010; Ord. No. 2011-07, § 1, 2-3-2011; Ord. No. 2011-10, § 2, 4-7-2011; Ord. No. 2011-12, § 1, 5-5-2011; Ord. No. 2011-02, § 2, 1-6-2011; Ord. No. 2012-29, § 1, 8-9-2012; Ord. No. 2012-31, § 2, 8-23-2012; Ord. No. 2013-28, § 2, 7-11-2013; Ord. No. 2013-54, § 1, 12-5-2013; Ord. No. 2014-10, § 1, 2-18-2014)

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Article 4 SUBDIVISIONS AND SITE PLANS

Article 4 SUBDIVISIONS AND SITE PLANS*

***Cross references:** Any ordinance dedicating, accepting or vacating any plat or subdivision saved from repeal, pt. I, § 1-10(a)(10).

Part I. Subdivision Regulations

4.00.00. Reserved.

4.01.00. General.

4.02.00. Subdivision regulations, procedures and submission requirements.

4.03.00. Assurances for completion, inspection, maintenance and warranty of subdivision improvements.

4.04.00. Requirements for improvements, dedications and design.

4.05.00. Resubdivision of land.

Part II. Site Plan Regulations

4.06.00. Site plan review and approval.

Introduction. This article contains provisions regulating, guiding and directing the subdivision of land within the county and for site planning on individual parcels. This article is divided into two parts. Part I contains the subdivision regulations, provisions and procedures and; Part II contains site plan regulations, submittal requirements and other relevant provisions.

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PART I. SUBDIVISION REGULATIONS**4.00.00. Reserved.****4.01.00. General.**

No person shall subdivide any land within the unincorporated areas of the county nor shall any person begin any land disturbing activity or construction work in any subdivision, except as indicated in section 4.01.03 unless the requirements of this article are met. The requirements of this article are in addition to any applicable federal or state regulations.

A. *Final plat required.* Except for infrastructure improvements, no building, electrical, or plumbing permit shall be issued by any public official until the final plat(s) have been recorded.

B. *Compliance required.* The subdivision of land and the subsequent development of the same land (lot, parcel) shall occur in accordance with and in furtherance of the goals, objectives, and policies of the comprehensive plan of the county. Also, these regulations supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, other parts of this Code, the comprehensive plan, and capital budget of the county.

C. *Penalties for noncompliance.* Any person who violates or refuses to comply with, or resists enforcement of this article or other statutory requirements imposed by the state shall be subject to the penalties specified in section 2.06.01 of this Code.

4.01.01. Purpose and intent. The public health, safety, and general welfare require the harmonious, orderly and progressive subdivision and/or development of land within Florida and its incorporated municipalities and counties. In furtherance of this general purpose, F.S. chs. 125, 163 and 177 authorize counties to adopt, amend or revise and enforce measures relating to land subdivision. It is the purpose and intent of this article to ensure:

A. The establishment of standards of subdivision design and innovation which should encourage and lead to the development of sound communities, and the creation of healthful living environments. Regulation of subdivided land is intended to aid in promoting land development in accordance with orderly physical patterns; to encourage orderly, timely, and compatible land development and to guide the future growth and development of the county consistent with the comprehensive plan;

B. Installation, by the subdivider to prescribe standards, at no expense to the county, those necessary improvements which rationally correspond to the projected impact of the subdivision and which shall not become a charge on the citizens and taxpayers in other areas of the county;

C. The efficient and adequate supply of services to existing and new developments and communities;

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- D. The establishment of safe and convenient means for the movement of people, goods and services within new land developments and from new land developments into and from established communities;
- E. Provision of protective flood control measures and drainage facilities for those lands subject to periodic or seasonal flooding (see articles 7 and 10);
- F. Provision of adequate light, air, privacy and safety from fire, flood, and other dangers;
- G. Protection and conservation of the value of land, buildings and improvements and to minimize conflicts among uses of land and buildings;
- H. That new development will be required to bear its fair share of the costs of providing adequate public facilities and services;
- I. Provision of open spaces through the efficient design and layout of subdivisions; and
- J. Provision for the protection and enjoyment of private property rights.

4.01.02. *Permits and prohibitions.*

- A. *Permit required.* No construction or land disturbing activity may be commenced without a valid Escambia County permit. Among others, land disturbing permits, building permits, development orders and/or land use certificates are issued by the county.
- B. *Land use certificate.* No building permit may be issued (see section 4.03.06 of this article) without a development order or land use certificate having been issued by the director, or his designee.
- C. *Existing lots.* Any isolated existing valid lot not part of recorded or unrecorded subdivision may have a house permitted on it regardless of the condition or legal status of the access road. See section 4.01.03.
- D. *Creation of a new lot.* The creation of a new lot (not otherwise subject to the subdivision provisions of this article) must meet the minimum lot width requirements of article 6 and front on a street that meets the definition of street in article 3 except that it does not have to be paved.
- E. *Lots donated to family members.* Such lots donated in accordance with subsections 4.01.03.D and E shall meet the minimum lot size and density standard of the zoning district or be at least one acre in size, whichever is less.
- F. *Dwelling unit caps.* No permit may be issued if development pursuant to such permit would cause any threshold or requirement in comprehensive plan policy FLU1.3.1 to be exceeded or violated.

4.01.03. *Exceptions and exclusions.* A building permit may be issued without a development order or other assurance that the property conforms to the provisions of this part if any of the following conditions apply:

- A. *Previously approved activities.* Construction has begun or was approved prior to the adoption of this Code.

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B. *Incidental changes.* Alterations will not alter gross floor area, use of structure or add to the impervious surface of the site.

C. *Lot of record.* The construction or alteration of a one- or two-family dwelling on a lot of record.

D. *Family conveyance exception.* No building permit shall be denied where the property in question is to be used solely as a homestead by an owner-applicant who is the grandparent, parent, step-parent, adopted parent, sibling, child, step-child, adopted child, niece, nephew, aunt or uncle or grandchild of the person who conveyed the parcel to such applicant, notwithstanding the density or intensity of use assigned to the parcel by a particular zoning district. This exception shall apply only once to any owner-applicant.

E. *Model home/sales office.* For each parcel subject to an approved preliminary plat, the construction of not more than two principal residential structures for use as a model home and/or on-site sales office provided that no permanent certificate of occupancy may be issued for such structure until the final plat is approved and recorded. The board of county commissioners may authorize at a duly noticed public hearing the issuance of additional model home permits under special circumstances (e.g., the Parade of Homes), if additional assurances of infrastructure completion are provided. Issuance of a model home permit does not authorize issuance of a certificate of occupancy. The certificate of occupancy shall only be issued upon the completion of the infrastructure.

F. *Boundary line exemptions.* Conveyances which are executed solely to resolve boundary line disputes or to increase the size of adjoining parcels of property and which do not create developable parcels of property separate and apart from the existing parcels are exempt from the platting requirements of this article.

G. *Large parcel exemptions.* Subdivisions of land into parcels greater than 20 acres in size need not comply with the platting requirements of this article so long as no new public roads or public rights-of-way are created. Access to such lots may be provided by a private street (paved or unpaved) provided it is a right-of-way of at least 66 feet.

4.01.04. *Land disturbing permit.* For all lands not zoned "agriculture" or categorized "agriculture" on the future land use map, a land disturbing permit is required prior to disturbing the land or changing its topography. Land disturbing permits will be issued by the division manager, development services. A sign shall be posted on the site and contain a phone number to contact for more information throughout the duration of the permit. Note: The provisions of this section do not apply to routine maintenance of property, landscaping activities (north of Well Line Road) silviculture, provided that such maintenance or landscaping does not result in a change in grade within ten feet of any property line or result in any adverse impacts to adjoining properties. These provisions shall apply to silviculture south of Well Line Road. This permit will be obtained from the growth management department.

4.01.05. *Unplatted subdivisions.* The subdivision of a lot into:

A. Individual parcels of four acres or more, but less than 20 acres; or

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- B. Three but no more than five individual parcels, fronting on an existing public street and/or existing private street including minimum rights-of-way, and not involving any new street, or the extension of and not adversely affecting the access to public streets or other infrastructure facilities or adjoining property, and not in conflict with any provision or portion of the comprehensive plan provided that the individual parcels are of sufficient size to accommodate a vehicle turn-around thereon and otherwise comply with requirements of the particular zoning district in which the parcel is located; or
- C. Subdivisions of land into parcels all greater than 20 acres in size, so long as no new public streets or public rights-of-way are created.

These unplatted subdivision development plans may be reviewed and approved pursuant to the following provisions:

- A. No new county dedicated streets shall be created. All streets shall be private streets and shall have a 50-foot private right-of-way for those streets constructed with curb and gutter drainage systems and a 66-foot private right-of-way for those streets constructed with roadside swales. All proposed private streets must be paved unless this provision is specifically waived by the board of county commissioners for each proposed unplatted subdivision.
- B. The fact that the streets are "private streets" shall be indicated on the development plan and within the restrictive covenants of the deeds.
- C. Subdivision and road names shall be approved by the county emergency management department.
- D. A development plan shall be filed which meets the requirements established by this Code. Such plan shall include all relevant requirements of this section and:
 1. The parcel number, area and the dimensions of the parent parcel (the pre-subdivision parcel);
 2. The lots or parcels to be created by the subdivision including the area and dimensions of each lot or parcel so created;
 3. A north arrow and scale. The preferred scale is one inch equals 20 feet (1" = 20');
 4. The name(s) of the road(s) fronting the parent parcel, the existing width of the private right-of-way, and the names and widths of each proposed new private right-of-way;
 5. The name of the person who prepared the drawing (plan) and the name of the owner of the parent parcel;
 6. The date the plan or drawing was prepared.

NOTE: Plans or drawings shall be submitted on sheets no smaller than 11" × 17" (ledger size) but no larger than 24" × 36".

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E. Drainage plans and calculations prepared by a licensed professional engineer shall include a stormwater management plan, and such management plan shall be based upon a 25-year critical duration storm event unless the development is de minimis or exempt from stormwater requirements as certified by a licensed professional engineer.

F. If the subdivision/development includes any common areas or infrastructure (including private streets) requiring maintenance, the final development plan may not be approved until the county has been supplied proof of establishment of a property owners' association which has been legally formed and filed with the secretary of state.

G. All private streets and drainage improvements shall be owned by the property owners' association, with all landowners becoming a partner as a condition of ownership. The association shall have right of lien foreclosure against an owner's property for nonpayment of property assessment which has been assessed by the association's governing body when such assessments are for drainage and/or street maintenance.

H. A subdivision containing at least three but no more than five lots shall also be reviewed for the cumulative effect of the proposed subdivision and that of surrounding properties to determine if the additional quantity of stormwater discharge and additional street access points will negatively impact the level of service standards for stormwater management and/or the impacted roadway segment. Once the cumulative impact is determined to be problematic the unplatted subdivision development plan shall be reviewed as a standard subdivision.

I. Unplatted subdivisions created under this section shall be reviewed and approved pursuant to the regulations described above and in compliance with the comprehensive plan and other relevant provisions of this Code.

4.01.06. Reservations. Notwithstanding any other provision of this Code, a developer/subdivider or agents therefor, may establish a reservation program for prospective purchasers if such program conforms to the requirements of state law.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-38, § 1, 9-5-1999; Ord. No. 2000-30, § 2, 7-6-2000; Ord. No. 2000-49, § 1, 11-2-2000; Ord. No. 2000-52, § 2, 11-2-2000; Ord. No. 2004-14, § 1, 3-4-2004; Ord. No. 2007-60, § 3, 10-4-2007, Ord. No. 2013-48, § 1, 10-3-2013; Ord. No. 2013-54, § 1, 12-5-2013)

4.02.00. Subdivision regulations, procedures and submission requirements.

This section sets forth the requirements and provisions necessary for the subdivision of land. The section includes the procedures for processing applications for subdivision approval and it includes minimum requirements for submittals. Plans submitted for subdivision or PUD approval shall be reviewed in accordance with the land development code provisions in effect at the time of plan submittals to the department of planning and zoning and acceptance of such plans by the department, notwithstanding any subsequent amendments to the land development code.

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4.02.01. Subdivision approval process. Before any land is subdivided, the owner of the property proposed to be subdivided, or his authorized agent, shall apply for and secure approval of the proposed subdivision and plat in accordance with the following procedures:

- A. Preapplication conference (All subdivisions).
- B. Master plan (Phased developments).
- C. Preliminary plat.
- D. Construction plans. At the time of approval of construction plans or conditional approval, of the construction plans, the applicant may initiate construction of the development as indicated on the approved construction plans.
- E. Final plat (All subdivisions).

4.02.02. Preapplication conference. Before submitting the subdivision plan for review and approval, the applicant shall request a conference with representatives of the department(s) to discuss the proposed development and the procedure for approval of a subdivision plan and plat. During this conference the applicant will be informed of:

- A. The requirements as to the general layout of streets and street improvements;
- B. The requirements for reservations of land;
- C. The requirements for surface water and wastewater management;
- D. The requirements for fire protection including hydrant locations;
- E. Any county departments or other public agencies (SRIA, HRS, DEP, DOT, ECUA, etc.) which may have regulatory or review authority over the application;
- F. The zoning district and future land use category applicable to the project site and the applicant may review the zoning maps and/or the future land use maps to determine adjacent or nearby districts or categories.

Checklists will be provided the applicant so that the applicant will have quick and ready access to the requirements imposed by this article. If the applicant submits plans for preliminary review, the growth management department shall review the proposal for consistency with the provisions of this Code and the comprehensive plan. The applicant and/or the county may, at this time, request a development agreement be entered into that would vest certain conditions agreed to by both parties in accordance with the procedures and requirements as provided in F.S. §§ 163.3220--163.3243. The form of such development agreement shall be approved by the county attorney's office. The planning board shall conduct one of the two public hearings required by law.

4.02.03. Reserved.

4.02.04. Master plan.

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A. *General.* If a development is to occur in phases, a master plan shall be submitted. In addition, development of all parcels five acres or more within the mixed use future land use categories and development of parcels 15 acres or more within the commercial future land use category shall undergo the master plan process as described herein and in Policy 8.A.1.12. Preliminary and final plats must be approved for each phase of the development under the procedures described herein.

B. *Application procedure and requirements.* The applicant shall file with the division a written application for approval of the master plan, with a minimum of six copies of the plan, the required application fee and other appropriate items indicated on the "master plan submittal checklist" found in section 4.02.04.C., below.

1. *Department .* Within ten working days of receipt of an application for master plan approval, the department shall determine whether the submittal is complete and inform the applicant in writing as to the deficiencies.

2. *Development review committee (DRC).* The planning and zoning department shall transmit a copy of the master plan to the DRC. The DRC shall review the plan submittal within ten working days of receipt of the completed application for master plan approval. The DRC shall consider the following:

- a. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.
- b. The nature of the proposed development, including land use types and densities; the approximate total ground coverage of paved areas and structures; and, types of water and sewer treatment systems.
- c. Conformity of the proposed development with the comprehensive plan, this Code, any approved development agreement(s) and for property under the jurisdiction of the SRIA, conformity with any terms or conditions recommended by the SRIA, including existing, executed and legally effective lease agreement for the subject property.

3. *Development review committee decision.* The DRC shall transmit its approval, conditional approval or disapproval to the applicant within ten working days of its review. The master plan shall be approved, or approved with conditions based on the standards in section 4.02.04.B. The applicant shall have the option of appealing the decision within fifteen (15) working days to the BOA and/or submit a new or revised master plan for review.

C. *Submission requirements.* The master plan shall be in sufficient detail to explain the development concept and shall include the following information:

1. Vicinity map of the area within one mile surrounding the site showing traffic circulation systems and major public facilities.
2. Legal description of the development area.
3. Topographic data available from U.S.G.S. or other sources.

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4. Land use designations and boundaries, zoning, and development characteristics surrounding the site.
5. Any proposed or existing conservation areas and any environmentally sensitive land.
6. Conceptual surface water management for the site.
7. Source(s) of potable water and method(s) of wastewater disposal.
8. Developer's plan for providing all utilities to the site.
9. A development phasing schedule including the sequence for each phase; approximate acreage of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities, if any.
10. Total acreage (approximate) in each phase and gross intensity (nonresidential) and gross density (residential) of each phase.
11. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area, if any.
12. Approximate location of proposed and existing streets including points of ingress and egress.
13. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses, if any.
14. Demonstrated consistency with the comprehensive plan.
15. Other documentation necessary to permit satisfactory review under the requirements of these and other applicable regulations as required by special circumstances in the determination of the director.

D. *Effective period of master plan approval.* The master plan shall be effective for a period of two years from the date that such master plan is approved by the county, at the end of which time the applicant must have submitted an application for preliminary plat and construction plan approval for the first phase of development. If such is not submitted for approval within the two-year period, the master plan approval shall be null and void. If the master plan expires and the applicant chooses to proceed with a phased development of the project site, a new master plan must be submitted for review subject to the then existing regulations. In the event there are changes to a phased development, a revised master plan shall be submitted with each phase.

4.02.05. *Preliminary plat and construction plans.*

A. *Application procedure.* The applicant shall file with the department a written application for approval of the preliminary plat and construction plans, together with three copies of the preliminary plat and construction plans and other information indicated on the preliminary plat and construction plans approval checklist package available through the planning and zoning department.

1. *Department.* Within 30 working days of receipt of a preliminary plat and construction plans submittal, the planning and zoning department shall determine whether the preliminary plat and construction plans submittal is complete and inform the applicant in writing of any deficiencies. The applicant may submit an

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amended preliminary plat and construction plans submittal within six months without payment of an additional fee. If more than six months have elapsed the applicant must thereafter initiate a new application and pay a new fee.

2. *Division manager, development services.* The division manager, development services shall review the preliminary plat and construction plans submittal and shall transmit the division manager, development services' recommended approval, conditional approval, or disapproval to the DRC within 30 working days of the determination that the submittal is complete. The applicant shall have the option of appealing the decision of the division manager, development services pursuant to the provisions of section 2.04.00 of this Code.

3. *Development review committee (DRC).* The department shall then transmit a copy of the preliminary plat and construction plans submittal to the DRC. The DRC shall review the plat, including the construction plans, and recommendation of the division manager, development services within ten working days. The DRC shall determine whether the submittal warrants approval, conditional approval or denial and in the case of an approval or conditional approval shall issue a development order for the preliminary plat and construction plans.

B. *Submission requirements.* The submission requirements for preliminary plats and construction plans shall be as set forth separately, below. The preliminary plat shall include the information listed in this subsection. The preliminary plat shall be signed and sealed by a State of Florida licensed professional engineer. Notes should be used whenever possible on the preliminary plat to explain, verify or identify additional information that is important to the understanding of the site and the plan for development. All property being subdivided shall have the appropriate zoning and future land use map designation for the land uses and densities being proposed.

As a minimum, the preliminary plat package shall include:

1. A vicinity map of the area at a minimum scale of 400 feet to the inch, showing all adjacent existing subdivisions (including names and recording data), the tract lines of acreage parcels of land, all street and alley lines immediately adjoining the proposed subdivision, and between it and the nearest highway or thoroughfare, public facilities, and jurisdictional boundary lines.
2. A minimum horizontal scale of 100 feet to the inch.
3. The name of the proposed subdivision.
4. A legal description of the property, referenced to the section, township and range, as applicable. If in a land grant, the preliminary plat will so state. The initial point in the description shall be tied to the nearest government corner or other recorded and well-established corner. Section lines and 40-acre section lines occurring in the platted land shall be indicated by lines drawn upon the preliminary plat, with appropriate notes.

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5. A survey, signed and sealed by a registered land surveyor, accurate in scale of the property to be subdivided. Recording or survey discrepancies of adjoining or referenced tracts shall be shown in detail.
6. The future land use map designation; zoning and development characteristics surrounding the site.
7. The existing zoning of the site, the proposed minimum lot size, the proposed residential, commercial and industrial land use type(s) and the residential density.
8. The names of all abutting subdivisions and the location of adjoining platted lots and parcel lines within 100 feet of the subdivision (if unplatted, so state).
9. The existing utility and surface water management system, easements and improvements, including buildings located on the tract.
10. The lot design, including:
 - a. Total number of lots and/or blocks.
 - b. Lots, drawn to scale, and typical lot dimensions.
 - c. Tracts for multifamily development.
 - d. Setbacks from streets and highways.
11. Approximate phasing of the project, if applicable.
12. The location of all sites for multifamily, commercial, industrial, utility, institutional or recreational uses and other public, semi-public and private uses exclusive of single-family residential lots.
13. Physical/environmental conditions, including:
 - a. Existing contours at one-foot intervals or as required by county engineer referenced to NGVD datum.
 - b. Identification of on-site soils using the USDA Soil Classification System. A licensed professional engineer or professional geologist shall determine the anticipated wet season water table.
 - c. The location, depth and extent of all soils defined as unsuitable or nonrated for development where development is proposed to encroach into areas containing such soils.
 - d. Identification of all protected threatened and endangered species habitat and environmentally sensitive lands governed by state, local, and/or federal regulations; state, local, and federal wetland jurisdictional boundaries including date of wetland delineation; all identified conservation areas which are to be retained and noted as a "conservation easement."
 - e. One hundred-year flood elevation data for all developments as indicated on the flood insurance rate map (FIRM), dated August 19, 1987, or latest revision, prepared by the Federal Emergency Management Agency unless a naturally running watercourse is located within the development and

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the watercourse is used for stormwater storage or is otherwise diverted or dammed, then the calculated 100-year flood elevations must be indicated on the plan.

- f. Protected and/or preserved trees for those projects required to identify such trees.
14. Existing and required (proposed) improvements including the following:
 - a. Name, location and right-of-way width of all existing streets noting roadway surface (paved, clay, shell, etc.), rights-of-way and platted streets within 500 feet of the proposed entrance(s) of the proposed subdivision.
 - b. Proposed streets, including:
 - i. Name or temporary designation and right-of-way width;
 - ii. Where applicable, typical design cross section indicating pavement type, width, surface water management features, sewers and water main location and sidewalk/bikeways or other labor intensive facilities. Separate cross sections for all entrance roads featuring medians, with a note explaining maintenance and ownership responsibility;
 - c. Note explaining any proposed vacation of rights-of-way.
 15. Proposed method and source of water supply and wastewater disposal. The developer shall show the points of connection to the existing systems.
 16. The stormwater management plan with a schematic diagram of the proposed stormwater collection system, method of pollution/erosion control and stormwater retention/detention with preliminary calculations as to pond sizing if ponds are preferred or required. The direction of flow for all surface drainage and existing storm sewers on or abutting the tract. Stormwater retention/detention areas so designated on the plat and proposed ownership.
 - a. Retention of the first half-inch of runoff; and
 - b. Postdevelopment runoff shall not exceed the predevelopment runoff rate for a 25-year storm of critical duration, up to and including an event with a 24-hour duration.
 17. Proposed shoreline vegetation alteration shall be indicated.
 18. Location, width, purpose and maintenance responsibilities for all proposed easements, facilities, or rights-of-way other than for streets.
 19. Compliance with the comprehensive plan and other relevant provisions of this Code.
 20. Copies of any proposed covenants and restrictions relevant to the preliminary plat for a subdivision, including the following:

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- a. Deed restrictions.
- b. Operation and maintenance responsibilities for stormwater/drainage facilities, including any required dedications.
- c. Maintenance responsibilities for conservation easements or environmentally sensitive areas.
- d. Maintenance responsibilities for any private streets or infrastructure.
- e. Property owner association documents, by whatever name called.
- f. Any other documentation or information necessary for a complete understanding of the provisions, terms or conditions (expressed or implied) on the preliminary plat.

21. A list and description of all variances from this article and this Code granted by the BOA for the subdivision.

22. All plats for lands which contain coastal properties as defined herein shall be submitted with a certified boundary survey showing the mean high water line as defined by F.S. ch. 177, pt. II, "Coastal Mapping" and be prepared by a licensed professional surveyor or mapper. The survey procedure used to determine the mean high water line must be approved by the department of environmental protection, bureau of surveying and mapping.

C. Effective period of preliminary plat and construction plans approval. The preliminary plat and construction plans shall be effective for a period of two years from the date that the preliminary plat is approved by the county, at the end of which time the applicant must have submitted a final plat for approval. If the final plat is not submitted for approval within the two-year period, the preliminary plat and construction plans approval shall be null and void, and the applicant shall be required to resubmit a new preliminary plat and construction plans for review subject to the then existing land development regulations. However, an applicant may request a one-time 12-month extension from the director of planning and zoning. The director may grant the extension if good cause is shown for needing the additional time. Good cause could include the size or scale of the project or circumstances beyond the applicant's control such as an act of God or labor shortage.

(Ord. No. 2012-36, § 9-13-2012)

4.02.06. Construction plans. The plans shall be reviewed by the division manager, development services and approved/disapproved within 30 working days. Construction plans shall be prepared for required improvements with the following minimum requirements:

- A. Horizontal control of the subdivision with radii of curves, lengths of tangents, and central angles of streets.
- B. A minimum of two benchmarks shall be shown on the plans, not more than 1,500 feet apart. Benchmarks shall not be required at closer intervals than 600 feet. Plans shall indicate the location, elevation and description of all benchmarks to include section, township, and range reference with departures and distances to location.

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C. Plans and profiles of each proposed street, including private streets, at a horizontal scale of 50 feet or less to the inch, and vertical scale of five feet or less to the inch, with tentative grades indicated; including plans and profiles of proposed sanitary sewers, also stormwater sewers if required, or use of grassed swales with grades and sizes indicated.

D. A complete grading and erosion control plan shall be submitted to the division manager, development services as part of the construction plans. The plan shall indicate the proposed direction of flow of the area within the subdivision not a part of the infrastructure. This can be accomplished with flow directional arrows. This information shall be included on the site plans associated with the building permit application for lots within the respective subdivision. Minimum finished habitable floor elevation (excluding basements) shall be eight inches above the finished grade of the lot. If no sod is installed, elevation shall be ten inches above the finished grade of the lot. Finished grade shall be sloped from the foundation 2 1/2 inches within ten feet or less including sidewalks, patios and driveways and then sloped, at a minimum one-sixteenth inch per foot to a positive outfall. A positive outfall for a lot within a subdivision approved since April 1973 shall be defined as the drainage system filed and approved by Escambia County. A positive outfall for all other lots or parcels shall be to an existing county or state drainage system. Treated stormwater may be discharged into surface water bodies; however, channeling untreated runoff directly into water bodies or functioning wetlands is prohibited.

E. A plan showing the location and typical cross sections of street pavements including concrete curbing, sidewalks, bikeways, utility and drainage easements, rights-of-way, manholes, and catch basins; the location, size and invert elevations of existing and proposed wastewater sewers and storm sewers and the location and size of existing and proposed water, gas, and other underground utilities or structures mains.

F. All technical specifications and requirements described in article 7 of this Code, including a stormwater management plan and all relevant technical construction specifications contained within the county specifications manual as approved and periodically updated by the division manager, development services. Drainage calculations and plans shall be based on the level of service requirements established within this Code and the comprehensive plan. The plans shall include all necessary calculations and documentation demonstrating the adequacy of the existing and proposed facilities. The division manager, development services shall require that the design of drainage construction for major channels or under arterial and collector roads be predicated upon, and designed to control stormwater from, at least a 100-year storm event. The facilities shall be designed for a 25-year storm event (See section 7.15.00). Compliance with rules and regulations of state and federal regulatory agencies, including, but not limited to the Florida Department of Environmental Protection, Florida Department of Transportation, United States Environmental Protection Agency and the U.S. Corps of Engineers is the responsibility of the developer and/or his licensed professional engineer.

G. All construction plans and supporting documents submitted to the division manager, development services for review and approval shall bear the date, seal and signature of the engineer-of-record responsible for the design.

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4.02.07. Final plat-approval process.

A. *Generally.* Where a proposed development includes the subdivision of land, the board of county commissioners shall approve the recording of a final plat. For a standard subdivision, the final plat shall substantially conform with the preliminary plat and construction plans. Any increase in the number of lots or any increase in proposed density or intensity does not substantially conform.

B. *Application procedure and requirements.* Following the approval of the preliminary plat and construction plans, the applicant, if he wishes to proceed with the subdivision, shall within two years from the date of the preliminary plat and construction plan approval, file with the county an application for approval of a final plat. The application for final plat shall be accompanied by the following:

1. The required fees as adopted by the BCC.
2. The required number of copies of the final plat, which shall be consistent with the approved preliminary plat, conform to F.S. ch. 177 and include the entire subdivision, or portion thereof, which derives access from an existing state or county street or highway.
3. A certificate of cost estimate prepared by the applicant's engineer.
4. A certificate from the tax collector showing county taxes current; or a certificate from Santa Rosa Island Authority showing that the lease fee is current, if property is under the jurisdiction of the SRIA.
5. The final plat, drawn at a minimum scale of 100 feet to the inch, shall be submitted before expiration of the preliminary plat and construction plans and shall clearly show the following features and information:
 - a. A legal description of the property which is so complete that from it, without reference to the final plat, the starting point, boundary and closure can be determined. The description should be referenced to the section, township and range as applicable. If in a land grant, the plat will so state. The initial point in the description shall be tied to the nearest government corner or other recorded and well-established corner. Section lines and corners occurring in the final plat shall be indicated by lines drawn upon the final plat, with appropriate words and figures.
 - b. All final plat boundary lines with lengths of courses to hundredths of a foot and bearings or angles in degrees, minutes and seconds, based on an accurate survey in the field.
 - c. The exact location and the widths along the property lines and names of all existing or recorded streets intersecting or paralleling the boundaries of the tract.
 - d. Bearings and distance to the nearest established street bounds, other established survey lines, or other official monuments, which monuments must be located or accurately described on the final plat. Any established survey or corporation lines shall be accurately monument marked and located on the final plat, and their names shall be lettered on them.

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- e. The accurate location of all permanent reference markers and all markers, specified by F.S. ch. 177 shall be located and of such material as required by F.S. ch. 177. In addition, all other lot corners shall be marked with iron pins, a minimum of one-half inch in diameter and 18 inches in length, or with galvanized pipe, a minimum of one-half inch in diameter and 18 inches in length. The requirement for lot corner markers may be postponed provided that a letter of agreement from the applicant's surveyor guaranteeing installation of lot corner markers as specified after construction accompanies the final plat.
- f. The exact layout with all survey data required by the Florida Plat Act, F.S. ch. 177, including, but not limited to:
- (1) Street and alley lines, location, bearings, names, angles of intersection and width (including widths along the line of any obliquely intersecting street).
 - (2) The lengths of all arcs, chords, radii, points of curvature and tangent bearings.
 - (3) All easements or rights-of-way shall be shown, and their intended use shall be clearly stated. Proposed street names shall be included.
 - (4) All lot lines with dimensions in feet and hundredths, and with bearings or angles in degrees, minutes and seconds, if other than parallel to or at right angles to the street and alley lines.
- g. Lots numbered in numerical order, and blocks also numbered or lettered in order.
- h. The accurate outline of all property which is offered for dedication for public use, and all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivision with the intended use indicated.
- i. All building or beach setback lines stipulated in SRIA lease agreements or required in this Code shall be shown or noted.
- j. Private restrictions, if any and if known.
- (1) Boundaries of any type or use restriction.
 - (2) Restrictive covenants if any will be submitted with the final plat.
- k. Name of the subdivision and name or number of any larger subdivision or tract of which the tract being subdivided forms a part. The words "Escambia County, Florida" shall appear under the name of the subdivision.
- l. Names, recording data and locations of adjoining subdivisions. If contiguous property is unplatted, it shall be so designated.

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- m. If the subdivision is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made, and the fact of its being a subdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.
- n. Names and addresses of the owner or owners of record, the applicant, and of the registered Florida land surveyor who prepared the plat.
- o. North-point, scale and date. Bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend.
- p. Certification by the registered Florida land surveyor who prepared the final plat to the effect that the final plat is a true and correct representation of the lands surveyed; that the survey was made under his responsible direction and supervision; that the survey data complies with all the provisions of F.S. ch. 177; F.S. §§ 177.011--177.151, as amended from time to time; that all monuments and markers indicated therein actually exist and their location, size, and material area are correctly shown. Any monument destroyed or disturbed by construction shall be replaced by the applicant's surveyor 1) prior to acceptance of improvements and release of bond, or 2) prior to acceptance of the final plat, whichever may be later. The seal of the land surveyor shall appear on the final plat.
- q. All dedications, approvals, and certificates required by law, including a current title opinion by an attorney or a title insurance company showing ownership of all land included in the subdivision and certifications by the division manager, development services.
- r. Special flood hazard areas where the proposed subdivision or any part thereof is in an area subject to 100-year flooding. Flood insurance rate maps (FIRM) for Escambia County dated August 19, 1987, and September 17, 1992, and any revisions thereto, will be used to determine the 100-year flood hazard areas unless a naturally running watercourse is located within the development and the watercourse is used for stormwater storage or is otherwise diverted or dammed, then the calculated 100-year flood elevations must be indicated on the plan.
- s. Any restrictive covenants which may have been required by the county for maintenance of privately owned improvements, such as subdivision entrance markers and private recreation areas or sites.
- t. Certification and seal by the engineer of record, or duly licensed engineer in the State of Florida, and certification of an attorney who is a member of the Florida Bar that he has, on behalf of the applicant, examined the final plat and accompanying documents and has found them to be in proper legal form to meet all requirements of the F.S. ch. 177 and this article.
- u. Identification of all protected threatened and endangered species habitat and environmentally sensitive lands governed by state, local, and/or federal regulations; state, local, and federal wetland

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jurisdictional boundaries including date of wetland delineation; all identified conservation areas which are to be retained and noted as a "conservation easement."

6. If the developer intends to dedicate or deed the stormwater retention pond(s) shown on the plat to the county, an application for the creation of a municipal service benefit unit to fund the costs of future maintenance shall be submitted in accordance with the requirements of Ordinance No. 2006-51 at the time of filing the application for final plat approval.

C. *Standards for approval of final plats.* The purpose of this section is to set forth the standards and criteria the county shall consider in determining whether to approve or deny an application for final plat approval. No final plat for a proposed subdivision shall be approved unless:

1. The application conforms with the requirements of this article regarding the form and content of the plat; timely submittal; offers of dedication and payment of an inspection fee;
2. The application conforms with the requirements of F.S. ch. 177, as amended, regarding the form and content of plats offered for recording. Final plat review and approval does not constitute verification of all "survey data" as defined in F.S. ch. 177. If the county chooses to verify the survey data shown on the plat, the county shall utilize a surveyor in the employment of, or under contract with, the BCC for the purpose of such examination, at the expense of the county;
3. Adequate security has been provided for the warranty of required improvements in accordance with this article;
4. The application conforms in all respects to the requirements of this Code;
5. The final plat is in substantial conformance with the approved preliminary plat; and
6. Adequate security has been provided for any construction punchlist deficiencies determined to be incidental. Items not considered incidental include, but are not limited to, base course, paving, and storm sewer systems. Items that are considered incidental could include, but not limited to, fencing, sod, street signs, etc. The security will be in the form of cash escrow or irrevocable letter of credit expiring six months after the deadline for the scheduled completion of the work. The amount of the escrow will be based on 150 percent as per the pricing agreement of the cost of construction of the incidentals as per the pricing agreement or \$7,500.00 whichever is greater. If the items are not completed within 90 days of approval from the board of county commissioners, the division manager, development services may use this escrow to correct these deficiencies. If the division manager, development services determines that in his or her judgment the developer has made good faith progress toward completion of the incidentals in the first 90 days, one 90-day extension may be granted. Upon proof of completion of the incidentals, the county shall return any unused escrow.

D. *Submission and review.* The original mylar and six copies of the final plat along with an original and two copies of the restrictive covenants, if any, shall be submitted to the county together with the applicable filing

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fee. The final plat shall be reviewed by the county engineer, county surveyor and the DRC to determine that the final plat meets the standards of this Code and all the appropriate requirements of this article. Upon determination by the DRC, county engineer and county surveyor that the final plat meets the requirements of these regulations, the original copy of the final plat shall be transmitted to the BCC for approval and endorsement.

E. *Signing of final plat.* Following approval by the BCC and compliance with this article, the original mylar shall be signed by the county engineer, county surveyor, director, and the clerk of the circuit court.

4.02.08. *Final plat recording and filing process.*

A. The clerk of the circuit court will record and file the final plat in accordance with F.S. ch. 177.

B. The division manager, development services will transmit a copy of the final plat to the property appraiser, utilities, building official, the director, and to the Santa Rosa Island Authority, as appropriate.

4.02.09. *Fees.* Appropriate fees shall be paid for processing the preliminary plat and filing the final plat. The amount of the fees shall be established, from time to time, by the BCC. The applicant shall be responsible for paying all processing and recordation fees.

4.02.10. *Modifications.* The general principles of design and minimum requirements set forth in sections 4.02.04 and 4.02.05 of this article may be varied. The applicant may request additional modifications to the design standards set forth above. Such modifications may only be approved upon the certification of the developer's licensed professional engineer and division manager, development services plus the approval of the BOA.

4.02.11. *Reversion of subdivided land to acreage.*

A. *Vacation before resubdivision by owner.* Before the BCC approves a final plat of land for which a final plat previously was filed and recorded, the owner of the final plat of land sought to be resubdivided shall vacate the prior subdivision or such portion or portions thereof in the manner prescribed by law. The resubdivision of an individual lot shall be exempt from this provision.

B. *Vacation before resubdivision by the board of county commissioners.* The BCC, by its motion and upon resolution, may order the vacation and reversion to acreage of all or any part of a subdivision within its jurisdiction, provided that such motion and resolution are based upon findings reviewed at an advertised public hearing conducted (and advertised) for the specific purpose of considering such vacation. Public hearing advertising and notification requirements shall be those set forth in F.S. § 177.101. In addition, the applicant shall publish a legal notice of public hearing at the applicant expense, notice must be published at least two weeks prior to the date of the public hearing. Further, a sign must be placed on the property prior to the public hearing advertising the public hearing.

C. *Access to individually owned parcels.* No owner of any parcel of land in a final plat for subdivision shall be deprived of access to such parcel by reversion to acreage.

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(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2000-30, §§ 3--7, 7-6-2000; Ord. No. 2001-11, § 2, 3-1-2001; Ord. No. 2002-9, §§ 1, 2, 2-21-2002; Ord. No. 2003-9, § 2, 3-20-2003; Ord. No. 2006-56, § 1, 7-20-2006; Ord. No. 2006-92, § 1, 12-7-2006; Ord. No. 2007-60, § 3, 10-4-2007)

4.03.00. Assurances for completion, inspection, maintenance and warranty of subdivision improvements.

Before any final plat which provides both public and private improvements may be approved by the BCC for recordation, the applicant shall provide the assurances described in this section.

4.03.01. Completion of public improvements and lot improvements. Unless excluded under section 4.01.03, before any lot may be sold or any building permit issued to erect improvements on any lot which makes reference to a final plat, said plat shall be approved by the BCC and the Santa Rosa Island Authority, if under the jurisdiction of the SRIA and recorded in the public records of Escambia County.

A. Construction of improvements. All required improvements except sidewalks or incidentals per section 4.02.07 are required to be installed by the builder(s) in accordance with the policy for the installation of sidewalks associated with new development, shall be constructed by the applicant and accepted by the county prior to final plat approval. All required improvements shall be made by the applicant, without reimbursement from the county or any improvement district except that, as may be allowed under state law, the applicant may form or cause to be formed a special district or districts to construct and finance the construction of required public improvements. If the applicant does form or cause to be formed a special district, the county shall not approve the final plat until the special district has sold bonds or otherwise certifies to the county that it has an absolute right to raise revenues sufficient to construct, maintain and warrant the construction of the required improvements.

4.03.02. Inspection of improvements.

A. General procedure and fees. The county shall provide for the inspection of required improvements during construction and inspection for completion in accordance with the approved construction plans. The applicant shall pay the county an inspection fee as may be set by resolution. Such fees shall be due and payable upon approval of the construction plans. If the division manager, development services finds that any required improvement has not been constructed in accordance with the county's codes, standards and specifications, the applicant shall be notified of the deficiency and shall be responsible for properly completing the improvements. The county may withhold the issuance of building permits and certificates of occupancy and discontinue all on-site inspections until the improvements are properly completed and all required test documentation has been submitted for approval.

B. Inspection. The division manager, development services will cause improvements to be inspected from time to time as appropriate. After each inspection and receipt of inspection reports, the inspector will issue a notice on-site approving or disapproving the improvement for acceptance by the county, delivering one copy to the representative of the applicant who is present at time of the inspections and mailing one copy to the official

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address of the applicant or engineer of record. However, if technical problems or complicated engineering issues warrant, the inspector may elect to confer with the division manager, development services and issue the notice within three days of the inspection.

C. *Final inspection.* At the completion of construction, the applicant shall request the county to perform the final inspection. A list detailing any deficiencies shall be provided to the applicant. Upon completion of the final inspection, including correction of all deficient items, receipt of the record drawings and certified "as-built" drawings of the improvements, the division manager, development services will:

1. If requested by the applicant, recommend that the BCC (or the SRIA for roads at Pensacola Beach) accept for ownership and maintenance improvements which meet county standards; and
2. Notify the applicant of the warranty provisions of this article and determine the type and amount of surety required, if any.

D. *Warranty inspection.* At the end of the applicant's warranty period, the division manager, development services shall direct that a warranty inspection be made. A list detailing any deficiencies shall be provided to the applicant. Upon successfully correcting the deficiencies, if any, the division manager, development services shall verify that the applicant has met all the requirements of the warranty provision within three days after the inspection.

4.03.03. *Maintenance, acceptance and warranty of subdivision improvements.*

A. *Maintenance.* The applicant shall be required to maintain all required public road paving, drainage, detention or retention ponds and traffic control improvements until acceptance of the dedicated improvements by the BCC or the SRIA, for property under the jurisdiction of the SRIA, and recordation of final plat.

B. *Acceptances.* Formal offers of dedication of streets, public areas, easements and parks, retention or detention ponds will be shown on the final subdivision plat. The BCC may require the final plat to be endorsed with notes to that effect. The BCC will not accept dedication of public improvements until the director has submitted a recommendation of approval to the BCC stating that all required improvements have been completed in accordance with all applicable county requirements and until:

1. The applicant's engineer has certified to the division manager, development services that all required improvements have been completed in accordance with the construction plans and specifications for the subdivision and has accompanied said certification with record drawings, and certified test results, including but not limited to soil borings, as well as other completion documents required by the division manager, development services; and
2. A title insurance policy or title opinion (at the option of the applicant) has been furnished to and approved by the county indicating that the public improvements may be dedicated to the county free and clear of any encumbrances.

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Until final acceptance of the improvements by the county, the improvements shall be under the charge and care of the applicant, who shall bear all liability relating thereto, as well as the risk of loss, or damages to such improvements until accepted by the county. The applicant shall save and hold harmless the county and its employees from any and all claims for damage to persons or property sustained during the prosecution of the work.

C. *Warranty.* The BCC or SRIA, shall require the applicant to warrant the improvements to be free from construction, design, material and workmanship defects for a period of two years from the date of recordation of final plat. This warranty shall be contained in a written warranty agreement prepared by the county. The division manager, development services may require a surety/financial security when necessary, in the division manager, development services' judgment, for portions of infrastructure where documented deficiencies exist including, but not limited to:

1. Cracked concrete and cracked curbing.
2. Minor ponding of water on the asphalt.
3. Minor settling of asphalt areas.
4. Minor deficiencies in storm pipe.
5. Ponds recharging at a slow rate but still meet regulatory requirements.
6. Stabilization and erosion.

4.03.04. *Acceptable forms of surety.* Acceptable forms of surety include, but are not limited to, the following:

1. Cash escrow, which may be deposited in an interest-bearing account with withdrawals conditioned upon the approval of the county administrator, or his designee. Interest on such deposits will be retained by the developer only if the developer satisfactorily completes the improvements guaranteed by the deposit;
2. Other appropriate forms of surety agreed to by the BCC and applicant.

4.03.05. *Building permit required.* Any construction which may be authorized by this Code shall not commence unless and until the applicant for such construction has first obtained all applicable building permits from the building and inspections department.

- A. Each applicant for building permit will be provided, upon request, a checklist and guide sheet by the building and inspections department to assist the applicant in meeting the requirements of the building and inspections department and fulfilling his responsibility pursuant to the building or construction permit.
- B. Applications for building permits, checklists and guides for users shall be maintained and periodically updated, as necessary, by the building and inspections department.

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- C. Building permit applications must include all information needed to comply with sections 4.01.04 and 4.02.06.D. of this Code.

4.03.06. Issuance of building permits and certificates of occupancy. A building permit shall not be issued until the final plat has been approved and recorded except as excluded in section 4.01.03. No certificate of occupancy shall be issued for any building (except on-site sales facilities) in the subdivision unless all required public improvements needed to serve such building have been installed in conformance with this Code, the subdivision plans (preliminary plat and/or final plat) and any agreements, or terms and conditions thereof, relating to the development of such subdivision.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2002-9, § 3, 2-21-2002; Ord. No. 2006-92, § 2, 12-7-2006; Ord. No. 2007-60, § 3, 10-4-2007)

4.04.00. Requirements for improvements, dedications and design.

4.04.01. General improvements.

A. *Conformance to applicable rules and regulations.* In addition to the requirements established herein, all subdivisions shall comply with the following laws, rules, and regulations:

1. All applicable statutory provisions.
2. Zoning and other provisions of this Code, building and housing codes, and other applicable laws of the Escambia County.
3. The special requirements and rules of the Escambia County Health Department and/or other appropriate county and state agencies.
4. The rules of the Florida Department of Transportation if the subdivision or any lot contained therein abuts a state highway.
5. The standards and regulations recommended by the county administration (LPA, county engineer, division manager, development services, planning and zoning, etc.) and based on generally accepted professional planning principles and practices, sound professional engineering principles and practices, public safety considerations, and the like, and adopted by the BCC.
6. The rules and regulations of the SRIA, when under its jurisdiction.

B. *Monuments.* The applicant shall place permanent reference monuments in the subdivision as required in these regulations and by F.S. ch. 177, as amended.

C. *Subdivision name.* The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations except when the subdivision is subdivided as an additional unit or section by the same applicant or his successors in title.

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D. *Innovations.* *Innovations in design and construction of subdivision improvements are encouraged.* The division manager, development services may recommend to the BCC certain innovative or experimental designs and/or construction materials or procedures relating to subdivision improvements that are not expressly permitted by this Code. The innovative or experimental concepts proposed shall be submitted by the developer and endorsed and justified by the developer's licensed professional engineer. The innovative design and construction of subdivision improvements shall be approved if they are determined to achieve the relevant and appropriate criteria/standards for subdivision improvements, and the developer warrants the improvements as required by this article. The developer may be required to post an additional negotiated warranty based on the estimated costs of the total project improvements.

4.04.02. *Dedications.*

A. *Streets and roads.* If a tract to be subdivided abuts any part of an arterial or collector street, as defined by the county's traffic engineer or designated in the comprehensive plan, and said street is contained in an adopted capital improvement plan by the state or county and has a programmed widening by the state or county, the part of such public right-of-way necessary to comply with that programmed plan shall be set aside by the developer for potential dedication. The county encourages the developer to request the roads and streets, and the stormwater management system be dedicated to the county concurrently. If the developer so chooses to dedicate the roads and streets separate from the stormwater system, the roads and streets may be dedicated without the stormwater management system only if it is determined the roads and streets will not be negatively impacted if the stormwater management system should fail.

B. *Public access.* A developer shall provide adequate public paved access to the tract to be subdivided, including all necessary paved roads, ditches and rights-of-way, and drainage structures. Said access shall lead to an established and publicly maintained road system. The developer shall prepare necessary deeds, agreements and easements for the access system and shall attempt to acquire such rights of easements. However, at the option of the applicant, the county may assist in acquisition of such easements when such acquisition is in the public interest, governmental action is necessary to acquire the property and the developer advances all costs and expenses incurred by the county in taking such action.

C. *Parks and recreation.* Every residential subdivision shall meet the level of service standards for parks and recreation, and open space identified in article 5 of this Code.

D. *Acceptance of dedication offers.* Formal offers of dedication of streets, public areas, easements and parks shall be shown on the preliminary plat and final plat for subdivision. The BCC may require the final plat to be endorsed with appropriate notes to this effect.

4.04.03. *The street and block layout.*

A. *Streets.* The street layout of the subdivision shall be in general conformity with a plan for the most advantageous development of adjoining areas and the entire neighborhood. This shall apply to all streets, including private streets. If the requirements listed below pose a threat to public safety or are in violation of

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sound engineering practices, design alternatives may be requested by the county engineer to ensure public safety and/or sound engineering practices.

1. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect. Future commercial and residential subdivisions along major roads, thoroughfares and arterial streets shall provide access routes for all uses within the subdivision.
2. Proposed streets shall extend to the boundary lines of the tract to be subdivided where such an extension is necessary to connect with streets in an existing, platted or planned subdivision. If said subdivision is adjacent to the proposed subdivision, said proposed streets will connect with streets in the existing, platted, or planned subdivision. However, nothing herein shall grant to any person or entity other than Escambia County any right of access or right to require the granting of access. However, if the county engineer and the applicant agree that the proposed subdivision should not connect with an adjacent subdivision, said connection will not be required.
3. In a proposed subdivision or accumulation of subdivisions of 100 lots or more adjacent to an existing or platted subdivision where extension of proposed streets to the boundaries would dead end with no feasible street connections, there shall be at least two entrance streets into or a loop street through the proposed subdivision which streets shall be connected to a paved road. For the purpose of this provision a loop street means the primary local road designed to move traffic through the subdivision. The developer may utilize a single ingress/egress point, provided however, that such point provides for separation of traffic entering and exiting the subdivision by a median or other measure and provided however, that left and right turn lanes are provided for the connecting road. The median width shall be at least six feet and shall run the entire length of the entrance road between the connecting road and the loop road.
4. Half streets shall be prohibited except where a previously platted half street abuts a tract to be subdivided. The second half of the street shall be platted within the tract being subdivided and the entire street shall be improved as determined by the BCC upon recommendation of the DRC.
5. A cul-de-sac or local dead-end street shall not exceed 1,200 feet in length, exclusive of the permanent turning circle at the end of that street; however, the county engineer may recommend approval of a cul-de-sac over 1,200 feet in length to serve odd-shaped parcels of land which cannot be developed in any other reasonable manner or to serve property that would otherwise be denied reasonable access caused by manmade or natural obstacles adjacent to such property.
6. No streets or roads under the two-year warranty will be allowed to be open cut, or jack-and-bored, unless specifically approved by the division manager, development services. To accomplish this requirement, common trenching is required whenever possible. If a determination is made that common trenching is not a feasible option, the developer will install conduit or make other appropriate arrangements for the utility not participating in the common trenching and the utility will be required to use the conduit. This shall require planning between the utility and the developer.

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B. *Blocks.*

1. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth, unless prevented by exceptional topography or other physical conditions. In the case of arterial and collector streets, where it may be desirable to limit direct access to said street, through lots may be approved provided that a suitable nonaccess easement is recorded on that portion of the lots directly adjacent to the primary, secondary or collector street. The length of blocks shall not exceed 1,320 feet.
2. Blocks shall be designed to accommodate pedestrian/bikeway facilities consistent with the sidewalk and bicycle plan adopted by the county, if any.

C. *Parcels not included in plat.* Escambia County shall have the right to prohibit the creation of any separate tracts or parcels owned by the developer and not included in the subdivision, where creation of such parcels or tracts is not consistent with the overall goals, intent, and purposes of this Code or the orderly development of subdivisions. Outparcels are not specifically prohibited unless in conflict with this Code.

4.04.04. *Minimum right-of-way widths of streets, alleys and easements for utilities and drainage.*

- A. *Arterials.* State highways and county arterials, as designated in the comprehensive plan, shall not be less than 100 feet wide.
- B. *Collectors.* Collector streets, as designated in the comprehensive plan, shall not be less than 80 feet wide.
- C. *Local streets.* Local streets including temporary cul-de-sacs, shall be 50 feet if curb and gutter are utilized, or 66 feet if roadside swales are utilized.
- D. *Turning circles.* Turning circles (permanent) at the end of cul-de-sacs or dead-end streets shall have a right-of-way 100 feet in diameter.
- E. *Easements.* Easements for utilities, where required, shall be at least ten feet wide, and where practical shall be centered on rear or side lot lines.
- F. *Alleys.* Alleys normally shall not be platted within subdivisions. However, where they are acceptable to the overall development of a subdivision by the county engineer, they shall be platted to a width of not less than 20 feet nor more than 30 feet.
- G. *Drainage easement.* Drainage easements must contain underground piping and shall be platted to a width sufficient to accommodate the projected pipe sizes, and shown on the recorded plat but in no case shall such easement be less than 15 feet in width unless a variance is approved by the division manager, development services.
- H. *Drainage right-of-way.* Open ditches and drainage swales must be constructed within public dedicated or deeded right-of-way with a minimum width of 15 feet and shown on the recorded plat unless a variance is approved by the division manager, development services.

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4.04.05. Minimum pavement widths. The portion of pavement required to be installed at the developer's expense is set forth below. As a condition of approval of new subdivisions on roadways which do not conform to county standards, the subdivider may be required to improve the portion of said road which adjoins, provides access to or is within the proposed subdivision. Improvements may include installation of turning lanes, increased pavement widths, installation of drainage facilities, paving or dirt roads, etc.

A. *Streets.* Local streets will be 20 feet in width and collector roads will be 24 feet in width, plus curb and gutter on both sides. If soil and topographic conditions and impervious areas indicate that no drainage problems will be created or aggravated, the curb and gutter requirements may be waived, and substituted with ribbon curb (or improved shoulders, four feet wide, or other stabilization methods may be used) and swales as approved by the CE. The determination of whether drainage problems shall be created or aggravated will be made by the developer's registered professional engineer, subject to approval of the county engineer.

B. *Turning circles.* The pavement of a turning circle at the end of a cul-de-sac or dead-end street shall have a minimum inside curbface diameter of 80 or 90 feet, with NFPA approved "No Parking Signs".

C. *Temporary turning circle.* The pavement of a temporary turning circle at the end of a cul-de-sac or dead-end street shall be tangent to the boundary of the adjacent property and shall have an outside diameter of 80 feet. The division manager, development services may recommend that requirements for curb and gutter around the outside of the temporary turning circle be waived.

D. *Alleys.* Alleys, if approved by the division manager, development services, shall be paved to a width of 18 feet.

4.04.06. Intersections.

A. *Angle.* Proposed streets shall intersect one another within ten degrees of right angles as topography and other limiting factors of good design permit.

B. *Radii.* Street right-of-way intersections and edge of pavement intersections shall be rounded by radii of 25 feet minimum.

C. *Site distance.* Intersections should be designed to provide site distance considerations (reference section 7.01.08).

D. *Offsets.* Intersection centerlines need to be aligned or offset in accordance with FDOT standards.

4.04.07. Lots. The size, shape and orientation of lots shall be in accordance with article 6 of this Code.

4.04.08. Nonresidential subdivisions. Nonresidential subdivisions shall be developed according to a master plan and are a restricted type of planned industrial/commercial developments, districts or parks. The master plan shall include detailed provisions for types of industries, public access, access streets, interior streets, truck loading docks, off-street parking, traffic circulation, drainage, utilities including fire protection, waterfront facilities if appropriate, and proposed covenants and restrictions. Covenants and restrictions may be incorporated as legal requirements in

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deeds of sale or leases, and provide for effective control of the land, buildings and industrial/commercial operation which the nonresidential subdivision is designed to attract. Block planning and phased development may be included in the master plan. The preliminary plat, construction plans and final plat requirements of this Code apply to such nonresidential subdivisions.

4.04.09. Development in areas with high water tables. Development of subdivisions in areas with high water tables shall be subject to and consistent with the requirements of the comprehensive plan and the following:

- A. Where the height of the permanent water table is less than two feet, or is uncertain, the division manager, development services and/or [sic] may require a typical boring for each lot in a proposed subdivision. If required, these heights shall be shown on the preliminary plat [of] the building permit site plan and shall be certified by developer's registered professional engineer.
- B. No slab-supported or on-grade building shall be constructed on a lot in a subdivision where the permanent water table is less than two feet below average grade of that lot unless a special engineering report is submitted with the preliminary plat and so noted on the face of the final plat and on the construction plans. The report shall be prepared by a professional engineer licensed by the State of Florida. It shall address subsurface conditions and construction methods to ensure provision of adequate foundations and safe, stable construction of all buildings, driveways and streets in the subdivision.

If a special engineering report is required, no building permit for an on-grade structure shall be issued except in conformity with the requirements of that report. A copy of the special engineering report shall be transmitted to the building official by the county engineer.

Note: Nothing herein shall be interpreted to require additional information on plats beyond that which is otherwise required by this Code or in state or federal regulations.

4.04.10. Subdivision name markers and median islands. Subdivision name entrance markers and median islands may be placed at the entrances to subdivision developments provided that they meet the following criteria:

- A. Markers shall be privately owned and maintained and designed in accordance and in harmony with the general purpose and intent of this Code and the character of the surrounding area, as approved by the division manager, development services. No marker shall be placed on county or state rights-of-way.
- B. Markers shall be placed on land platted within the subdivision.
 1. Each plat shall provide that each person ultimately owning land in the subdivision shall own an undivided part interest in the land on which the marker is constructed, whether or not the interest is noted in the instrument conveying ownership of land within the subdivision. This requirement shall also be set forth in any restricting covenants burdening the subject subdivision.
 2. A developer may also note on the plat that ownership of the marker and the land upon which it is constructed is vested in a homeowner's association having the obligation to assess fees for the maintenance of the marker and the payment of property taxes pertaining to the marker. However, each

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person owning land within the subdivision shall be deemed to agree that a failure of the homeowner's association to maintain the marker or pay taxes on the land upon which it is constructed shall cause the marker and the land upon which it is constructed to revert to the undivided ownership of the persons owning land within the subdivision, whether or not said reversionary clause is noted in the instrument conveying ownership of land within the subdivision.

C. Median islands shall be privately owned, maintained and designed in accordance with the harmony and the general purpose and intent of this Code and the character of the surrounding area, as approved by the division manager, development services. No median island shall be placed on county or state rights-of-way unless approved by the BCC and/or FDOT.

4.04.11. *Design standards.*

A. *General.*

1. The developer shall retain the service of a registered professional engineer. The engineer shall use due care in preparing construction plans and specifications which shall comply with the design standards set forth in this article and the "Technical Specifications for Construction of Roadways and Subdivisions, Escambia County, Florida." All construction plans shall include the applicable details taken from the county's standard detail sheets, which are available from the engineering department. Before construction commences on a subdivision, the developer shall receive notification that the construction plans and specifications for said development have been approved by the division manager, development services.

2. Prior to the final inspection request, the engineer of record for the project shall submit a set of record drawings which are the same as submitted to FDEP "as-built" certification stating that the project has been constructed substantially in accordance with the approved construction plans or that deviations from those approved construction plans will not prevent the project from functioning in compliance with the intent and purpose of this Code when properly maintained.

B. *Water supply and sewerage.* The applicant/developer shall maintain a valid unexpired reservation of capacity for water and/or sewer service from the provider who's franchise area serves the subject property. Letters of capacity and/or other standard forms provided by the department and executed by the service provider shall be provided and such letter or form shall constitute documentation of reservation of capacity. (Reference section 5.05.00)

C. *Roadway design speed.* Local roads shall be designed with a minimum design speed of 15 mph. Subdivision collector roads (roads which service a cumulative development of 100 lots or greater) shall be designed with a minimum design speed of 20 mph.

4.04.12. *Fire hydrants.* Provisions shall be made for installation of fire hydrants.

A. No residence in any subdivision approved after adoption of this Code will be more than 500 feet from a fire hydrant on a six-inch water line. Locations of fire hydrants shall be noted on the construction plans; or

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- B. In areas serviced by a four-inch water line, the proposed locations of flushing hydrants shall be shown on the construction plans; or
- C. If public or community water systems service is not available or the existing water line is less than four inches, fire hydrants need not be located or noted on the construction plans.

4.04.13. Drainage.

A. *Drainage system.* The developer shall provide an adequate drainage system for any subdivision in accordance with the requirements of article 7 of this Code, including all necessary ditches, canals, greenbelts, outfalls, bridges, holding ponds, etc. Said system shall lead to a positive drainage outfall. The developer shall prepare any necessary agreements or easements for disposition of surface waters beyond the limits of the subdivision and shall attempt to acquire necessary rights of easements; provided, however, the county may assist in acquisition of such easements when it is in the public interest and where governmental action is necessary for proper disposition of water and the developer advances all costs and expenses incurred by the county.

No drainage system shall provide for the use of existing and/or proposed ponds, lakes, settling basins or other such structures unless the developer has obtained prior approval from the county engineer. If such structures are approved by the Division Manager, Development Services, they shall be constructed in accordance with sound engineering practices and have the ability to collect the runoff from a 25-year critical duration storm. The developer may dedicate such structure to the county, or to one or more owners of property within the subdivision. Such dedications may be noted on the face of the final plat. Such dedicated structures shall be placed behind the front building line and, shall be screened with shrubs, bushes, or other natural barriers. If such structure cannot feasibly be placed as described from a sound engineering standpoint or is deemed not necessary due to its project amenity characteristics, the county engineer may vary this requirement. Ponding areas must be installed in suitable locations as indicated by the geotechnical engineer's soils report and recommendation provided to the Division Manager, Development Services to verify no adverse impact.

A homeowner's association or similar body may be created, at the option of the applicant, and given responsibility for maintaining such drainage structure and for paying the property taxes due on the land upon which the structure is located. If the structure is to be owned by one or more owners of property within the subdivision without the formation of such body, appropriate agreements shall be executed in order to ensure that the above responsibilities are fulfilled. The county shall not be deemed to be responsible for the maintenance of the structure, and the county shall not be deemed to be the owner of an easement upon the structure; however, the developer shall execute, on his behalf and on behalf of the landowners within the subdivision who are ultimately to have ownership of the structure, a hold harmless agreement, holding the land owner harmless from the effects of any waters that may flow into or about the structure, and such other provisions as the county may require.

The homeowner's agreement or document creating the association or body mentioned above, or other appropriate agreements mentioned above, will vest in Escambia County the authority to assess reasonable fees

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upon the owners of lots designated in the subdivision as owning the structure, or upon the owners of lots designated as part of the homeowner's association, or other similar body, for payment of costs of maintenance and for payment of property taxes for lands designated as ponds or other drainage structures, in the event that such structure is not maintained or that taxes are not paid. These provisions shall also be set forth in any restrictive covenant binding the property.

The developer shall comply with the following requirements for any detention and retention/detention structure (public or private):

1. The detention and retention/detention structures shall be large enough to adequately control a 25-year critical duration storm as per section 7.15.06.A. The structure will also have an emergency overflow or "popoff" into a positive drainage outfall.
2. For detention and retention/detention structures designed and constructed where there is no positive outfall, the structure shall be constructed to collect all the run-off from a 100-year critical duration storm with zero discharge and shall percolate all of the run-off within 7 days. These structures must remain under private ownership and maintenance, and shall be noted as such on the plat.
3. A geotechnical soil analyses report is required, including standard percolation test and soil borings with the water table and soil classification shown. Typically, a minimum of one test per five acres is required depending upon extent of environmental/physical conditions of the development. Soil data obtained from the SCS Soil Survey map, design layout, and natural topography shall be used to determine suitable soil boring locations to define the subsurface and surface hydrology. At minimum, the Geotechnical data should be used for swale analyses, roadway design, pond percolation design, and to define any areas considered unsuitable for development.
4. Detention and retention/detention area buffers will be defined by section 7.13.03.N.
5. The developer shall obtain all other necessary permits and approvals from all applicable local, state, and/or federal agencies, or proof of exemption, and provide a copy to the County prior to Final Inspection request.

If the developer desires to request the BCC to accept any detention and retention/detention structure for ownership and maintenance, he /she shall obtain the approval of the BCC and shall comply with the following requirements:

1. All detention and retention/detention structures shall be fenced (section 4.02.06.F) if any portion of the structure has a slope steeper than 4:1, including the slopes below the permanent pool elevations in a retention/detention structure.
2. All detention and retention/detention structures shall have side slopes no steeper than 3:1.
3. Adequate access, for maintenance purposes, shall include a minimum width of 15 feet to the detention and retention/detention area and shall have a minimum 14 foot wide access gate, as necessary.

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The access road to the retention/detention structure shall be unobstructed and shall be a minimum of 12 feet wide, constructed of graded aggregate a minimum of 5" thick, and underlain with geotextile fabric.

4. Retention/Detention structures (wet ponds) - Adequate access for maintenance purposes, shall include a minimum width of 15 feet for access around the perimeter of the retention area.

5. Detention structures (dry ponds) - A ramp for access to the bottom of the retention area for maintenance equipment shall be required with a slope not to exceed 6:1. The access ramp shall be a minimum of 12 feet wide, constructed of graded aggregate a minimum of 5" thick, and underlain with geotextile fabric. Also, the entire bank slope, from the bottom of the pond to a point three feet beyond the bank line, shall be sodded.

6. The land shall be dedicated to the county or the county shall be provided with a warranty deed to the parcel involved; said plat or deed to be approved for recording by the BCC prior to acceptance of the pond for county maintenance.

7. Enactment of an ordinance creating a Municipal Service Benefit Unit to fund the cost of future county maintenance as provided in Ordinance No. 2006-51 of the Escambia County Code of Ordinances.

B. *Drainage plans.* In accordance with the requirements of this Code, drainage plans shall be submitted and approved by the division manager, development services. The drainage system within the project boundaries shall be designed and constructed to collect, control and dispose of the runoff from the 25-year storm, pursuant to standards in this Code. No storm drain pipe less than 18 inches in diameter or an eighteen-inch equivalent shall be used.

C. *Roadway elevation.* Minimum elevation of the crown of subdivision roads shall be four feet above mean sea level, unless otherwise approved by the division manager, development services based on sound professional engineering principles and practices. (NGVD Datum)

D. *Canals and lakes.*

1. For canals or lakes designed to have bank slopes of 6:1, or flatter, permanent slope protection or seawalls are not required; however, all disturbed areas must be sodded.

2. For canals or lakes designed to have bank slopes steeper than 6:1, but flatter than 2:1, the entire bank slope from the design water surface to a point three feet beyond the berm line shall be sodded in a manner to guarantee a healthy growth of pangola, bahia or bermuda, centipede and/or other suitable grass.

3. For bank slopes designed to be steeper than 2:1, a seawall designed in accordance with good engineering practice shall be required.

4. All canals shall be excavated to a width and depth sufficient to eliminate interruption to navigation or drainage that may result from minor shoaling caused by bank erosion.

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E. *Natural watercourse.* Any natural watercourses (live flowing creek) on the property shall be shown on the final plat. The existence of control and regulation of the DEP over such areas shall be appropriately shown or noted on the final plat.

F. *Open ditches or swales.* The use of open ditches or swales shall be allowed provided they are designed in accordance with standard engineering practices acceptable by the division manager, development services, and provided the following conditions are met:

1. *Drainage rights-of-way:*

- a. All ditches or swales shall be stabilized.
- b. Bank slopes shall be 6:1 or flatter, unless permanent stabilization is provided.
- c. Velocity of water shall not exceed three feet per second in grassed ditches or six feet per second in paved ditches.
- d. Maximum allowable design depth of water in ditches shall be three feet during a 25-year storm.
- e. Bottom of ditch or swale is two inches or more above the water table.
- f. Any ditches with grades of five percent or greater shall be paved or otherwise improved so as to eliminate erosion and sedimentation buildup in the lower elevations of the ditch, as approved by the CE.
- g. Adequate access for maintenance equipment (15 feet wide minimum) must be provided.

2. *In road rights-of-way:*

- a. Ditches shall not exceed three feet in depth.
- b. Edges of ditches shall be a minimum of six feet from the outside edge of the pavement.
- c. Velocity of water shall not exceed three feet per second on grassed ditches, or six feet per second in paved ditches.

G. *Erosion control.* Erosion control shall be provided where necessary and in a manner approved under this Code, or by other applicable county, state and federal laws, ordinances, or regulations.

H. *Minimum slopes.* The minimum slope for ditches, swales and gutters shall be 0.3 percent.

I. *Subdrains, subsoil drains and trench drains.* Subdrains, subsoil drains and trench drains shall be required where soil and water conditions warrant.

4.04.14. *Utilities.* The developer is encouraged to place all utilities underground in exchange for a density bonus or other incentives as provided in article 7. The developer is also encouraged to install street lights. A street lighting district may be established, through the board of county commissioners, for the installation, operation and/or maintenance of these street lights.

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4.04.15. Traffic control devices. The developer shall install traffic control devices as specified by the division manager, development services. Such devices shall conform with provisions in the Manual on Uniform Traffic Control Devices and FDOT standards.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2003-9, § 2, 3-20-2003; Ord. No. 2006-56, § 2, 7-20-2006; Ord. No. 2007-6, § 1, 2-15-2007; Ord. No. 2007-60, § 3, 10-4-2007; Ord. No. 2009-27, § 1, 8-6-2009)

4.05.00. Resubdivision of land.

A. Procedure for resubdivision. Resubdivision shall be subject to the same procedures prescribed for the subdivision of land.

B. Resubdivision. Resubdivision of land shall be required to grant certain easements. Resubdivision shall be required when the applicant proposes to make changes in any of the following, as shown on the final plat:

1. Street layout or the provision of public improvements;
2. Lot lines;
3. The amount or location of land reserved for public use or for the common use of lot owners; and
4. Land proposed to be dedicated to the county or other public entities.

C. Division of lots within a subdivision. Where further division of an approved lot is not prohibited by any restriction found on the face of a recorded plat, division of an approved lot within a recorded subdivision must meet the density and width provisions of article 6 and must receive conditional use approval by the board of adjustment. This is not to preclude a shifting of lot lines that does not create additional lots.

D. Conversion of a residential platted lot into a thoroughfare.

1. In the event that a developer requests conversion of a platted lot in a residential subdivision into a thoroughfare so that it becomes an ingress and egress to another residential subdivision, such request shall require approval by the board of county commissioners at a public hearing.
2. The department of growth management, division of planning and zoning shall notify the developer and the current property owners within a 500-foot radius of the platted lot, which the developer proposes to convert to a thoroughfare, of the public hearing by certified mail, return receipt requested, at least ten days prior to the scheduled public hearing. The notice shall state the date, time and place of the public hearing.
3. The department of growth management, division of planning and zoning shall place a 20" × 30" sign on the subject property announcing the date, time and location of the public hearing at least ten days prior to the hearing.

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4. The date, time and place of the public hearing shall also be advertised at least ten days in advance.

4.05.01. Plat vacation.

A. *Owner-initiated plat vacation.* The owner or owners of lots in a subdivision with a final plat, or the developer, may petition the BCC for vacation of the final plat with respect to their properties.

1. *Criteria.* The BCC may approve the petition for vacation on such terms and conditions as are reasonable to protect public health, safety and welfare; but in no event may the BCC approve a petition for vacation if the vacation will significantly affect the ownership or right of convenient access of persons owning other parts of the subdivision or materially injure any public rights.

2. *Recordation of revised plat.* Upon approval of a petition for plat vacation, the BCC shall direct the petitioners to prepare a revised final plat in accordance with these regulations. The revised final plat shall be recorded pursuant to the procedure established for an original final plat.

B. *Developer-initiated plat vacation.* The applicant, who owns, controls, or has the consent of all the owners of lots to be vacated in a subdivision may petition the BCC for vacation of the final plat in whole or in part, including but not limited to any areas dedicated to public use within the final plat. The petition shall be approved, conditionally approved or disapproved by the BCC subject to the criteria in subpart A.1. above. Notwithstanding the BCC's action on the petition, the developer or its successor shall have no right to a refund of any monies, fees or charges paid to the county nor to the return of any property dedicated to the county.

(Ord. No. 99-38, § 1, 9-5-1999)

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PART II. SITE PLAN REGULATIONS**4.06.00. Site plan review and approval.**

Wherever in this Code site plan approval is required, the procedures and requirements of this part shall be followed.

4.06.01. Review and approval required. Site plan review and approval through the development review committee (DRC) is required for all nonresidential development, and for all residential development that includes five or more dwelling units on a single lot of record, except as provided in section 4.06.02, exceptions to DRC review and approval. "Qualifying minor development," as defined in section 4.06.03., DRC review and approval for minor development, may be reviewed and approved through an abbreviated DRC process. All other development is reviewed as major development. Application of the development standards of this Code to proposed development is the same, regardless of the review process.

Additionally, development of all parcels five acres or more within the mixed-use future land use categories, and development of parcels 15 acres or more within the commercial future land use category, shall undergo the master plan process described in section 4.02.04 and in Policy 8.A.1.12. Applications for review and approval of site plans, master plans, and site plan modifications that exceed the criteria for minor development (see section 4.06.10, modification of approved site plan) shall be reviewed in accordance with the provisions of this Code in effect at the time of plan submittal to and acceptance by the department of growth management, notwithstanding any subsequent amendments to this Code.

4.06.02. Exceptions to DRC review and approval. The building inspections department (BID) may issue permits for eligible development without site plan review and approval through the DRC. However, the one-stop development planners will review proposed development for compliance with the provisions of this Code prior to permitting and may require review and approval by other departments or agencies. Site plan review and approval through the DRC is not required when proposed development satisfies ALL of the following criteria as applicable:

A. *Buildings and other structures.* The construction of new accessory buildings and/or additions to existing buildings results in a net increase in gross floor area of less than 500 square feet. Repeated expansions of building gross floor area, constructed over any period of time commencing with the effective date of this Code, shall be combined in determining whether this threshold has been reached. The construction of new principal structures requires review and approval through the DRC.

B. *Impervious surface.* The increase in impervious surface results only from additions or modifications to existing development and the net increase is less than 1,000 square feet. Repeated expansions of impervious surface, constructed over any period of time commencing with the effective date of this Code, shall be combined in determining whether this threshold has been reached.

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C. *Change of use.* The change of use of an existing structure is not for a commercial use in a residential structure, and the change results in no exterior additions, no alterations of gross floor area, and less than a 25 percent increase in minimum required parking, regardless of existing parking capacity.

D. *Driveways.* Only existing driveways are utilized, or the appropriate permit(s) for any new or modified site access proposed or required has been obtained.

E. *Construction trailers.* The use of temporary construction trailers for either materials storage or contractor offices is limited to areas of construction designated on an approved and valid site plan. Temporary sales trailers require review and approval through the DRC.

F. *Reconstruction.* Reconstruction of an existing structure, up to and including complete replacement, results in no enlargement, expansion, or relocation of the structure.

4.06.03. *DRC review and approval for minor development.* Site plan review and approval through the DRC as minor development may occur when proposed development satisfies all of the following criteria as applicable:

A. *Buildings and other structures.* The construction of new accessory buildings and/or additions to existing buildings, or new development of utility service structures, results in a net increase in gross floor area of no more than 2,000 square feet. Otherwise, the construction of a new use principal structure requires review and approval through the DRC as a major development.

B. *Impervious surface.* The additions and/or modifications to existing development, or the new development of utility service structures, result in a net increase in impervious surface of no more than 2,000 square feet. As determined by the county engineer or designee, the amount of impervious area may require preparation of a stormwater management plan.

C. *Change of use.* The change of use of an existing structure results in exterior additions or additions of gross floor area of no more than 2,000 square feet.

D. *Protected wellheads.* The development, except single-family homes, is not within the 7-year travel time contour of a protected wellhead; or, if north of County Road 196 (Barrineau Park Road), is not within 500 feet of a protected wellhead. Additionally, no new protected wellhead is proposed.

E. *Density transfer.* No new density transfer is proposed and no approved density transfer agreement is modified.

4.06.04. *Site plan submittal.* All site plans shall be submitted to the department for review and such plans shall be accompanied by a prescribed application form and the appropriate fees.

A. *Application form.* Such application shall be in a form substantially in accordance with the form prescribed by the director, copies of which may be obtained from the department. A written power of attorney or agent's affidavit authorizing a person other than the owner(s) to sign such application must be attached to and

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accompany said application and submitted to the department when the application is executed by a person other than the owner.

B. *Application fee.* A fee shall be required for filing said application in amounts specified by the county commission. A schedule of such fees shall be maintained in the department.

C. *Department review.* The application shall be forwarded to the department and such other departments as may be pertinent. Departments shall then proceed to make appropriate studies and/or reviews and take into consideration the recommendations of other county departments concerned with the attendant problems including but not limited to wastewater systems, refuse collection, surface water drainage, water supply, fire protection, buffering for abutting residential properties, pedestrian and vehicular access, internal circulation and vehicular parking, and such other requirements as the director deems applicable to make an appropriate evaluation. The evaluative comments shall then be forwarded to the department for appropriate action and submittal to the development review committee (DRC). This shall be done with deliberate haste by all departments so as to prevent inconvenience and delay to the project.

4.06.05. *Conformance with code and comprehensive plan required.*

A. Any building, structure or use shall be erected, altered, installed and/or maintained in full conformity with the provisions of this Code, with the site plan approved by the department and with the adopted comprehensive plan.

B. No site plan may be approved if development pursuant to such site plan would cause any threshold in comprehensive plan policy FLU 1.3.1 to be exceeded.

4.06.06. *Considerations in reviewing site plans.*

A. *Site location and character of use.* The zoning districts including height, area and bulk regulations, general provisions and the list of permitted principal, accessory and conditional uses, the adequate provision for public services, off-street parking, landscaping, required open spaces, yards and building setbacks and conformance to performance standards shall collectively be the principal guide in determining the suitability of the location of the proposed use. The following factors shall be considered as well:

1. *Residential density.* The gross density (i.e., units per gross land area of site) of specific site plans and subdivisions shall be compatible with the established range of densities within the impacted area and as established by the adopted comprehensive plan. Area and parcel specific densities shall be as defined by article 6 of this Code.
2. *Intensity of nonresidential development.* In reviewing nonresidential development the intensity of the use shall be determined by applying height, area and bulk regulations, performance standards, by limiting the amount of impervious cover to a maximum of 85 percent and by a maximum floor area ratio of 1.1.
3. *Building heights.* Structures over 100 feet in height shall be reviewed by the planning staff and NAS Pensacola for impact on aircraft operations. Structures over 200 feet in height shall be referred to the

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county emergency management office (for protection of emergency communication systems) and the Federal Aviation Administration. See also sections 2.10.02 (Building height modifications), 7.18.00 (Commercial Communication Towers) and 11.02.02 (Airport zoning height limitations for NAS Pensacola).

B. *Appearance of site.* The appearances of sites and structures shall be coordinated for the purpose of creating a pleasing and harmonious overall effect. Architectural style or design is not restricted. Evaluation of a project shall be based on the quality of its design and relationship to the impacted area considering the following factors:

1. Mechanical equipment or other utility hardware (including satellite receiving dishes) other than antennas and stacks on roofs shall be harmonious with the building or they shall be located and/or screened (in compliance with section 7.01.06), so as not to be visible from any public ways within the impacted area.
2. Refuse and waste removal areas shall be buffered and/or screened from adjacent properties and public ways by appropriate fences, wall or hedges. In cases where dumpsters must be located in areas highly visible from any public right-of-way, the director shall be authorized to require appropriate vegetative or structural screen to shield an unsightly condition.
3. Exterior lighting shall be so arranged as to shield or deflect the light from adjoining properties and public streets. Performance standards of section 7.03.00 shall be complied with.

C. *Access, internal circulation and off-street parking.*

1. In determining whether the criteria of this section is met, the director shall consult with the Florida Department of Transportation, the county engineer and other relevant county departments as deemed necessary. Driveways and areas for the parking and internal circulation of vehicles shall be located, designed and controlled so as to provide for safe and convenient access from adjoining streets. The applicant for site plan approval shall provide vehicular access in accordance with Florida's Department of Transportation standards and as accepted by the county engineer. Requirements of section 7.02.00 shall be applied for off-street parking. Among factors to be considered shall be the number and location of access drives from adjacent streets, the location and width of driveways and access aisles to parking spaces, the arrangement of parking areas and means of access to buildings for firefighting apparatus and other emergency vehicles.
2. For commercial sites with buildings individually or cumulatively 50,000 GSF or greater, pathways through parking lots and across driveways between buildings and out parcels shall be provided for pedestrians. Such pathways shall be separated from vehicle driveways and shall be clearly identified by curbs, pavement markings, planting areas, fences or similar features designed to promote pedestrian safety.
3. For parcels which front two or more roadways. Access shall be permitted onto the higher class roadway if the driveway location can meet the driveway separation standard in section 4.06.03C.5.

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- 4. All commercial and multifamily development proposals shall provide deceleration lanes as required according to county specifications and shall be coordinated with the Florida Department of Transportation, as appropriate.
- 5. Unless otherwise approved by the county engineer, in order to reduce turning movements on roadways, new access points to development sites or projects should be as follows:

TABLE INSET:

Posted Speed (mph)	Distance Between Access Points (feet)
>45	440
36--45	245
35 or less	125

Nothing in this section shall be deemed to deny or used to deny reasonable access to any private property.

- 6. For developments which directly access a state road, a FDOT roadway connection permit (or proof of exemption) pursuant to F.A.C. ch. 14-96, as now exists or hereafter amended, shall be obtained and submitted to the department prior to the application for a building permit.
- 7. If a site abuts any part of an arterial or collector street, so designated in the Comprehensive Plan, with an adopted plan generated by the state or county and has programmed widening by the state or county, the part of such public right-of-way necessary to comply with that programmed plan shall be set aside by the developer for potential dedication.

D. *Open space and landscaping.*

- 1. Open space and spaces between buildings required by this Code shall be located and improved so as to reasonably serve the purposes for which the requirements are intended. These purposes include provisions of adequate light and air, appropriate separation between buildings and uses, enhancement, privacy, sufficient area for recreation and leisure pursuits and to facilitate surface water drainage.
- 2. The landscape performance standards and section 7.01.00 shall be satisfied as well as provisions concerning protection of trees and the natural landscape of the site as to prevent excessive change in existing character, stormwater runoff, erosion, siltation and dust.
- 3. In order to maintain stability of residential areas, nonresidential development within or abutting residential districts and multiple-family development abutting single-family residential districts, shall provide a wall or buffer as outlined in section 7.01.06 of this Code.
- 4. For new subdivisions, provisions for street tree plantings in section 7.01.00 shall be satisfied.

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E. *Flood-prone land.* Construction in flood-prone areas shall comply with the county flood hazard prevention regulations as defined within article 10 (part I or part II, as appropriate) of this ordinance.

F. *Provision of adequate public services.* Appropriate facilities for providing potable water, sanitary sewerage collection, solid waste disposal, surface water drainage and fire protection shall be incorporated in the site plan. These facilities shall be reviewed by appropriate county departments including the county engineer and the fire department and, at Pensacola Beach, the SRIA. The evaluative comments of department heads shall be provided to the director to facilitate the department review. A concept plan for drainage of surface water runoff supplied by the applicant shall be approved by the county engineer prior to consideration of a site plan by the department of growth management. Prior to application for a building permit, a detailed drainage plan prepared by a professional engineer, registered in the State of Florida, shall be approved by the county engineer. A Florida licensed professional engineer shall certify that the drainage plan has been appropriately implemented prior to the issuance of certificate of occupancy. In order to control stormwater runoff and minimize impact on existing county drainage facilities and further to aid in the protection of the quality of ground and surface water, the conceptual and detailed site drainage plan shall include at least the following provisions:

1. The site drainage plan shall include practical means of reducing the amount of pollution generated by the project to a level compatible with current Florida Water Quality Standards found in F.A.C. chs. 17-2, 17-3, 17-4, and 17-6 (i.e., department of environmental protection minimum standards). Such standards shall be met including the retention and disposal by percolation of at least the first one-half-inch of runoff. Skimming devices may be required.
2. At a minimum, on-site retention and detention storage shall be provided for the increased stormwater runoff volumes from the proposed development and shall provide a release mechanism to limit the stormwater runoff peak rate and timing from the storage facility to that which would have been expected from the development site under natural or predeveloped conditions for all critical duration design storms up to, and including, the 24-hour, 25-year frequency storm. Rainfall intensity-duration information for calculating runoff shall be based upon the curves prepared by the FDOT, Zone 1 area.
3. In order to determine the limits required of the stormwater facilities, the county engineer will make his judgement based upon data submitted by the applicant with the conceptual site drainage plan. The data shall consist of, at least: inflow hydrographs, velocities, flood routing calculations and storage recovery calculations based upon current site percolation tests.
4. All stormwater management plans shall be so designed, signed and sealed by a Florida registered professional engineer. The department shall not issue any construction permit without the stormwater plan approval from the county engineer's office.
5. A FDOT drainage connection permit (or proof of exemption) pursuant to rules of the department of transportation, Chapter 14-86, "Drainage Connections" as now exists or hereafter amended, shall be

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obtained prior to application for a building permit and submitted to the department of growth management.

G. *Additional consideration.* The department of growth management may require reasonable additional information to be provided by the petitioner for site plan review in order to carry out a review process which is necessary to fulfill the purpose, intent and requirements of this Code and the comprehensive plan. The CE or director may require a detailed drainage plan or certified boring and soils tests prior to final action in order to avoid adverse environmental impacts, particularly in large scale development proposals.

H. *Arterial or collector street.* If a tract/lot to be developed abuts an arterial or collector street, so designated in the comprehensive plan, and has an adopted/programmed plan generated by the state or county, and as part of that plan widening of the right-of-way is required, the part of such public right-of-way necessary to comply with that programmed plan shall be set aside by the developer for potential dedication.

I. *Mean high water line.* All site plans for lands which are defined as coastal properties shall be submitted with a certified boundary survey showing the mean high water line as defined by Chapter 177, Part II, Florida Statutes, "Coastal Mapping" and be prepared by a licensed professional surveyor or mapper. The survey procedure used to determine the mean high water line must be approved by the department of environmental protection, bureau of surveying and mapping.

4.06.07. Approval by the department of growth management. The department shall not approve any site plan unless it finds that such site plan conforms to all applicable provisions of this ordinance, that the safety and convenience of the public are properly provided for, that adequate off-street parking and loading facilities are provided owners, tenants, visitors and employees, and that adequate protection and separation are provided for contiguous and nearby residential property. Further, site plan approval is contingent upon the applicant meeting the tests for concurrency.

4.06.08. Approval subject to conditions. The department may attach to its approval of a site plan any reasonable conditions, limitations or requirements which are found necessary, in its judgment, to address the impacts of the proposed development, to effectuate the purpose of this section and carry out the requirements and purpose of this Code.

4.06.09. Information included on site plan. A site plan, for the purposes of this section, shall include, but not necessarily be limited to, the following requirements:

- A. Site plan with grades, finished ground floor elevations, contours, number of dwelling units, square footage of site, building coverage, square footage of paved areas, and open area.
- B. A scaled drawing of the sides, front, and rear of the building or structure, generalized floor plan uses and square footage of each proposed use of all buildings or structures.
- C. Location and character of all outside facilities for waste disposal (including dumpsters), storage areas, display, septic tanks, or utilities.

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- D. All pedestrian walks, malls, yards and open spaces.
- E. Location, size, character, height or orientation of all signs as required in this ordinance.
- F. Location and general character of landscaped areas based on the criteria and standards set forth in section 7.01.00, including the location of any protected or preserved trees.
- G. Location and general character of all existing curb cuts, driveways, parking areas, within 100 feet of any proposed curb cuts, driveways or parking areas.
- H. Location, height and general character of perimeter or ornamental walls, fences or other screening devices.
- I. Surface water drainage facilities plan certified by an engineer registered in the State of Florida.
- J. Location of existing easements and rights-of-way, including any required additional right-of-way.
- K. Land survey with complete legal description prepared and certified by a registered surveyor. All architecture or engineering designs must be prepared by a professional architect or engineer registered in the State of Florida pursuant to F.S. chs. 471 and 472 as exists or hereafter amended and which require an appropriate seal on the subject plan prior to issuance of a building permit and also prohibit a Florida registered architect or engineer from placing a seal on a plan not prepared or directly supervised by such a registered professional.
- L. For protective shoreline structures, in addition to the above, a scaled plan and an anti-erosion impact statement, certified by a licensed engineer registered in the State of Florida with experience in beach erosion problems and solutions, shall be submitted in accordance with the requirements outlined in section 12.01.02 and in compliance with applicable state and/or federal regulations. An anti-erosion statement shall be required and include:
 1. A description of the features of the site plan and proposed measures to be undertaken by the developer in order to prevent or minimize erosion of adjacent and down drift properties. This statement shall include any anticipated adverse impacts of the proposed structure and shall be thoroughly elaborated. The anti-erosion impact statement shall be certified by an engineer registered in the State of Florida with experience in waterfront erosion.
 2. In cases where developer does not propose to cover the wall with sand and undertake a sand replenishment program, a statement is required by an engineer registered in the State of Florida certifying that a sand cover is not possible or practical and describing conditions supportive to the judgment.
 3. An agreement by the department or county engineer that construction activity shall be conducted in a way which minimizes the adverse impact on the waterfront anti-erosion program.
 4. The department or county engineer may request other information as is necessary for proper evaluation of a waterfront development proposal.
 5. An agreement by the developer that the county, its officers and employees shall be held harmless from any damages to persons or property which might result from work or activity undertaken by the developer and authorized by the county.

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- M. All plans shall be drawn to a legible scale (one inch equals 20 feet is preferred), unless the director, or his designee, determines a different scale is sufficient or necessary for proper review of the proposal.
- N. For all multifamily residential and all nonresidential development proposals, the trimline sheet size shall be at least 24 inches by 36 inches. A one-half-inch margin shall be provided on all sides except for the left binding side(s) where a two-inch margin shall be provided if multiple sheets are used.
- O. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
- P. The front cover sheet of each site plan shall include:
1. A general vicinity or location map drawn to scale showing the position of the proposed development in the section, township and range, together with the principal roads, county limits, or any other pertinent orientation information.
 2. A complete legal description of the property pursuant to subpart K above.
 3. The name(s), address(es) and telephone number(s) of the owner(s) of the property.
 4. The name, business address and telephone number of those individuals responsible for the preparation of the drawing(s).
- Q. The area of the property shown in square feet and/or acres.
- R. The 100-year flood elevation boundaries, the CCCL, CHHA, and shoreline protection zone, where appropriate or applicable.
- S. Total area calculation with percentage of total site to be covered by impervious surface(s) and landscaping.
- T. And other information as may be required by the department.
- U. Identification of all protected native habitats and environmentally sensitive lands governed by state, local, and/or federal regulations; state, local, and federal wetland jurisdictional boundaries including date of wetland delineation; all identified conservation areas which are to be retained and noted as a "conservation easement."
- V. Zoning districts and FLUM categories.
- W. For structures over 200 feet above ground level, an FAA airspace evaluation, pursuant to the filing of an FAA Form 7640-1.

4.06.10. Modification of approved site plan. After a development permit has been issued, it shall be unlawful to modify, change, alter, or otherwise deviate from the terms and conditions of the development order without first obtaining approval through the development review committee (DRC). Approval of modifications must be requested in writing and obtained prior to the issuance of a certificate of occupancy or other final construction approval by the county. From an applicant's written description of all proposed modifications the DRC will confirm the applicable review process for a revised site plan based upon the criteria of section 4.06.03, DRC review and approval for minor development. Modifications that exceed the criteria for minor development will require application for new site

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plan review and approval as major development. Site plans modified as major development will be reviewed according to the code provisions at the time of application for such modifications. Upon approval, a new development order and certificate of concurrency will be issued. Modified plans approved through minor development review will be issued an amended development order retaining the effective period of the original development order and certificate of concurrency.

4.06.11. Termination, extension and transferability. A development order for an approved site plan shall be effective for a period of 18 months from the date of issuance of its development order. Site plan approval shall expire and become null and void if a permit for the approved development has not been obtained from the building inspections department (BID) within the effective period of a development order for a site plan and no extension has been applied for as provided by article 2, sections 2.05.01 and 2.05.05 of this Code. Thereafter, site plan approval and its accompanying certificate of concurrency shall only terminate upon permit expiration or revocation by the BID (see section 14-34, Code of Ordinances).

If a development order for site plan approval expires or is terminated, concurrency allocation is withdrawn, and if the applicant chooses to proceed with development of the project site, a new application must be submitted for review and approval subject to the Code provisions at the time of the new application. One extension for a maximum of 12 months to the effective period of a site plan may be granted by the board of adjustment (BOA), provided that an appropriate request is submitted prior to the expiration of the initial 18-month period (see section 5.15.00.B). In the even ownership of the property receiving site plan approval is transferred, the approved site plan and any extensions to its effective period shall be transferable provided the transferee agrees in writing to be bound by all terms and conditions.

Computation of the expiration date of those development orders for site plan approval issued prior to the effective date of this ordinance that pertain to properties in that part of Perdido Key designated by the United States Fish and Wildlife Service as potential or actual Perdido Key Beach Mouse habitat are tolled until 450 days after the effective date of January 5, 2006, of a three-agency agreement providing for mitigation measures for impacts to Perdido Key Beach Mouse habitat. However, any development order for an affected project that has not commenced the state and federal permitting process by October 2, 2006 shall not be tolled beyond that date. For those development orders tolled by this section, corresponding certificates of concurrency are likewise tolled. Such tolling will not apply to any development order or certificate of concurrency that has expired prior to the effective date of this ordinance [August 18, 2005]. The extension provisions of this ordinance are not intended to apply to properties not identified by these federal and state agencies as mouse habitat notwithstanding any letters issued by these agencies regarding habitat.

4.06.12. Approval, disapproval and procedure.

A. Time limit. If the application for site plan approval is complete to the satisfaction of the director, and all other reviewing departments, the applicant shall be notified in writing. The process for administrative site plan review shall be complete within ten working days if all information has been supplied by the applicant at the time of submission of his application.

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B. Upon the approval of any site plan by the department, a building permit may be issued. If approved with conditions or denied, the applicant so affected and having an interest therein, may file an appeal with the BOA pursuant to section 2.04.00 of this Code.

C. As-built drawings shall be submitted and approved prior to final acceptance by the county of the stormwater/drainage components and/or transportation components of the site. This final acceptance will be considered at the time when the certificate of occupancy is requested. A letter from the project engineer, bearing the engineer's seal and certifying that the improvements conform to the plans submitted, will suffice.

4.06.13. Continuing obligation--Violations. Any site plan approved pursuant to this ordinance carries with it a continuing obligation to abide by such site plan. Failure to comply and continually maintain all approved elements of an approved site plan, including landscape, appearance and other site development performance standards shall be a violation of this ordinance subject to enforcement and penalties as provided herein.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-42, § 1, 9-9-1998; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2000-30, § 8, 7-6-2000; Ord. No. 2001-11, § 3, 3-1-2001; Ord. No. 2002-36, § 2, 8-1-2002; Ord. No. 2002-46, § 4, 10-17-2002; Ord. No. 2002-54, §§ 2--5, 12-12-2002; Ord. No. 2003-9, § 2, 3-20-2003; Ord. No. 2004-9, § 9, 2-5-2004; Ord. No. 2005-36, § 1, 8-18-2005; Ord. No. 2006-21, § 1, 3-2-2006; Ord. No. 2006-30, § 1, 4-6-2006; Ord. No. 2006-75, § 1, 9-21-2006; Ord. No. 2009-27, 8-6-2009))

Editor's note: Ordinance No. 2002-54 amended by deletion, addition or renumbering provisions in § 4.06.00, with the exception of §§ 4.06.08--4.06.10. These sections have been renumbered, at the discretion of the editor, as §§ 4.06.11--4.06.13, to avoid duplication of numbers.

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Article 5 CONCURRENCY MANAGEMENT

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5.00.00. Concurrency management system.

5.01.00. Purpose.

The Local Government Comprehensive Planning and Land Development Regulation Act, F.S. ch. 163, pt. II, as amended (the act), requires that local land development regulations developed pursuant to the act contain provisions that public facilities meet or exceed the level of service standards established by the local comprehensive plan, and that the local government shall ensure that public facilities and services needed to support development are available concurrent with the impacts of such development. This process is commonly known as "concurrency."

5.02.00. Applicability.

Except as otherwise provided in section 5.08.00 herein, this article shall apply to any development of land at specific densities or intensities of use within the jurisdiction of Escambia County, Florida.

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(Ord. No. 2001-11, § 4, 3-1-2001)

5.03.00. Reserved.

Editor's note: Section 4 of Ord. No. 2001-11, adopted March 1, 2001, amended § 5.03.00 by reserving said section for future use. Former § 5.03.00 pertained to definitions and derived from Ord. No. 96-03, adopted Jan. 5, 1996.

5.04.00. Facilities and services.

For the purposes of this article, facilities and services include only those items with established level of service standards. The items are:

- A. Drainage facilities, whether natural or manmade, serving a particular project or development area.
- B. Sanitary sewer systems.
- C. Potable water systems.
- D. The Escambia County Area Transit (ECAT).
- E. Solid waste disposal systems (landfills).
- F. Open spaces, parks and recreation facilities.
- G. Roadways and roadway segments.

(Ord. No. 2001-11, § 4, 3-1-2001)

5.05.00. Reserved.

Editor's note: Section 4 of Ord. No. 2001-11, adopted March 1, 2001, amended § 5.05.00 by reserving said section for future use. Former § 5.05.00 pertained to reservation fees and derived from Ord. No. 96-03, adopted Jan. 5, 1996.

5.06.00. Service area.

The geographic area within which the demand for public facilities and services will be compared to the capacity of such facilities and services for the purposes of evaluating the impact of development on said facilities and services. Evaluation of impact on solid waste disposal capacity shall be on a county-wide basis. Evaluation of impact on parks, recreation and open space lands shall be on a district-wide basis as set forth in the approved county parks and recreation master plan. The service area for mass transit facilities shall be those lands located along the fixed route

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system of the Escambia County Area Transit (ECAT) as such system may be, from time to time, established or revised. The service area for provision of potable water shall be the same as the areas franchised by Escambia County. The service areas for sanitary sewer providers shall be the service area of the ECUA and any other sanitary sewer providers which may be franchised by Escambia County. The service area for determining the adequacy of the provision of drainage facilities shall be the parcel or site wherein the proposed project or development is located if such is not connected to a larger, area-wide drainage system. In the event the project site or parcel is adjacent to an area-wide drainage system or facility then the service area shall be the service area of the area-wide facility. The service area for impacted roadway segments shall be as defined and described in section 5.12.02 of this article. (Ord. No. 2001-11, § 4, 3-1-2001; Ord. No. 2002-36, § 3, 8-1-2002)

5.07.00. Concurrency management system procedures manual.

The county shall prepare and maintain on file with the growth management department a "Concurrency Management System Procedures Manual." The purpose of the Concurrency Management System Procedures Manual shall be to provide the appropriate technical guidance and delineation of the procedural process that must be followed by staff and the applicant in order to determine that a project is compliant with the concurrency requirements of the comprehensive plan and this Code and to identify administrative requirements and procedures necessary such that the county can be in compliance with the various concurrency requirements mandated by the comprehensive plan. The manual shall provide guidance and direction only. The content of the manual shall not be in conflict with this article and its contents shall not operate to change or alter any provision of this article. (Ord. No. 2001-11, § 4, 3-1-2001)

5.08.00. Exemptions.

The concurrency review requirements of this article shall not apply to the following:

- A. Development permits or orders for projects which have a valid, unexpired certificate of concurrency.
- B. Applications for permits or approvals that do not constitute "development" as defined in article 3.
- C. Applications for approval of de minimis developments as defined in article 3. See section 5.12.03 for de minimis determination criteria.
- D. The application for approval of construction of a single-family home, addition thereto or accessory structure or placement of a single mobile home on a lot in an existing or approved subdivision or on a lot of record (as herein defined) for single-family residential purposes. Except as prohibited in paragraph F., below, in accordance with F.S. § 163.3180(6), the impact of a single-family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of deficiency of the roadway.

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E. Internal renovations to a building or structure when such internal renovations are to accommodate the same general use.

F. To encourage redevelopment within county-designated redevelopment areas, the county shall consider requests for exemptions to traffic concurrency requirements in these areas, as provided in Florida Statutes. It is important that the concurrency management system files contain appropriate data and analyses that address estimated impacts on the effected road segments by redevelopment activities so that such activities may be monitored for system-wide effects and considered in the capital improvements programming process for roadway improvements. The traffic concurrency exemptions set forth above in paragraphs C. and D., and in this paragraph F., will not be allowed for any development or redevelopment which affects any designated hurricane evacuation route, if the impact of such development would exceed the hurricane evacuation time established by OBJ COA 1.3 of the Comprehensive Plan.

(Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2001-11, § 4, 3-1-2001; Ord. No. 2002-36, § 4, 8-1-2002; Ord. No. 2013-54, § 1, 12-5-2013)

5.09.00. Test for concurrency.

A primary purpose of this article is to determine if proposed new development or redevelopment activities can or will be supported and served by infrastructure facilities or services at prescribed levels. The evaluation, analyses and quantitative methods described in this article are designed to measure the impact of a proposed project against the capacity of impacted infrastructure. If sufficient capacity exists within all impacted facilities or services to meet the projected demand of the project, then the director of the department of growth management shall issue a development order and a "certificate of concurrency" which shall be initially valid as specified in section 5.15.00 of this article, titled, "Capacity Allocation."

(Ord. No. 99-33, § 1, 7-1-1999; Ord. No. 2001-11, § 4, 3-1-2001)

5.10.00. General requirements.

5.10.01. Administrative requirements. Primary administrative responsibility for implementation of this article, which includes updating as required to ensure this article and the concurrency management system procedures manual are always in agreement and in compliance with the comprehensive plan, rests with the planning official or designee. The planning official shall:

A. Establish and maintain a current database inventory of existing services and facilities as defined by this article and the database shall include the available capacities of each service or facility and such capacity shall be updated on a semi-annual basis consistent with the reports required by section 14.06 of the comprehensive plan;

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1. Exceptions to using the current database for traffic concurrency will be allowed following a declared disaster. In this case, the most recent traffic counts prior to the disaster will be used for a maximum of three years.
 2. The Board of County Commissioners shall authorize the use of traffic counts other than those in the most current database by resolution, which shall state the underlying justification and duration for the use of alternate traffic counts, as recommended by the County Administrator or his designee.
- B. Report the status of public facilities and services covered under this system to the land planning agency (LPA) and the board of county commissioners (BCC) and recommend a schedule of improvements for those services and facilities found to have existing deficiencies. This shall be part of the integrated capital improvements plan (CIP) submitted for budget consideration and approval;
- C. Periodically (at least semi-annually) advise the LPA of any projected or predicted deficiencies which should be addressed in order to avoid the degradation of established level of service standards on any particular system or facility. This advisory will include all roadway segments whose current capacity has reached 75 percent of available capacity;
- D. Provide information to applicants and/or affected parties regarding the capacity of services and facilities covered by this article and such information will include:
1. Available capacity for roadways by segment.
 2. Existing and adopted levels of service for all impacted systems, including roadway segments.
 3. Improvements to be made to impacted systems as reflected in the capital improvement plans or programs of the entity responsible for such system provided however that construction of the improvement is scheduled to commence within three years of each annual report promulgated by the director. These improvements include those scheduled for construction in the first three years of the annual Five Year Work Program of the Florida Department of Transportation (FDOT).
- E. Provide other information and/or guidance to applicants, county staff or other affected parties in the day-to-day administration and implementation of this article;
- F. Obtain from the director of the department of solid waste management an annual report which indicates the available capacity for the solid waste facilities for the current year and make this data available to all applicants via the Internet;
- G. Obtain from the director of the department of parks and recreation an annual report that indicates the available capacity for parks and open space facilities for the current year and make this data available to all applicants via the Internet;

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H. Obtain from the director of the Escambia County Area Transit (ECAT) an annual report that indicates the available capacity for the mass transit facilities for the current year and make this data available to all applicants via the Internet.

5.10.02. Applicant requirements. Any applicant for development approval for a project which is required to undergo concurrency review and determination pursuant to this article, is responsible for demonstrating compliance with this article. For each system, service or facility impacted by a proposed development, the applicant shall demonstrate concurrency as follows:

A. *Drainage.* The drainage level of service standards shall be met if the application includes certification that a stormwater management plan will be submitted and detailed within construction plans prepared by a registered and licensed professional engineer in the State of Florida documenting the plan meets or exceeds the adopted level of service standard. The standards to be certified are:

1. The retention or detention of the first one-half-inch of runoff on-site;
2. That the post development runoff rate will not exceed the predevelopment runoff rate for a 25-year storm event, up to and including an event with a 24-hour duration;
3. Use of the criteria established in F.A.C. ch. 17-25, in its entirety (including exemptions), and F.A.C. 17-3.02;
4. That the contribution of the new development to any existing, functioning area-wide drainage system will not degrade the ability of the area-wide system to adequately retain/detain/store and control stormwater runoff.

NOTE: For the purposes of this provision, "on-site" includes any area within an approved subdivision (or subdivision to be approved) or any area within two or more parcels subject to a joint use agreement or shared facilities agreements. Possession of a valid DEP stormwater permit is deemed to satisfy the requirements of subparts 1. and 3., above.

B. *Sanitary sewer.* Obtain certification from the purveyor of sanitary sewer services to the subject parcel in a form and format acceptable to the director (see the concurrency management system procedural manual). In the event the project or parcel is not and will not be served by a central sanitary sewer collection system, then the applicant for the project must present to the county a valid permit for a septic tank or package plant or other sewage disposal system as authorized by HRS and/or DEP (Florida Department of Environmental Protection).

C. *Potable water.* Obtain certification from the purveyor of potable water services to the subject parcel in a form and format acceptable to the director (see the concurrency management system procedural manual). If the project is not within the service area of a central water system, then the applicant must submit an

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approved, valid well (extraction or consumptive use) permit issued by the NFWMD or other state regulatory agency.

D. *Mass transit.* The availability of capacity for mass transit shall be reassessed and a determination made as to whether the available capacity exists for projected demand for the current year. The applicant will rely on the comprehensive plan implementation annual report or the annual report prepared by the director of Escambia County Area Transit (ECAT) establishing the projected available capacity.

E. *Solid waste.* The available capacity for solid waste shall be reassessed, and a determination made as to whether the available capacity exists for project demand (see section 5.11.00). The applicant will rely on the comprehensive plan implementation annual report or the annual report prepared by the director of solid waste management establishing the projected available capacity.

F. *Recreation and open space.* The available capacity for recreation and open space shall be reassessed, and a determination made as to whether the available capacity exists for projected demand for the current year (see section 5.11.00). The applicant will rely on the comprehensive plan implementation report or the annual report prepared by the director of parks and recreation establishing projected available capacity.

G. *Traffic.* Use generally accepted methodologies approved by the county engineer to determine the impact a proposed development may have on the traffic system within the impact area as defined and further described in section 5.12.02 and the concurrency management system procedural manual. The County staff will be responsible for using and preparing the worksheet for the initial test for concurrency (see section 5.12.00). If the project does not pass the initial test for concurrency, the applicant shall specify which method, outlined in this Code, will be used to maintain adopted level of service standards for each impacted roadway segment. (Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-33, § 1, 7-1-99; Ord. No. 2001-11, § 4, 3-1-2001; Ord. No. 2002-36, §§ 5, 6, 8-1-2002; Ord. No. 2009-28, 8-6-2009)

5.11.00. Quantitative methods for sanitary sewer, potable water, solid waste and recreation and open space.

For the purposes of these regulations, ensuring that minimum standards are maintained requires calculation of existing capacity and planned new capacity or facilities less demand imposed by the planned development.

5.11.01. Adding capacity.

- A. Determine the total capacity of the existing service or facility.
- B. Add to the above, the total capacity of any new facilities or service components or expansions that will result from the proposed development. Capacity of new facilities or service shall be counted only under one or more of the following conditions:
 1. Construction of the new facilities is underway at the time of the issuance of a building permit or final development permit; or

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2. The new facilities are the subject of a binding contract for the construction of said facilities or the provision of services at the time of issuance of the building permit or final development permit; or
3. The new facilities are the subject of a binding agreement for such facilities developed pursuant to chapter 6 of the comprehensive plan or F.A.C. rule 9J-5 (as amended) or any successor rules thereto.

C. If the development application is for the redevelopment of improved property, add to the calculations in 1 and 2 above any additional capacity created by the change in demand generated by the proposed redevelopment. Capacity credit shall be given for reduction in demand on facilities.

5.11.02. Subtracting capacity.

A. From the sum calculated above subtract the demand for the service or facility created by existing and allocated development as documented by the provider of such facility or in the annual reports produced by the director.

B. From the above resultant total, subtract the projected demand of the proposed new development (or redevelopment). Note: Demand shall be calculated using the level of service standards established in the policies of the adopted comprehensive plan.

(Ord. No. 2001-11, § 4, 3-1-2001)

5.12.00. Quantitative methods for transportation concurrency and traffic impact analysis.

The impact on transportation facilities shall be evaluated and analyzed using the most recent edition of the Florida Department of Transportation (FDOT) level of service handbook and/or the most recent edition of the county engineering department Traffic Volume and Level of Service Report in accordance with the most current engineering department procedures. In addition, the applicant may submit more current demand/capacity data if such data are obtained from sources recognized by the FDOT or the county engineer as qualified to generate or render such data.

Additional capacity of state maintained roadways may be counted if capacity improvements are included within the first three years of FDOT's five-year work program, as the work program exists at the time of application for development approval. Further, additional capacity for county maintained roadways may be counted if capacity improvements are included within the first three years of the county's capital improvement program, as such program exists at the time of application for development approval.

5.12.01. *Calculating trip generation for the initial test for traffic concurrency.* The County staff will be responsible for preparing and submitting the initial test for traffic concurrency using the worksheet furnished by the county in Appendix "D" of the Concurrency Management System Manual. Appendix "D" also gives the applicant guidance on conducting the initial test for traffic concurrency. The applicant will need to determine the following:

- A. The appropriate land use code from the latest edition of Trip Generation, Institute of Transportation Engineers (ITE).

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- B. The most applicable independent variable from the selected land use code from the latest edition of Trip Generation, ITE.
- C. Based on the most applicable independent variable, determine the size of the independent variable.
- D. Determine the trip rate during the p.m. peak hour of adjacent street traffic by selecting the most appropriate: 1) the weighted average rate, 2) regression (fitted curve) equation, or 3) data collected locally based on the guidance from the latest edition of the Trip Generation Handbook, An ITE Proposed Recommended Practice.
- E. New trips are determined by multiplying the independent variable by the average rate, calculation from the regression (fitted curve) equation, or from locally collected data. The most appropriate method is determined by the applicant and subject to approval by the county engineer.

5.12.02. *Determining the area of influence for trip distribution/assignment.*

- A. For the initial test, traffic concurrency for the proposed development will be distributed and analyzed on the roadway segments in the area of influence as described below. The radius of influence for each proposed development that is service or commercial in nature is as follows:

TABLE INSET:

NEW P.M. PEAK HOUR TRIPS	DISTANCE
1--50	First directly-accessed roadway link
51--100	1-mile radius
101--500	2-mile radius
501--1,000	3-mile radius
1,001--2,000	4-mile radius
2,001 or more	5-mile radius

- B. For residential development, trips should be assigned to the roadway network until project related trips equal less than five percent of the adopted level of service (LOS) standard for each impacted roadway segment.
- C. Roadway segments are delineated in the latest edition of the Traffic Volume and Level of Service Report.

5.12.03. *De minimis determination.*

- A. Determine if the number of new trips from the proposed development are greater than one percent of the adopted level of service for each impacted roadway segment. Roadway segments are available from the latest edition of the Traffic Volume and Level of Service Report.

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- B. Determine if the total trips (existing + allocated + new) on all impacted roadway segments exceed 110 percent of the service volume. (re: latest edition of the Traffic Volume and Level of Service Report).
- C. Determine if the impacted roadway segments are on a designated hurricane evacuation route. (re: latest edition of the Traffic Volume and Level of Service Report).
- D. If the proposed development generates new trips that are less than one percent of the service volume, total trips are less than 110 percent of the service volume, and the impacted roadway segments are not on a designated hurricane evacuation route, the project is de minimis.
- E. If the proposed development generates new trips that are more than one percent of the service volume, total trips are more than 110 percent of the service volume, or the impacted roadway segments are on a designated hurricane evacuation route, the project is non de minimis.

5.12.04. Non de minimis concurrency determination.

- A. Determine if the total trips (existing + allocated + new) are greater than the service volume. (re: latest edition of the Traffic Volume and Level of Service Report).
- B. If total trips are not greater than the service volume, the project meets the test for concurrency. No further analysis is required.
- C. If total trips are greater than the service volume, the applicant shall use one or more of the following methods of mitigation of traffic impacts to determine and ensure compliance of the proposed development with the minimum requirements for traffic concurrency as set forth in section 6.04 of the comprehensive plan:
 1. Applying applicable trip reduction methods such as internal trip capture rates and/or pass-by trip rates for service or commercial developments;
 2. Conducting a traffic impact analysis report (TIAR);
 3. Reducing the scope or scale of the proposed project so that demand does not exceed available capacity;
 4. Entering into an enforceable development agreement to satisfy provisions contained in section 5.13.00, deficient capacity; or
 5. Withdrawing the application.
- D. If trip reduction methods are used, (i.e. internal trip capture and/or pass-by), the trip reduction methods shall be applied according to the recommended methodologies in the latest edition of the Trip Generation Handbook, An ITE Proposed Recommended Practice and are subject to review and approval by the county engineer.

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E. If trip reduction methods are used to reduce the total trips to less than the service volume, the proposed development will be considered concurrent.

F. If total trips still exceed the service volume, then the proposed development will require further traffic impact analysis by the applicant prior to approval. For the purpose of this analysis, the distance provisions in section 5.12.02 are not applicable. The analysis should be in accordance with the Traffic Concurrency Procedures and Impact Analysis Report Standards found in the Appendix of the Concurrency Management System Procedural Manual.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-33, § 1, 7-1-1999; Ord. No. 2001-11, § 4, 3-1-2001; Ord. No. 2002-36, §§ 7, 8, 8-1-2002; Ord. No. 2009-28, 8-6-2009)

5.13.00. Deficient capacity.

Where capacity of any impacted service or facility is found to be deficient as a result of the analyses performed pursuant to section 5.11.00 or 5.12.00 above, the methods outlined in sections 5.13.01 through 5.13.04 may be used to maintain adopted levels of service. For projects with substantial impact, such as developments of regional impact (DRIs), the project will be reviewed through coordination with the Florida Department of Transportation (FDOT), West Florida Regional Planning Council (WFRPC), Department of Community Affairs (DCA), and/or other appropriate agencies.

5.13.01. Reduce project scale. The proposed project may be reduced in scope or scale so that demand does not exceed available capacity.

5.13.02. Withdrawal of application. The applicant may withdraw the application.

5.13.03. Denial of application. If the adopted level of service for each impacted roadway segment cannot be maintained and mitigation is not provided, then the development will not be approved.

5.13.04. Utilization of the proportionate fair share program. The applicant may utilize the proportionate fair share program under the conditions outlined in this section.

A. Applicability.

1. The proportionate fair share program shall apply to all proposed developments in Escambia County that have been notified of a lack of capacity to satisfy transportation concurrency based on the Escambia County Concurrency Management System (CMS) including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency requirements.
2. The proportionate fair share program shall not apply to DRIs using proportionate fair share under F.S. § 163.3180(12), or to developments exempted from concurrency as provided in the Escambia County Comprehensive Plan, F.S. § 163.3180, or the Escambia County Concurrency Management System Manual Section 1.4.

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B. *General requirements.*

1. A proportionate fair share contribution may be used to satisfy transportation concurrency requirements for a deficient roadway segment(s) only if the following requirements are met:
 - a. The proposed development is consistent with the Escambia County Comprehensive Plan and the applicable land development regulations.
 - b. The 5-year schedule of capital improvements found in the capital improvements element (CIE) contains transportation construction improvements that, when completed, will satisfy the Escambia County CMS requirements. The provisions of subsection B.2. or B.3. may apply if such a project is not scheduled in Escambia County's 5-year schedule of capital improvements.
 - c. The county has calculated and presented to the applicant the applicant's fair share cost of providing adequate transportation facilities.
 - d. The board of county commissioners (BCC) approves a fair share agreement in which the applicant agrees to pay the county the assessed fair share cost or to provide in-kind transportation improvements.

2. Under the circumstance that a transportation improvement needed to satisfy transportation concurrency is not in the five-year schedule of capital improvements found in the CIE, the county may choose to allow an applicant to satisfy transportation concurrency through the proportionate fair share program only if the following requirements are met:
 - a. The county adopts an ordinance to add the transportation improvement to the 5-year schedule of capital improvements in the CIE no later than the next regularly scheduled CIE update; and
 - b. The county determines that the transportation improvement is financially feasible and in compliance with subsection B.1. of this section, with the exception of subsection B.1.b. In accordance with F.S. § 163.3180(16)(b)(1), "financially feasible for this section" will mean that all additional contributions, payments, or funding sources to fully fund the transportation improvement are reasonably anticipated not to exceed a ten-year timeframe.

3. When the revenues projected to fund years four and five of the adopted five-year schedule of capital improvements become insufficient to fully fund the construction of the transportation improvement needed to satisfy transportation concurrency, the proportionate fair share program can be used to satisfy concurrency under the following conditions:
 - a. Pursuant to F.S. § 163.3180(16)(f), the county and the applicant may enter into a binding proportionate share agreement authorizing the developer to construct the amount of development on which the proportionate share is calculated, given that the proportionate share is sufficient to pay

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for the completion of one or more improvement that the county deems will significantly benefit the impacted transportation system.

4. All fair share contribution projects must meet the county's design standards for local roads and FDOT standards for state highway system roads.

C. *Intergovernmental coordination.*

1. Under the circumstance that the county is allowing a development to proceed because of participation in the proportionate fair share program, the county will coordinate with any additional jurisdictions or governmental entities impacted by the development for which the applicant is entering into the fair share agreement. An interlocal agreement may be established with other affected jurisdictions or governmental entities for this purpose.

D. *Applicant eligibility.*

1. An applicant is eligible to apply to participate in the proportionate fair share program once the applicant has received a development order approval that is subject to the condition that the applicant will satisfy all transportation concurrency requirements through a proportionate fair share agreement to be executed by the applicant and the BCC within 12 months of the date of the development order. This type of development order shall be known as a development order approval subject to conditions or a conditional development order. If the proportionate fair share agreement has not been entered into by the BCC by the end of the first BCC meeting after the expiration of the 12-month period, or if the applicant misses the deadlines of subsection F.1., F.2., or F.3., the conditional development order shall be considered null and void.
2. Any roadway capacity allocated in the conditional development order will be available to the applicant for a period of 12 months. If the proportionate fair share agreement has not been entered into by the BCC by the end of the first BCC meeting after the expiration of the 12-month period, the roadway capacity allocation will be forfeited.

E. *Application content.*

1. Eligible applicants shall submit a proportionate fair share application to the county and the following:
 - a. A copy of the complete development review committee (DRC) application;
 - b. A copy of the conditional development order; and
 - c. Once an application is deemed sufficient, the applicant will provide \$15,000.00 to the county, a portion of which shall be refunded if unused, for consulting services in order to assist county staff with the fair share mitigation conference, to prepare the fair share agreement, to pay for legal

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advertisements, and to fund any other costs associated with the applicant's participation in the proportionate fair share mitigation program.

F. *Application process.*

1. Once an applicant is awarded a conditional development order, the applicant shall have five business days to submit the documents listed in subsection E.1.a. and b., or the development order shall be considered null and void.
2. The application will be reviewed by the engineering department, and sufficiency will be determined within ten business days of receipt of the completed application. The department will notify the applicant in writing whether the application has been deemed sufficient or is determined to be insufficient, incomplete, or inconsistent with the general requirements of the proportionate fair share program.
 - a. If the application is deemed insufficient, incomplete, or inconsistent, then no further review of the application will be made until the deficiencies of the application are remedied. Said deficiencies must be remedied by the applicant within ten business days of notification of insufficiency.
 - b. If the application is deemed sufficient, complete, and eligible, the applicant will deliver the application fee as described in subsection E.1.c. to the county within ten business days of notification of sufficiency or the application will be deemed abandoned. From the time the application is determined to be sufficient and eligible, the fair share obligation may only be changed to correct mathematical errors in the calculation of the obligation. It will not be changed due to new traffic counts, new traffic studies or modeling, or changes to the concurrency management system.
3. A fair share mitigation conference between the applicant and the county must be scheduled by the applicant to occur within 60 days of notification of sufficiency to discuss participation in the proportionate fair share program and possible mitigation options. The county and the applicant will discuss the potential use of in-kind payments; however, the county will have sole discretion in selecting in-kind payments. Other impacted governmental entities or jurisdictions, including FDOT, will be asked to participate in the fair share mitigation conference.
4. A proposed fair share obligation and fair share agreement will be prepared by the county's consultant and presented to the applicant for review no later than 30 days from the date the fair share mitigation conference is held, including a copy to the FDOT for any proposed proportionate fair share mitigation on a state highway system facility. Each fair share agreement shall include, at a minimum, the following:
 - a. The obligation computation sheet prepared by the county;
 - b. The names and addresses of all legal and equitable property owners;
 - c. The proposed uses, densities and intensities of the land;

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- d. The duration of the agreement with definitive, enforceable phases established for any agreement proposed to last longer than five years;
- e. A copy of the conceptual site plan;
- f. A finding that the proposed development is in compliance with the comprehensive plan;
- g. A statement indicating that the agreement is being entered into voluntarily;
- h. A statement indicating that the burdens and benefits of an agreement are binding upon all parties to the agreement or their successors in interest;
- i. A statement indicating that the failure of the agreement to address a particular permit, condition, term or restriction does not relieve the owners of the necessity of complying with the appropriate law governing said permitting requirements, conditions, terms or restrictions;
- j. A description of any conditions, terms, restrictions, or other requirements or third party agreements, not otherwise prohibited by law, and determined to be necessary by the county for the public health, safety and welfare;
- k. A description of all transportation capacity reservations for all transportation facilities within the traffic impact area of the proposed development which are reserved pursuant to the concurrency management system, and the date they will expire under the agreement;
- l. A map of the roadway network impacted by the proposed development clearly identifying the impacted road segments that are deficient;
- m. If applicable, a description of the improvement required to be constructed, including the schedule of construction and completion; and if necessary, the date upon which any third party agreement assuring the provision of said improvements must be provided to the county prior to the commencement of construction of any improvement;
- n. A description of the credit for the fair share obligation after application of an in-kind payment in the form of an improvement;
- o. If applicable, a description of any reservation or dedication of land for public purposes;
- p. All agreements with a duration exceeding one year must contain adjustments which cover the number of years over which the fair share payments will be made. The adjustments will be determined by the county as set forth in the calculation portion of this section [subsection G.]. Only phased projects may pay over a period of time;
- q. Identify the affected road segments, the amount of funds to be allocated to each segment, list the road improvements programmed in the comprehensive plan schedule of capital improvements within

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each affected segment, and which when constructed will provide transportation facilities adequate to serve the proposed development or reasonably relate to the traffic impacts of the proposed development. The county may substitute alternative comprehensive plan capital improvements in the CIE for those listed in the agreement but only if said alternative road improvements, when constructed, will also provide transportation facilities adequate to serve the proposed development or reasonably relate to the traffic impacts of the proposed development;

r. In the event the county applies an impact fee obligation to the development, a statement regarding the responsibility and the timing of the payment of the difference between the development's fair share obligation and the road impact fee;

s. Any other provisions deemed necessary or appropriate by the county.

5. Within six weeks of receipt of the fair share agreement signed by the applicant, the engineering department will schedule a public hearing and notify the applicant of the date of the BCC meeting.

a. At the applicant's expense as detailed in subsection E.1.c., the engineering department will ensure publication of a notice for the public hearing in a daily newspaper of general circulation in the county a minimum of ten days prior to the public hearing. The notice shall describe the deficient roadways for which the proportionate fair share agreement applies, the CIE scheduled improvement or in-kind improvement involved, and the fair share agreement to be proposed at the public hearing.

b. No proportionate fair share agreement will be effective until approved by the BCC.

c. The hearing shall take place during a regularly scheduled meeting of the BCC.

d. Upon BCC approval of the fair share agreement, the agreement shall be appended to the previously approved development order, thereby satisfying conditions therein.

e. The BCC shall not enter into any proportionate fair share agreement that does not comply with state or federal law, this section, or the comprehensive plan.

f. The BCC may decide not to enter into the proportionate fair share agreement if the transportation improvement project is not in the 5-year schedule of capital improvements.

6. The county and the applicant may agree to an extension of any of the time limits established for the review process when necessary to facilitate application review and prepare the fair share agreement. The time limit extension shall be the minimum time necessary to complete the review or prepare the fair share agreement.

G. *Calculation of proportionate fair share contribution.*

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1. In accordance with F.S. § 163.3180(16)(c), proportionate fair share mitigation consists of private funds, contributions of land, and construction and contribution of facilities. Public funds may be used as determined by the county.
2. A development shall not be required to pay more than its proportionate fair share. The fair market value of the proportionate fair share mitigation for the impacted facilities shall not differ regardless of the method of mitigation (F.S. § 163.3180(16)(c)).
3. To calculate an applicant's proportionate fair share obligation, the county shall base the calculation on the formula provided in F.S. § 163.3180(12)(e), which divides the cumulative number of development trips anticipated for roadways during the peak-hour by the difference in the peak-hour maximum service volume that results from the roadway improvement(s). This number is then multiplied by the construction cost of the improvement, which includes all noncommitted costs associated with the improvement. In addition to the formula provided in F.S. § 163.3180(12)(e), if any capacity is existing on the impacted roadway, it will be accounted for by subtracting the amount of available capacity from the proposed number of development trips.

Which is equal to:

$$\text{Proportionate Fair Share} = \frac{\sum (\text{Development Trips}_i - \text{Available Capacity})}{\text{SV Increase}_i} \times \text{Cost}_i$$

Where:

Development Trips_i = The cumulative number of P.M. peak hour trips from the proposed development expected to reach the impacted road segments from the complete build-out of the stage or phase of development being permitted. The number of development trips will be calculated from the traffic study created for the certificate of concurrency application.

Available Capacity = Any capacity existing on the impacted transportation facility at the time that the DRC approves other concurrency elements.

SV Increase_i = Service volume increase is the additional two-way peak hour capacity provided by the improvement(s) proposed in the fair share agreement. The generalized tables of the Florida Department of Transportation *Quality/Level of Service Handbook* or latest edition available, will be used to calculate this value.

Cost_i = Total cost of constructing the improvement proposed in the fair share agreement. The total cost includes all associated costs, including right-of-way acquisition, planning, design, engineering, permitting, inspection, environmental mitigation, utility costs, and any other costs required for constructing the improvement. Cost of each phase of construction completed or underway will be exempt from the calculation of the total improvement's cost.

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4. The cost of constructing the improvement shall be obtained from the CIE, the Transportation Planning Organization/Transportation Improvement Program or the FDOT Work Program if available. If such information is not available, improvement cost shall be determined using one of the following methods:
 - a. An analysis by the county of costs by typical cross section type, based on FDOT standards for state roads and the county's standards for county roads that incorporates data from recent projects and is updated annually and adopted by the BCC. In order to accommodate increases in construction material costs, an adjustment factor to be determined by Escambia County shall be used; or
 - b. The most recent issue of FDOT Transportation Costs, which may be adjusted based upon the type of cross section (urban or rural); locally available data from recent projects or acquisition, drainage, and utility costs; and significant increases in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted FDOT Work Program shall be determined using this method in coordination with FDOT District 3.
 5. If the proposed proportionate fair share payment is via in-kind payments authorized in the proportionate fair share obligation, the value of the in-kind payments shall be determined using one of the methods detailed in this section.
 6. If the county is accepting in-kind payments of right-of-way dedication or land, the value of the these payments will be calculated as a percentage of the most recent assessment by the Escambia County Property Appraiser or will be the fair market value established by an independent appraisal approved by the county, with no cost to the county. The applicant shall provide the county a survey and legal description of the land or right-of-way and a certificate of title or title search of the land to the county, at no expense to the county with the application, and at closing deliver clear title by warranty deed to the county.
 7. If the estimated value of in-kind payments is found to be lower than the total proportionate fair share obligation calculated by the county, the applicant is responsible for paying the difference in order for the fair share agreement to be effective.
 8. The county may accept in-kind payments that have a value greater than the applicant's total proportionate fair share obligation, as calculated by the county. However, the county will not be responsible for compensating the applicant for the difference between the in-kind payments' value and the applicant's proportionate fair share obligation.
 9. In-kind payments will not act as a substitute for the requirements of the LDC.
- H. *Proportionate fair share agreement administration.*
1. Upon the approval by the BCC of the proportionate fair share agreement, the applicant will be issued a certificate of concurrency.

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2. Once a proportionate fair share agreement has been approved by the BCC, the applicant must apply for a building permit in the timeframe consistent with the provisions of article 4 of the LDC or the application will be considered null and void and the applicant shall be required to reapply.
3. The applicant's proportionate fair share obligation must be paid in full prior to approval of the final plat for residential development and prior to the approval of the site plan for commercial development and is nonrefundable. If the payment is submitted more than 12 months from the approval of the proportionate fair share agreement, then the proportionate fair share obligation shall be recalculated at the time of payment using the methods detailed in subsection G.
4. All in-kind improvements detailed in the proportionate fair share agreement must be completed prior to approval of the final plat for residential development and prior to the approval of the site plan for commercial development, or as otherwise established a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all requirements.
 - a. Prior to commencing construction of in-kind transportation improvements under this section, the applicant or applicant's contractor must demonstrate financial responsibility for the completion of the in-kind transportation improvements by submitting a payment bond and performance bond pursuant to the requirements of F.S. § 255.055. The applicant or applicant's contractor must also show that the county's minimum insurance requirements for work performed on public county property have been satisfied.
 - b. If an applicant constructs an in-kind improvement, the applicant shall be required to post a warranty bond against faulty workmanship at the dedication to the county.
5. Dedication of right-of-way or land in-kind payments pursuant to the proportionate fair share agreement must be completed prior to issuance of the final development order or recording of the final plat.
6. A requested change to a development project subsequent to a development order may cause additional proportionate fair share contributions, if the change generates additional traffic that would require mitigation. In such an event, the applicant must submit an application pursuant to this section.
7. Applicants may submit a letter to withdraw an application for a fair share agreement at any time prior to the execution of the agreement. Any expended application fees and associated costs to the county will be nonrefundable.
8. The county may consider joint applications for proportionate fair share mitigation to facilitate collaboration among multiple applicants on improvements to a shared transportation facility, and may coordinate with other jurisdictions on proportionate share mitigation through interlocal agreements.

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I. *Appropriation of fair share revenues.*

1. Proportionate fair share mitigation funds shall be placed in a special revenue fund called the "Fair Share Fund" or into the appropriate project account for funding the 5-year schedule of capital improvements projects.
 - a. At the discretion of the county, proportionate fair share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair share revenues were derived.
 - b. Proportionate fair share revenues may also be used as the 50 percent local match for funding under the FDOT TRIP.
2. In the event a scheduled facility improvement is removed from the CIE's 5-year schedule of capital improvements, the fair share funds collected towards its construction may be applied towards the construction of another improvement within that same corridor that would mitigate the impacts of development pursuant to the requirements of subsection B.
3. Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in F.S. § 339.155, the county may coordinate with other impacted jurisdictions and agencies to apply proportionate fair share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the county through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

(Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2001-11, § 4, 3-1-2001; Ord. No. 2002-36, § 9, 8-1-2002; Ord. No. 2006-87, § 1, 11-16-2006)

5.14.00. Maintaining levels of service.

In no case shall development, as defined in article 3, commence without a finding of concurrency which establishes that levels of service will not be degraded, unless degradation is allowed pursuant to a policy in the adopted comprehensive plan. No development orders will be issued for any development which affects any designated hurricane evacuation route unless the impact of the development on the hurricane evacuation time for affected evacuation routes is within the standard established by OBJ COA 1.3 [of the Comprehensive Plan].

5.14.01. Exceptions. With the exception of hurricane evacuation time for affected evacuation routes, which may not be degraded, the LOS of any specific system may be degraded during the actual construction of new facilities or a project if, upon completion of the construction, the prescribed standards will be met.

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5.14.02. Phased construction. The construction of any development project may be phased or staged so as to coincide with the phased or staged construction of infrastructure facilities so that the levels of service for such facilities are maintained upon completion of each phase or stage of the development project.

(Ord. No. 2002-36, §§ 10, 11, 8-1-2002; Ord. No. 2013-54, § 1, 12-5-2013)

5.15.00. Capacity allocation.

A. Capacity shall be allocated upon issuance of a development order for a preliminary plat (subdivision), site plan (non residential), or planned unit development (PUD), phased or longer term project or development of regional impact (DRI). The allocation of capacity, however, shall be subject to the following sunset provisions:

1. Capacity approved and assigned to a preliminary plat will remain allocated for a period of four years from the date of issuance of the development order associated with the preliminary plat. However, capacity will be lost at the end of two years if construction plans have not been submitted to the county.
2. Capacity approved and assigned to a site plan shall remain allocated for a period of 18 months from the date of the issuance of a development order associated with the site plan.
3. Capacity approved and assigned to a planned unit development (PUD), phased development, longer term projects or DRI will remain allocated for a period as established in an enforceable development agreement.
4. Expiration of capacity approved and assigned may be tolled pursuant to section 4.06.11 of this Code.

B. If construction activity ceases or does not continue in good faith, or if phased development falls behind any pre-established schedules for a period of one year, allocated capacity will be withdrawn and made available to other applicants.

C. In the event of withdrawal of capacity following the issuance of a development order, development permit or construction permit, it shall be incumbent upon the applicant to reapply for necessary capacity allocations if a continuation of the project is desired.

(Ord. No. 2001-11, § 4, 3-1-2001; Ord. No. 2005-36, § 1, 8-18-2005)

5.16.00--5.19.00. Reserved.

Editor's note: Section 3 of Ord. No. 99-44, adopted Sept. 16, 1999, repealed §§ 5.16.00--5.19.00 which respectively pertained to vested rights, intents and purposes for vested rights determinations, criteria for invested rights determination, and limitation on vested rights, and derived from Ord. No. 96-03, the original codification of the Land Development Code.

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Article 6 ZONING DISTRICTS

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***Cross references:** Any ordinance rezoning specific property or establishing or amending a specific plan unit development saved from repeal, pt. I, § 1-10(a)(11).

- 6.00.00. General.
- 6.01.00. Districts established.
- 6.02.00. Boundaries established.
- 6.03.00. Home occupations and other accessory uses.
- 6.04.00. General provisions.
- 6.05.00. District regulations.
- 6.06.00. Planned unit development (PUD).
- 6.07.00. Overlay districts (general).
- 6.08.00. Conditional use review standards.

6.00.00. General.

This article implements the goals, objectives and policies set forth in the Comprehensive Plan relating to land use in Escambia County. Provisions set forth as to type of land use, density and intensity permitted are correlated with the districts shown on the future land use map and the zoning maps.

6.00.01. Legislative intent of residential districts. The residential districts established in this section (AG, RR, SDD, R-1, AMU-1, AMU-2, R-1PK, R-2, R-2PK, R-3, R-3PK, R-4, R-5, R-6, V-1, V-2, V-2A, V-3, V-4, V-5, VR-1, VR-2, VR-3, and residential portions of GMD, VM-1 and VM-2 and PUD/PUD-PK districts) are designed to promote and protect the health, safety, convenience, order, prosperity and other aspects of the general welfare. The general goals include:

- A. To provide sufficient space in appropriate locations for residential development to adequately meet the housing needs of the present and expected future population of the county.
- B. To efficiently utilize existing public ways and to mitigate the effects of heavy traffic, especially through traffic, in residential areas.
- C. To protect residential areas against flood, fire, explosions, toxic and noxious matter, radiation, and other hazards, as well as offensive noise, vibration, smoke, dust and other particulate matter, glare and other objectionable influences.
- D. To protect residential areas against undue congestion, by regulating the density of population, the intensity of activity and the bulk of buildings in relation to the surrounding land and to one another and by providing for off-street parking.
- E. To require the provision of open space and landscaping in residential areas wherever practical in order to provide for air, light and wind dynamics, to provide open areas for recreation, to enhance scenic quality, to facilitate surface drainage, and thereby to provide a more desirable environment for residential areas.
- F. To provide for access of light and air to windows and provide for privacy by controls over the height of buildings or other structures.

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G. To provide appropriate space in accessible locations for public and private educational, religious, recreational and similar facilities and public utilities which serve the needs of nearby residents, generally function more effectively in a residential environment and do not create objectionable influence; and to coordinate the intensity of residential land use with community facilities which are appropriately located and designed.

H. To promote the most desirable use of land as well as the appropriate location and density of development, to promote stability of residential areas by providing for smooth transitions in residential density, to effectuate and maintain adequate levels of public services, to conserve the value of land and buildings, to protect the county's present and future tax revenues and to achieve the objectives of the Comprehensive Plan.

6.00.02. General legislative intent of commercial districts. The commercial districts established in this section (C-1, C-1PK, C-2, GBD, WMU, and commercial portions of GMD, VM-1, VM-2 and PUD/PUD-PK districts) are designed to promote and protect the health, safety, convenience, order, prosperity and other aspects of the general welfare. The general goals include:

A. To provide sufficient space, in locations accessible to residential areas, for local retail services and trades catering specifically to the recurring shopping needs of the occupants of nearby residences.

B. To protect both retail and service developments and nearby residences against flood, fire, explosion, toxic and noxious matter, radiation and other hazards, and against offensive noise, vibration, smoke, dust and other particulate matter, odorous matter, glare, and other objectionable influences.

C. To protect both retail and service developments and nearby residences against congestion, by regulating the intensity of retail and service developments consistent with their marketing functions, preserving open space and access to light and air, by providing for adequate traffic circulation, by providing for off-street parking and loading facilities and regulating the height of buildings and other structures.

D. To provide sufficient and appropriate commercial space to meet the needs of the county's existing and future populations and to encourage planned commercial development concentrated in regional, community and local commercial centers with adequate areas for vehicular and pedestrian circulation, open space and landscaped areas and adequate surface drainage and enhance scenic quality.

E. To provide sufficient space in appropriate locations for commercial districts which satisfy specific needs of the county for medical services, offices, highway oriented goods and services, and other commercial trades and services.

F. To provide sufficient space in appropriate locations for the mixture of high density residential and restricted commercial developments with standards for development which provide protection to existing, compatible land uses.

G. To provide appropriate space for various commercial activities within a compatible environment in accordance with the Comprehensive Plan, to promote a viable economic base within the county, to protect the character of the districts and their suitability for particular uses so as to conserve the value of land and buildings and to protect the county's present and future tax revenues and to achieve the objectives of the Comprehensive Plan including, but not limited to, FLU 1.3.1 and policies thereunder (i.e., FLU 1.1.10) and Policy FLU 1.1.10 and LDC section 7.20.00.

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6.00.03. General legislative intent of industrial districts. The industrial districts established in this section (ID-CP, ID-1, ID-2, and ID) are designed to promote and protect the health, safety, convenience, order, prosperity and other aspects of the general welfare. The general goals include:

- A. To provide sufficient space in appropriate locations to meet the needs of the area's economic and employment base, and the expansion thereof, and for all types of distributive, assembly, production and other industrial and related activities.
- B. To provide for compatibility between industrial uses and residential uses and other related activities by providing for the separation of these uses, and to ensure that appropriate space needs for industrial activities are available by discouraging the use of such space for residential purposes.
- C. To permit industrial development which is reasonably free from danger of fire, explosions, toxic and noxious matter, radiation, smoke, dust or other particulate matter, and other hazards from offensive noise, vibration, odorous matter, glare and other objectionable influences, by regulating the emission of such nuisances, through appropriate performance standards.
- D. To protect industrial activities and uses from undue congestion by limiting the bulk of buildings and by requiring off-street parking, open space, buffer strips and other appropriate site development standards.
- E. To promote the most desirable, efficient and appropriate use of land, to promote stability of industrial and related development, to strengthen the economic base of the county, to protect the character of these districts and their peculiar suitability for particular uses, to conserve the value of land and buildings, and to protect the interests of the county and its current and future residents and to achieve the objectives of the Comprehensive Plan including, but not limited to, Chapter 7, Future Land Use Categories and policies thereunder (i.e., FLU 1.1.10) and policy FLU 1.1.10 and LDC section 7.20.00.

6.01.00. Districts established.

In order to regulate and limit the height and size of buildings, to regulate and limit the intensity of the use of lot areas, to regulate and determine the areas of open spaces within and surrounding buildings, to classify, regulate and restrict the location of trades and industries, and the location of buildings designed for specified industrial, business, residential and other uses, the county hereby establishes and is divided into the following zoning districts:

TABLE INSET:

<i>Cumulative Districts</i>	
AG	Agricultural District
RR	Rural Residential District, [Low Density]
AMU-2	Airfield Mixed Use District - 2
R-2	Single-Family District, Low-Medium Density
R-2PK	[Residential District] (Perdido Key) Medium Density
R-3	One- and Two-Family District, Medium Density
R-3PK	[Residential District] (Perdido Key) High Density
R-4	Multiple-Family District, Medium High Density

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R-5	Urban Residential/Limited Office District, High Density
R-6	Residential and Neighborhood Commercial District, High Density
C-1	Retail Commercial District
C-1PK	(Perdido Key) Commercial District
CCPK	(Perdido Key) Commercial Core District
CGPK	(Perdido Key) Commercial Gateway District
PRPK	Planned Resort District Perdido Key (Medium Density)
C-2	General Commercial District
ID-CP	Industrial Commerce Park District (no residential uses allowed)
ID-1	Industrial District (no residential uses allowed)
V-1	Villages Single-Family Residential, Low Density
V-2	Villages Single-Family Residential, Medium Density
V-2A	Villages Single-Family Residential, Low Density
V-3	Villages Single-Family Residential, High Density
V-4	Villages Multifamily Residential
VM-1	Villages Mixed Residential - 1
VM-2	Villages Mixed Residential - 2
<i>Noncumulative Districts</i>	
<i>R-1</i>	<i>Single-Family District, Low Density</i>
<i>AMU-1</i>	<i>Airfield Mixed Use District - 1</i>
<i>R-1PK</i>	<i>(Perdido Key) Single-Family [Residential] District, Low Density</i>
<i>SDD</i>	<i>Special Development District</i>
<i>ID-2</i>	<i>General Industrial District (no residential uses allowed)</i>
<i>S-1</i>	<i>Outdoor Recreational District (no residential uses allowed)</i>
<i>S-1PK</i>	<i>(Perdido Key) Outdoor Recreational District</i>
<i>P</i>	<i>Public</i>
<i>V-5</i>	<i>Villages Mixed Residential Clustered</i>
<i>GBD</i>	<i>Gateway Business District</i>
<i>GMD</i>	<i>Gateway Mixed Use District</i>
<i>GID</i>	<i>Gateway Industrial District</i>
<i>VAG-1</i>	<i>Villages Agriculture, Low Density</i>

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VAG-2	<i>Villages Agriculture</i>
VR-1	<i>Villages Rural Residential, Low Density</i>
VR-2	<i>Villages Rural Residential</i>
VR-3	<i>Villages Rural Residential, Medium Density</i>
WMU	<i>Waterfront Mixed Use</i>
<i>Santa Rosa Island Authority Zoning Districts</i>	
LDR-PB	Low Density Residential
MDR-PB	Medium Density Residential
MDR/C-PB	Medium Density Residential/Commercial*
HDR-PB	High Density Residential
HDR/C-PB	High Density Residential/Commercial*
GR-PB	General Retail
Rec/R-PB	Recreation Retail
CH-PB	Commercial Hotel
PR-PB	Preservation
Con/Rec-PB	Conservation/Recreation
G/C-PB	Government/Civic

District regulations for SRIA zoning districts are contained in article 13 of this Code.

*Hotel densities may be increased to 20 units per acre in MDR/C-PB and 50 units per acre in HDR/C-PB, by conditional use approval through the BOA.

[6.01.01. Reserved.]

6.01.02. Reversion of federal lands. Whenever unzoned federal properties revert to private ownership, such reversion shall be subject to the plan amendment process, and such process shall be initiated with the proposed future land use category being that which is requested by the applicant or the federal agency responsible for the land and/or its disposition. See section 6.01.03.B. regarding the imposition of a zoning district on the property.

6.01.03. Unzoned land.

- A. Unzoned land, which is not included in an existing future land use category on the future land use map, shall be subject to the plan amendment process. Until the effective date of such plan amendment, section 7.09 of the Comprehensive Plan shall be applied to the land to impose a future land use category on the property that is consistent with conforming uses surrounding or within 500 feet of the property.
- B. Following such amendment, the property shall undergo a legislative zoning process, except for projects which have been approved through the planned unit development process and are located in areas which the county has determined shall not be included in a specific zoning district.

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C. Where the plan amendment process is a small scale amendment, the plan amendment and the zoning process may process in tandem; provided, however, that the zoning ordinance shall be effective upon the effective date of the small scale amendment.

6.02.00. Boundaries established.

The boundaries of the districts are shown upon the official zoning map series, which depict the entirety of the county, which are hereby adopted by reference and made a part hereof. The official zoning map series and all the notations, references and other information shown thereon are a part of this Code and have the same force and effect as if such information set forth on the maps were all fully described and set forth herein. The official zoning maps are on file in the offices of the department. The director shall maintain the official zoning maps and future land use map, and insure that all amendments thereto are posted to the official map as soon as possible after adoption, but not later than five business days after the zoning amendment becomes legally effective. The official zoning maps, or portions thereof, shall be available to the general public for purchase within five days of such amendment becoming legally effective.

6.02.01. Determination of boundaries. Where uncertainty exists as to boundaries of any district shown on the official zoning map adopted herein, the following rules shall apply only to make determinations:

- A. Where such district boundaries are indicated as approximately following street lines, alley lines, lot lines, section lines or other natural or manmade features, such lines or features shall be construed to be such boundaries.
- B. On all properties the location of the district boundary, unless the same is indicated by dimensions, shall be determined as accurately as possible by the use of the scale appearing on the original official zoning map.
- C. Where any street or alley was heretofore or is hereafter officially vacated or abandoned, the zoning district regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.
- D. If a zoning district line divides a parcel, the district with the larger land area can apply to the entire parcel if the parcel is one acre or less in size and where the parcel is not part of a platted residential subdivision. Conditional use approval by the board of adjustment is required for this to apply. In all other instances, rezoning is required where the owner wishes to apply a single district to the whole parcel.

NOTE: Nothing in this subsection shall prohibit or inhibit the provision of more than one zoning district on a lot or parcel.

6.02.02. Setback requirements. The BOA may grant a variance pursuant to section 2.05.00 of this Code to setback requirements in the following cases:

- A. Additions to buildings or structures which upon construction would be in violation, and extend further into the setback area than the existing building.
- B. In considering the request pursuant to the above, the BOA may approve, deny or approve a part of an application for variance to the setback requirements. In order to approve the variance, the BOA shall find there is competent, substantial evidence to demonstrate that no adverse impacts will occur to any adjacent or nearby properties or to the use and convenience of public roads and streets. Of particular concern is the maintenance of public safety, site distances, obstacles or obstructions to vehicular or pedestrian movement, the necessity for

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adequate, unobstructed rights-of-way for utility purposes and other similar physical and aesthetic considerations.

C. A variance to setback requirements shall be granted by the BOA to a structure when, at time of application, said structure otherwise conformed to the setback provisions of this Code. However, the applicant and BOA are bound by the provisions of articles 2 and 7 and relevant statutes when considering and acting upon such application.

6.02.03. Setback encroachments for construction/security. Nonconforming signs, lights, fences, and temporary power poles needed for construction or security activities may be permitted as temporary structures in the setback area. The owner shall be responsible for and shall remove any such items pursuant to a request of the board of county commissioners at no expense to the county. Setback approvals will not be required for septic tanks. All structures subject to this provision and located in the setback are considered temporary structures as defined in the Standard Building Code.

6.02.04. Modification and adjustments of zoning regulations. Regulations set forth in section 2.10.00 modify, adjust or supplement the district regulations appearing in this article.

6.03.00. Home occupations and other accessory uses.

The purpose of this section is to classify accessory uses or activities so as to distinguish such accessory uses from the primary or principal use associated with any lot or parcel. If there is a dispute regarding the classification of a use or activity as an accessory or principal use, or if there is an ambiguity such that it is not clear whether a proposed use or activity should be classified as an accessory use, the planning board (LPA) shall review the matter and determine the proper classification of such use or activity.

6.03.01. Accessory uses. Activities or uses customarily associated with and appropriately incidental and subordinate to the principal use when located on the same lot as such principal use shall be considered an accessory use and shall adhere to the conditions set forth in this section. Such accessory uses shall be controlled in the same manner as the principal use within the district where such uses are located, except as otherwise provided in section 2.10.06. Accessory uses include, but are not limited to, the following:

A. *Parking.* Off-street parking and loading serving a principal use, whether located on the same lot or on a different lot, but only if the facilities involved are reserved for the residents, employees, patrons or other persons participating in the principal use. Elevated, above grade parking facilities are considered an accessory building for the purpose of calculating the footprint on Perdido Key. (See sections 6.05.13.H.4.b; 6.05.13.01.F.4.e; 6.05.13.02.F.5.e.)

B. *Home occupations.* Occupations accessory to a residential use shall be conducted within a dwelling unit, or accessory building by one or more residents of the dwelling unit and shall not occupy more than 20 percent of the total floor area of such dwelling unit or more than 300 square feet of floor area, whichever is less. Prior to commencement of any home occupation, the owner shall obtain all appropriate/required business, professional or occupational license(s). Any home occupation shall meet the following standards:

1. *Exterior evidence of the operation.* There shall be no exterior displays or storage, or a display of goods or merchandise or stock-in-trade visible from the outside or exhibited on the premises by any method or device whatsoever, including signs which would indicate from the exterior that the dwelling unit, or accessory building is being utilized in whole or in part as a home occupation;

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2. *Mechanical equipment impact.* Use, in connection with the home occupation, of any mechanical or electrical equipment which creates interference or causes adverse impacts on adjoining or nearby properties is prohibited. Those devices normally used in agricultural activities, for household purposes, or for other domestic purposes are not regulated by this section. (The use of personal computers, typewriters, calculators, etc., is not regulated by this Code);
3. *External structural alterations.* External structural alterations not customarily associated with residential buildings are prohibited;
4. *Noise or similar impacts.* Offensive noise, vibration, smoke, dust, or other particulate matter, odorous matter, heat, glare or other objectionable effects are prohibited;
5. *Employees.* Employment of persons other than a family member residing in the dwelling unit, is prohibited unless otherwise approved as part of a conditional use permit pursuant to section 2.05.00 of this Code;
6. *Customers.* No customers shall visit the house nor shall there be any other additional traffic or an increase in demand for parking due to trucks or other service vehicles coming to the house;
7. *Group instruction or assembly.* Group instruction or assembly; fortune telling; massage parlors, modeling studios, photography studios and similar services are prohibited;
8. *Mobile homes.* A home occupation or commercial activity is prohibited in a residential mobile home; and
9. *Auto repair.* The manufacturer or repair of motor vehicles or other transportation equipment is prohibited.

C. *Residential occupancy.* If occupancy/residential use is customarily associated with and appropriately incidental to a principal nonresidential activity on the same lot.

D. *Employee/visitor support.* Support services and functions/activities normally associated with the permitted principal use including, but not limited to, cafeterias, lunch/break rooms, health or fitness facilities.

E. *Accessory structures.* Accessory structures to a residence (excluding agricultural zoning and farms) shall not exceed 50 percent of the size of the primary structure or 500 square feet, whichever is larger, for parcels up to two acres in size. Parcels of two to five acres in size may have accessory structures up to 75 percent of the size of the primary structure and parcels greater than five acres may have accessory structures up to 100 percent of the size of the primary structure. Structures larger than the above allowed sizes shall require conditional use approval from the BOA. Accessory buildings or guest residences on waterfront lots shall require conditional use approval from the BOA to locate in a front yard of the principle dwelling and shall not be located within 60 feet of a front property line. If the parcel is zoned commercial, the accessory structure may be larger than the above standard but in such case, it shall require site plan approval as a commercial structure in accordance with article 4, part II.

F. *Docks, piers and mooring devices.* Noncommercial structures such as piers, docks, wharves, mooring devices, lifting and launching devices are permitted as accessory structures where allowed in residential districts.

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Unwalled roof areas or boat shelters are permitted as accessory structures on conforming piers, docks, or wharves provided that no part of such superstructure extends further waterward from the property line than the permitted pier, dock or wharf.

G. *Carports*. All Carports attached and/or detached regardless of construction materials are allowed as accessory uses only when the following conditions are met:

1. Carport is located in the side or backyard and meets the required side and/or rear yard setback.
2. Carport is located in the front yard and meets the following additional conditions:
 - a. It is not possible to locate the carport in the side or rear yard; and
 - b. Front yard carports are not prohibited by private deed restrictions; and
 - c. Carport must provide a minimum ten-foot front yard setback. The applicant must prove they cannot place the carport in the side or rear yard;
3. All carport owners must apply for and receive a land use certificate from the planning and zoning department, with the one-stop development planners.
4. All carports are required to meet local building code requirements.
5. Building permits will be required for all carports except portable carports under 400 square feet (see section 4.06.02).
6. Carports may be attached to the principle dwelling in a manner consistent with the building code provided that the principle dwelling is not a mobile home.
7. All new carports that are erected after July 20, 2006, are required to comply with these regulations which requires obtaining a land use certificate, meeting local building code requirements, and possibly a building permit depending on size (see subsection 5., above).

H. *Small wind energy systems*. A small wind energy system is an accessory use which shall meet the following standards:

1. System Height. The height of the system is the minimum necessary to reliably provide the required power.
2. Prohibited use. To protect the unique scenic view, the installation of systems is prohibited within the Scenic Highway Overlay District.
3. Airport and Navy review. The installation of a system or additional turbine within the Pensacola Gulf Coast Regional Airport Planning District (PNSPD) or any Navy Airfield Influence Planning District (AIPD) shall require applicant notification to and response from the respective airport/ airfield authority. If the authority has objections to the installation, the Planning Official shall consider them in a final determination and may impose approval conditions on the installation to address the objections.
4. Setback. The center of a system tower base shall be no closer to any part of a dwelling outside of the system installation parcel than the total height of the system. Additionally, no part of a system structure,

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including any guy wires or anchors, shall be closer than five feet to the property boundary of the installation parcel.

5. Appearance.

a. Design and Location. Towers shall be designed and located to minimize visual impacts. Colors and surface treatment of system components shall minimize visual distraction.

b. Signs. Signs on system components shall be limited to the manufacturer's or installer's identification and appropriate warnings.

c. Lighting. System structures shall not be lighted, except to the extent required by the Federal Aviation Administration or other applicable authority.

I. *Possession of Live Chickens (Gallus gallus domesticus) Accessory to Single Family Residential Dwellings.* The ownership, possession, and raising of live chickens (*Gallus gallus domesticus*) is a permitted accessory use for all single-family residential dwelling primary uses. Notwithstanding any prohibition of farm animals or minimum lot area established for farm animals, the raising of chickens is allowed in all zoning districts where single-family residential dwellings are permitted primary uses, except those zoning districts specifically designated for Pensacola Beach and Perdido Key, provided the following standards must be met:

1. The owner or occupant of a lot that is $\frac{1}{4}$ acre or less in size may not possess more than eight (8) chickens.
2. Roosters are only permitted if kept no less than one-hundred (100) yards from any inhabited residential dwelling other than the dwelling of the owner thereof or the person keeping the same.
3. Between sunrise and sunset, chickens may roam freely in the fenced rear yard of a single lot. During all other times, chickens must be kept in secure coops, pens or enclosures that prevent access from predators.
4. All pens, coops, or enclosures must be a minimum of 10 feet from rear and side property line of a single lot and 20 feet from any residential dwelling located on an adjacent lot.
5. Chickens may not be kept for commercial purposes unless otherwise allowed by zoning.

(Ord. No. 2013-38, §2, 8-20-2013)

6.04.00. General provisions.

6.04.01. *Compliance with code.* No principal or accessory building, structure or use shall be erected, reconstructed or structurally altered, extended or enlarged unless such building, structure or use complies with all applicable regulations established by this Code including parking, landscaping and all other performance standards for the district in which the building, structure or land is situated. Unless otherwise authorized as provided herein, land uses not listed or included as permitted uses in a given zoning classification shall be considered prohibited uses in such zoning classification. The conducting of prohibited uses shall be considered violations of this Code punishable as provided by law and ordinance. Specifically exempted from the prohibition shall be bona fide accessory uses that comply with section 6.03.01.

6.04.02. *Encroachment of yard or open space.* The minimum yards and other open space provisions contained in this Code for each and every building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements for any other building (Also, see section 2.10.01 et seq.).

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6.04.03. Number of buildings per lot in single-family districts. In single-family districts every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one dwelling unit and the customary accessory buildings on one lot except while constructing a new dwelling on said lot in which case the old dwelling must be removed within 90 days of issuance of a certificate of occupancy for the new dwelling.

6.04.04. Uses and parking of recreational vehicles. As of the adoption date of this Code, the use of recreational vehicles as living quarters for more than 14 days in any calendar year is prohibited, except in duly licensed campgrounds or mobile home parks. All recreational vehicles located in residential districts, except for those being stored and not occupied and located on the same lot with the principal structure, shall be removed within 60 days from notification.

6.04.05. Temporary construction or sales office. A temporary construction office or sales office such as is normally used by contractors on or near the premises while a building or other project is under construction, shall be allowed, provided such temporary building is removed no later than 90 days from the date of issuance of a certificate of occupancy. A temporary sales office can be authorized prior to the start of construction provided a preapplication review of the project has been completed by the development review committee. The office must be removed within 24 months of such preapplication if construction has not begun. One extension can be authorized by the board of adjustment.

6.04.06. Subdivision sales office. Nothing contained in this Code shall be construed to prevent the owner or sales agent of a subdivision from using or occupying any house that may be constructed in said subdivision in accordance with the building code and zoning regulations as an office for the sale and promotion of lots and houses within such subdivision. Such operations shall cease when sales in said subdivision have been completed.

6.04.07. Land area calculation involving land-locked water bodies. For the purpose of calculating land area in determining density, water bodies which are completely landlocked, which are not a part of federal or state designated navigable waterways, and which are contained within the tract of land may be used towards the overall land area calculation for the project parcel. Any part of any preserved wetlands or other preserved natural areas which are located on the project parcel may be used and calculated as part of the overall land area of the project parcel.

6.04.08. Previously existing lots. This Code shall not be construed to prevent the construction of a single-family dwelling on any lot that was a lot of record as of February 8, 1996, although such lot of record may have a lesser area or width than is required in the district in which said lot is located.

6.04.09. Commercial activity in public right-of-way. In accordance with Ordinance No. 88-3, commercial operations are prohibited in public rights-of-way including storage of vehicles for sale or rent. To assure compliance, a hedge or other barrier shall be installed to prevent vehicles, boats, mobile homes, storage shed, etc., (for sale or rent) from intruding on the right-of-way.

6.04.10. Temporary use of a mobile home as a guest residence due to medical hardship.

A. A mobile home meeting the definition of guest residence, as defined in article 3, may be placed temporarily as a guest residence due to medical hardship in any zoning district on the mainland of Escambia County, except for the C-2, C-3, C-4, and the Villages commercial zoning districts, and the industrial zoning districts with approval of the board of adjustment and in accordance with the provisions of sections 2.05.01 and 2.05.06.

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B. Mobile homes approved by the board of county commissioners under the previous ordinance regarding such use of a mobile home shall be subject to the provisions of section 2.05.06 upon expiration of prior approvals.

6.04.11 Temporary residential, business, commercial and industrial use housing measures following a disaster.

A. *During the rehabilitation or construction of a residence.* When a natural or human-caused disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home, manufactured home or recreational vehicle located on the single-family lot, or off-site subject to the conditions set forth in paragraph D.6. below, during rehabilitation of the original residence or construction of a new residence may be permitted by the building official, regardless of zoning district requirements. The maximum length of use will be 18 months or 540 days after the date of a disaster declaration by the President of the United States. The applicant must apply for such permit within six months of the date of the disaster declaration. The board of county commissioners must implement this provision with a finding that such temporary housing is in the public interest as to each such disaster. (See also, sections 6.04.04 and 7.09.00.A of this Code).

B. *Use of recreational vehicle and mobile home parks for residential housing.* Rental recreational vehicle and mobile home parks having unoccupied pad sites reserved for seasonal visitor use may be asked to make such sites available to housing disaster victims having residences unfit for human habitation. Owners of recreational vehicle and mobile home parks will be compensated for use of each needed pad site based on fair market rental rates in effect for Escambia County at the time of the declared disaster. The board of county commissioners must implement this provision with a separate finding that such temporary housing measures are in the public interest as to each such disaster.

C. *During the rehabilitation or construction of business, commercial or industrial use structures.* On a case-by-case basis, the building official may issue a permit to allow business, commercial or industrial uses that have been damaged by a disaster and in need of temporary nonresidential housing to use a department of community affairs approved manufactured home to carry out their activities during the rehabilitation of the original structure or construction of a new structure. Such temporary nonresidential structures may be permitted only for use on the site of the damaged structure. The maximum duration of the temporary use is nine months or 270 days from the date of the declaration of disaster by the President of the United States. The applicant must apply for such permit within six months of the date of the disaster declaration. This provision must be implemented by a finding by the board of county commissioners that these temporary use structures are in the public interest to allow for the rehabilitation of the area's economic base as to each such disaster.

D. *Conditions for use and limitation.* For all temporary uses allowed by this section, the following apply:

1. Required electrical, water and sanitary facilities must be provided.
2. The mobile home, recreational vehicle or manufactured home must be removed from the property within ten days after the certificate of occupancy is issued for the new or rehabilitated residence, business, commercial or industrial use or upon expiration of the temporary use permit, whichever occurs first. In order to receive a permit, the property owner must enter into a written contract with Escambia County that requires the property owner to remove the mobile home, manufactured home or recreational vehicle before the ten-day period expires. Failure to do so will enable the county to remove the structure without further notice and at the expense of the permit holder or property owner. the board of county commissioners delegates to the county administrator or his designee the authority to execute this contract on behalf of Escambia County.

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3. Placement or setting of the mobile home, recreational vehicle or manufactured home must comply with article 10 of this Code, pertaining to floodplain management.
4. For any business, commercial or industrial uses, there must be a reasonable amount of parking, including handicapped parking, based on the square footage of the temporary structure.
5. In those instances where the site of the damaged residential structure is not suitable for placement of a mobile home, manufactured home or recreational vehicle, the permittee may designate an alternate site provided that such alternate site complies with existing setback requirements of this Code for a guest residence as defined in article 3 of this Code, except that recreational vehicles may also be utilized and further provided that the approval of the board of adjustment shall not be required for placement of mobile homes, manufactured homes or recreational vehicles under this section. When an alternate site is designated, both the person whose home has been rendered uninhabitable and the owner of the property on which the mobile home, manufactured home or recreational vehicle is to be located shall join in the application for the permit and the contract for removal.
6. In no instance shall more than one mobile home, manufactured home or recreational vehicle (in addition to the preexisting dwelling) be permitted per lot and said mobile home, manufactured home or recreational vehicle must be occupied by the uninhabitable residential structure owner.
7. When any temporary use structure, permitted under this section, is replaced due to damage from a subsequent declared disaster, the duration of the original temporary use permit shall not be extended unless the subsequent declared disaster caused sufficient damage to the original residential, business, commercial or industrial structure to require additional repairs that slow the rehabilitation process as determined by the building official.

6.04.12. Use of portable storage containers in residential zoning districts. In all residential zoning districts, a land use certificate is required for the placement of a portable storage container at the site for any period greater than thirty (30) days. For periods less than thirty (30) days, a county container notification is required, which is to be provided to the County by the portable storage container company. The Development Services Bureau Chief or designee, based on a reasonable need, may issue a land use certificate that allows placement of the portable storage container on a residentially zoned lot for ninety (90) days. For purposes of this section, reasonable need means temporary circumstances that warrant the need for additional on-site storage, to include but not be limited to, damage or destruction to the primary use, remodeling, renovating, construction, or relocating.

In all residential zoning districts, if a container is to remain at a site for a period greater than thirty (30) days, a property owner or occupant must obtain a land use certificate from the Development Services Bureau Chief or designee for the placement of a portable storage container. The Development Services Bureau shall track the number of such container notifications and land use certificates issued and those remaining active.

In order to issue a land use certificate, the following regulations must be met and applicable:

A. For a front, back, or side yard.

1. The applicant is limited to one portable storage container per primary use. In the case of a multifamily residential use, the limit shall be one portable storage container per unit. The use of multiple storage containers may be approved by the development services bureau chief or designee based on the amount of construction and the scope of work.

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2. The container shall not exceed the exterior dimensions of nine feet in height; 20 feet in length and eight feet in width.
3. The container shall not obstruct the line of sight for approaching traffic or otherwise present a safety hazard. The placement zones of portable storage units in fire lanes, passenger loading zones or public rights-of-way shall be strictly prohibited unless approved by the development services bureau chief or designee.
4. Front yard placement will only be permitted where no alternative location on the parcel exists or if required placement of the container on an alternative location would create an unreasonable hardship on the owner(s) or occupant(s).
5. The portable storage company shall be responsible to ensure that the container is in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing or other holes or breaks.
6. In the event of unforeseen circumstances, such as an act of God, the development services bureau chief or designee may grant not more than one 90-day extension for good cause shown, assuming the applicant made such a request prior to the expiration of the original land use certificate.

B. *For a backyard only.* The development services bureau chief or designee may issue a land use certificate for the indefinite use of a portable storage container in a residentially zoned backyard assuming criteria 1--3 of subsection A., above, are met in addition to the following:

1. Any signage complies with the regulations of Article 8 of this Code.
2. All the accessory use requirements, including but not limited to setbacks, are met.

6.04.13. Use of portable storage containers in other zoning districts. In the C-1 zoning district, portable storage containers shall be considered outdoor storage and are a conditional use requiring compliance with subsection 6.05.14.C.4 and section 6.08.01 of this Code except that portable storage containers need only be buffered, not covered and buffered. Conditional use approval by the BOA is sufficient and no land use certificate is required.

In the C-2 district and any other district in which outdoor storage is a permitted use, portable storage containers shall be a permitted use with no land use certificate required.

In any other zoning district where outdoor storage is a prohibited use, portable storage containers shall be a prohibited use.

6.04.14. Retroactive. This section shall apply to existing portable storage containers. Where required by this ordinance, the owner or occupant of a lot that has a portable storage container placed on it shall either apply for a land use certificate or conditional use approval within 60 days of the effective date of this ordinance. Where no such land use certificate has been obtained or conditional use approval requested within 60 days of the effective date of this ordinance, the portable storage container shall be removed within the 60-day timeframe. Likewise, in any zoning district where portable storage containers are prohibited, the owner or occupant shall remove the portable storage container within 60 days of the effective date of this ordinance.

6.04.15. Fees. Application fees for a land use certificate or extension allowed for under this section will be set by resolution. There is no fee for a county container notification.

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6.04.16. *Temporary Structures.* A temporary structure may be erected on any lot provided it complies with its applicable zoning district regulations, and is used for commercial, commercial amusement, or recreational purposes. Temporary structures may include, but are not limited to, tents, portable shelters, wheeled structures, amusement rides, inflatable amusement structures, and constructed amusement structures. A temporary structure may constitute the primary use on a site and a permanent structure is not required to be located on the same site as a temporary structure. However, any temporary structure erected on a site must be approved by the County as follows:

- A. *Temporary structure in use for up to 30 days.* A temporary structure shall be allowed provided it complies with its applicable zoning district regulations.
- B. *Temporary structure in use between 31 days and 180 days.* The applicant must obtain a land use certificate from the planning official or designee for placement of the temporary structure.
- C. *Temporary structure in use for or longer than 181 days.* The applicant must obtain approval from the Development Review Committee (DRC) and comply with all applicable DRC requirements.

Note: Nothing in this subsection shall be deemed to prohibit temporary structures associated with civic, community or religious events such as the annual Seafood Festival, arts and crafts festivals, social or religious activities associated with a principal structure housing a place of worship, or meeting hall, schools or activities at the fairgrounds.

6.04.17. *Mobile vending units.* Mobile vending units are permitted uses in the following zoning districts: R-6, C-1, C-2, ID-1, ID-2, C-1 PK, CC-PK, CG-PK, and PRPK, subject to the following restrictions:

- A. The owner of the mobile vending unit must obtain an occupational license from the Escambia County Tax Collector and affix a copy of the occupational license to the mobile vending unit in a conspicuous location.
- B. The mobile vending unit shall include a waste receptacle and shall be designed and operated so as to prevent and eliminate the scattering of vending, beverage containers, paper products, etc.
- C. The mobile vending unit shall not be placed within a County right-of-way, parking space, driveway, or sidewalk.

6.04.18. *Single-family dwellings.* In all primarily single-family zoning districts as designated by Section 6.01.00 (R-1, R-2, R-3, V-1, V-2, V-2A, and V-3), and also in the R-4 and R-5 zoning districts, but exclusive of those zoning districts established under Article 13 of the land development code, the occupancy of single-family dwellings is limited to one family as defined under Section 3.02.00 of this code. However, nothing in this section shall be construed to limit or restrict any occupancy otherwise authorized or licensed by state or federal law.”

6.04.19. *Outdoor Storage Classes and Standards.* In order to determine and regulate outdoor storage and the proper screening requirements for such storage, the County hereby establishes the following outdoor/outside storage categories and standards:

Table Inset:

<u>Class</u>	<u>Description for Outdoor Storage</u>
Class 1	<ul style="list-style-type: none"> • Construction materials on active construction sites.

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Class 2	<ul style="list-style-type: none"> • Live plants not displayed for sale. • Goods incidental to agriculture or the provision of agricultural services.
Class 3	<ul style="list-style-type: none"> • Vehicles, including recreational, trailers, construction, and watercraft, at dealerships or a mini-warehouse. • Retail funerary sales.
Class 4	<ul style="list-style-type: none"> • Items outdoors during business hours.
Class 5	<ul style="list-style-type: none"> • Vehicles including recreational, trailers, construction, and watercraft excluding vehicles located at residences. • Hazardous or toxic substances • The storage, sale, dismantling, or other processing of used or waste goods or materials that are not intended for reuse in their original forms. • Materials or equipment. • Storage of vehicles or equipment for maintenance, repair, or servicing. • Raw or finished materials incidental to manufacture, processing, fabrication, assembly, treatment, and packaging of products. • The storage incidental to offices or administrative, clerical, or public contact services, together with incidental storage and maintenance of necessary vehicles.

(A) Standard	(B) Class 1	(C) Class 2	(D) Class 3	(E) Class 4	(F) Class 5
Yard or driveway.	<input type="checkbox"/>				
Rear yard unless the area is screened in accordance with LDC Section 7.01.06.E.				<input type="checkbox"/>	<input type="checkbox"/>
Standard A-2 buffer is required where abutting any residential district.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Screened in accordance with LDC Section 7.01.06.E.				<input type="checkbox"/>	<input type="checkbox"/>

6.05.00. District regulations.

6.05.01. AG agricultural district, low density.

A. *Intent and purpose of district.* This district is intended to identify those areas used primarily for farming, and/or the raising of livestock, and silviculture. A primary purpose of this district is to provide for the continuation and expansion of viable agricultural activities within the county by providing for compatibility among permitted uses and by preserving open spaces through low district-wide residential densities. The maximum density is 1.5 acres per dwelling unit. Refer to article 11 for uses, heights and densities allowed in AG - agricultural areas located in the Airport/Airfield Environs.

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B. *Permitted uses.*

1. Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
2. Silviculture.
3. Mariculture and aquaculture.
4. Single-family residences.
5. Campground and recreational vehicle parks.
6. Public utility.
7. Stables, private and public.
8. Animal hospitals, clinics and kennels.
9. Display and sale of fruit, vegetables and similar agricultural products.
10. Mobile homes as a single-family dwelling, subject to the other relevant provisions of this Code.
11. Places of worship.
12. Educational facilities.
13. Clubs and lodges.
14. Guest residences.
15. Public utility and service structures not included in subparts C. or D., below.
16. Feed and farm equipment stores.
17. Other rural area related commercial uses meeting the locational requirements of Comprehensive Plan Policy FLU 1.1.10.
18. Golf courses, tennis centers, swimming clubs, and customary attendant facilities and accessory buildings.
19. Commercial communication towers 150 feet or less in height.
20. Family day care homes and family foster homes.
21. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
- [22. Reserved]
23. Hunting preserves, shooting ranges, gun and rifle clubs, etc.
24. Public parks and recreation facilities

C. *Prohibited uses.*

1. Multifamily dwellings.
2. Landfills.

D. *Conditional uses.*

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1. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations.
2. Wastewater treatment facilities, electric power generation facilities or substations, and solid waste transfer stations or collection points and/or processing facilities.
3. Oil wells/mineral extraction and commercial antenna towers more than 150 feet in height.
4. Hospitals, nursing homes and similar uses, except in the Coastal High Hazard Area (CHHA) future land use categories.
5. The raising of exotic animals and birds.
6. Junkyards, salvage yards, and waste tire processing facilities.
7. Two-family dwellings.
8. Clinics.

E. *Site and building requirements.*

1. *Lot area, minimum.*

- a. Single-family residence. One and one-half acres (65,340 square feet), however, any deed or gift of any parcel of land given without valuable consideration to any member of the donor's immediate family shall be exempted from the minimum lot area requirements. The deeding option shall be limited to one time only for each immediate family member.
- b. Public utility uses, animal hospitals, churches and schools shall be exempted from the minimum lot area requirement.
- c. Animal clinics and kennels or other boarding facilities--Two acres minimum.

2. *Lot coverage.* At least 20 percent of each lot or parcel shall remain pervious (80 percent maximum impervious cover ratio).

3. *Lot width.* The minimum lot width for all permitted uses shall be 100 feet at the street right-of-way.

4. *Front yard.* There shall be a front yard having a depth of not less than 40 feet.

5. *Rear yard.* There shall be a rear yard having a depth of not less than 40 feet. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 40 feet, whichever is greater.

6. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 40 feet, whichever is greater.

F. *Landscaping.* See section 7.01.00.

G. *Signs.* See article 8.

(Ord. No. 2013-29, § 1, 07-11-2013; Ord. No. 2013-54, § 1, 12-5-2013)

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6.05.02. RR rural residential district (cumulative), low density.

A. *Intent and purpose of district.* This district is intended to be a single-family residential area of low density in a semi-rural or rural environment. This district is intended to provide a transition from urban to rural densities and agricultural uses. The maximum density is two dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in RR - rural residential areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
2. Any use permitted in the preceding district except as noted below.

C. *Conditional uses.*

1. Public riding stables.
2. Kennels.
3. Animal hospitals and veterinary clinics.
4. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations.
5. Home occupations with employees.
6. Country clubs, golf courses and tennis clubs.
7. Any conditional use permitted in the preceding district, except antenna towers.
8. Guest residence for medical care.
9. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
10. Solid waste transfer stations, collection points, and/or processing facilities.

D. *Prohibited uses.*

1. Any use prohibited in the AG district.
2. Commercial communication towers.
3. Junkyards, salvage yards, and waste tire processing facilities.

E. *Site and building requirements.*1. *Lot area, minimum.*

Single-family dwelling . . . 1/2 acre

Horses and private stables . . . 2 acres

Campgrounds . . . 5 acres

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Place of worship . . . 1 acre

Educational facilities . . . 1 acre

Kennels . . . 2 acres

Keeping of farm animals . . . 2 acres

2. *Lot coverage.* At least 20 percent of each lot or parcel shall remain pervious (80 percent maximum impervious cover ratio).
3. *Lot width.* The minimum lot width at the front building line shall be 100 feet and 80 feet at the street right-of-way. Every cul-de-sac shall have a minimum of 40 feet at the street right-of-way.
4. *Front yard.* There shall be a front yard having a depth of not less than 40 feet.
5. *Rear yard.* The minimum rear yard shall not be less than 40 feet in depth. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (article 7) of this Code or 40 feet, whichever is greater.
6. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (article 7) of this Code or 40 feet, whichever is greater.
7. *Private stables or other structures for housing (sheltering) farm animals.* No stables may be located less than 50 feet from any property line, nor less than 130 feet from any adjacent principal residential dwelling unit.

F. *Landscaping.* See section 7.01.00.

G. *Signs.* See article 8.

6.05.03. AMU-1 airfield mixed use-1 district (noncumulative).

A. *Intent and purpose of district.* The airfield mixed-use-1 district allows a compatible mix of certain types of commercial uses and single-family residential uses within the airfield influence planning district-1 (AIPD-1). The intent is to give a commercial option to property owners without the accompanying high residential densities allowed in the cumulative commercial districts. Buffering and landscaping/site requirements are more stringent than normal to protect residential uses from possible negative impacts if near commercial development. Additionally, the type of commercial use is limited to correspond to military recommendations and article 11 requirements.

All commercial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policies FLU 1.1.10) and article 7.

While the intent is for this zoning district to apply primarily to the AIPD-1 overlay areas, it can also be utilized in other unincorporated areas of Escambia County in which it is compatible with the future land use category with a maximum density of three d.u./acre. Maximum density is commensurate with the density specified in the accident potential zone (APZ) or AIPD area in which the site is located. (See adopted maps.)

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All lots of record as of August 21, 2001, are allowed one single-family residence regardless of density limitations.

The following densities shall apply in airfield mixed use-1:

1. *NAS Pensacola*

TABLE INSET:

a.	CZ (Clear Zone)	0 d.u./acre
b.	AIPD-1 Area "A"	0 d.u./acre
c.	APZ-1 (NASP)	0 d.u./acre (off the end of the runway)
d.	APZ-1 (All others)	1 d.u./2.5 acres
e.	APZ-2 (NASP)	2 d.u./acre (off the end of the runway)
f.	APZ-2 (All others)	3 d.u./acre
g.	AIPD-1 Area "B"	3 d.u./acre

2. *NOLF Saufley*

TABLE INSET:

a.	Clear Zones (CZ)	0 d.u./acre
b.	APZ-1	1 d.u./2.5 acres
c.	APZ-2	3 d.u./acre
d.	AIPD-1 Area "B"	3 d.u./acre

3. *NOLF Site 8*

TABLE INSET:

a.	AIPD-1 Area "B"	3 d.u./acre
----	-----------------	-------------

B. *Permitted uses.*

1. Single-family residential house.
2. Mobile homes are allowed as single-family dwellings, subject to the other relevant provisions of this Code. No mobile home parks allowed.
3. The growing of vegetables or other food crops for personal consumption by the residents (in all APZ areas plus Area "A" and Area "B").
4. Automobile service stations (no outside storage, minor repair only) (floor area ratio (FAR) 0.14 in APZ-1 and 0.28 in APZ-2).

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5. Bicycle sales and mechanical services (no outside storage) (FAR 0.11 in APZ-1 and 0.22 in APZ-2).
6. Appliance repair shops (no outside storage or work permitted) (FAR 0.11 in APZ-1 and 0.22 in APZ-2).
7. Contract construction services (FAR 0.11 in APZ-1 and 0.22 in APZ-2).
8. Public utility and service structures (APZ-1, APZ-2 and Area "B").
9. Professional offices as listed are allowed in APZ-2 and Area "B" only (FAR 0.22):
 - a. Architects, engineers, lawyers.
 - b. Tax consultants, accountants.
 - c. Real estate, insurance offices and finance.
10. Neighborhood retail sales and services listed below, in APZ-2. Gross floor area of building not to exceed 6,000 square feet. No permanent outside storage allowed (FAR 0.22).
 - a. Food and drugstores (FAR 0.24).
 - b. Personal service shops (FAR 0.22).
 - c. Clothing and dry goods store (FAR 0.28).
 - d. Specialty shops (FAR 0.22).
 - e. Bakeries whose products are made and sold at retail on the premises (FAR 0.24).
 - f. Florists shops provided that products are displayed and sold wholly within an enclosed building (FAR 0.22).
 - g. Small shopping centers 65,000 square feet or less (FAR 0.22).
11. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).

C. *Conditional uses.*

1. Recreational activities, including golf courses, riding stables, water recreation, parks, and other cultural, entertainment and recreation. Accompanying accessory structures shall have a FAR 0.11 in APZ-1 and Area "A" and 0.22 in APZ-2 and Area "B". Facilities such as, meeting places, auditoriums, large classes, etc. are not allowed. Clubhouses are permitted if they meet the FAR above or house no more than 25 people per acre, whichever is less. This type of facility must meet the following criteria to be approved as a conditional use:
 - a. Enclosed structures shall have a capacity of not more than 25 people per acre.
 - b. Sites shall be located within the more highly accessible portions of residential districts or an access road shall be constructed specifically to serve the project, thereby discouraging additional traffic along residential streets.

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- c. The proposed use shall not increase traffic on local residential streets in the impacted area in excess of established LOS standards.
- d. Development features shall be so located and related as to minimize the possibility of any adverse effects upon adjacent properties, including noise.
- e. The minimum number of off-street parking spaces to be provided shall be as required in section 7.02.00 of this Code.

2. Solid waste transfer stations, collection points, and/or processing facilities.

D. *Prohibited uses.*

- 1. Mobile home parks.
- 2. Any use that concentrates more than 25 people per acre in a structure is prohibited in all areas of AIPD-1. This includes, but is not limited to schools, churches, hospitals, meeting places, auditoriums, theaters, health clubs, large retail stores, hotels, motels and similar facilities. (See article 11, section 11.01.00.E.1.)
- 3. Day care facilities, for either children or adults.
- 4. Any use that results in the clustering of allowable residential units, except in AIPD-1 Area B.
- 5. Borrow pits, landfills, junkyards, salvage yards, and waste tire processing facilities.

E. *Off-street parking requirements.* See section 7.02.00.F. *Residential site and building standards.*

- 1. *Lot size.* Lot size is absolute in AIPD-1 and AIPD-1, Area A. That is, the lot size is the inverse of the density allowed. For example, if two d.u./acre are allowed, the minimum lot size equals one-half acre; three d.u./acre equals one-third acre minimum lot size, etc. (See article 11, Density Limitations). There is no minimum lot size for new subdivisions in AIPD-1, Area B, but development must meet the overall density requirement of three d.u./acre.
- 2. *Lot width.* Minimum lot width for a single-family dwelling measured at the front building line shall be 70 feet and at the street right-of-way, 50 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
- 3. *Front yard.* There shall be a front yard having a depth of not less than 25 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
- 4. *Rear yard.* The minimum residential rear yard shall not be less than 25 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (article 7) or 30 feet, whichever is greater.
- 5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in

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accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (article 7) or 30 feet, whichever is greater.

6. *Structure height.* No structure shall exceed 35 feet above ground level.

G. *Commercial site and building standards.*

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio). There is no minimum lot size for commercial development.

2. *Setbacks.*

Front: 20 feet.

Rear: 15 feet.

Side yard: Ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side, in addition to buffering requirements. Site development is regulated by article 7, Performance Standards, with changes as noted below.

H. *Landscaping.* See section 7.01.00.

I. *Signs.* See article 8.

J. *Buffering and screening standards.* See section 7.01.06.

1. Buffering and screening are required between any commercial use and any residential or agricultural use.
2. Property owners requesting a rezoning to AMU-1 to allow commercial development shall be responsible for providing and maintaining the buffer. Buffers shall be constructed to the following standards:
 - a. Between residential and commercial: Minimum of 15 feet width with B-2 plant material standards (see section 7.01.06.F) and opaque fencing.
 - b. Between agricultural and commercial: Minimum ten foot width with A-1 plant material standards (see section 7.01.06.F).

K. *Buffers for exterior lighting.* Exterior lighting shall be buffered in a manner that prevents annoyance from brightness and glare. This may be in the form of a shield on the light, an opaque fence of sufficient height to block the light, or vegetation high and thick enough to prevent bright and glaring lights from intruding on adjacent residential areas.

L. *Structure height.* Refer to section 11.04.00, Airport/Airfield Height Limitations, for pertinent regulations.

M. *Locational criteria.* See article 7 and Comprehensive Plan Policies FLU 1.1.10.

6.05.04. AMU-2 airfield mixed use-2 district (cumulative to AMU-1 only).

A. *Intent and purpose of district.* The airfield mixed use-2 district allows a combination of certain commercial uses and residential development within the airfield influence planning district-2 (AIPD-2). The intent and

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purpose of the AMU-2 district is two-fold: 1) to allow property owners with zoning that allows less density to up-zone to the three d.u./acre limit and 2) to give property owners a commercial-use option without the high cumulative residential density in the existing commercial districts. While the intent is for this zoning district to apply primarily to the AIPD-2 overlay areas, it can also be utilized in other unincorporated areas of Escambia County in which it is compatible with the future land use category, except AIPD-1. Density in the AMU-2 zoning district is limited to three dwelling units per acre.

All commercial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policies FLU 1.1.10) and in article 7.

B. *Permitted uses.*

1. All uses permitted in AMU-1.
2. Two-family or three-family structures, providing the overall density of three d.u./acre is not exceeded.
3. Medical and dental clinics, including those permitted in AMU-1.
4. Other professional offices of similar type and character as those listed in the previous district.
5. Neighborhood retail sales and services in addition to those listed in previous district.
 - a. Health clubs, spa and exercise centers.
 - b. Studios for the arts.
 - c. Martial arts studios.
 - d. Other retail/service uses of similar type and character of those listed herein.
6. Laundromats and dry cleaners.
7. Restaurants.
8. Recreational activities, including golf courses, riding stables, water recreation, parks and other cultural, entertainment and recreation.
9. Places of worship and educational facilities/institutions.
10. Child care centers.
11. Mini-warehouses, including RV and boat storage, with adequate buffering from residential uses (see buffering requirements below). No ancillary truck rental service or facility allowed without conditional use approval.
12. Automobile service stations (no outside storage, minor repair only).
13. Appliance repair shops (no outside storage or work permitted).
14. Public utility and service structures.
15. Family day care homes and family foster homes.

C. *Conditional uses.*

1. Mobile home parks.
2. Zero lot line development. Must meet overall density of three d.u./acre.

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3. Commercial communication towers. See article 11, Airport/Airfield Height Limitations and article 7, Commercial Communication Towers, for regulations concerning communication towers. No variance to height or to distance from residential zoning or residential buildings is permitted.

4. Solid waste transfer stations, collection points, and/or processing facilities.

D. *Prohibited uses.*

1. Uses expected to produce excessive noise, vibration, dust, fumes, smoke, pollution or glare.

2. Borrow pits, landfills, junkyards, salvage yards, and waste tire processing facilities.

E. *Off-street parking requirements.* See section 7.02.00.

F. *Residential site and building standards.*

1. *Lot size.* There is no minimum lot size in AMU-2, but development must meet the overall density requirement of three d.u./acre.

2. *Lot width.* Minimum lot width for a single-family dwelling measured at the front building line shall be 70 feet and at the street right-of-way, 50 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.

3. *Front yard.* There shall be a front yard having a depth of not less than 25 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.

4. *Rear yard.* The minimum residential rear yard shall not be less than 25 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (Article 7) or 30 feet, whichever is greater.

5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (Article 7) or 30 feet, whichever is greater.

6. *Structure height.* No structure shall exceed 35 feet above ground level.

G. *Commercial site and building standards.*

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio). There is no minimum lot size for commercial development.

2. *Setbacks.*

Front: 20 feet.

Rear: 15 feet.

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Side yard: Ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side, in addition to buffering requirements. Site development is regulated by article 7, Performance Standards.

H. *Landscaping.* See section 7.01.00.

I. *Signs.* See article 8.

J. *Buffering and screening standards.* See section 7.01.06.

1. Buffering and screening standards are required between any commercial use and any residential or agricultural use. Buffers shall be constructed to the following standards:

a. Between residential and commercial: Minimum 15-foot width with B-2 plant material standards (see section 7.01.06.F) and fences shall be opaque.

b. Between agricultural and commercial: Minimum ten-foot width with A-1 plant material standards (see section 7.01.06.F).

2. Property owners requesting a rezoning to AMU-1 to allow commercial development shall be responsible for providing and maintaining the buffer.

K. *Buffers for exterior lighting.* Exterior lighting shall be buffered in a manner that prevents annoyance from brightness and glare. This may be in the form of a shield on the light, an opaque fence of sufficient height to block the light, or vegetation high and thick enough to prevent bright and glaring lights from intruding on adjacent residential areas.

L. *Structure height.* Refer to section 11.04.00, Airport/Airfield Height Limitations, for pertinent regulations.

M. *Locational criteria.* See article 7 and Comprehensive Plan Policies FLU 1.1.10.

6.05.05. R-1 single-family district, low density.

A. *Intent and purpose of district.* This district is intended to be a single-family residential area with large lots and low population density. The maximum density is four dwelling units per acre. Refer to article 11 for uses and densities allowed in R-1, single-family areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-1 zoning located in the Scenic Highway Overlay District and RA-1(OL) Barrancas Redevelopment Area Overlay District.

B. *Permitted uses.*

1. Single-family detached dwellings and their customary accessory structures and uses.

2. The growing of vegetables or other food crops is permitted as long as the primary purpose for such activity is to provide for personal consumption by the residents. The raising of crops or other plants for commercial purposes is prohibited.

3. Public utility.

4. Marina (private).

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5. Residential dock or pier.
6. Family day care homes and family foster homes.
7. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).

C. *Conditional uses.*

1. Home occupations with employees.
2. Golf courses, tennis centers, swimming clubs with customary attendant facilities and accessory buildings.
3. Country clubs and their customary accessory uses.
4. Clubs, as defined.
5. Covered boathouses and covered boat docks as accessory uses.
6. Stables accessory to a principal structure for private, noncommercial use only. Minimum lot size 100,000 square feet.
7. Educational facilities, excluding child care centers and kindergartens.
8. Places of worship.
9. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations.
10. Public utility and service structures (see section 6.08.02).
11. Guest residence for medical care.
12. Public parks and recreation facilities.

D. *Prohibited uses.* Any use not listed in subparts A, B or C above.

E. *Off-street parking requirements.* See section 7.02.00.

F. *Site and building requirements.*

1. *Lot coverage.* The pervious area shall be at least 30 percent of the total lot (70 percent maximum impervious cover ratio).
2. *Lot width.* The minimum lot width at the front building line shall be 80 feet and at the street right-of-way, 50 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
3. *Front yard.* There shall be a front yard having a depth of not less than 25 feet, provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
4. *Rear yard.* The minimum rear yard shall not be less than 25 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.

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5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.

6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.

G. *Landscaping.* See section 7.01.00.

H. *Signs.* See article 8.

6.05.06. R-1PK residential district (Perdido Key), low density.

A. *Intent and purpose of district.* This district is intended to be a low population density area. The maximum density is two dwelling units per acre. Refer to the Escambia, County Comprehensive Plan and latest amendments, specifically Policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to article 11 for uses, heights and densities allowed in R-1PK areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Single-family, two-family (duplex), three-family (triplex), and multifamily dwellings.
2. Boathouses and boat docks as accessory uses, provided the roof of said boathouse does not exceed 20 feet above the elevation 0.0 (MSL) based upon USC&G datum plane.
3. Places of worship.
4. Public utility.
5. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations.
6. Marina (private).
7. Family day care homes and family foster homes.

C. *Conditional uses.*

1. Golf courses, tennis centers and swimming pools, with customary attendant facilities and accessory buildings.
2. Country clubs and their customary accessory uses.
3. Home occupations with employees.
4. Public utility and service structures (see section 6.08.02).
5. Public parks and recreation facilities.

D. *Off-street parking requirements.* See section 7.02.00.

E. *Site and buildings requirements.*

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1. *Lot coverage.* The pervious area shall be at least 30 percent of the total lot (70 percent maximum impervious cover ratio.)
 2. *Lot width.* The minimum lot widths shall be as follows:
 - a. *Single-family detached dwellings.* Forty feet at the front building line and 40 feet at the street right-of-way.
 - b. *Two-family (duplex) dwellings.* Eighty feet at the front building line and 50 feet at the street right-of-way line.
 - c. *Multifamily (condominiums, townhouses, boarding and lodging houses) dwellings.* One hundred feet at both the front building line and the street right-of-way line.
 - d. *Cul-de-sac lots.* A minimum of 20 feet at the street right-of-way.
 3. *Front yard.* There shall be front yard having a depth of not less than 25 feet.
 4. *Rear yard.* The minimum rear yard shall not be less than ten percent of the depth of the lot but need not exceed 25 feet. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.
 5. *Side yard(s).* The minimum side yard on each side shall be ten percent of the lot width, measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.
 6. *Building height.* No building shall exceed 35 feet in height above the habitable first floor (see definition of height, article 3). Variances to height through board of adjustment approval or PUD approval are subject to compliance with the MU-4 Comprehensive Plan height limitations for residential zoning.
 7. *Open space.* There shall be an open space requirement of 35 percent of the total parcel area.
- F. *Landscaping.* Except for single-family houses and other exemptions, see section 12.05.01.
1. See section 7.01.00.
 2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
 3. For developments subject to section 7.01.00, standard B-1 of the buffer and roadway setback performance standards in section 7.01.06 shall be required on all roadway frontages. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.

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4. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:

- a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
- b. Limit turf to locations where it provides functional benefits.
- c. Provide efficient irrigation systems.
- d. Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.

5. Irrigation system.

- a. An irrigation system shall be installed for all landscaped areas of the site.
- b. All irrigation materials used shall be ASTM approved.
- c. All irrigation systems shall include rain sensors.

G. *Signs*. See article 8.

H. *Lighting*. Artificial beachfront lighting shall conform to section 7.03.00.

6.05.07. R-2 single-family district (cumulative), low-medium density.

A. *Intent and purpose of district*. This district is intended to be a single-family residential area with large lots and low population density. The maximum density is seven dwelling units per acre. Refer to article 11 for uses and densities allowed in R-2, single-family areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-2 zoning located in the Scenic Highway Overlay District and RA-1(OL) Barrancas Redevelopment Area Overlay District.

B. *Permitted uses*. Any use permitted in the R-1 district.

C. *Conditional uses*. Any conditional use allowed in the R-1 district.

D. *Off-street parking requirements*. See section 7.02.00.

E. *Site and building requirements*.

1. *Lot coverage*. Same as R-1.

2. *Lot width*. The minimum lot width at the front building line shall be 70 feet and at the street right-of-way 50 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.

3. *Front yard*. There shall be a front yard having a depth of not less than 20 feet, provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.

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4. *Rear yard.* The minimum rear yard shall not be less than 20 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.

5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.

6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.

F. *Landscaping.* See section 7.01.00.

G. *Signs.* See article 8.

6.05.08. R-2PK residential district (Perdido Key), medium density.

A. *Intent and purpose of district.* This district is intended to be a medium population density residential area that recognizes the desirability of maintaining open space. The maximum density is 4.5 dwelling units per acre. Refer to the Escambia, County Comprehensive Plan and latest amendments, specifically Policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to article 11 for uses, heights and densities allowed in R-1PK areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Any use permitted in the R-1PK district.
2. Kindergartens and child care centers.

C. *Conditional uses.* Any conditional uses allowed in the R-1PK district.

D. *Off-street parking requirements.* See section 7.02.00.

E. *Site and building requirements.*

1. *Lot coverage.* Same as the R-1PK district.
2. *Lot width.* Same as the R-1PK district.
3. *Front yard.* Same as the R-1PK district.
4. *Rear yard.* Same as the R-1PK district.
5. *Side yard.* Same as the R-1PK district.
6. *Building height.* No building shall exceed a height of four stories, or two stories less than an adjacent structure, if the adjacent structure is greater than four stories and existed on June 1, 1997 (see definition of height, article 3). Variances to height through board of adjustment approval or PUD approval are subject to compliance with the MU-4 Comprehensive Plan height limitations for residential zoning.
7. *Open space.* Same as the R-1PK district.

F. *Landscaping.*

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1. See sections 7.01.00 and 12.05.01.
2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
3. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.
4. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
 - a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - b. Limit turf to locations where it provides functional benefits.
 - c. Provide efficient irrigation systems.
 - d. Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.
5. For developments subject to section 7.01.00, standard B-1 of the buffer and roadway setback performance standards in section 7.01.06 shall be required on all roadway frontages. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.
6. Vehicular use areas.
 - a. Vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.
 - b. Interior parking areas shall have one landscape island containing at least one tree and shrubs or groundcovers as per the above specifications, for every eight continuous spaces.
7. Irrigation system.
 - a. An irrigation system shall be installed for all landscaped areas of the site.
 - b. All irrigation materials used shall be ASTM approved.
 - c. All irrigation systems shall include rain sensors.

G. *Signs*. See article 8.

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H. *Lighting.* Artificial beachfront lighting shall conform to section 7.03.00.

6.05.09. R-3 one-family and two-family district, (cumulative) medium density.

A. *Intent and purpose of district.* This district is intended to provide for a mixture of one-family and two-family dwellings, including townhouses, with a medium density level compatible with single-family residential development. The maximum density is ten dwelling units per acre. Refer to article 11 for uses and densities allowed in R-3, one-family and two-family areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-3 zoning located in the Scenic Highway Overlay District and RA-1(OL) Barrancas Redevelopment Area Overlay District.

B. *Permitted uses.*

1. Any use permitted in the R-2 district.
2. Single-family attached dwellings including duplexes and townhouses, building clusters and zero lot line developments, but not including multifamily dwellings or structures.

C. *Conditional uses.*

1. Any conditional use allowed in the R-2 district.
2. Mobile homes utilized as guest residences.
3. Nursing homes, retirement homes, convalescent homes, adult congregate living facilities, and similar uses, except in the Coastal High Hazard Area (CHHA) future land use categories.

D. *Off-street parking requirements.* See section 7.02.00.

E. *Site and building requirements.*

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
2. *Lot width.* Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a two-family dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way line. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
4. *Rear yard.* The minimum rear yard shall not be less than 15 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less

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than five feet on each side. A minimum side yard of 15 feet shall be required between building clusters and townhouse groups. No side yards shall be required in attached clusters, townhouses, or zero lot line projects except at the ends of the projects where a minimum of 15 feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.

6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.

7. *Building clusters and townhouses.* Site and building requirements apply to the total building cluster with such being determined prior to issuance of a land use certificate.

8. *Zero lot line developments.* See section 7.10.00.

F. *Landscaping.* See section 7.01.00.

G. *Signs.* See article 8.

6.05.10. R-3PK residential district (Perdido Key), high density.

A. *Intent and purpose of district.* This district is intended to be primarily a high density residential area. Low intensity office use and service facilities are also permitted. The maximum density is 12 dwelling units per acre. Refer to the Escambia, County Comprehensive Plan and latest amendments, specifically Policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to article 11 for uses, heights and densities allowed in R-3PK areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Any permitted uses in the R-2PK district.
2. Professional offices such as those of architects, engineers, lawyers, tax consultants, accountants, and medical and dental offices.
3. Real estate or insurance offices.
4. Restaurants, including the sale of beer, wine and liquor for on-premises consumption, as part of a condominium development offering resort-style amenities.

C. *Conditional uses.* Any conditional use allowed in the R-2PK district.

D. *Off-street parking requirements.* See section 7.02.00.

E. *Site and building requirements.*

1. *Lot coverage.* The pervious area shall be at least 30 percent of the total area (a maximum of 70 percent impervious cover ratio).
2. *Lot width.* Same as the R-1PK district.
3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet.
4. *Rear yard.* The rear yard shall be not less than ten percent of the depth of the lot but not to exceed 25 feet. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (article 7) or 30 feet, whichever is greater.

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5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width, measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. No side yard shall be required in attached townhouse projects except at the ends of such projects where a minimum of ten feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (article 7) or 30 feet, whichever is greater.

6. *Building height.* No building shall exceed a height of eight stories, or two stories less than an adjacent structure, if the adjacent structure is greater than eight stories and existed on June 1, 1997 (see definition of height, article 3). Variances to height through Board of Adjustment approval or PUD approval are subject to compliance with the MU-4 Comprehensive Plan height limitations for residential zoning.

7. *Open space.* Same as the R-1PK district.

F. *Landscaping.*

1. See sections 7.01.00 and 12.05.01.

2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.

3. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.

4. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:

a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.

b. Limit turf to locations where it provides functional benefits.

c. Provide efficient irrigation systems.

d. Mulches and organic soil amendments to improve water holding capacity of soil may only be applied north of Perdido Key Drive.

5. *Buffers.* For developments subject to section 7.01.00, a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.

6. *Vehicular use areas.*

a. Vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers

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with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.

b. Interior parking areas shall have one landscape island containing at least one tree and shrubs or groundcovers as per the above specifications, for every eight continuous spaces.

7. Irrigation system.

a. An irrigation system shall be installed for all landscaped areas of the site.

b. All irrigation materials used shall be ASTM approved.

c. All irrigation systems shall include rain sensors.

G. *Signs.* See article 8.

H. *Lighting.* Artificial beachfront lighting shall conform to section 7.03.00.

(Ord. No. 2013-39, § 1, -8-20-2013; Ord. No. 2013-54, § 1, 12-5-2013)

6.05.11. R-4 multiple-family district, (cumulative) medium high density.

A. *Intent and purpose of district.* This district is intended to provide for the development of medium high density residential uses and structures. This land use is designed to encourage the efficient use of land and maintain a buffer between lower density residential and business, commercial and industrial districts. The maximum density is 18 dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in R-4, multiple-family areas located in the Airport/Airfield Environs. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-3 zoning located in the RA-1(OL) Barrancas Redevelopment Area Overlay District.

B. *Permitted uses.*

1. Any use permitted in the R-3 district.

2. Multifamily dwellings. If in a Commercial Future Land Use Category, new residential uses are only permitted as part of a predominantly commercial development in accordance with Comprehensive Plan Policy FLU 1.3.1.

3. Boarding and lodging houses.

4. Community residential home.

5. Kindergartens, child care centers and foster care centers.

6. Nursing homes, retirement homes, convalescent homes, adult congregate living facilities, and similar uses, except in the Coastal High Hazard Area (CHHA) future land use categories.

C. *Conditional uses.*

1. Any conditional use allowed in the R-3 districts.

2. Hospitals, except in the Coastal High Hazard Area (CHHA) future land use categories, and clinics, except animal hospitals and veterinary clinics.

3. Dormitories, fraternity and sorority houses.

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4. Retail/office/service type commercial uses when such uses are part of a multistory structure and is accessory to the predominant residential use of such structure.

D. *Off-street parking requirements.* See section 7.02.00.

E. *Site and building requirements.*

1. *Lot coverage.* Same as R-3 district.

2. *Lot width.* Minimum lot width for a single-family detached dwelling measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a duplex dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way line. The minimum lot width for a multiple-family dwelling, townhouse, or a boarding or lodging house shall be 100 feet at the front building line. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.

3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet. In the case of multifamily projects, there shall be a project front yard having a depth of not less than 20 feet.

4. *Rear yard.* There shall be a rear yard having a depth of not less than 15 feet. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 25 feet, whichever is greater.

5. *Side yard.* The yard required on each side of buildings not exceeding three stories in height shall be ten percent of the lot width measured at the front building line or 10 feet, whichever is less; however, required side yards shall not be less than five feet on each side. For buildings exceeding three stories, each side yard shall be increased by two feet for each additional story or each additional ten feet in height. However, no side yard in excess of 15 feet is required on Pensacola Bay-front lots. No side yards are required for attached townhouse or zero lot line projects except at the end of each building within a project where a minimum of ten feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 25 feet, whichever is greater. In the case of multifamily projects, there shall be a project side yard having a depth of not less than five feet.

6. *Building height.* No building may exceed 95 feet.

7. *Townhouses.* Site and building requirements apply to total structure rather than individual units with such being determined prior to issuance of a land use certificate.

F. *Landscaping.* See section 7.01.00.

G. *Signs.* See article 8.

6.05.12. *R-5 urban residential/limited office district, (cumulative) high density.*

A. *Intent and purpose of district.* This district is intended to provide for high density urban residential uses and compatible professional office development, and designed to encourage the establishment and maintenance of a suitable higher density residential environment and low intensity services. These uses form a transition area between lower density residential and commercial development. Maximum density is 20 dwelling units per acre except in the low density residential (LDR) future land use category where the maximum density is 18 dwelling

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units per acre. Refer to article 11 for uses, heights and densities allowed in R-5, urban residential/limited office areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Any permitted uses in the R-4 district.
2. Professional offices including, but not limited to, those of architects, engineers, lawyers, tax consultants, accountants and medical and dental clinics, real estate and insurance offices.
3. Mobile homes as single-family residences.
4. Public utility and service structures.
5. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

C. *Prohibited uses.* Any business which displays merchandise to be sold on the premises unless such business is part of a multistory, or multiunit, predominately residential project or accessory to the office use.

D. *Conditional uses.*

1. Any conditional uses allowed in the preceding districts.
2. Cemeteries, mausoleums and crematoriums.
3. Enclosed animal hospitals and veterinary clinics.
4. Mobile home subdivisions and parks.
5. Private clubs and lodges.

E. *Off-street parking regulation.* See section 7.02.00

F. *Site and building requirements.*

1. *Lot coverage.* Same as R-4 district.
2. *Lot width.* Same as R-4 district.
3. *Front yard.* Same as R-4 district.
4. *Rear yard.* Same as R-4 district.
5. *Side yard.* Same as R-4 district.
6. *Building height.* No building may exceed 12 stories or 120 feet in height. See article 11 for additional height restrictions within four miles of the Pensacola Naval Air Station.

G. *Landscaping.* See section 7.01.00.

H. *Signs.* See article 8.

6.05.13. *R-6 neighborhood commercial and residential district, (cumulative) high density.*

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A. *Intent and purpose of district.* This district is intended to provide for a mixed use area of residential, office and professional, and certain types of neighborhood convenience shopping, retail sales and services which permit a reasonable use of property while preventing the development of blight or slum conditions. This district shall be established in areas where the intermixing of such uses has been the custom, where the future uses are uncertain and some redevelopment is probable. The maximum density is 25 dwelling units per acre, except in the low density residential (LDR) future land use category where the maximum density is 18 dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in R-6, neighborhood commercial and residential areas located in the Airport/Airfield Environs. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with R-6 zoning located in the Scenic Highway Overlay District, C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District, or RA-1(OL) Barrancas Redevelopment Area Overlay District.

All neighborhood commercial (R-6) development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policies FLU 1.1.10) and in article 7.

B. *Permitted uses.*

1. Any use permitted in the R-5 district.
2. Retail sales and services (gross floor area of building not to exceed 6,000 square feet). No permanent outside storage allowed.
 - a. Food and drugstore, including convenience stores without gasoline sales.
 - b. Personal service shop.
 - c. Clothing and dry goods store.
 - d. Hardware, home furnishings and appliances.
 - e. Specialty shops.
 - f. Banks and financial institutions.
 - g. Bakeries, whose products are made and sold at retail on the premises.
 - h. Florists shops provided that products are displayed and sold wholly within an enclosed building.
 - i. Health clubs, spa and exercise centers.
 - j. Studio for the arts.
 - k. Martial arts studios.
 - l. Bicycle sales and mechanical services.
 - m. Other retail/service uses of similar type and character of those listed herein above.
3. Laundromats and dry cleaners (gross floor area not to exceed 4,000 square feet).
4. Restaurants.
5. Automobile service stations (no outside storage, minor repair only).
6. Appliance repair shops (no outside storage or work permitted).

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7. Places of worship and educational facilities/institutions.
8. Fortune tellers, palm readers, psychics, etc.
9. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
10. Mobile home subdivision or park.

C. *Conditional uses.*

1. Any conditional use allowed in the R-5 district.
2. Drive-through restaurants (fast food or drive-in, by whatever name known).
3. Any building exceeding 120 feet height.
4. Neighborhood commercial uses that do not exceed 35,000 square feet of floor area.
5. Automobile service operations, including indoor repair and restoration (not including painting), and sale of gasoline (and related service station products), gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.
6. Mini-warehouses meeting the following standards:
 - a. One acre or less in size (building and accessory paved area);
 - b. Three-foot hedge along any right-of-way line;
 - c. Dead storage use only (outside storage of operable vehicles including cars, light trucks, RVs, boats, and similar items).
 - d. No truck, utility trailer, and RV rental service or facility allowed, see C-2.
7. Radio broadcasting and telecasting stations, studios, and offices with satellite dishes and antennas. On-site towers are prohibited. (See section 6.08.02.L.)
8. Temporary structures. (See section 6.04.16)
9. Arcade amusement centers and bingo facilities.

D. *Off-street parking regulations.* See section 7.02.00.

E. *Site and building requirements.* Lot coverage, lot width, yard requirements and building height limitations (unless modified pursuant to subpart C above) are the same as the R-5 district.

F. *Landscaping.* See section 7.01.00.

G. *Signs.* See article 8.

H. *Locational criteria.* See article 7 and Comprehensive Plan Policies FLU 1.1.10.

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6.05.14. C-1 retail commercial district (cumulative).

A. *Intent and purpose of district.* This district is composed of lands and structures used primarily to provide for the retailing of commodities and the furnishing of selected services. The district provides for various commercial operations where all such operations are within the confines of the building and do not produce undesirable effects on nearby property. New residential uses located in a commercial FLU category are only permitted as part of a predominantly commercial development in accordance with Policy FLU 1.3.1 of the Comprehensive Plan. The maximum density for residential uses is 25 dwelling units per acre, except in the Low Density Residential (LDR) future land use category where the maximum density is 18 dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in C-1, retail commercial areas located in the Airport/Airfield Environs. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with C-1 zoning located in the C-3(OL) Warrington Commercial Overlay District, Scenic Highway Overlay District, C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District, or RA-1(OL) Barrancas Redevelopment Area Overlay District.

All retail commercial (C-1) development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policies FLU 1.1.10) and in article 7.

B. *Permitted uses.*

1. Any use permitted in the R-6 district.
2. Places of worship, educational institutions or facilities.
3. Personal service establishments such as, but not limited to, banks, beauty parlors, medical and dental clinics, restaurants including on-premises consumption of alcohol, financial institutions, professional and other offices, parking garages and lots, laundry and dry cleaning pickup stations, self-service coin-operated laundry and dry cleaning establishments, shoe repair, tailoring, watch and clock repair, locksmiths and data processing.
4. Retail business including, but not limited to: drug, package, hardware stores, book, stationery, china and luggage shops, newsstands, florists, photographic supplies and studios, wearing apparel shops, paint and wallpaper; accessory storage for retail uses.
5. Restaurants. Drive-in or drive-thru restaurants provided that the boundaries of the tract of land on which they are located are in excess of 200 feet from any R-1 or R-2 districts unless separated from such district by a three lane road (or larger) or a minimum 60-foot right-of-way.
6. Automobile repair shops for ignition, fuel, brake and suspension systems or similar uses.
7. Automobile service stations including minor auto repairs.
8. Automobile washing facility.
9. Hotels and motels.
10. Off-premises signs, billboards and other sign structures erected, located and maintained as provided for in article 8 of this Code.
11. Grocery, produce, meat and convenience stores, including the incidental sale of gasoline.
12. Health and fitness clubs.
13. Hospitals.

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14. Printing, bookbinding, lithography and publishing companies.
15. Interior decorating, home furnishing, and furniture stores.
16. Music conservatory, dancing schools and art studios.
17. Music, radio and television shops.
18. Mortuary and funeral homes.
19. Dry cleaning establishments provided that equipment used emits no smoke or escaping steam and uses nonflammable synthetic cleaning agents (perchloroethylene, trichloroethylene, etc.)
20. Indoor movie theaters.
21. Enclosed animal hospitals and veterinary clinics.
22. Campgrounds.
23. Secondhand stores and used clothing deposit box when such boxes are operated (placed) by charitable organizations.
24. Wholesale warehousing (if less than 10,000 square feet).
25. Mini-warehouses. No ancillary truck rental service or facility allowed without conditional use approval.
26. Bowling alleys, skating rinks and billiard parlors providing such activities and facilities are enclosed within a soundproof building.
27. Recreational and commercial marinas.
28. Garden shops or nurseries displaying plants, shrubs, trees, etc., outdoors adjacent to the garden shop or nursery.
29. Antique shops, pawn shops.
30. Commercial communication towers 150 feet or less in height.
31. Arcade amusement centers and bingo facilities.
32. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

C. *Conditional uses.* (See section 6.08.00.)

1. Any conditional use allowed in the R-6 district.
2. Drive-in or drive-thru restaurants within 200 feet of any R-1 or R-2 district and not conforming to the locational criteria in section 6.05.12B.5., above.
3. Any structure, except commercial communication towers, exceeding 120 feet in height.
4. Any permitted use that requires minor outside storage only in the rear yard and only if covered and adequate screening is provided.
5. Used automobile sales. In addition to other conditional use criteria, parcel must be one acre or less in size; there must be a three-foot tall hedge along the right-of-way line; no intrusions are permitted on the

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public right-of-way (see section 6.04.09); and it cannot be a C-1 parcel fronting on "gateway" arterial streets which are specified as Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR292), Blue Angel Parkway (SR173) and Pine Forest Road from I-10 to SR173, Navy Boulevard (SR295 and US98), and Scenic Highway (SR10A).

6. Automobile rental agencies. In addition to other conditional use criteria, parcel must be one acre or less in size; there must be a three-foot tall hedge along the right-of-way line; no intrusions are permitted on the public right-of-way (see section 6.04.09); and it cannot be a C-1 parcel fronting on "gateway" arterial streets which are specified as Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR292), Blue Angel Parkway (SR173) and Pine Forest Road from I-10 to SR173, Navy Boulevard (SR295 and US98), and Scenic Highway (SR10A).

7. Truck, utility trailer, and RV rental service or facility. In addition to other conditional use criteria, parcel must be one acre or less in size; there must be a three-foot tall hedge along the right-of-way line; no intrusions are permitted on the public right-of-way (see section 6.04.09); and it cannot be a C-1 parcel fronting on "gateway" arterial streets which are specified as Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR292), Blue Angel Parkway (SR173) and Pine Forest Road from I-10 to SR173, Navy Boulevard (SR295 and US98), and Scenic Highway (SR10A).

8. Bars and nightclubs.

9. Boat sales.

10. Boat and recreational vehicle storage. In addition to other conditional use criteria, screening from residential uses and residential zoning districts must be installed and maintained according to section 7.01.06.E., except that the screening must be eight feet in height and of a material that is consistent with the character of the abutting and surrounding residential uses. No inoperable RVs, untrailer boats, repair, overhaul or salvage activity permitted. Storage facility must be maintained to avoid nuisance conditions as defined in section 7.07.06.

11. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).

12. Temporary structures. (See section 6.04.16)

13. Outdoor sales; however, garden shops or nurseries displaying plants, shrubs, trees, etc., outdoors adjacent to the garden shop or nursery are a permitted use.

D. *Off-street parking and loading regulations.* See section 7.02.00.

E. *Traffic requirements.* See section 7.11.09.

F. *Landscaping.* See section 7.01.00.

G. *Site and building requirements.* Residential site and building requirements shall be the same as for the R-6, Neighborhood Commercial and Residential District, High Density. For hotels and motels, there are no maximum density limits; however, all applicable open space (yard) provisions and all other applicable regulations that apply to such developments must be complied with. For other principal uses, the following shall apply:

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1. *Lot area.* There shall be no minimum lot area, except for recreational camping facilities that shall require a minimum lot size of five acres.
2. *Lot coverage.* At least 15 percent of each lot or parcel shall remain pervious (85 percent maximum impervious cover ratio).
3. *Lot width.* There shall be no minimum lot width.
4. *Yard.* There shall be a front and rear yard of at least 15 feet. There shall be a minimum side yard of ten feet on each side which shall be increased by two feet on each side for each story (floor) above the third story or for each ten feet in height above the first 35 feet of the structure as measured from the finished grade. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 20 feet, whichever is greater.

H. *Signs.* See article 8.

I. *Buffers adjacent to residential areas and screening of outdoor storage.* See section 7.01.06.

J. *Locational criteria.* See article 7 and Comprehensive Plan Policies FLU 1.1.10.

6.05.15. C-1PK (Perdido Key) commercial district.

A. *Intent and purpose of district.* This district is composed of lands and structures used primarily to provide for the retailing of commodities and the furnishing of selected services. The regulations are intended to permit and encourage a full development of essential neighborhood commercial uses, at the same time, however, protecting nearby residential properties from adverse effects of commercial activity. The maximum density is three dwelling units per acre. Refer to the Escambia, County Comprehensive Plan and latest amendments, specifically Policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to article 11 for uses, heights and densities allowed in C-1PK areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Any use permitted in the R-3PK district.
2. Any retail business, provided that the products are displayed and sold only inside a building.
3. Personal service establishments, such as, but not limited to, financial institutions, beauty and barber shops, tailors, shoe repairs, watches and similar services.
4. Service stations and auto repair shops, provided that such repairs are carried on within the confines of a building. Does not include body repair shops.
5. Restaurants, including the sale of beer, wines and liquor for on-premise consumption, provided that the boundaries of the building are located in excess of 100 feet from any residential district.
6. Bars, nightclubs, and package stores, provided that the boundaries of the building are located in excess of 100 feet from the nearest residential district, and are in accordance with section 7.14.00.
7. Recreational and commercial marinas.

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8. Educational facilities.

9. Any uses which are similar or compatible to the uses permitted herein that promote the intent and purpose of this district. Determination shall be made by the planning board (LPA).

10. Bed and breakfast inns that conform to the residential character of Perdido Key in terms of bulk, scale, height, and architectural style, as determined by the development review committee.

C. *Conditional uses.*

1. Commercial amusement and commercial recreational facilities, including miniature golf courses.

2. Arcade amusement centers and bingo facilities.

D. *Prohibited uses.*

1. Hotels and motels, excluding bed and breakfast inns.

E. *Off-street parking and loading regulations.* See section 7.02.00.

F. *Traffic requirements.* See section 7.11.09.

G. *Screening adjacent to residential district.* See section 7.01.06.E.

H. *Site and building requirements.*

1. *Lot coverage.*

a. At least 25 percent of each lot or parcel shall remain pervious (75 percent maximum impervious cover ratio) (see section 12.01.01.B.).

b. The maximum combined area occupied by all principal and accessory buildings shall not exceed the percentage (%) allowed under the "footprint" regulations for the number of stories proposed.

2. *Lot width.* The minimum lot width for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. Multifamily dwelling and commercial buildings shall have no minimum lot width.

3. *Yards.* The front yard for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings, the front yard shall be the same as for the R-3PK district. For multifamily dwelling and commercial buildings, the front yard shall be at least 15 feet. For both residential and commercial projects, there shall be a rear yard of at least 15 feet. Required side yard setbacks shall not be less than five feet on each side, except where a commercial district is contiguous to a residential district, there shall be a minimum side yard of ten feet on the side abutting the residential district, unless the two districts are separated by a public street, body of water, or similar manmade or natural buffer, in which case no side yard is required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.

4. *Building heights.* No building shall exceed a height of four stories (see definition of height, article 3).

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5. *Footprint.*

- a. If the lot or parcel is proposed to be improved with, or contains an existing building of two and one-half or more stories, up to and including four stories, the footprint of both proposed and existing buildings shall not exceed 25 percent of lot coverage.
- b. The lot or parcel used in computing the area required to satisfy footprint restrictions on buildings two and one-half stories or greater, may not be crossed, intersected or divided by any public road or right-of-way. If a lot or parcel is divided, crossed, intersected or divided by any public road or right-of-way, footprint restrictions shall be applied to each portion of the divided lot or parcel as if the divided lot or parcel were two separate lots or parcels. In the event a public road or right-of-way splits a lot or parcel and creates public access to a waterway, then the lot coverage for both divisions of the lot or parcel shall be used to determine whether footprint restrictions have been satisfied.

I. *Landscaping.*

1. See section 7.01.00.
2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
3. Landscape plan. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.
4. Xeriscape principals. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
 - a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - b. Limit turf to locations where it provides functional benefits.
 - c. Provide efficient irrigation systems.
 - d. Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.
5. Buffer. For developments subject to section 7.01.00, a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. For every additional ten feet in width of the landscape area the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.
6. Vehicular use areas.
 - a. Vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a five-foot landscaped strip for any boundary of the property on

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which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.

b. Interior parking areas shall have one landscape island containing at least one tree and shrubs or groundcovers as per the above specifications, for every eight continuous spaces.

7. Irrigation system.

a. An irrigation system shall be installed for all landscaped areas of the site.

b. All irrigation materials used shall be ASTM approved.

c. All irrigation systems shall include rain sensors.

J. *Signs*. See article 8.

K. *Lighting*. Artificial beachfront lighting shall conform to section 7.03.00.

L. *Density transfer*. Densities may not be transferred to parcels south of Perdido Key Drive. Densities may be transferred across public roadways and commercial zoning district lines, identified as areas zoned C-1PK, CCPK, CGPK and PRPK, provided that the proposed development is on contiguous land (exclusive of public roadways), under unified control of an individual, partnership, corporation, or a grouping thereof. Height maximums cannot be so transferred except through the PUD process.

6.05.15.01. CCPK (Perdido Key) commercial core district.

A. *Intent and purpose of district*. This district is composed of lands and structures used primarily for intense residential development and retailing of resort-related commodities and services. The regulations are intended to permit and encourage mixed use development, including high density residential, hotels and motels, and commercial uses associated with resort areas. The maximum density is 13 dwelling units per acre. Refer to the Escambia, County Comprehensive Plan and latest amendments, specifically Policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key.

B. *Permitted uses*.

1. Any use permitted in the C-1PK district.

2. Hotels and motels. Maximum density shall be 25 units per acre.

3. Commercial amusement and commercial recreational facilities, including miniature golf courses.

4. Arcade amusement centers and bingo facilities.

5. Any uses which are similar or compatible to the uses permitted herein that promote the intent and purpose of this district. Determination shall be made by the planning board (LPA).

C. *Off-street parking and loading requirements*. See section 7.02.00.

D. *Traffic requirements*. See section 7.11.09.

E. *Screening adjacent to residential districts*. See section 7.01.06.E.

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F. *Site and building requirements.*

1. *Lot coverage.*

80 percent maximum impervious cover ratio.

2. *Lot width.* The minimum lot width for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. Multifamily dwelling and commercial buildings shall have no minimum lot width.

3. *Yards.* The front and yard shall be the same as the R-3PK district. The rear yard shall be the same as the C-1PK district. The side yards shall be the same as the R-3PK district. Required side yard setbacks shall not be less than five feet on each side, except where a commercial district is contiguous to a residential district there shall be a minimum side yard of ten feet on the side abutting the residential district, unless the two districts are separated by a public street, body of water, or similar manmade or natural buffer, in which case no side yard is required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.

4. *Building heights.* Building heights shall not exceed 20 stories with the exception of hotels which shall not exceed 30 stories.

G. *Landscaping.*

1. See section 7.01.00.

2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.

3. *Landscape plan.* All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.

4. *Xeriscape principles.* It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:

a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.

b. Limit turf to locations where it provides functional benefits.

c. Provide efficient irrigation systems.

d. Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.

5. *Buffers.* For developments subject to section 7.01.00, a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. For every additional ten feet in width of the landscape area, the plant material required shall be

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doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.

6. Vehicular use areas.

a. Vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.

b. Interior parking areas shall have one landscape island containing at least one tree and shrubs or groundcovers as per the above specifications, for every eight continuous spaces.

7. Irrigation system.

a. An irrigation system shall be installed for all landscaped areas of the site.

b. All irrigation materials used shall be ASTM approved.

c. All irrigation systems shall include rain sensors.

H. *Signs.* See article 8.

I. *Lighting.* Artificial beachfront lighting shall conform to section 7.03.00.

J. *Density transfers.* Same as preceding district.

(Ord. No. 2010-23, § 5,7-22-2010; Ord. No. 2013-08, § 1, 2-21-2013; Ord. No. 2013-54, § 1, 12-5-2013)

6.05.15.02. CGPK (Perdido Key) commercial gateway district.

A. *Intent and purpose of district.* This district is intended to provide gateways (entryways) into Perdido Key, providing an identity for Perdido Key as a visually attractive, family style, resort community. The district is characterized by resort-related commercial uses, including hotels and motels, as well as high density residential development. The maximum density is 12.5 dwelling units per acre. Refer to the Escambia, County Comprehensive Plan and latest amendments, specifically Policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to article 11 for uses, heights and densities allowed in CCPK areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Any use permitted in the CCPK district.

2. Hotels and motels. Maximum density shall be 25 units per acre.

3. Any uses which are similar or compatible to the uses permitted herein that promote the intent and purpose of this district. Determination shall be made by the planning board (LPA).

C. *Off-street parking and loading requirements.* See section 7.02.00.

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D. *Traffic requirements.* See section 7.11.09.

E. *Screening adjacent to residential districts.* See section 7.01.06E.

F. *Site and building requirements.*

1. *Lot coverage.* The lot coverage for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. At least 15 percent of each lot or parcel shall remain pervious (85 percent maximum impervious cover ratio) for multifamily dwelling and commercial buildings.

2. *Lot width.* The minimum lot width for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. Multifamily dwelling and commercial buildings shall have no minimum lot width.

3. *Yards.* The front yard shall be the same as the R-3PK district. The rear yard shall be the same as the C-1PK district. Required side yard setbacks shall not be less than five feet on each side, except where a commercial district is contiguous to a residential district, there shall be a minimum side yard of ten feet on the side abutting the residential district, unless the two districts are separated by a public street, body of water, or similar manmade or natural buffer, in which case no side yard is required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.

4. *Building heights.* No building shall exceed a height of ten stories. See article 11 for additional height restrictions within four miles of the Pensacola Naval Air Station.

5. *Footprint.*

a. If the lot or parcel is proposed to be improved with, or contains an existing building of two and one-half or more stories, but less than five stories, the footprint of both proposed and existing buildings shall not exceed 25 percent of lot coverage.

b. If the lot or parcel is proposed to be improved with, or contains an existing building of five or more stories, but less than seven stories, the footprint of both proposed and existing buildings shall not exceed 23 percent of lot coverage.

c. If the lot or parcel is proposed to be improved with, or contains an existing building of seven or more stories, but less than nine stories, the footprint of both proposed and existing buildings shall not exceed 21 percent of lot coverage.

d. If the lot or parcel is proposed to be improved with, or contains an existing building of nine or more stories, up to and including ten stories, the footprint of both proposed and existing buildings shall not exceed 19 percent of lot coverage.

e. The lot or parcel used in computing the area required to satisfy footprint restrictions on buildings two and one-half stories or greater, may not be crossed, intersected or divided by any public road or right-of-way. If a lot or parcel is divided, crossed, intersected or divided by any public road or right-of-way, footprint restrictions shall be applied to each portion of the divided lot or parcel as if the divided lot or parcel were two separate lots or parcels. In the event a public road or right-of-way splits a lot or

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parcel and creates public access to a waterway, then the lot coverage for both divisions of the lot or parcel shall be used to determine whether footprint restrictions have been satisfied.

G. *Landscaping.*

1. See section 7.01.00.
2. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
3. Landscape plan. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.
4. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
 - a. Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - b. Limit turf to locations where it provides functional benefits.
 - c. Provide efficient irrigation systems.
 - d. Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.
5. Buffer. For developments subject to section 7.01.00, a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.
6. Vehicular use area. Other than public rights-of-way, those vehicular use areas designed to be used for parking or movement of vehicular traffic shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature height of 24 inches and a maximum mature height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.
 7. Irrigation system.
 - a. An irrigation system shall be installed for all landscaped areas of the site.
 - b. All irrigation materials used shall be ASTM approved.
 - c. All irrigation systems shall include rain sensors.

H. *Signs.* See article 8.

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I. *Lighting.* Artificial beachfront lighting shall conform to section 7.03.00.

J. *Density transfers.* Same as preceding district.

6.05.15.03. PRPK planned resort district (Perdido Key) medium density.

A. *Intent and purpose of district.* This district is intended to be a large-scale planned resort district, allowing for destination-type mixed uses that include residential and hotel development and the supporting recreational and commercial facilities, all developed within a master planned setting that includes extensive open space, adequate internal pedestrian/bicycle circulation, creative design, resort-related amenities, and adequate buffer areas. Parcels in this district shall have a gross site area of no less than ten acres. A master plan submittal of the overall proposed development is required. The maximum area-wide density is five units per acre. Refer to the Escambia, County Comprehensive Plan and latest amendments, specifically Policy FLU 1.3.1, regarding dwelling and lodging unit caps on Perdido Key. Refer to article 11 for uses, heights and densities allowed in PRPK areas located in the Airport/Airfield Environs.

B. *Density transfers.* Same as preceding district, but includes building allocation, provision of open spaces, and preservation areas which may be permitted among and between the planned resort district, commercial core district, commercial gateway district and the commercial district, provided the proposed development is a master planned development.

C. *Site plan approval.* Requests for site plan approval shall include competent evidence of unified control of the entire area proposed for development.

1. The development will be in accordance with an overall master site plan of the entire area under unified control;
2. Development successors in title shall be bound by the approved site plan. Such site plan shall include but not be limited to maximum project density, overall requirements for open spaces and preservation areas, building coverage allocation, and allocation for incidental commercial uses;
3. Revision to the approved site plan is permitted; however, all portions of the project shall be in strict accord with the revised master site plan.

D. *Permitted uses.*

1. Any use permitted in the CGPK district.
2. Hotels and motels. Maximum density shall be 25 units per acre.
3. Storage areas for personal use only by residents and guests of the planned resort. Such areas shall be screened by opaque fencing and landscape material a minimum of six feet in height.
4. Zero lot line development. See section 7.10.00.
5. Any uses which are similar or compatible to the uses permitted herein that promote the intent and purpose of this district. Determination shall be made by the planning board (LPA).

E. *Off-street parking and loading requirements.* See section 7.02.00.

F. *Traffic and street requirements.* See section 7.11.09.

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G. *Screening adjacent to residential districts.* See section 7.01.06E.

H. *Site and building requirements.*

1. *Lot coverage.* The lot coverage for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. Maximum area land coverage by all structures shall not exceed 40 percent of the gross site area for multifamily dwelling and commercial buildings.
2. *Lot width.* The minimum lot width for residential single-family, two-family (duplex), three-family (triplex), four-family (quadruplex), and townhouse buildings shall be the same as for the R-1PK district. Multifamily dwelling and commercial buildings shall have no minimum lot width.
3. *Yards.* The front yard shall be the same as the R-3PK district. The rear yard shall be the same as the C-1PK district. Required side yards shall not be less than ten feet. All structures shall be located a minimum of 50 feet from any publicly dedicated right-of-way. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provisions of this Code (Article 7) or 30 feet, whichever is greater.
4. *Building heights.* No building shall exceed a height of ten stories (see definition of height, article 3).
5. *Open space.*
 - a. Open space shall not be less than 30 percent of the total site area.
 - b. Fifty percent of the front yard shall remain as open space.
6. *Building separation.*
 - a. The minimum distance between structures shall be 15 feet, excluding zero lot-line development.
 - b. A multifamily structure, including hotels and motels, shall be located at least 100 feet from any area on the site plan designated for single-family dwellings.
 - c. For structures over 35 feet in height, for every two feet in height over 35 feet, there shall be an additional one foot of setback at the ground level.
7. *Sidewalks.* Sidewalks shall be required and shall provide pedestrian linkages to residential areas, recreational areas, commercial areas, and any locations where there is the potential conflict between pedestrian and vehicular traffic. These conflict areas shall be marked with appropriate pavement markings to clearly indicate pedestrian crossings.
8. *Landscaping.*
 - a. See section 7.01.00.
 - b. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.

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- c. Landscape plan. All commercial and multifamily projects shall submit a landscape plan as part of the development review criteria. This plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan.
- d. Xeriscape principles. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. The following xeriscape principles are to be incorporated into all landscape designs:
- (1) Proposed plant material shall be tolerant of beach conditions, including salt, wind, low nutrient levels, and drought.
 - (2) Limit turf to locations where it provides functional benefits.
 - (3) Provide efficient irrigation systems.
 - (4) Mulches and organic soil amendments to improve water-holding capacity of soil may only be applied north of Perdido Key Drive.
- e. Buffer. For developments subject to section 7.01.00, a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. For every additional ten feet in width of the landscape area, the plant material required shall be doubled. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.
- f. Vehicular use areas.
- (1) Vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a five-foot landscaped strip for any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or groundcovers with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.
 - (2) Interior parking areas shall have one landscape island containing at least one tree and shrubs or groundcovers; as per the above specifications, for every eight continuous spaces.
- g. Irrigation system.
- (1) An irrigation system shall be installed for all landscaped areas of the site.
 - (2) All irrigation materials used shall be ASTM approved.
 - (3) All irrigation systems shall include rain sensors.
- h. Protection from adverse effects. Orientation of commercial buildings shall be away from residential development within or adjacent to the district. Layout of parking and service areas, access, landscaping yards, courts, walls, signs, lighting and control of noise and other potentially adverse influences shall be such as to promote protection of such residential development, and will include adequate buffering.
- i. *Signs*. See article 8.

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J. *Lighting.* Artificial beachfront lighting shall conform to section 7.03.00.

K. *Hotels and motels (as defined in article 3) and timeshares.* Maximum density for hotels, motels, and lodging unit timeshares shall be 25 units per acre.

6.05.16. C-2 General commercial and light manufacturing district (cumulative).

A. *Intent and purpose of district.* This district is composed of certain land and structures used to provide for the wholesaling and retailing of commodities and the furnishing of several major services and selected trade shops. The district also provides for operations entailing manufacturing, fabrication and assembly operations where all such operations are within the confines of the building and do not produce excessive noise, vibration, dust, smoke, fumes or excessive glare. Outside storage is allowed with adequate screening being provided (see section 7.01.06.E.). Characteristically, this type of district occupies an area larger than that of the C-1 retail commercial district, is intended to serve a considerably greater population, and offers a wider range of services. New residential uses located in a Commercial FLU category are only permitted as part of a predominantly commercial development in accordance with Comprehensive Plan Policy FLU 1.3.1. The maximum density for residential uses is 25 dwelling units per acre, except in the Low Density Residential FLU category where the maximum density is 18 dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in C-2, general commercial and light manufacturing areas located in the Airport/Airfield Environs. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with C-2 zoning located in the C-3(OL) Warrington Commercial Overlay District or C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District.

All general commercial and light manufacturing (C-2) development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (policy FLU 1.1.10) and in article 7.

B. *Permitted uses.*

1. Any use permitted in the C-1 district.
2. Amusement and commercial recreational facilities such as, but not limited to, amusements parks, shooting galleries, miniature golf courses, golf driving ranges, baseball batting ranges and trampoline centers.
3. Carnival-type amusements when located more than 500 feet from any residential district.
4. Distribution warehousing, and mini-warehouses with ancillary truck rental services.
5. New and used car sales, mobile home and motorcycle sales and mechanical services. No intrusions are permitted on the public right-of-way (see section 6.04.09).
6. Automobile rental agencies. No intrusions are permitted on the public right-of-way (see section 6.04.09).
7. Truck, utility trailer, and RV rental service or facility. No intrusions are permitted on the public right-of-way (see section 6.04.09).
8. Automobile repairs, including body work and painting services.
9. Radio broadcasting and telecasting stations, studios and offices with on-site towers 150 feet or less in height. See section 7.18.00 for performance standards.
10. Commercial food freezers and commercial bakeries.
11. Building trades or construction office and warehouses with outside on-site storage.

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12. Marinas, all types including industrial.
13. Cabinet shop.
14. Manufacturing, fabrication and assembly type operations which are contained and enclosed within the confines of a building and do not produce excessive noise, vibration, dust, smoke, fumes or excessive glare.
15. Commercial communication towers 150 feet or less in height.
16. Taxicab companies.
17. Bars and nightclubs.
18. Boat sales and service facilities.
19. Boat and recreational vehicle storage. (No inoperable RVs, untrailerred boats, repair, overhaul or salvage activity permitted. Storage facility must be maintained to avoid nuisance conditions as defined in section 7.07.06.)
20. Adult entertainment uses subject to the locational criteria listed below (See Escambia County, Code of Ordinances sections 18-381 through 18-392 for definitions and enforcement; additionally refer to Chapter 6, article IV, Division 2, titled "Nudity and Indecency"). However, these C-2 type uses are not permitted in the Gateway Business Districts.
 - a. Adult entertainment uses must meet the minimum distances as specified in the following locational criteria:
 - (1) One thousand feet from a preexisting adult entertainment establishment;
 - (2) Three hundred feet from a preexisting commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption;
 - (3) One thousand feet from a preexisting place of worship;
 - (4) One thousand feet from a preexisting educational institution;
 - (5) One thousand feet from parks and/or playgrounds;
 - (6) Five hundred feet from residential uses and areas zoned residential within the county.
21. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
22. Temporary structures. (See section 6.04.16)
23. Arcade amusement centers and bingo facilities.
24. Outdoor sales.
25. Other uses similar to those permitted herein. Determination on other permitted uses shall be made by the planning board (LPA).

C. *Conditional uses.*

1. Kennels.

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2. Heliports.
 3. Automobile race track.
 4. Solid waste transfer stations, Material Recovery Facilities, collection points, and/or processing facilities.
 5. Junkyards, salvage yards, and waste tire processing facilities.
- D. *Off-street parking and loading regulation.* See section 7.02.00.
- E. *Traffic requirements.* See section 7.11.09.
- F. *Screening adjacent to residential areas.* See section 7.01.00.
- G. *Landscaping.* See section 7.01.00.
- H. *Site and building requirements.* Same as C-1 district.
- I. *Signs.* See article 8.
- J. *Locational criteria.* See article 7 and Comprehensive Plan Policies FLU 1.1.10.

K. *C-2NA zoning designation.* If a parcel is designated as C-2NA, then notwithstanding any other provision of this section, bars, nightclubs, and adult entertainment uses shall be prohibited uses for that parcel. Any applicant for a rezoning to the C-2 zoning district may request a C-2NA zoning designation. Such request shall be in the form of a notarized affidavit that acknowledges this use restriction and affirms that it is a voluntary request. Once approved, in conformance with Section 2.08.00 of this land development code, a property owner must apply for a rezoning to C-2 in order to remove the designation. The C-2NA zoning designation shall apply to all subsequent owners unless and until the parcel is rezoned to the C-2 zoning district without the C-2NA zoning designation.

(Ord. No. 2010-23, § 6, 7-22-2010; Ord. No. 2011-12, § 2, 5-5-2011; Ord. No. 2012-22, § 3, 6-28-2012; Ord. No. 2014-10, §2, 2-18-2014)

6.05.17. *ID-CP commerce park, district (cumulative).*

A. *Intent and purpose.* This district is intended to provide for relatively large scale light industrial commerce and business park areas. Uses located in this district are protected from adverse impacts of incompatible industrial and commercial uses. A high level of site design standards are required for review during the development review process. Refer to article 11 for uses, heights and densities allowed in ID-CP, commercial park areas located in the Airport/Airfield Environs.

All industrial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policy FLU 1.1.10) and in article 7.

B. *Permitted uses.*

1. Any use permitted in the preceding C-2 district, except as may be provided in subsection D., below.

C. *Conditional uses.*

1. Automobile service stations, (except gasoline sales accessory to a convenience store is authorized as a permitted use) and automobile or truck repair shops.
2. Any conditional use allowed in the C-2 general commercial district except automobile race tracks.

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D. *Prohibited uses.*

1. Residential uses.
2. Prisons.
3. Carnival-type amusements and amusements arcades.
4. Bars and night clubs.
5. New and used car, truck, boat, mobile home, shed and motorcycle sales and rentals.
6. Adult entertainment uses.
7. Off-premises signs.
8. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
9. Landfills.

E. *Site and building requirements.*

1. *Building height limit.* No building shall exceed 65 feet in height except as otherwise provided in this district, and except for commercial communication towers which shall not exceed 150 feet in height. An additional five feet of nonoccupied space may be permitted subject to county administrator approval.
2. *Minimum lot size.* There shall be no minimum lot size.
3. *Lot coverage.* The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total area. Also, the amount of impervious surface shall not exceed 85 percent of the lot.
4. *Lot width.* There shall be no minimum lot width.
5. *Yard requirements.* There shall be a front yard having a depth of not less than 25 feet. There shall be a rear yard having a depth of not less than 20 feet. There shall be side yards of not less than 15 feet. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 20 feet whichever is greater.

F. *Roadway access.* Direct access must be provided from a collector or arterial roadway and such access may be provided by curb cuts on the collector or arterial roadway or a private or public commercial access road linking the use with the collector or arterial roadway provided that such private or public road does not traverse a predominately residential neighborhood or subdivision between the use and the collector or arterial roadway. No permit shall be issued or any proposed use which requires access through a residential neighborhood or subdivision.

G. *Landscaping buffering and screening.* See section 7.01.00. Buffer standard B-1 contained in section 7.01.06.F. shall apply. Outdoor storage shall be screened from the public right-of-way in accordance with section 7.01.06.E.

H. *Signs.* No on-premises sign shall exceed 35 feet in height in the ID-CP. For other sign provisions see article 8.

I. *Performance standards.*

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1. *Smoke.* Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Protection Agency.
2. *Odor.* No process shall emit an offensive odor detectable beyond the lot parcel. Where odors are produced and provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the occupant of the premises.
3. *Noise and dust.* Operations creating noise, vibration, dust, smoke or fumes shall be subject to provisions of section 7.07.01 of this Code.
4. *Glare.* Operations creating glare shall be shielded so that the glare cannot be seen from off the lot or parcel.
5. *Waste.* Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by any applicable federal or state regulatory entities.
6. *Other industrial performance standards.* Also, all applicable performance standards in sections 7.06.00 and 7.07.00 shall be adhered to.

J. *Locational criteria.* See article 7 and Comprehensive Plan Policy FLU 1.1.10.

6.05.18. ID-1 light industrial district (cumulative) (no residential uses allowed).

A. *Intent and purpose.* This district is intended primarily for research-oriented activities, light manufacturing and processing not involving the use of materials, processes or machinery likely to cause undesirable effects upon nearby industrial establishments of this type. The uses shall be within completely enclosed buildings wherever practical and provide a buffer between commercial districts and other higher intensive industrial uses. The uses which this district is designed to accommodate include general assembly, warehousing and distribution activities. In addition, major repair and service activities, as well as manufacturing activities meeting performance standards are intended to be accommodated in this district. Finally, commercial trade and service activities not compatible with activities adapted to more restrictive districts, but which satisfy site plan criteria and performance criteria of this Code, should be accommodated in this district. Residential development is excluded from this district, both to protect residences from undesirable influences and to ensure the preservation of adequate areas for industrial development. Refer to the overlay districts within section 6.07.00 for additional regulations imposed on individual parcels with ID-1 zoning located in the Scenic Highway Overlay District or C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District.

All industrial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policy FLU 1.1.10) and in article 7. Refer to article 11 for uses, heights and densities allowed in ID-1, light industrial areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Any nonresidential use permitted in the preceding district.
2. Research and development operations, commercial communication towers 150 feet or less in height, light manufacturing, processing or fabricating uses, enclosed storage structures and accessory structures and activities subject to the performance standards in sections 7.03.00 and 7.06.00.
3. Commercial businesses with outside storage when such storage is adequately screened and/or buffered in accordance with section 7.01.06.E.

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4. Other uses similar to those permitted herein. Determination on other permitted uses shall be made by the planning board.
5. Semiconductor or microchip fabrication.
6. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).

C. *Conditional uses.*

1. Any conditional use allowed in preceding districts.
2. Junkyards, salvage yards, and waste tire processing facilities.
3. Solid waste transfer stations, collection points, and/or processing facilities.

D. *Performance standards.*

1. All work and/or operations must be conducted within buildings except temporary outside storage may be allowed if adequately buffered and screened from adjacent uses. All waste material must be stored while on the property in a screened enclosure.
2. Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency.
3. No process shall emit an offensive odor detectable beyond the lot or parcel. Where odors are produced and provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the occupant of the premises.
4. Operations creating excessive noise, vibration, dust, smoke or fumes which are a nuisance to persons off of the lot or parcel are not permitted.
5. Operations creating glare shall be shielded so that the glare cannot be seen from off the lot or parcel.
6. Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by any applicable federal or state regulatory entities.

E. *Site and building requirements.*

1. *Building height limit.* No building shall exceed 90 feet in height except as otherwise provided in article 7.
2. *Minimum lot size.* There shall be no minimum lot size.
3. *Lot coverage.* The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total area, except as provided for in article 4 of this Code (see "Stormwater management and conservation"). Also, the amount of impervious surface shall not exceed 85 percent of the lot.
4. *Lot width.* There shall be no minimum lot width.
5. *Yard requirements.* There shall be a front yard having a depth of not less than 15 feet. There shall be a rear yard having a depth of not less than 20 feet. There shall be side yards of not less than ten feet. On

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property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 20 feet, whichever is greater. The BOA may waive the yard requirements, in response to an application therefor, if a finding of fact is made based on competent, substantial evidence demonstrates that such waiver would not adversely impact public safety, sensitive environmental resources, or compatibility with adjacent uses. Also, such waiver may be granted only if the development plans for the subject property reflect conformance with a floor area ratio which does not exceed 1.1 and a maximum impervious cover limit of 85 percent.

6. *Screening adjacent to residential areas.* See section 7.01.06.

F. *Roadway access.* South of Well Line Road, direct access must be provided from a collector or arterial roadway and such access may be provided by curb cuts on the collector or arterial roadway or a private or public road linking the use with a collector or arterial roadway provided that such private or public road does not traverse a predominately residential neighborhood or subdivision between the use and the collector or arterial roadway. No permit shall be issued for any proposed use which requires access through a residential neighborhood or subdivision.

G. *Nonconforming uses (existing uses).* Any previously conforming use (including, but not limited to, asphalt and concrete plants) lawfully and legally existing in this district on December 6, 1993, which conforms to the access requirements and provisions in paragraph F., above, may be considered a "conforming use" for the purposes of this Code. To qualify as a conforming use under this provision, the owner of property impacted by this Code shall request a "certificate of conformance" from the department within 180 days of receipt of a notice from the department that such certificate is available and that such may be appropriate for the subject property and use. Failure to request the certificate within the prescribed period may result in the use being considered and/or classified as a "nonconforming use."

H. *Landscaping.* See section 7.01.00.

I. *Signs.* See article 8.

J. *Locational criteria.* See article 7 and Comprehensive Plan Policy FLU 1.1.10.

6.05.19. ID-2 general industrial district (noncumulative).

A. *Intent and purpose.* This district is intended to accommodate industrial uses which cannot satisfy the highest level of performance standards. It is designed to accommodate manufacturing, processing, fabrication, and other activities which can only comply with minimal performance standards. No residential development is permitted in this district, thereby insuring adequate area for industrial activities. Community facilities and trade establishments that provide needed services to industrial development also may be accommodated in this district.

All industrial development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policy FLU 1.1.10) and in article 7. Refer to article 11 for uses allowed in ID-1, light industrial areas located in the Airport/Airfield Environs.

B. *Permitted uses.*

1. Manufacturing or industrial uses permitted in the ID-1 light industrial district.
2. Asphalt plants.

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3. Concrete plants.
 4. Iron works.
 5. Landfills.
 6. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
 7. Paper mills.
 8. Refineries.
 9. Rendering plants and slaughter houses.
 10. Steel mills.
 11. Solid waste transfer stations, Material Recovery Facilities, collection points, and/or processing facilities.
 12. Public utility and service structures.
 13. Junkyards, salvage yards, and waste tire processing facilities.
 14. Other uses similar to those listed herein. Recommendations on other permitted uses shall be made by the planning board (LPA) and based on an application for such other use. Final determination shall be made by the BCC upon receipt of the planning board's (LPA's) recommendation.
- C. *Prohibited uses.* Single-, two- and multifamily dwelling units.
- D. *Site and building requirements.*
1. *Building height requirement.* No building shall exceed 120 feet in height except as otherwise provided in this Code, and except for commercial communication towers which may not exceed 150 feet or less in height without board of adjustment approval. See article 11 for additional height restrictions within four miles of the Pensacola Naval Air Station.
 2. *Compatibility.* Buffering shall be provided consistent with the provisions of section 7.01.06 and the proposed use must be consistent with the compatibility requirements of the Comprehensive Plan so that the proposed use and its impacts are compatible with existing adjacent or nearby uses (see Policy FLU 1.1.10).
 3. *Lot coverage.* The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total lot area except as provided for in article 4 of this Code ("stormwater management and conservation"). The amount of impervious surface shall not exceed 85 percent.
 4. *Lot width.* The minimum lot width at the street right-of-way shall be 100 feet.
 5. *Yard requirements.* There shall be a front yard having a depth of not less than 25 feet. There shall be a rear yard having a depth of not less than 25 feet. There shall be side yards of not less than 15 feet. The BOA may waive the yard requirements, in response to an application therefor, if a finding of fact is made that such waiver would not adversely impact public safety, sensitive environmental resources or compatibility with adjacent uses. Also, such waiver may be granted only if the development plans for the subject property reflect conformance with a floor area ratio which does not exceed 1.1 and a maximum impervious cover limit of 85 percent.

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E. *Landscaping*. See section 7.01.00.

F. *Screening adjacent to residential areas*. See section 7.01.06.

G. *Roadway access*. South of Well Line Road, direct access must be provided from a collector or arterial roadway and such access may be provided by curb cuts on the collector or arterial roadway or a private or public road linking the use with a collector or arterial roadway provided that such private or public road does not traverse a predominately residential neighborhood or subdivision between the use and the collector or arterial roadway. No permit shall be issued for any proposed use which requires access through a residential neighborhood or subdivision.

H. *Signs*. See article 8.

I. *Locational criteria*. See article 7 and Comprehensive Plan Policy FLU 1.1.10.

(Ord. No. 2014-10, §2, 2-18-2014)

6.05.20. *S-1 and S-1PK outdoor recreational district (noncumulative)*.

A. *Intent and purpose of district*. This district is intended to preserve and maintain the land for outdoor recreational uses and open space. Refer to article 11 for uses, heights and densities allowed in S-1, outdoor-recreational areas located in the Airport/Airfield Environs.

B. *Permitted uses*.

1. Golf courses.
2. Country clubs and their customary accessory uses.
3. Bird and wildlife sanctuaries.
4. Parks and greenbelt areas.
5. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).

C. *Conditional uses*.

1. Public utility and service structures (see section 6.08.02).

D. *Lot coverage*. The amount of impervious surface shall not exceed 20 percent of the total area.

E. *Signs*. See article 8.

6.05.21. *SDD special development district, (noncumulative) low density*.

A. *Intent and purpose*. This district is intended to conserve and protect environmentally sensitive areas that have natural limitations to development. These areas have certain ecological functions which require performance standards for development. SDD is to be phased out over time and no property not now zoned SDD will be zoned SDD in the future. The maximum density of this district is three dwelling units per acre. Refer to article 11 for uses, heights and densities allowed in SDD, special development areas located in the Airport/Airfield Environs.

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B. *Permitted uses.*

1. Single-family dwelling units and their customary accessory structures (including single-family detached, duplex and triplex structures and mobile homes).
2. Home occupations.
3. Horticulture, floriculture and greenhouses.
4. Mariculture and aquaculture.
5. Areas for display and sale of fruit, vegetables and similar agricultural products.
6. The growing of crops and plants.
7. The keeping of horses and private stables.
8. Silviculture.
9. Public utility.
10. Public facilities provided that the construction of such facilities meets the following conditions:
 - a. They are consistent with the county's Comprehensive Plan.
 - b. It is determined that the proposed project will not adversely affect the environment, through review by all federal and state regulatory agencies with jurisdiction over the project.
 - c. Construction is undertaken and completed in a manner and to a specification which protects, conserves or preserves the natural resources in the area to the maximum reasonable extent.
11. Family day care homes and family foster homes.
12. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
13. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

C. *Conditional uses.*

1. Public riding stables.
2. Public utility and service structures (see section 6.08.02).

D. *Site and building requirements.* (Requirements apply to the total area of the lot or parcel.)1. *Lot area, minimum.*

Horses and private stables . . . 2 acres

Public stables . . . 10 acres

Keeping of domestic farm animals . . . 2 acres

(not including household pets)

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2. *Lot coverage.* As permitted in the R-1 district.
3. *Lot width.* The minimum lot width at the front building line shall be 80 feet.
4. *Front yard.* The minimum front yard shall not be less than 25 feet in depth.
5. *Rear yard.* The minimum rear yard shall not be less than 25 feet in depth. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (Article 7) of this Code.
6. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (Article 7) of this Code.
7. *Private stables.* No stables may be located less than 50 feet from any property line.
8. *Density transfer.* Transfer density up to three d.u./ac.

E. *Landscaping.* See section 7.01.00.

F. *Signs.* See article 8.

G. *Permits required prior to construction.* All appropriate federal, state and local government permits must be acquired prior to the commencement of any type of construction or lot clearing. However, the county may allow construction if no environmental permits are required or pending and it may allow construction when such activities are not impacted, regulated or controlled by any permit yet to be issued by any federal or state regulatory agency. Subject to any special provisions set forth above, all permitted uses may receive a land use certificate, only if all of the following conditions are met:

1. Said land is not determined to be under the jurisdiction of the Corps of Engineers (COE) or the department of environmental protection (DEP), as a wetland area (either in whole or in part).
2. Said project meets all other applicable regulations or requirements. Any projects not meeting the standards set forth in this Code shall complete the PUD process as outlined in section 6.06.00.

6.05.22. VAG villages agriculture districts.

VAG 1-- Gross density (five dwelling units per 100 acres on one-acre parcels).

VAG 2-- Gross density (one dwelling unit per five acres).

Minimum lot size = five acres unless clustered.

If clustered, minimum lot size = one acre.

The villages agricultural districts are typically characterized by agriculturally-assessed parcels held for agricultural production and very low density residential development in agricultural communities. Single-family residential and rural community uses that directly support agricultural activities are allowed. Home occupations are considered permitted uses. Mobile homes are allowed as single-family dwellings. Residential density bonuses are available for clustering residential lots outside areas of prime farmland. When residential lots are created, small lot sizes are encouraged in order to protect viable farm production activities and curb premature conversion of prime farmland acreage to nonagriculture uses. Refer to article 11 for uses, heights and densities allowed in VAG, villages agricultural areas located in the Airport/Airfield Environs.

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Density bonuses, transfer, and smaller lot sizes are offered for clustering development outside prime farmland and wetlands as an incentive to protect these resources from development pressures (see section 7.17.00 for calculation of density bonus points).

A. *Intent and purpose.*

1. *Intent and purpose of VAG 1 district.* This district is characterized by land resources necessary or used to support large farming operations. The objective of this district is to keep large parcels of land from being broken into smaller tracts of multiple ownership making it difficult to assemble enough acreage for efficient agricultural operations.

2. *Intent and purpose of VAG 2 district.* This district is characterized by the following types of agricultural lands:

(a) Small rural land areas of highly productive agricultural soils that may not be economically viable in a mainstream farming operation due to their size, and changes being undertaken in the surrounding area; or

(b) Rural land areas with a mix of small farm operations and a typical rural residential density of one unit per four acres. The soils of these areas are least valuable for agricultural production and most suitable for future conversion out of the rural land market; or

(c) Rural land areas which are not being used to support large farming operations, and that are characterized by a mix of natural resources and soils typically unsuitable for urban residential densities or other urban uses unless sewered.

B. *Permitted uses.*

1. Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
2. Silviculture.
3. Mariculture and aquaculture.
4. Single-family residences.
5. Campground and recreational vehicle parks.
6. Public utility.
7. Stables, private and public (minimum lot size two acres).
8. Animal hospitals, clinics and kennels (minimum lot size two acres).
9. Display and sale of fruit, vegetables and similar agricultural products.
10. Mobile homes as single-family dwellings, subject to the other relevant provisions of this Code.
11. Places of worship.
12. Educational facilities.
13. Clubs and lodges.
14. Guest residences.
15. Public utility and service structures not included in subparts C. or D., below.

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16. Feed and farm equipment stores.
17. Other rural area related commercial uses meeting the locational requirements of Comprehensive Plan Policy FLU 1.1.10.
18. Commercial communication towers less than 150 feet or less in height.
19. Home-based "cottage businesses" such as crafts, florists, woodworking, sewing, and similar uses.
20. Home occupations.
21. Family day care homes and family foster homes.
22. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
23. Motorized commercial recreation uses (minimum lot size 20 acres).
24. Golf courses, tennis centers, swimming clubs and customary attendant facilities and accessory buildings.
25. Hunting preserves, shooting ranges, gun and rifle clubs, etc.

C. *Prohibited uses.* Landfills or hazardous waste storage facilities, (permanent), but not including solid waste transfer stations, collection points, and/or processing facilities.

D. *Conditional uses.*

1. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations (see section 6.08.02).
2. Wastewater treatment facilities, electric power generation facilities or substations, and solid waste transfer stations, collection points and/or processing facilities.
3. Oil wells/mineral extraction and commercial antenna towers more than 150 feet in height.
4. Hospitals, clinics, nursing homes and similar uses.
5. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
6. Junkyards, salvage yards, and waste tire processing facilities.

E. *Site and building requirements.*

1. Any deed or gift of any parcel of land given without valuable consideration to any member of the donor's immediate family shall be exempted from the minimum lot area requirements. The deeding option shall be limited to one time only for each immediate family member.
2. Public utility uses, animal hospitals, churches and schools shall be exempted from the minimum lot area requirement.
3. Animal clinics and kennels or other boarding facilities--two acre minimum.

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4. Lot coverage. At least 30 percent of each lot or parcel shall remain pervious (70 percent maximum impervious cover ratio).
5. Lot width. The minimum lot width for all permitted uses shall be 100 feet at the street right-of-way.
6. Front yard. There shall be a front yard having a depth of not less than 40 feet.
7. Rear yard. There shall be a rear yard having a depth of not less than 40 feet. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 40 feet, whichever is greater.
8. Side yard. The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 40 feet, whichever is greater.

F. *Landscaping*. See section 7.01.00.

G. *Signs*. See article 8.

6.05.23. VR villages rural residential districts.

VR-1-- Gross density: One unit per four acres.

VR-2-- Gross density: One unit per 0.75 acre.

VR-3-- Gross density: One unit per two acres.

A. *Intent and purpose of districts*. Single-family residential district characterized by rural land development patterns. Rural community nonresidential uses are allowed. Home occupations are considered permitted uses. Mobile homes are allowed as single-family dwellings. Mobile home subdivisions are allowed. Mobile home parks are allowed as conditional uses. Parcels designated as VR are generally not assessed as agriculturally productive parcels. VR-1 densities reflect large lot rural land development patterns, while VR-2 densities reflect the need for more affordable lot sizes for single family and mobile home development. Refer to article 11 for uses, heights and densities allowed in VR, villages rural residential areas located in the Airport/Airfield Environs.

B. *Permitted uses*.

1. Single-family residences.
2. Agricultural, farm animals and agricultural-related activities and customary accessory buildings.
3. Silviculture.
4. Mariculture and aquaculture.
5. Campground and recreational vehicle parks.
6. Public utility.
7. Stables, private and public (minimum lot size two acres).
8. Animal hospitals, clinics and kennels (minimum lot size two acres).

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9. Display and sale of fruit, vegetables and similar agricultural products.
10. Mobile homes as single-family dwelling, subject to the other relevant provisions of this Code.
11. Places of worship.
12. Educational facilities.
13. Clubs and lodges.
14. Guest residences.
15. Public utility and service structures not included in subpart C. or D., below.
16. Feed and farm equipment stores.
17. Home-based "cottage businesses" such as crafts, florists, woodworking, sewing, and other similar uses.
18. Other rural area related commercial uses meeting the locational requirements of Comprehensive Plan Policy FLU 1.1.10.
19. Golf courses, tennis centers, swimming clubs, and customary attendant facilities and accessory buildings.
20. Home occupations.
21. Existing auto salvage business.
22. Family day care homes and family foster homes.
23. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).

C. *Conditional uses.*

1. Mobile home parks, duplexes, triplexes, and quadraplexes.
2. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations (see section 6.08.02).
3. Shooting ranges, gun and rifle clubs, etc.
4. Hunting preserve, shooting ranges, gun and rifle clubs, etc.
5. Wastewater treatment facilities, electric power generation facilities or substations, and solid waste transfer stations, collection points and/or processing facilities.
6. Hospitals, clinics, nursing homes and similar uses.
7. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).
8. Junkyards, salvage yards, and waste tire processing facilities.
9. Any conditional use permitted in the preceding villages districts.

D. *Prohibited uses.*

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1. Landfills or hazardous waste storage facilities (permanent), but not including solid waste transfer stations, collection points and/or processing facilities.
2. Commercial communication towers.

E. *Site and building requirements.*

1. *Lot area, minimum.*

VR-1 single-family dwellings . . . 4 acres

VR-2 single-family dwellings . . . 0.75 acre

VR-3 single-family dwellings . . . 2 acres

Horses and private stables . . . 2 acres

Campgrounds . . . 5 acres

Places of worship . . . 1 acre

Educational facilities . . . 1 acre

Kennels . . . 2 acres

Keeping of farm animals . . . 2 acres

2. *Lot coverage.* At least 30 percent of each lot or parcel shall remain pervious (70 percent maximum impervious cover ratio).

3. *Lot width.* The minimum lot width at the front building line shall be 100 feet and 80 feet at the street right-of-way. Every cul-de-sac shall have a minimum of 40 feet at the street right-of-way.

4. *Front yard.* There shall be a front yard having a depth of not less than 40 feet.

5. *Rear yard.* The minimum rear yard shall not be less than 40 feet in depth. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (Article 7) of this Code or 40 feet, whichever is greater.

6. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision (Article 7) of this Code or 40 feet, whichever is greater.

7. *Private stables or other structures for housing (sheltering) farm animals.* No stables may be located less than 50 feet from any property line, nor less than 130 feet from any adjacent principal residential dwelling unit.

F. *Landscaping.* See section 7.01.00.

G. *Signs.* See article 8.

6.05.24. *V villages single-family residential district.*

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V-1-- Villages single-family residential--Gross density (one unit per acre).

V-2-- Villages single-family residential--Gross density (two units per acre).

V-2A-- Villages single-family residential--Gross density (three units per acre).

V-3-- Villages single-family residential--Gross density (five units per acre).

These maximum densities may or may not be attainable based on other code provisions and site-specific conditions.

A. *Intent and purpose of V-1 through V-3 districts.* Single-family detached residential district characterized by urban land development patterns with residential subdivision densities varying from one unit per acre to five units per acre. Mobile homes are not allowed. No minimum lot size is required for new subdivisions with the exception of V-1, which has a minimum lot size of one acre, but development must meet overall maximum density requirements. V-2A may be used in any AIPD overlay area with a compatible future land use designation. Density will be determined by the accident potential zone density allowed for their property, not to exceed three d.u./acre. In AIPD-2, density is limited to three d.u./acre. Refer to article 11 for uses and densities allowed in V, villages single-family residential areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11.

B. *Permitted uses.*

1. Single-family detached dwellings and their customary accessory structures and uses.
2. The growing of vegetables or other food crops is permitted as long as the primary propose for such activity is to provide for personal consumption by the residents. The raising of crops or other plants for commercial purposes is prohibited.
3. Public utility.
4. Marina (private).
5. Residential dock or pier.
6. Family day care homes and family foster homes.
7. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).

C. *Conditional uses.*

1. Home occupations.
2. Golf courses, tennis centers, swimming clubs with customary attendant facilities and accessory buildings.
3. Country clubs and their customary accessory uses.
4. Clubs, as defined.
5. Covered boathouses and covered boat docks as accessory uses.
6. Stables accessory to a principal structure for private, noncommercial use only. Minimum lot size two acres.

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7. Educational facilities, excluding child care centers and kindergartens.
8. Places of worship.
9. Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations (see section 6.08.02).
10. Public utility and service structures (see section 6.08.02).

D. *Prohibited uses.* Any use not listed above.

E. *Off-street parking requirements.* See section 7.02.00.F.

F. *Site and building requirements.*

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
2. *Lot width.* The minimum lot width at the front building line shall be 40 feet and at the street right-of-way, 40 feet. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
3. *Front yard.* There shall be a front yard having a depth of not less than 25 feet, provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
4. *Rear yard.* The minimum rear yard shall not be less than 25 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 30 feet, whichever is greater.
5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 30 feet, whichever is greater.
6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.

G. *Landscaping.* See section 7.01.00.

H. *Signs.* See article 8.

6.05.25. V-4 villages multifamily residential district.

Gross density (seven units per acre).

A. *Intent and purpose of district.* Multifamily residential district characterized by a mix of duplexes, apartments, townhouses, patio homes, and mobile home subdivisions. Single-family detached residences are also allowed in this district. There is a maximum height limitation of two stories. No minimum lot size for new subdivisions, but development must meet overall maximum density requirements. Refer to article 11 for uses and densities allowed in V-4, villages multifamily residential areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11.

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B. *Permitted uses.*

1. Any use permitted in V-1, V-2 or V-3.
2. Multiple-family dwellings and structures, including single-family attached dwellings, duplexes, quadraplexes, townhouses, building clusters and zero lot line developments.
3. Boarding and lodging houses.
4. Community residential homes.
5. Nursing homes, retirement homes, convalescent homes, adult congregate living facilities, kindergartens, child care centers and foster care centers.
6. Mobile home subdivisions.

C. *Conditional uses.*

1. Any conditional use allowed in V-1, V-2 or V-3.
2. Hospitals and clinics (except animal hospitals and veterinary clinics).
3. Dormitories, fraternity and sorority houses.

D. *Off-street parking requirements.* See section 7.02.00.

E. *Site and building requirements.*

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
2. *Lot width.* Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a two-family dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way line. Every cul-de-sac lot shall be a minimum of 20 feet at the street. (The minimum lot width for a multiple-family dwelling, townhouse, or a boarding or lodging house shall be 100 feet at the front building line.)
3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed. In the case of multifamily projects, there shall be a project front yard having a depth of not less than 20 feet.
4. *Rear yard.* The minimum rear yard shall not be less than 15 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. A minimum side yard of 15 feet shall be required between building clusters and townhouse groups. No side yards shall be required in attached clusters, townhouses, or zero lot line projects except at the ends of the projects where a minimum of 15 feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.

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6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.

7. *Building clusters and townhouses.* Site and building requirements apply to the total building cluster with such being determined prior to issuance of a land use certificate.

8. *Zero lot line developments.* See section 7.10.00.

F. *Landscaping.* See section 7.01.00.

G. *Signs.* See article 8.

6.05.26. V-5 villages clustered residential district.

Gross density (four units per acre, if sewerred and clustered).

Gross density (one unit per acre, if unsewerred).

A. *Intent and purpose of district.* This low density mixed residential district is designed to create a density-based incentive for sewerred in proximity to environmentally sensitive lands, and to promote locating of development on nonenvironmentally sensitive portions of parcels which are otherwise suitable for low density development. The density allowances are structured to allow increases in density, when development is connected to public sewer. Single-family detached and attached structures, duplexes, quadraplexes, townhouses, and patio homes are allowed. Other apartment structures are not allowed. No minimum lot size for new subdivisions, but development must meet overall density requirements. Refer to article 11 for uses and densities allowed in V-5, villages clustered residential areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11.

B. *Permitted uses.*

1. Any use permitted in V-1, V-2 or V-3.
2. Duplexes, quadraplexes, townhouses, building clusters and zero lot line developments, but not other multiple-family structures.

C. *Conditional uses.* Any conditional use permitted in V-1, V-2 or V-3.

D. *Off-street parking requirements.* See section 7.02.00.

E. *Site and building requirements.*

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
2. *Lot width.* Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a two-family dwelling shall be 80 feet at the front building line, and 50 feet at the street right-of-way line. Every cul-de-sac shall have a minimum of 20 feet at the street right-of-way.

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3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwelling already constructed.
4. *Rear yard.* The minimum rear yard shall not be less than 15 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. A minimum side yard of 15 feet shall be required between building clusters and townhouse groups. No side yards shall be required in attached clusters, townhouses, or zero lot line projects except at the ends of the projects where a minimum of 15 feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 30 feet, whichever is greater.
6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.
7. *Buildings, clusters and townhouses.* Site and building requirements apply to the total building cluster and such being determined prior to issuance of a land use certificate.
8. *Zero lot line developments.* See section 7.10.00.

F. [*Gross density transfers.*] Gross density transfers from jurisdictional areas to upland portions of a parcel shall be in accordance with Comprehensive Plan Policy CON 1.3.7. Density bonuses are offered for clustering development outside wetlands and an incentive to protect those resources from development pressures (see section 7.17.00 for calculation of density bonus points).

G. *Landscaping.* See section 7.01.00.

H. *Signs.* See article 8.

6.05.27. VM-1 villages mixed residential/commercial district.

Gross density for residential uses (four units per acre).

Maximum area for commercial uses (6,000 square feet for retail/service unless a planned neighborhood center).

A. *Intent and purpose of district.* Mixed residential/neighborhood commercial district allowing neighborhood commercial uses within single-family and multifamily residential areas. "Planned neighborhood commercial centers" which meet specific development criteria are permitted. Multifamily uses include duplexes, quadraplexes, townhouses, and patio homes, but do not include other apartment structures. No minimum lot size for new subdivisions, but development must meet overall density requirements.

All neighborhood commercial (VM-1) development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policy FLU 1.1.10) and in article 7. Refer to article 11 for uses and densities allowed in VM-1, villages mixed residential/neighborhood commercial areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11.

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B. *Permitted uses.*

1. Single- and multiple-family uses permitted in V-1, V-2, V-3 or V-4 districts, except as noted above.
2. Professional offices including but not limited to those of architects, engineers, lawyers, tax consultants, accountants and medical and dental clinics, real estate and insurance offices.
3. Planned neighborhood centers containing neighborhood retail sales and services with maximum square footage of 35,000.
4. Neighborhood retail sales and services listed below (gross floor area of building not to exceed 6,000 square feet unless in a planned neighborhood center). No permanent outside storage allowed.
 - a. Food and drugstores.
 - b. Personal service shops.
 - c. Clothing and dry goods store.
 - d. Specialty shops.
 - e. Banks and financial institutions.
 - f. Bakeries, whose products are made and sold at retail on the premises.
 - g. Florists shops provided that products are displayed and sold wholly within an enclosed building.
 - h. Health clubs, spa and exercise centers.
 - i. Studio for the arts.
 - j. Martial arts studios.
 - k. Bicycle sales and mechanical services.
 - l. Other retail/service uses of similar type and character of those listed herein.
5. Laundromats and dry cleaners (gross floor area not to exceed 4,000 square feet).
6. Restaurants.
7. Automobile service stations (no outside storage, minor repair only).
8. Appliance repair shops (no outside storage or work permitted).
9. Public utility and service structures.
10. Places of worship and educational facilities/institutions.
11. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).

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12. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
- C. *Off-street parking requirements.* See section 7.02.00.
- D. *Site and building requirements.*
1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
 2. *Lot width.* Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a two-family dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way line. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.
 3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
 4. *Rear yard.* The minimum rear yard shall not be less than 15 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (article 7) or 30 feet, whichever is greater.
 5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. A minimum side yard of 15 feet shall be required between building clusters, and townhouse groups. No side yards shall be required in attached clusters, townhouses, or zero lot line projects except at the ends of the projects where a minimum of 15 feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of the Code (article 7) or 30 feet, whichever is greater.
 6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.
 7. *Building clusters and townhouses.* Site and building requirements apply to the total building cluster with such being determined prior to issuance of a land use certificate.
 8. *Zero lot line development.* See section 7.10.00.
- E. *Landscaping.* See section 7.01.00.
- F. *Signs.* See article 8.
- G. *Buffering, screening, and setback standards.* See section 7.01.00.
- H. *Locational criteria.* See article 7 and Comprehensive Plan Policy FLU 1.1.10.

(Ord. No. 2008-39, § 2, 6-5-2008; Ord. No. 2013-54, § 1, 12-5-2013)

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6.05.28. VM-2 villages mixed residential/commercial district.

Gross density for residential uses (seven units per acre).

Maximum area for commercial uses (30,000 square feet unless a planned business development).

A. *Intent and purpose of district.* Mixed residential/commercial district allowing community-serving commercial uses and single-family and multifamily residential areas. "Planned business developments" which meet specific development criteria are permitted. Neighborhood commercial and C-1 uses, and mobile home parks and subdivisions are allowed. C-2 uses may be approved as a conditional use when located in a planned business development. No minimum lot size for new subdivisions, but development must meet overall density requirements.

All commercial (VM-2) development, redevelopment, or expansion must be consistent with the locational criteria in the Comprehensive Plan (Policy FLU 1.1.10) and in article 7. Refer to article 11 for uses and densities allowed in VM-2, villages mixed residential/commercial areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11.

B. *Permitted uses.*

1. Single- and multiple-family uses permitted in V-1, V-2, V-3 or V-4 districts, except as noted above.
2. Any use permitted in the VM-1 district not to exceed a gross floor area of 30,000 square feet unless a planned business development.
3. Any use permitted in the C-1 district not to exceed a gross floor area of 30,000 square feet unless a planned business development.
4. Planned business developments containing neighborhood commercial, and C-1 uses with a maximum square footage of 30,000.
5. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).
6. Mobile home parks and subdivisions are permitted.

C. *Conditional uses.* Specified C-2 uses when located within a planned business development.

D. *Off-street parking requirements.* See section 7.02.00.

E. *Site and building requirements.*

1. *Lot coverage.* The pervious area shall be at least 25 percent of the total lot (75 percent maximum impervious cover ratio).
2. *Lot width.* Minimum lot width for a single-family dwelling or cluster measured at the front building line shall be 40 feet and at the street right-of-way, 40 feet. The minimum lot width for a two-family dwelling shall be 80 feet at the front building line and 50 feet at the street right-of-way. Every cul-de-sac lot shall have a minimum of 20 feet at the street right-of-way.

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3. *Front yard.* There shall be a front yard having a depth of not less than 20 feet provided that in blocks where 50 percent or more of the lots are developed, the front yard required shall be the average setback of the dwellings already constructed.
 4. *Rear yard.* The minimum rear yard shall not be less than 15 feet in depth. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 30 feet, whichever is greater.
 5. *Side yard.* The minimum side yard on each side shall be ten percent of the lot width measured at the front building line but need not exceed 15 feet on each side; however, required side yards shall not be less than five feet on each side. A minimum side yard of 15 feet shall be required between building clusters and townhouse groups. No side yards shall be required in attached clusters, townhouses, or zero lot line projects except at the ends of the projects where a minimum of 15 feet shall be required. On property abutting estuarine, riverine or creek systems, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 30 feet, whichever is greater.
 6. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade.
 7. *Building clusters and townhouses.* Site and building requirements apply to the total building cluster with such being determined prior to issuance of a land use certificate.
 8. *Zero lot line developments.* See section 7.10.00.
- F. *Landscaping standards.* See section 7.01.00.
- G. *Signs.* See article 8.
- H. *Buffering, screening, and setback standards.* See section 7.01.00.
- I. *Locational criteria.* See article 7 and Comprehensive Plan Policy FLU 1.1.10.

(Ord. No. 2008-39, § 2, 6-5-2008; Ord. No. 2013-54, § 1, 12-5-2013)

6.05.29. *GBD--Gateway business district.*

A. *Intent and purpose of district.* The district is intended to enhance specific segments of the US 29 and SR 97 corridor as a visually attractive, well planned business communities. To accomplish this purpose, stringent site development standards established adequate setbacks, landscaping, and buffering.

These districts are characterized by community-serving commercial uses located adjacent to or in immediate proximity to the US 29 corridor and in immediate proximity to SR 97 at the Alabama-Florida state line.

C-2 type distribution, manufacturing, fabrication and assembly-type operations which are completely enclosed within the confines of a building are permitted when located within a planned business development. Outside storage is permitted when screened. Such treatment is appropriate to protect nearby residential areas from the incompatible impacts of more intense uses such as noise, odors, truck traffic, glare, and visual blight. Refer to article 11 for uses and densities allowed in GBD, gateway business district areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11.

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B. *Permitted uses.*

1. C-1 and C-2 type uses with conditions noted above.
2. Planned business developments.
3. Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).

C. *Off-street parking and loading regulations.* See section 7.02.00.

D. *Traffic requirements.* See section 7.11.09.

E. *Landscaping.* See section 7.01.00.

F. *Site and building requirements.* For hotels and motels there are no maximum density limits; however, all applicable open space (yard) provisions and all other applicable regulations which apply to such developments must be complied with. For other principal uses, the following shall apply:

1. *Lot area.* There shall be no minimum lot area, except for recreational camping facilities which shall require a minimum lot size of five acres.
2. *Lot coverage.* At least 15 percent of each lot or parcel shall remain pervious (85 percent maximum impervious cover ratio).
3. *Lot width.* There shall be no minimum lot width.
4. *Yard.* There shall be a front and rear yard of at least 15 feet. There shall be a minimum side yard of ten feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 20 feet, whichever is greater.
5. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade, except for commercial communication towers which shall not exceed 150 feet in height.

G. *Signs.* No sign shall exceed 35 feet in height in the GBD. For other sign provisions see article 8.

H. *Buffering, screening, and roadway setbacks.* See section 7.01.00.

(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.30. *GID--Gateway industrial district.*

A. *Intent and purpose of district.* This district is intended to be a light to moderate industrial area which will enhance portions of the US 29 and US 95A corridors as visually attractive, well-planned industrial areas which are screened and buffered to assure compatibility with adjacent nonindustrial districts and uses. The district is intended to accommodate uses requiring access to rail and principal arterial roadways, when other objectives of the district are met. To accomplish this purpose and promote compatibility with neighboring areas, stringent site development standards establish adequate setbacks, landscaping, screening and buffering. Refer to article 11 for uses, heights and densities allowed in GID, gateway industrial district areas located in the Airport/Airfield Environs.

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B. *Permitted uses.*

1. C-2 and ID-1 type uses except mobile home sales and service.
2. Planned business developments.
3. Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and performance standards in Part III, the Land Development Code, article 7).

C. *Conditional uses.*

1. Industrial processes which require a building or equipment height greater than 35 feet. The required side and rear yards shall be increased two feet for every ten feet in height above the first 35 feet of the structure as measured from finished grade.
2. Asphalt plants.
3. Concrete plants.
4. New and used car sales, mobile homes and motorcycle sales. No intrusions are permitted on the public right-of-way (see section 6.04.09).
5. Solid waste transfer stations, collection points, and/or processing facilities.
6. Junkyards, salvage yards, and waste tire processing facilities.

D. *Prohibited uses.*

1. Residential uses.
2. Landfills.
3. Prisons.
4. Carnival-type amusements and amusement arcades.
5. Taverns, cocktail lounges, bars, and night clubs.

E. *Site and building requirements.*

1. *Building height limit.* No building shall exceed 35 feet in height except as otherwise provided in this district, and except for commercial communication towers which shall not exceed 150 feet in height.
2. *Minimum lot size.* There shall be no minimum lot size.
3. *Lot coverage.* The maximum combined area occupied by all principal and accessory buildings shall not exceed 50 percent of the total area, except as provided for in article 4 of this Code (see "stormwater management and conservation"). Also, the amount of impervious surface shall not exceed 85 percent of the lot.
4. *Lot width.* There shall be no minimum lot width.
5. *Yard requirements.* There shall be a front yard having a depth of not less than 25 feet. There shall be a rear yard having a depth of not less than 20 feet. There shall be side yards of not less than 15 feet. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the

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marine/estuarine/riverine setback (MERS) provision of this Code (Article 7) or 20 feet whichever is greater.

The BOA may waive the yard requirements, in response to an application therefore, if a finding of fact is made based on competent, substantial evidence demonstrates that such waiver would not adversely impact public safety, sensitive environmental resources, or compatibility with adjacent uses. Also, such waiver may be granted only if the development plans for the subject property reflect conformance with a floor area ratio which does not exceed 1.1 and a maximum impervious cover limit of 85 percent.

F. *Roadway access.* Direct access must be provided from a collector or arterial roadway and such access may be provided by curb cuts on the collector or arterial roadway or a private or public road linking the use with the collector or arterial roadway provided that such private or public road does not traverse a predominately residential neighborhood or subdivision between the use and the collector or arterial roadway. No permit shall be issued for any proposed use which requires access through a residential neighborhood or subdivision.

G. *Landscaping.* See section 7.01.00.

H. *Signs.* No sign shall exceed 35 feet in height in the GID. For other sign provisions see article 8.

I. *Buffering, screening, and roadway setbacks.* See section 7.01.00.

J. *Performance standards.*

1. Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency.
2. No process shall emit an offensive odor detectable beyond the lot parcel. Where odors are produced and provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the occupant of the premises.
3. Operations creating noise, vibration, dust, smoke or fumes shall be subject to provisions of section 7.07.01 of this Code.
4. Operations creating glare shall be shielded so that the glare cannot be seen from off the lot or parcel.
5. Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by any applicable federal or state regulatory entities.
6. Also, all applicable performance standards in sections 7.06.00 and 7.07.00 shall be adhered to.

6.05.31. GMD--Gateway mixed use district.

Gross density for residential uses (seven units per acre).

A. *Intent and purpose of district.* Mixed residential/commercial district allowing community-serving commercial uses and single-family and multifamily residential area. "Planned business developments" which meet development criteria are permitted. Neighborhood commercial, C-1 and specified C-2 uses. Refer to article 11 for uses and densities allowed in GMD, gateway mixed use district areas located in the Airport/Airfield Environs. Structures within Airport/Airfield Environs, Zones, and Surfaces remain subject to the height definitions, height restrictions, and methods of height calculation set forth in article 11.

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B. *Permitted uses.*

1. Single-family and multiple-family uses permitted in V-1, V-2, V-3 or V-4 districts, except as noted above.
2. Any use permitted in the VM-1 or VM-2 district.
3. Any use permitted in the C-1 district.
4. Specific C-2 uses when located within a planned business development.
5. Other uses which are similar to or compatible with the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

C. *Off-street parking and loading regulations.* See section 7.02.00.

D. *Traffic requirements.* See section 7.11.09.

E. *Buffering, screening, and roadway setbacks.* See section 7.01.00 of this Code.

F. *Landscaping.* See section 7.01.00.

G. *Site and building requirements.* For hotels and motels, there are no maximum density limits; however, all applicable open space (yard) provisions and all other applicable regulations which apply to such developments must be complied with. For other principal uses, the following shall apply:

1. *Lot area.* There shall be no minimum lot area, except for recreational camping facilities which shall require a minimum lot size of five acres.
2. *Lot coverage.* At least 15 percent of each lot or parcel shall remain pervious (85 percent maximum impervious cover ratio).
3. *Lot width.* There shall be no minimum lot width.
4. *Yard.* There shall be a front and rear yard of at least 15 feet. There shall be a minimum side yard of ten feet on each side. On property abutting an estuarine, riverine or creek system, the setback shall be in accordance with the marine/estuarine/riverine setback (MERS) provision of this Code (article 7) or 20 feet, whichever is greater.
5. *Building height.* Mean average roof height shall not exceed 45 feet above average finished grade, except for commercial communication towers which shall not exceed 150 feet in height.

H. *Signs.* No sign shall exceed 35 feet in height in the GMD. For other sign provisions see article 8.

(Ord. No. 2008-39, § 2, 6-5-2008)

6.05.32. *P--Public district.*

A. *Intent and purpose of district.* Publicly owned parcels for educational and correctional facilities and purposes, other public institutional uses, borrow pits and associated reclamation activities, Material Recovery Facilities, collection and/or processing of solid waste, and sanitary landfills. Conversion of suitable

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public lands for business or industrial park development is allowed. Refer to article 11 for uses, heights and densities allowed in P, public districts located in the Airport/Airfield Environs.

B. *Site development standards.* Site development standards contained in the C-1 district shall be applicable to this zoning district. Refer to article 7 for specific performance standards relating to borrow pits and associated reclamation activities.

(Ord. No. 2014-10, §2, 2-18-2014)

6.05.33. WMU--Waterfront mixed use district (noncumulative).

A. *Intent and purpose of district.* This district is located in the RA-1(OL) Barrancas Redevelopment Area Overlay District. In an effort to take advantage of the deep water characteristics of Bayou Chico and preserve commercial and recreational waterfront, this district is designed to foster more sensitive, consistent, and uniform development and redevelopment activity along the shoreline; minimize the impacts of development on the water quality, air quality, noise, and natural or established habitats; and improve the visual aesthetics of the area for the benefit of current and future generations. It is created to protect and conserve the natural resources along and adjacent to the bayou as well as to nurture water-dependent and water-related support uses that do not cause any water quality degradation or prevent the beneficial restoration of water or environmental quality in Bayou Chico. See section 3.00.01 of this Code for the definition of "water dependent facility or use". The following priority of uses is recognized:

1. The first priority is to protect conservation and recreation related uses.
2. The second priority is to protect and nurture existing and potential water-dependent commercial and industrial uses that do not degrade the water or environmental quality of Bayou Chico.
3. The third priority is to encourage residential uses in and around the waterfront.
4. The fourth priority is to encourage marine and water-related commercial and industrial support uses that do not degrade the water or environmental quality of Bayou Chico.
5. Other specified uses are encouraged only if they are compatible with the priority uses described in 1.--4., above.

Refer to the overlay districts within section 6.07.00 of this Code for additional regulations imposed on individual parcels with WMU zoning located in the RA-1(OL) Barrances Redevelopment Area Overlay District.

B. *Applicability.* The waterfront mixed use district generally includes all waterfront parcels on the county side of Bayou Chico from a few parcels north of Lotus Circle to the south side of old Barrancas Avenue and some parcels adjacent to Mahogany Mill Road and Weis Lane between new and old Barrancas Avenues. The district is indicated on "Exhibit 2: Waterfront Mixed Use District" zoning map, as incorporated by reference in Ordinance No. 2006-16, and is reflected in the official zoning maps.

C. *Permitted uses.* The following uses are permitted consistent with proper design, construction, and operation that prevent unsatisfactory and unpleasant noise, odors, air and water pollution, and aesthetics as defined in section 6.05.33.H. and I. [sic], below.

1. *Water-dependent uses:*
 - a. Boat brokerage or sales.

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- b. Boat maintenance and repair yards. Boat yards must adhere to the best management practices of the Clean Boatyard Program as cited on the Florida Department of Environmental Protection web site under Best Management Practices for Boatyards, Clean Boatyard Manual, as amended.
 - c. Bulk product facilities and terminal facilities as defined in F.S. § 376.031, if the facility was in operation on the date of the enactment of this ordinance. Expansion of this type facility cannot be made any closer than 300 feet of any residential land use and will require additional noise and visual buffering from adjacent parcels and public rights-of-way.
 - d. Commercial boat storage. Storage facility must be maintained to avoid nuisance conditions as defined in section 7.07.06 of this Code.
 - e. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis.
 - f. Harbor and marine supplies and services, chandleries, and ship supply such as fueling of vessels.
 - g. Marinas, particularly those berthing tugboats, fireboats, pilot boats and similar services. Marinas must adhere to the best management practices of the Clean Marina Program as cited on Florida Department of Environmental Protection web site under Clean Marina Program and Clean Marina Program Measures, Marina Environmental Measures, as amended.
 - h. Public landings.
 - i. Marine research, education, and laboratory facilities.
 - j. Seafood packaging, loading, distribution and wholesaling for retail sale as long as proper design, construction, and operation prevent unpleasant noise, odors, air and water pollution, and development is aesthetically consistent with the design criteria of this district.
2. *Water-related support uses:*
- a. Cabinet and carpentry shops and accessory retail sales of only those products that are produced on the premises.
 - b. Fabrication of marine-related goods.
 - c. Fabrication, storage and repair of fishing equipment.
 - d. Marine products, wholesaling, distribution and retailing.
 - e. Marine repair services and machine shops.
 - f. Professional, business and general offices related to marine-dependent or marine-related uses.
 - g. Residential use. The primary owner (person who legally owns 50 percent or more) of a marine-related business may occupy space within the primary building or within an accessory structure. Live/work housing shall be allowed as well live aboard housing/houseboats. Mixed uses, defined as a combination of residential and nonresidential uses, shall be encouraged.
3. *Other uses, along with permitted accessory uses or structures:*
- a. Bars and nightclubs.

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- b. Hotels and motels.
- c. Bed and breakfast inns as licensed under F.S. ch. 509.
- d. Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including pedestrian and bicycle facilities.
- e. Museums and art galleries.
- f. Parking lots.
- g. Professional, business, and general offices.
- h. Restaurants.
- i. Retail and service establishments, including craft and specialty shops.
- j. Single-family and multifamily residential.
- k. Wholesale and/or distribution warehousing.
- l. Other uses which are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

D. Prohibited uses.

- 1. Asphalt plants.
- 2. Bulk product facilities and terminal facilities, as defined in F.S. § 376.031.
- 3. Cement plants.
- 4. Chemical plants.
- 5. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.
- 6. Landfills.
- 7. Open storage facility for any bulk solid or semi-solid material that is a toxic or hazardous substance or nutrient or that becomes one when left to stand or exposed to water. The phrase "toxic or hazardous substance" does not include petroleum and petroleum related products regulated by the Florida Pollutant Discharge Prevention and Control Act (F.S. §§ 376.011--376.17 and §§ 376.19--376.21).
- 8. Paper mills.
- 9. Refineries.
- 10. Rendering plants and slaughterhouses.
- 11. Sand extraction operations.
- 12. Sewage treatment plants.
- 13. Solid or hazardous waste transfer stations collection or disposal facilities.
- 14. Storage facilities for toxic or hazardous substances or nutrients (that is, elements or compounds essential as raw material for organic growth and development, for example: carbon, nitrogen and phosphorus).
- 15. Solid waste transfer stations.

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E. Off-street parking regulations. See section 7.02.00 of this Code.

F. Site and building requirements.

1. *Lot area.* There shall be no minimum lot area.
2. *Lot width.* There shall be no minimum lot width.
3. *Density.* A maximum of 25 dwelling units per acre are allowed.
4. *Building height.* No building or structure shall exceed 100 feet in height as defined in section 3.00.01 of this Code. Heights for buildings and structures with pitched roofs shall be measured to the bottom of the eaves. In addition:
 - a. "Mixed use" shall be defined to include two or more residential and nonresidential uses. Work/live spaces are encouraged. Nonresidential uses are encouraged on first and second floors. Parking structures are not considered a separate use.
 - b. Parking structures and nonliving areas may comprise the first two floors of a mixed use structure. Entrance to parking structures shall be from the side or rear of the building or buildings. Street facades shall consist of liner buildings or shall be properly screened so as to provide the appearance of being an occupied use, i.e. articulated building fronts, windows, etc.
 - c. Buildings and structures are street oriented and consistent with the requirements of the Barrancas Redevelopment Area Overlay District.
5. *Setbacks.* Front and side setback lines should be consistent with adjacent structures. Front porches, stoops and balconies that extend beyond the primary building plane may encroach to within five feet of the property line. Where setback lines are not clearly established, buildings shall be built to within ten feet of property lines. Steps leading up to the front porch or stop may encroach further, but in no event shall steps extend beyond the property line or on to public sidewalks. There shall be minimum side setback of ten feet on each side which shall be increased by five feet on each side for each story (floor) above the third story or for each ten feet in height above the first 35 feet of the structure as measured from the finished grade.
6. *Waterfront setback.* See section 7.08.00 of this Code, marine/estuarine/riverine setback.
7. *Screening.* All service and loading areas shall be entirely screened from view.
8. *Docks.* In an effort to improve water and sediment quality and to protect the marine environment, it is recommended that all new docks, bulkheads and seawalls constructed of treated wood products after the adoption of this ordinance be built using treated wood products registered for marine use by the U.S. Environmental Protection Agency or the Florida Department of Agriculture and Consumer Services. Other recommended materials include concrete, coated steel, recycled plastic, PVC, vinyl, and fiberglass.
9. *Garages.* For residential uses, there shall be no front facing garages unless they are setback an additional ten feet from the primary front facade and do not exceed 25 percent of the street facing building facade. If the lot width is 40 feet or less, the 25 percent requirement shall not apply. All other garages must face the side or rear of the parcel.

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10. *Front entry.* Buildings shall be oriented so that the principal facade is parallel or nearly parallel to the streets they face. On corner sites, buildings shall occupy the corner.

11. *Walkways.* Walkways that lead to front doors, separate from the driveway are encouraged.

G. *Performance standards.* The waterfront district is designed to take advantage of the deep water characteristics of Bayou Chico while fostering more sensitive and uniform development along the shoreline. The improvement efforts include minimizing the impacts of development on the water quality, air quality, noise, and natural or established habitats so that projects do not cause any water quality degradation or prevent the beneficial restoration of water or environmental quality in Bayou Chico. The goal of this district also is to improve the visual aesthetics of the area. In addition to controls contained in sections 7.06.00 and 7.07.00 of this Code and controls contained in the county's Code of Ordinances, the below listed items are focused on achieving the redevelopment goals for the area.

1. *Environmental impacts.*

a. All work and/or operations must be conducted within buildings except temporary outside storage may be allowed if adequately buffered and screened from adjacent uses. All waste material must be stored while on the property in a screened enclosure.

b. Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency.

c. No process shall emit an offensive odor detectable beyond the lot or parcel. Where odors are produced and provisions for eradication within a building are provided, the burden of successful elimination of the odors shall rest on the occupant of the premises.

d. Operations creating excessive noise, vibration, dust, smoke or fumes, which are a nuisance to persons off of the lot or parcel, are not permitted.

e. Operations creating glare shall be shielded so that the glare cannot be seen from off the lot or parcel.

f. Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by any applicable federal or state regulatory entities.

2. *Shoreline protection.* See section 7.08.00.D.1., D.2., D.3. and E. of this Code. Where there exists a high likelihood of success and effectiveness, natural vegetated erosion control solutions shall be implemented. Escambia County Neighborhood and Environmental Services Department/Marine Resources Division staff will evaluate each application for shoreline protection and shall consider bathymetry, wave climate, sediment quality, and adjacent and surrounding shorelines.

3. *Marina siting.* Marina siting shall be consistent with regulations in section 7.05.00 of this Code.

4. *Septic tanks.* See section 7.19.00 of this Code. Additionally if septic tanks are permitted they shall be located at least 100 feet from the mean high water line (MHWL).

6.05.34. *Planned development in the "Villages" zoning districts.*

PNC--Planned neighborhood center (minimum parcel size two acres).

PBD--Planned business development (minimum parcel size two acres).

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A. *Intent and purpose of villages planned developments.* The intent of these developments is to assure excellence in site planning and design in order to accomplish the objectives of the district in which the development is being located and to assure that incompatibilities between adjacent uses are adequately addressed. The PNC or PBD must:

1. Be compatible with the adjacent land uses, by the use of screening and buffering;
2. Provide for adequate vehicular and pedestrian circulation systems;
3. Provide for adequate off-street parking;
4. Provide for adequate open space;
5. Provide for adequate water, electric, sewerage and fire protection services;
6. Demonstrate through the preliminary development plans that the development is a sound, well planned development.

These developments are intended to encourage the development of land as planned business communities or neighborhood centers, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of these regulations.

Because of the increase amount and/or intensity of development allowed in a PBD or PNC, greater scrutiny in the development review process is necessary to assure compatibility with adjacent uses and shall include the requirements established below. A concept plan may be submitted at the option of the applicant. Preliminary and final development plans must be submitted for review and approval by the DRC.

B. *Permitted uses.*

1. Planned neighborhood center (PNC). Neighborhood commercial and C-1 uses allowed up to a maximum of 35,000 square feet.
2. Planned business development (PBD). Neighborhood commercial, C-1 and specified C-2 uses allowed up to a maximum of 30,000 square feet.

C. *Buffering.* See section 7.01.06 of this Code.

D. *Screening.* See section 7.01.06 of this Code.

E. *Landscaping standards.* See section 7.01.00 of this Code.

F. *Processing planned developments in the "Villages" zoning districts.* The department shall forward copies of the preliminary development plan to the members of the development review committee. The development review committee shall consider:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.
2. The nature of the proposed development, including land use types and densities; the approximate total ground coverage of paved areas and structures and types of water and sewer treatment systems.
3. Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable ordinances of the county.

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4. Other applicable factors and standards prescribed by the Comprehensive Plan and this Code.

The DRC shall review the application and submit its comments and recommendations to the applicant within 20 working days of the receipt of the completed application.

The submission requirements for the planned development includes more general criteria at the concept development plan phase, which is optional, and more detailed criteria submitted for review at the preliminary and final development plan phases. An application check list shall be provided by the department.

1. *Concept development plan (optional)*. Submittal requirements for the concept development plan shall be those listed under PUD section 6.06.F.2.
2. *Preliminary development plan*. Submittal requirements for the preliminary development plan shall be those listed under PUD section 6.06.F.2.
3. *Final development plan*. The final development plan shall reflect any modifications or changes required in the preliminary development plan, plus any additional information required as a result of the preliminary development plan review. Based upon this review the development proposals must be refined and submitted as a final development plan which shall be acted upon by the DRC within 20 working days of submittal.

G. [*Planned unit developments*.] Planned unit developments (PUDs) may be approved in the "Villages" zoning districts in accordance with PUD requirements contained in section 6.06.00 of this Code.

(Ord. No. 96-22, § 1, 7-25-1996; Ord. No. 97-18, § 1, 6-5-1997; Ord. No. 97-39, § 1, 8-7-1997; Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 97-59, § 1, 12-4-1997; Ord. No. 98-41, § 1, 9-9-1998; Ord. No. 98-42, § 2, 9-9-1998; Ord. No. 98-43, 9-9-1998; Ord. No. 98-49, § 1, 11-5-1998; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-12, § 1, 3-4-1999; Ord. No. 99-13, § 1, 3-4-1999; Ord. No. 99-14, § 1, 3-4-1999; Ord. No. 99-20, § 1, 4-18-1999; Ord. No. 99-38, § 2, 9-5-1999; Ord. No. 99-42, § 1, 9-2-1999; Ord. No. 99-60, § 1, 12-2-1999; Ord. No. 2000-4, § 2, 2-10-2000; Ord. No. 2000-8, § 1, 3-2-2000; Ord. No. 2000-28, § 4, 7-6-2000; Ord. No. 2000-45, § 1, 10-5-2000; Ord. No. 2000-46, § 2, 10-19-2000; Ord. No. 2000-50, §§ 2--4, 11-2-2000; Ord. No. 2000-59, § 1, 12-11-2000; Ord. No. 2001-58, §§ 1--4, 10-18-2001; Ord. No. 2001-64, §§ 1--8, 11-15-2001; Ord. No. 2002-18, § 1, 4-4-2002; Ord. No. 2002-30, §§ 3--6, 7-2-2002; Ord. No. 2003-4, § 2, 2-6-2003; Ord. No. 2003-5, §§ 1, 2, 2-6-2003; Ord. No. 2003-11, §§ 1, 2, 6-5-2003; Ord. No. 2003-33, § 1, 7-24-2003; Ord. No. 2003-38, § 2, 8-7-2003; Ord. No. 2003-39, § 2, 8-7-2003; Ord. No. 2004-33, § 3, 6-3-2004; Ord. No. 2004-41, § 1, 8-5-2004; Ord. No. 2005-2, § 1, 1-6-2005; Ord. No. 2005-12, §§ 2--5, 5-5-2005; Ord. No. 2005-22, § 2, 7-7-2005; Ord. No. 2005-23, §§ 2, 3, 7-7-2005; Ord. No. 2006-16, §§ 1, 2, 3-2-2006; Ord. No. 2006-22, § 2, 3-2-2006; Ord. No. 2006-28, § 1, 4-6-2006; Ord. No. 2006-70, § 2, 9-7-2006; Ord. No. 2006-80, § 1, 10-5-2006; Ord. No. 2007-48, § 1, 9-6-2007; Ord. No. 2009-34, §§ 4-6, 10-1-2009; Ord. No. 2011-22, § 1, 8-4-2011; Ord. No. 2011-28, §§ 1-3, 9-15-2011)

6.06.00. Planned unit development (PUD).

A. *Intent and purpose*. It is the purpose of this article to permit PUDs which are intended to encourage the development of land as planned communities, encourage flexible and creative concepts of site planning; preserve the natural amenities of the land by encouraging scenic and functional open areas; accomplish a more desirable environment than would be possible through the strict application of the minimum requirements of these regulations; provide for an efficient use of land resulting in smaller networks of streets and utilities where access to regional systems is impractical and thereby lowering development and housing costs; and provide a stable environmental character compatible with surrounding areas.

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B. *Permitted uses.* The uses permitted within a PUD shall include the following:

1. Residential units, including single-family attached and detached dwelling, two-family dwellings, and multiple-family dwellings.
2. Places of worship, educational institutions, clubs and similar public and semipublic facilities.
3. Nonresidential uses, including commercial, service or retail use, and offices.
4. Other uses compatible with uses in the general area. Final determination on other permitted uses shall be made by the LPA.

C. *Effect on height, area and bulk requirements and on yards, lot sizes and mix of uses.* Use of the PUD process can result in the applicant establishing specific height, area, bulk, yard, size, use and mix provisions which may be different from the requirements contained in the several zoning districts within this article, in any or all respects. That is, the minimum requirements are rendered moot upon final approval of a PUD. Further, PUDs may be placed in any land use category and/or zoning district provided that the public hearings and notification requirements associated with the process are observed.

D. *Definitions.* In addition to the definitions contained in article 3 of this Code, the following terms, phrases, words and derivations shall have the following meaning:

1. *Common open space.* An area of land, or an area of water, or combination of land and water within the area of a PUD which is designed and intended for the use or enjoyment by residents of the PUD in common. Common open space may contain such recreation structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the PUD.
2. *Land owner.* The legal or beneficial owner or owners of all the land proposed to be included in a PUD; the holder of an option or a contract to purchase; or a person having possessory rights of equal dignity will be deemed to be a land owner for the purpose of this section, so long as the consent to the PUD of the owners of all other interests in the land concerned is obtained.
3. *Plan.* Plans for development of land approved for PUDs shall be processed in accordance with procedures established in the Escambia County Subdivision Regulations. The preliminary development plan is to be submitted to the department of growth management and public works department with the preliminary plat. The final development plan is submitted in the same manner for final plat approval.

All terms, conditions and stipulations made at the time of approval for PUDs shall be binding upon the applicant or any successors in interest. Deviations from approved plans not approved as a minor or substantial change as set forth in this Code or failure to comply with any requirement, condition or safeguard shall constitute a violation of these zoning regulations.

E. *Processing the planned unit development (PUD).*

1. *Concept development plan (optional).*

- a. *Meeting.* After meeting with the department and prior to submitting a final application for review, the owner of the land, or his authorized agent, at his option, may file an application

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for a nonbinding concept development plan review with the department along with the appropriate fee.

b. *Application.* The applicant shall submit the required number of application packages to the department. Within ten working days from the established deadline date by which the application was submitted, the department shall:

- (1) Determine that the application is complete and proceed with the following procedure; or
- (2) Determine that the application is incomplete and notify the applicant in writing as to the deficiencies. To avoid a reapplication fee, the applicant must submit an amended application within 30 days of the date of deficiency notification.

c. *Development review committee criteria.* The department shall forward the completed application to the members of the development review committee. The development review committee shall consider:

- (1) Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.
- (2) The nature of the proposed development, including land use types and densities; the approximate total ground coverage of paved areas and structures; and, types of water and sewer treatment systems.
- (3) Conformity of the proposed development, including the phasing, with the Comprehensive Plan, this Code, and other applicable regulations of the county.
- (4) The creativity of the site plan particularly as it relates to the street layout.
- (5) The preservation of natural or open space amenities.
- (6) Other applicable factors and standards prescribed by the Comprehensive Plan, these regulations, or other regulations established in this Code.

d. *Development review committee transmittal.* The development review committee shall review the application and submit its comments and recommendations to the planning board (LPA) within 20 working days of the receipt of the complete application.

e. *The planning board (LPA).* The planning board (LPA) shall schedule a review of the concept development plan at its earliest available meeting date. The LPA shall consider the recommendations of the development review committee including the review criteria in c. above and shall issue its comments and recommendations.

2. *Development plan.*

a. *Meeting.* After meeting with the department at the preapplication conference or upon the planning board's approval of the concept development plan, if this option is selected, the applicant shall file an application for a preliminary development plan along with the appropriate fee as adopted by the BCC.

b. *Staff review.* Within ten working days of the established deadline date by which the application was submitted, the department shall:

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- (1) Determine that the application is complete and proceed with the following procedure; or
- (2) Determine that the application is incomplete and notify the applicant in writing as to the deficiencies. To avoid a reapplication fee, the applicant must submit an amended application within 60 calendar days of the date of deficiency notification.

c. *Development review committee criteria.* The department shall forward copies of the preliminary development plan to the members of the development review committee. The development review committee shall consider:

- (1) Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.
- (2) The nature of the proposed development, including land use types and densities; the approximate total ground coverage of paved areas and structures; and, types of water and sewer treatment systems.
- (3) Conformity of the proposed development with the Comprehensive Plan, this Code and other applicable ordinances of the county.
- (4) The creation of the site plan particularly as it relates to the street layout and preservation of natural or open space amenities.
- (5) Other applicable factors and standards prescribed by the Comprehensive Plan and this Code.

d. *Development review committee transmittal.* The development review committee shall review the application and submit its comments and recommendations to the planning board (LPA) within 20 working days of the receipt of the complete application.

e. *Planning board (LPA).* The planning board shall hold a public hearing and shall prepare a record of its proceedings on each case. The record shall be filed in the office of the LPA and shall be a public record. A copy of the record, together with the planning board's recommendation and the grounds therefor, including findings relative to the criteria in c. above, shall be transmitted to the board of county commissioners. The department shall forward a copy of the LPA's recommendation to the applicant within ten working days from the date of the public hearing.

f. *Board of county commissioners (BCC).* The BCC shall schedule a review of the preliminary development plan at its earliest available time and shall consider the recommendation of the planning board. The BCC may consider the preliminary development plan at more than one meeting, if necessary, to complete review of the proposed preliminary development plan; and, shall issue comments and recommendations on the preliminary development plan. Two copies of the approved preliminary development plan shall be endorsed by the BCC with one copy returned to the applicant. Approval by the BCC shall authorize the applicant to proceed with the final development plan. If the preliminary development plan was approved conditionally, subject to certain modifications, the applicant shall revise the preliminary development plan and resubmit two copies of the same to the department for the BCC endorsement within ten days from the date of the board's action on the preliminary development plan. If the preliminary development plan was disapproved by the BCC, a copy of the disapproved preliminary development plan shall be returned to the applicant with reasons supporting the action of the BCC within ten working days from the date of the last meeting at which the preliminary development plan was reviewed. The applicant

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shall have the option of revising the preliminary development plan and/or submitting a new preliminary development plan for review.

3. *Final subdivision plat.* Any PUD involving a subdivision plat in accordance with article 4 part I shall follow the final plat requirements of sections 4.02.07 and 4.02.08.

F. *Submission requirements.* The submission requirements for the planned unit development includes more general criteria at the concept development plan phase, which is optional, and more detailed criteria submitted for review at the preliminary and final development plan phases. The PUD application check list shall be provided by the department.

1. *Concept development plan.* In addition to the basic information required for a rezoning application, the concept development plan shall include the following:

- a. Topographic data available from the U.S.G.S. and/or the Northwest Florida Water Management District.
- b. Land use designations and boundaries, zoning, and development characteristics surrounding the site.
- c. A master plan for the entire development area.
- d. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.
- e. Total acreage in each phase and gross intensity (nonresidential) and gross density (residential) of each phase.
- f. Number, height and type of residential units.
- g. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.
- h. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
- i. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semipublic uses.
- j. Other documentation reasonably necessary to permit satisfactory review under the requirements of this Code and other applicable ordinances as required by special circumstances in the determination of the department.

2. *Development plan.* The preliminary development plan shall include the following:

- a. Title and date of plan.
- b. Name, address and telephone number of the owner/developer, surveyor, engineer and other consultants.
- c. Scale of plan (preferably 1" = 100') and north arrow; aerial photographs of development and immediate area.
- d. Location map showing the site in relation to existing roads and developments.

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- e. Legal description of the tract to be developed and the approximate acreage.
- f. All contiguous property under ownership or control of the applicant shall be shown, described or noted on the preliminary development plan. Evidence of unified control of the entire area within the PUD shall be required.
- g. Boundary of the tract shown by a heavy line.
- h. The existing zoning, the proposed minimum lot size, the proposed residential, commercial and industrial land use type(s) and the residential density; zoning and development characteristics surrounding the site.
- i. An agreement by all owners within the PUD which includes their commitment to:
 - (1) Proceed with the proposed development in accordance with the approved PUD and any conditions and safeguards as may be set by the BCC; and
 - (2) A written statement of a proposal for completion of the development according to plans approved by the ordinance, and for continuing operation and maintenance to those areas, functions, and facilities that are not to be provided, operated, or maintained by the county pursuant to written agreement; and
 - (3) To bind their successors in title to any commitments made in their application.
- j. A drainage statement including: documentation on positive legal stormwater outfall; description of the conceptual on-site retainage requirements for water quality; and any other requirements of the Northwest Florida Water Management District or DEP and pertinent sections of this Code pertaining to management and storage of surface water.
- k. A traffic impact analysis of the project on the external street network serving the site.
- l. A statement on anticipated impacts on any public services as deemed necessary by the department. A concurrency determination will suffice.
- m. Preliminary statements indicating how the problems of maintenance and ownership of common facilities will be resolved.
- n. The master plan for the entire development area and preliminary schedules of development, including the staging and phasing of:
 - (1) Areas to be developed, in order of priority;
 - (2) The construction of streets, utilities, and other improvements necessary to serve the proposed development;
 - (3) The dedication of land to public use, if any; and
 - (4) Physical recreation facilities, if any.
- o. A plan at an appropriate scale supporting the above statement illustrating:
 - (1) The preliminary location, grouping, distance dimensions, and height of all uses and facilities.

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- (2) In the case of residential development, the number of residential units proposed, their general location, number of stories, indicating those areas to be owner-occupied and those to be renter-occupied.
- (3) A preliminary vehicular and pedestrian circulation system including driveways, walkways, parking areas, and streets to be dedicated, if any.
- (4) A system of open space and recreational uses, with estimates of acreage and improvements to be dedicated and areas that are to be retained in common ownership, if any.
- (5) Physical/environmental conditions.
 - (a) Existing contours at one foot intervals based on field surveys or photogrammetric surveys and extending a minimum 100 feet beyond the tract boundary.
 - (b) Identification of on-site soils using the most recent Escambia County Soils Survey and vegetation according to the Florida Land Use, Cover and Forms Classification System.
 - (c) Identification of all conservation areas and/or other areas of state and/or federal jurisdiction, if any.
 - (d) One-hundred-year flood elevation data indicated on the Escambia County Flood Insurance Rate Map, as amended and prepared by the Federal Emergency Management Agency.
 - (e) A detailed description of proposed alterations and existing conditions showing changes in topography by grading, filling or excavating; areas where vegetation will be cleared or trimmed; and areas where a pervious surface will be constructed.
 - (f) A proposed landscaping plan as required by these regulations.
 - (g) Existing and proposed streets, including the following information for proposed streets:
 - (1) The name or temporary designation and right-of-way width;
 - (2) A typical design cross section indicating pavement type, width, drainage features and sidewalks/bikeways.
 - (h) A proposed method and source of water supply and sewage disposal.
 - (i) A stormwater management plan with a schematic diagram of the proposed stormwater collection system, method of pollution control and stormwater retention/detention.
 - (j) The location of all landscaping buffers or screening walls. The method of maintenance shall be indicated, but in no case will it be the responsibility of the county.
 - (k) Any proposed shoreline vegetation alteration.
 - (l) The location, width, purpose and maintenance responsibilities for all proposed easements, facilities, or rights-of-way other than for streets.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998)

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6.07.00. Overlay districts (general).

Intent and purpose of district. This special overlay section is intended to provide an enhanced level of protection for land areas which provide primary access (gateways) to (1) major military installations, (2) redevelopment area commercial corridors, and (3) the unique scenic vista and environmental resources of the county.

6.07.01. Warrington Overlay District.

A. The intent and purpose. The Warrington Overlay District is intended to provide an enhanced level of protection for land uses and provide primary access (gateways) to the two major military installations located within the Warrington Community Redevelopment District. This is a zoning overlay district and the regulations herein expand upon the existing zoning district regulations otherwise imposed on individual parcels within the Warrington Community Redevelopment District.

B. Applicability. This zoning overlay district applies to all zoned properties located in the Warrington Community Redevelopment District.

C. Relationship to underlying zoning. All of the use listings and site design requirements of the underlying zoning districts shall continue to apply unless modified by the following:

D. Permitted uses. Mixed-use developments, defined as where non-residential and residential uses occupy the same building. The non-residential use(s) shall contain the first or bottom floor and the residential use(s) contain the second or upper floor(s).

E. Prohibited uses.

1. Portable food vendors.
2. Mobile homes and manufactured homes. (This does not prohibit the construction of modular homes; see Article 3 of this code.)
3. Mobile home/manufactured home parks.

F. Uses requiring management plan submittal. The following uses shall require submission of a management plan to the CRA prior to development approval. The CRA must be notified of any amendments to a submitted management plan. Furthermore, the following uses shall have a distance of at least 2,500 feet separating any two uses of the same kind. The distance shall be measured from the closest point of the two property lines:

1. Convenience stores.
2. Tattoo Parlors.
3. Retail sale of alcohol for off-premises consumption.
4. Bars and nightclubs.
5. Pawn shops and check cashing services.
6. Commercial amusement arcades, including billiard parlors and game machine arcades.

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7. Automotive uses (including car sales, automobile rental agencies, car washes, auto repair facilities, tire sales, etc.).
8. Truck, utility trailer, and RV rental service or facility.

G. *Management plan.* The applicant shall submit a management plan that addresses the following:

1. Proposed hours of operations.
2. Other similar properties managed by the applicant, if applicable.
3. Explanation of any franchise agreement.

H. *Rezoning.* The following rezoning requests shall be prohibited:

1. Rezoning of C-1 properties to a more intense zoning district if located on an arterial roadway.
2. Surrounding uses, whether conforming or non-conforming should not be taken into consideration for the rezoning rationale.

I. *Non-residential site and building requirements.*

1. *Building height.* New buildings, additions and redeveloped buildings shall complement the existing pattern of building heights. Buildings in the overlay district may not exceed 45 feet in height.

2. *Building design.*

a. Setbacks. New construction must maintain the existing alignment of facades along the street front. Exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape.

b. Facades. A building more than 80 feet in width shall be divided into increments by incorporation of one of the following techniques, but not limited to:

- (1). Divisions or breaks in materials
- (2). Bay windows or the like
- (3). Building setbacks

c. Rear façade. A minimum of 15 feet of the building's rear façade facing a public right of way, parking area, or open space shall consist of transparent materials. Reflective glass is prohibited as a transparent material.

d. Materials and detailing. New buildings and structures, additions and renovations shall be constructed to be long lasting and use materials and detailing that maintain the distinct character

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and harmony of the Warrington Community Redevelopment District. Aluminum, vinyl or metal material siding is prohibited on the primary facades of buildings adjacent to public right of ways.

e. Awnings. Awnings are encouraged to enhance the character of Warrington while providing sun protection for display windows, shelter for pedestrians, and a sign panel for businesses.

3. *Accessory Structures.* All accessory structures shall be located in the rear or side area and be a minimum of 5 feet inside the property boundary. All accessory structures shall meet the County landscaping, buffering, and screening requirements and shall use the same materials, color, and/or style of the primary façade if visible to the public from any road, driveway, right-of-way, or similar.

4. *Natural features.* Natural features shall be protected and integrated into site design/development where possible. The applicant shall demonstrate how the development protects and incorporates existing vegetation.

5. *Crime prevention through environmental design.* Crime Prevention Through Environmental Design (CPTED) principles shall be used when designing any element within the district, including but not limited to site design, buildings, street design, signs, landscaping and parking. The following CPTED guidelines shall be considered when designing any element within the district.

a. *Territoriality.* All building entrances, parking areas, pathways and other elements should incorporate appropriate features that express ownership. The use of these features shall not conflict with the need for natural surveillance.

b. *Natural surveillance.* The site layout, building and landscape design shall promote the principles of natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site.

c. *Activity support.* The site layout and building design should encourage legitimate activity in public spaces.

d. *Access control.* To discourage crime, entrances and exits should be located and designed in a manner that incorporates natural surveillance techniques and area control measures.

6. *Signs.*

a. See Article 8.

b. The choice of building signage shall be compatible with the intent of this district and shall not have an adverse visual impact on surrounding properties.

c. Free-standing on-premises signs shall be "human scaled". There shall be only one such sign per parcel and it shall not exceed 100 square feet per sign face and 12 feet in height; in the case of multi-use parcels, the sign shall not exceed 299 square feet. The sign face shall have colors, materials and lighting that are compatible with the general pattern existing in the Warrington Redevelopment Area Overlay District. Freestanding signs shall be limited to monument signs. Attached signs or shingles may be permitted for individual businesses in a multi-use building. Such signs shall not exceed 20 square feet per sign face.

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d. Signs cannot block or obstruct design details, windows, or cornices of the building upon which they are placed.

7. *Lighting.* Lighting in the overlay district should serve to illuminate facades entrances and signage to provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings. Building and signage lighting must be indirect, with the light source(s) hidden from direct pedestrian and motorist view.

8. *Parking.* Parking in the overlay district must adequately serve the users without detracting from the compact design that makes it a successful commercial center.

9. *Off-street parking.* Off-street parking must be located in the rear. If the lot orientation cannot accommodate adequate rear parking, parking on the side would then be permitted.

10. *Landscaping.*

a. See Section 7.01.00.

b. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. All commercial and industrial projects shall submit a landscape plan as part of the development review criteria. The plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan. Native plant species are required.

11. *Buffers and screening of outdoor storage.* The screening of outside storage must use the same materials, color, and/or style as the primary building in order to be architecturally compatible with the primary building and the building it is adjacent to. All outside storage must be screened from public view. If the outside storage area is separate from the building it serves the following shall apply:

a. Section 7.01.06.D.2. *Type.* Only fencing (may or may not be opaque) or walls made of concrete or stucco may supplement buffers. Specifically, old garage doors and pieces of tin do not qualify for fencing or wall materials; and

b. Section 7.01.06.E. *Screening of outdoor storage.* Opaque fencing shall mean chain link fence with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco wall may also be used to screen outdoor storage.

12. *Exceptions.* Financial hardship alone is not a basis to grant an exception; however, it is recognized that there may be circumstances that require a departure from the requirements in this overlay district in order to be feasible. Possible grounds to be considered for granting exceptions to the ordinance include, but not limited to:

a. Safety

b. Unique site or building characteristics

c. Standards would have a negative effect on the use of the property

d. Public benefit

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J. *C-2 performance standards.* Any project within this overlay district that is zoned C-2 General Commercial shall be subject to the following design standards.

1. *Landscaping.* For developments subject to section 7.01.00 a minimum ten-foot wide landscaped strip shall be required on all roadway frontages, and shall contain one tree and ten shrubs for every 35 linear feet of frontage. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer area.

2. *Vehicular use areas.* Areas other than public rights-of-way, designed to be used for parking, storage of vehicles for rent or sales, or movement of vehicular traffic, shall be separated by a five-foot landscaped strip from any boundary of the property on which the vehicular use area is located. This landscaped strip shall consist of shrubs or ground covers with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on their mature size.

3. *Parking lots.* Interior parking areas shall have one landscape island containing at least one tree and shrubs or ground covers as per the above specifications, for every eight contiguous spaces.

4. *Irrigation system.*

- a. An irrigation system shall be installed for all landscaped areas of the site.
- b. All irrigation materials used shall be ASTM approved.
- c. All irrigation systems shall include rain sensors.

5. *Existing development.* Notwithstanding Section 7.00.01.B, any C-2 change of use that applies for approval within this zoning overlay district must meet the above standards as well as those of Section 7.01.05.

GRAPHIC LINK: Warrington Overlay District

6.07.02. Barrancas Overlay District

A. *Intent and purpose of the district.* The Barrancas Overlay District is intended to provide an enhanced level of protection for land uses that are located in the Barrancas Community Redevelopment District, and to protect the unique environmental resources of Bayou Chico. This is a zoning overlay district and the regulations herein expand upon the existing zoning district's regulations otherwise imposed on individual parcels within the Barrancas Community Redevelopment District. The purpose of this district is to alleviate the harmful effects of industrial pollutants entering and degrading the quality of Bayou Chico and enhance the character of the area, which has been changed by the realignment of Barrancas Avenue, through appropriate land use controls.

B. *Applicability.* This zoning overlay district applies to all existing zoning districts located in the Barrancas Community Redevelopment District.

C. *Relationship to underlying zoning.* All of the use listings and site design requirements of the underlying zoning districts shall continue to apply unless modified by the following:

D. *Permitted uses.*

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1. Antique shops allowed in R-6 and C-1 underlying zoning districts.
2. Bed and breakfast inns, as licensed under F.S. Ch. 509, allowed in R-4, R-6, C-1, and WMU underlying zoning districts.
3. Multifamily residential developments, allowed in R-4, R-6, C-1, and WMU underlying zoning districts, consisting of three (3) or more attached units are required to be condominium developments pursuant to the Condominium Act, F.S. Ch. 718. This does not apply to single-family attached homes such as duplexes, townhomes, or row houses.
4. Mixed-use developments, defined as where non-residential and residential uses occupy the same building. The non-residential use(s) shall contain the first or bottom floor and the residential use(s) contain the second or upper floor(s).

E. Uses requiring management plan submittal. The following uses shall require submission of a management plan to the CRA prior to development approval. The CRA must be notified of any amendments to a submitted management plan.

1. Private clubs and lodges.
2. Automobile repair shops, including indoor repair and restoration (not including painting) for ignition, fuel, brake and suspension systems or similar uses and sale of related products necessary for automobile repair, gross floor area not to exceed 6,000 square feet. Outside repair and/or storage and automotive painting is prohibited.

F. Management plan. The applicant shall submit a management plan that addresses the following:

1. Proposed hours of operations.
2. Other similar properties managed by the applicant, if applicable.
3. Explanation of any franchise agreement.

G. Prohibited uses.

1. Automobile service stations that include the sale of gasoline. Outside repair and/or storage and automotive painting is prohibited.
2. Boarding and lodging houses, or other similar uses.
3. Commercial boat storage, except in the underlying WMU district.
4. Commercial RV Storage.
5. Campgrounds.
6. Carnival-type amusements and amusement arcades.
7. Fortune tellers, palm readers, psychics, etc.
8. Mini-warehouses.
9. Mobile homes and manufactured homes. (This does not prohibit the construction of modular homes; see Article 3 of this code.)

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10. Mobile home/manufactured home parks.

11. Off-premises signs, billboards and other sign structures erected, located and maintained as provided for in Article 8 of this Code.

12. Pawn shops.

13. Used clothing deposit box.

14. Wholesale and/or distribution warehousing except in WMU underlying zoning district.

H. *Rezoning*s. Surrounding uses, whether conforming or non-conforming should not be taken into consideration for the rezoning rationale.

I. *Site and building requirements*.

1. *Building height*. Except for properties within the WMU zoning district, no building or structure shall exceed 45 feet in height as defined in Section 3.02.00. Height for buildings with pitched roofs shall be measured to the bottom of the eaves. If a lower height is specified in an underlying zoning district, the lower height shall prevail.

2. *Building design*.

a. The choice of building materials and colors shall be compatible with the intent of this district and shall not have an adverse visual impact on surrounding properties.

b. For R-3 and R-4 zoning districts buildings shall be "street-oriented" to create a desirable pedestrian environment between the building and the street. Street orientation is defined as having a clear and visible orientation to the street. Street orientation should include:

(1) Garages. For residential uses, front facing garages are only permitted when setback from the primary front façade. All other garages must face the side or rear of the parcel.

(2) Front entry. The front facade shall include the primary entry door, be street facing, and include a porch or stoop.

(3) Off-street parking. All off-street parking shall be located in the rear of the building that faces the public street or within a garage. For single-family detached residential dwellings, off street parking can be located in a carport, driveway or garage.

c. For R-6 and C-1 zoning districts buildings shall be "street-oriented" to create a desirable pedestrian environment between the building and the street. Street orientation is defined as having a clear and visible orientation to the street. Street orientation should include:

(1) Front and side setback lines should be consistent with adjacent structures. Rear setbacks shall be as required by the underlying zoning district. Where setback lines are not clearly established, buildings shall be built to within ten (10) feet of property lines.

(2) Buildings shall be oriented so that the principal facade is parallel or nearly parallel to the streets they face. On corner sites, buildings shall occupy the corner.

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- (3) Walkways that lead to front doors, separate from the driveway, are encouraged.
- (4) Entrances shall be well lit, visible from the street and easily accessible.
- (5) Off-street parking.

(a) For residential uses, all off-street parking shall be located in the rear of the building that faces the public street or within a garage. For single-family detached housing, off street parking can be located in a carport, driveway or garage. There shall be no front facing garages unless they are setback an additional ten feet from the primary front facade and do not exceed 25 percent of the street facing building facade. If the lot width is forty feet or less, the 25 percent requirement shall not apply.

(b) For commercial uses, off-street parking areas shall be located on the side or rear of the building unless a shared central parking facility is developed through an easement or common ownership among contiguous properties. Curb cuts shall be limited to one 20-foot access point for a shared central parking facility. Liner buildings or landscaping shall be used to screen parking from the street.

(c) Walkways shall be included in off-street parking areas.

(6) Buildings shall incorporate "human scale" design. That is, designed in proportions to reflect human pedestrian scale and movement, and to encourage interest at the street level. "Human scale" is best achieved when the street-to-building height ratio is 1:2 and does not exceed 1:3. (e.g. if the street is 24 feet wide, building height should not exceed 72 feet)

(7) All service and loading areas shall be entirely screened from view.

(8) Sidewalk sales and/or tent sales with temporary displays shall be permitted immediately adjacent to the business for no more than fourteen days in any one calendar year provided that all required permits are obtained and a traffic management and parking plan are presented to, and approved by, the traffic engineering department prior to events.

(9) Outdoor dining. Outdoor dining and seating shall be permitted. Dining areas shall be properly designated and appropriately separated from public walkways and streets using attractive materials such as railings, opaque wrought iron fences, landscaping, or other suitable material. Designated outdoor dining areas adjacent to public right-of-way shall allow a minimum unobstructed sidewalk of six feet along the public right-of-way.

3. *Accessory Structures.* All accessory structures shall be located in the rear or side area and be a minimum of 5 feet inside the property boundary. All accessory structures shall meet the County landscaping, buffering, and screening requirements and shall use the same materials, color, and/or style of the primary façade if visible to the public from any road, driveway, right-of-way, or similar.

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4. *Landscaping.*

a. See Section 7.01.00.

b. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. All commercial and industrial projects shall submit a landscape plan as part of the development review criteria. The plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan. Native plant species are required. Sabal palm is considered a native plant species.

5. *Buffers and screening of outdoor storage.* See section 7.01.06 of this Code except the following revisions shall be applied to the Barrancas Redevelopment Area Overlay District.

a. Section 7.01.06.D.2.*Type.* Only fencing (may or may not be opaque) or walls made of concrete or stucco may supplement buffers. Specifically, old garage doors and pieces of tin do not qualify for fencing or wall materials; and

b. Section 7.01.06.E.*Screening of outdoor storage.* Opaque fencing shall mean chain link fence with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco wall may also be used to screen outdoor storage.

6. *Natural features.* Natural features shall be protected and integrated into site design/development where possible. The applicant shall demonstrate how the development protects and incorporates existing vegetation.

7. *Crime prevention through environmental design.* Crime Prevention Through Environmental Design (CPTED) principles shall be used when designing any element within the district, including but not limited to site design, buildings, street design, signs, landscaping and parking. The following CPTED guidelines shall be considered when designing any element within the district.

a. *Territoriality.* All building entrances, parking areas, pathways and other elements should incorporate appropriate features that express ownership. The use of these features shall not conflict with the need for natural surveillance.

b. *Natural surveillance.* The site layout, building and landscape design shall promote the principles of natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site.

c. *Activity support.* The site layout and building design should encourage legitimate activity in public spaces.

d. *Access control.* To discourage crime, entrances and exits should be located and designed in a manner that incorporates natural surveillance techniques and area control measures.

8. *Signs.*

a. See Article 8.

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b. The choice of building signage shall be compatible with the intent of this district and shall not have an adverse visual impact on surrounding properties.

c. Free-standing on-premises signs shall be "human scaled". There shall be only one such sign per parcel and it shall not exceed 100 square feet per sign face and 12 feet in height; in the case of multi-use parcels, the sign shall not exceed 299 square feet. The sign face shall have colors, materials and lighting that are compatible with the general pattern existing in the Barrancas Redevelopment Area Overlay District. Freestanding signs shall be limited to monument signs. Attached signs or shingles may be permitted for individual businesses in a multi-use building. Such signs shall not exceed 20 square feet per sign face.

d. Billboards or pole signs are not permitted in this overlay district.

9. *Locational criteria.* See Section 7.20.02.

10. *Exceptions.* Financial hardship alone is not a basis to grant an exception; however, it is recognized that there may be circumstances that require a departure from the requirements in this overlay district in order to be feasible. Possible grounds to be considered for granting exceptions to the ordinance include, but not limited to:

- a. Safety
- b. Unique site or building characteristics
- c. Standards would have a negative effect on the use of the property
- d. Public benefit

GRAPHIC LINK: Barrancas Overlay District

6.07.03. Brownsville Overlay District

A. Intent and purpose of district. The Brownsville Overlay District is intended to provide an enhanced level of protection to the unique and historic character of the Brownsville Community Redevelopment District thereby furthering the objectives of the Brownsville Community Redevelopment Plan. This is a zoning overlay and the regulations herein expand upon the existing zoning district regulations otherwise imposed on individual parcels within the district.

B. Applicability. This zoning overlay district applies to all zoned properties within the Brownsville Community Redevelopment District.

C. Relationship to underlying zoning. All of the use listings and site design requirements of the underlying zoning districts shall continue to apply.

D. Permitted uses. Mixed-use developments, defined as where non-residential and residential uses occupy the same building. The non-residential use(s) shall contain the first or bottom floor and the residential use(s) contain the second or upper floor(s).

E. Prohibited uses.

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1. Off-premises signs.
2. Mobile homes and manufactured homes. (This does not prohibit the construction of modular homes; see Article 3 of this code.)
3. Mobile home/manufactured home parks.

F. Uses requiring management plan submittal. The following uses shall require submission of a management plan to the CRA prior to development approval. The CRA must be notified of any amendments to a submitted management plan.

1. Retail sale of alcohol for off-premises consumption.
2. Bars and nightclubs.
3. Pawn shops and check cashing services.
4. Commercial amusement arcades, including billiard parlors and game machine arcades.
5. Automotive uses (including car sales, automobile rental agencies, car washes, auto repair facilities, tire sales, etc.).
6. Truck, utility trailer, and RV rental service or facility.
7. Portable food vendors.
8. Tattoo parlors.
9. Welding shops located in C-1 zoning districts.

G. Management plan. The applicant shall submit a management plan that addresses the following:

1. Proposed hours of operations.
2. Other similar properties managed by the applicant, if applicable.
3. Explanation of any franchise agreement.

H. Rezoning. Surrounding uses, whether conforming or non-conforming should not be taken into consideration for the rezoning rationale.

I. Non-residential site and building requirements.

1. Building height. New buildings, additions and redeveloped buildings shall complement the existing pattern of building heights. Buildings in the overlay district may not exceed 45 feet in height.

2. Building design.

a. Setbacks. New construction shall be setback from Mobile Highway and Cervantes Street a distance similar to adjacent buildings unless customer parking is provided adjacent to any of these streets in support of Crime Prevention through Environmental Design (CPTED). Exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape.

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b. Facades. A building more than 80 feet in width shall be divided into increments by incorporation of one of the following techniques, but not limited to:

- (1). Divisions or breaks in materials
- (2). Bay windows or the like
- (3). Building setbacks

c. Rear façade. A minimum of 15 feet of the building's rear façade facing a public right of way, parking area, or open space shall consist of transparent materials. Reflective glass is prohibited as a transparent material.

d. Materials and detailing. New buildings and structures, additions and renovations shall be constructed to be long lasting and use materials and detailing that maintain the distinct character and harmony of the Brownsville Community Redevelopment District. Aluminum, vinyl or metal material siding is prohibited on the primary facades of buildings adjacent to public right of ways.

3. *Accessory Structures.* All accessory structures shall be located in the rear or side area and be a minimum of 5 feet inside the property boundary. All accessory structures shall meet the County landscaping, buffering, and screening requirements and shall use the same materials, color, and/or style of the primary façade if visible to the public from any road, driveway, right-of-way, or similar.

4. *Natural features.* Natural features shall be protected and integrated into site design/development where possible. The applicant shall demonstrate how the development protects and incorporates existing vegetation.

5. *Crime prevention through environmental design.* Crime Prevention Through Environmental Design (CPTED) principles shall be used when designing any element within the district, including but not limited to site design, buildings, street design, signs, landscaping and parking. The following CPTED guidelines shall be considered when designing any element within the district.

a. *Territoriality.* All building entrances, parking areas, pathways and other elements should incorporate appropriate features that express ownership. The use of these features shall not conflict with the need for natural surveillance.

b. *Natural surveillance.* The site layout, building and landscape design shall promote the principles of natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site.

c. *Activity support.* The site layout and building design should encourage legitimate activity in public spaces.

d. *Access control.* To discourage crime, entrances and exits should be located and designed in a manner that incorporates natural surveillance techniques and area control measures.

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6. Signs.

- a. See Article 8.
- b. The choice of building signage shall be compatible with the intent of this district and shall not have an adverse visual impact on surrounding properties.
- c. Free-standing on-premises signs shall be "human scaled". There shall be only one such sign per parcel and it shall not exceed 100 square feet per sign face and 12 feet in height; in the case of multi-use parcels, the sign shall not exceed 299 square feet. The sign face shall have colors, materials and lighting that are compatible with the general pattern existing in the Brownsville Redevelopment Area Overlay District. Freestanding signs shall be limited to monument signs. Attached signs or shingles may be permitted for individual businesses in a multi-use building. Such signs shall not exceed 20 square feet per sign face.
- d. Signs cannot block or obstruct design details, windows, or cornices of the building upon which they are placed.

7. Lighting. Lighting in the overlay district should serve to illuminate facades entrances and signage to provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings. Building and signage lighting must be indirect, with the light source(s) hidden from direct pedestrian and motorist view.

8. Parking. Parking in the overlay district must adequately serve the users without detracting from the compact design that makes it a successful commercial center

9. Off-street parking. Off-street parking must be located in the rear. If the lot orientation cannot accommodate adequate rear parking, parking on the side would then be permitted.

10. Landscaping.

- a. See Section 7.01.00.
- b. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. All commercial and industrial projects shall submit a landscape plan as part of the development review criteria. The plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan. Native plant species are required.

11. Buffers and screening of outdoor storage. The screening of outside storage must use the same materials, color, and/or style as the primary building in order to be architecturally compatible with the primary building and the building it is adjacent to. All outside storage must be screened from public view. If the outside storage area is separate from the building it serves the following shall apply:

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a. Section 7.01.06.D.2.*Type*. Only fencing (may or may not be opaque) or walls made of concrete or stucco may supplement buffers. Specifically, old garage doors and pieces of tin do not qualify for fencing or wall materials; and

b. Section 7.01.06.E.*Screening of outdoor storage*. Opaque fencing shall mean chain link fence with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco wall may also be used to screen outdoor storage.

12. *Exceptions*. Financial hardship alone is not a basis to grant an exception; however, it is recognized that there may be circumstances that require a departure from the requirements in this overlay district in order to be feasible. Possible grounds to be considered for granting exceptions to the ordinance include, but not limited to:

- a. Safety
- b. Unique site or building characteristics
- c. Standards would have a negative effect on the use of the property
- d. Public benefit

GRAPHIC LINK: Brownsville Overlay District*6.07.04. Englewood Overlay District*

A. Intent and purpose of district. The Englewood Overlay District is intended to provide an enhanced level of protection to the unique and historic character of the Englewood Community Redevelopment District thereby furthering the objectives of the Englewood Community Redevelopment Plan. This is a zoning overlay and the regulations herein expand upon the existing zoning district regulations otherwise imposed on individual parcels within the district.

B. Applicability. This zoning overlay district applies to all zoned properties within the Englewood Community Redevelopment District.

C. Relationship to underlying zoning. All of the use listings and site design requirements of the underlying zoning districts shall continue to apply.

D. Permitted uses. Mixed-use developments, defined as where non-residential and residential uses occupy the same building. The non-residential use(s) shall contain the first or bottom floor and the residential use(s) contain the second or upper floor(s).

E. Prohibited uses.

- 1. Off-premises signs.
- 2. Mobile homes and manufactured homes. (This does not prohibit the construction of modular homes; see Article 3 of this code.)
- 3. Mobile home/manufactured home parks.

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F. *Uses requiring management plan submittal.* The following uses shall require submission of a management plan to the CRA prior to development approval. The CRA must be notified of any amendments to a submitted management plan.

1. Retail sale of alcohol for off-premises consumption.
2. Bars and nightclubs.
3. Pawn shops and check cashing services.
4. Commercial amusement arcades, including billiard parlors and game machine arcades.
5. Automotive uses (including car sales, automobile rental agencies, car washes, auto repair facilities, tire sales, etc.).
6. Truck, utility trailer, and RV rental service or facility.
7. Portable food vendors.
8. Tattoo parlors.
9. Welding shops located in C-1 zoning districts.

G. *Management plan.* The applicant shall submit a management plan that addresses the following:

1. Proposed hours of operations.
2. Other similar properties managed by the applicant, if applicable.
3. Explanation of any franchise agreement.

H. *Rezoning.* Surrounding uses, whether conforming or non-conforming should not be taken into consideration for the rezoning rationale.

I. *Non-residential site and building requirements.*

1. *Building height.* New buildings, additions and redeveloped buildings shall complement the existing pattern of building heights. Buildings in the overlay district may not exceed 45 feet in height.

2. *Building design.*

a. *Setbacks.* New construction shall be setback from a distance similar to adjacent buildings unless customer parking is provided adjacent to any of these streets in support of Crime Prevention through Environmental Design (CPTED). Exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape.

b. *Facades.* A building more than 80 feet in width shall be divided into increments by incorporation of one of the following techniques, but not limited to:

- (1). Divisions or breaks in materials

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(2). Bay windows or the like

(3). Building setbacks

c. Rear façade. A minimum of 15 feet of the buildings rear façade facing a public right of way, parking area, or open space shall consist of transparent materials. Reflective glass is prohibited as a transparent material.

d. Materials and detailing. New buildings and structures, additions and renovations shall be constructed to be long lasting and use materials and detailing that maintain the distinct character and harmony of the Englewood Community Redevelopment District. Aluminum, vinyl or metal material siding is prohibited on the primary facades of buildings adjacent to public right of ways.

3. *Accessory Structures.* All accessory structures shall be located in the rear or side area and be a minimum of 5 feet inside the property boundary. All accessory structures shall meet the County landscaping, buffering, and screening requirements and shall use the same materials, color, and/or style of the primary façade if visible to the public from any road, driveway, right-of-way, or similar.

4. *Natural features.* Natural features shall be protected and integrated into site design/development where possible. The applicant shall demonstrate how the development protects and incorporates existing vegetation.

5. *Crime prevention through environmental design.* Crime Prevention Through Environmental Design (CPTED) principles shall be used when designing any element within the district, including but not limited to site design, buildings, street design, signs, landscaping and parking. The following CPTED guidelines shall be considered when designing any element within the district.

a. Territoriality. All building entrances, parking areas, pathways and other elements should incorporate appropriate features that express ownership. The use of these features shall not conflict with the need for natural surveillance.

b. Natural surveillance. The site layout, building and landscape design shall promote the principles of natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site.

c. Activity support. The site layout and building design should encourage legitimate activity in public spaces.

d. Access control. To discourage crime, entrances and exits should be located and designed in a manner that incorporates natural surveillance techniques and area control measures.

6. *Signs.*

a. See Article 8.

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b. The choice of building signage shall be compatible with the intent of this district and shall not have an adverse visual impact on surrounding properties.

c. Free-standing on-premises signs shall be "human scaled". There shall be only one such sign per parcel and it shall not exceed 100 square feet per sign face and 12 feet in height; in the case of multi-use parcels, the sign shall not exceed 299 square feet. The sign face shall have colors, materials and lighting that are compatible with the general pattern existing in the Englewood Redevelopment Area Overlay District. Freestanding signs shall be limited to monument signs. Attached signs or shingles may be permitted for individual businesses in a multi-use building. Such signs shall not exceed 20 square feet per sign face.

d. Signs cannot block or obstruct design details, windows, or cornices of the building upon which they are placed.

7. Lighting. Lighting in the overlay district should serve to illuminate facades entrances and signage to provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings. Building and signage lighting must be indirect, with the light source(s) hidden from direct pedestrian and motorist view.

8. Parking. Parking in the overlay district must adequately serve the users without detracting from the compact design that makes it a successful commercial center

9. Off-street parking. Off-street parking must be located in the rear. If the lot orientation cannot accommodate adequate rear parking, parking on the side would then be permitted.

10. Landscaping.

a. See Section 7.01.00.

b. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. All commercial and industrial projects shall submit a landscape plan as part of the development review criteria. The plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan. Native plant species are required.

11. Buffers and screening of outdoor storage. The screening of outside storage must use the same materials, color, and/or style as the primary building in order to be architecturally compatible with the primary building and the building it is adjacent to. All outside storage must be screened from public view. If the outside storage area is separate from the building it serves the following shall apply:

a. Section 7.01.06.D.2.*Type.* Only fencing (may or may not be opaque) or walls made of concrete or stucco may supplement buffers. Specifically, old garage doors and pieces of tin do not qualify for fencing or wall materials; and

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b. Section 7.01.06.E. *Screening of outdoor storage*. Opaque fencing shall mean chain link fence with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco wall may also be used to screen outdoor storage.

12. *Exceptions*. Financial hardship alone is not a basis to grant an exception; however, it is recognized that there may be circumstances that require a departure from the requirements in this overlay district in order to be feasible. Possible grounds to be considered for granting exceptions to the ordinance include, but not limited to:

- a. Safety
- b. Unique site or building characteristics
- c. Standards would have a negative effect on the use of the property
- d. Public benefit

GRAPHIC LINK: Englewood Overlay District*6.07.05. Palafox Overlay District*

A. *Intent and purpose of district*. The Palafox Overlay District is intended to provide an enhanced level of protection to the mixed use character of the Palafox Community Redevelopment District thereby furthering the objectives of the Palafox Community Redevelopment Plan. The Palafox Overlay District is rather diverse with the amount of commercially and industrially zoned properties blended with isolated neighborhood-type residentially zoned properties. This is a zoning overlay and the regulations herein expand upon the existing zoning district regulations otherwise imposed on individual parcels within the district.

B. *Applicability*. This zoning overlay district applies to all zoned properties within the Palafox Community Redevelopment District.

C. *Relationship to underlying zoning*. All of the use listings and site design requirements of the underlying zoning districts shall continue to apply.

D. *Permitted uses*. Mixed-use developments, defined as where non-residential and residential uses occupy the same building. The non-residential use(s) shall contain the first or bottom floor and the residential use(s) contain the second or upper floor(s).

E. *Prohibited uses*.

- 1. Mobile homes and manufactured homes. (This does not prohibit the construction of modular homes; see Article 3 of this code.)
- 2. Mobile home/manufactured home parks.

F. *Uses requiring management plan submittal*. The following uses shall submit a management plan to the CRA prior to development approval. The CRA must be notified of any amendments to a submitted management plan.

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1. Retail sale of alcohol for off-premises consumption.
2. Bars and nightclubs.
3. Pawn shops and check cashing services.
4. Commercial amusement arcades, including billiard parlors and game machine arcades.
5. Automotive uses (including car sales, automobile rental agencies, car washes, auto repair facilities, tire sales, etc.).
6. Truck, utility trailer, and RV rental service or facility.
7. Portable food vendors.
8. Welding shops located in C-1 zoning districts.

G. Management plan. The applicant shall submit a management plan that addresses the following:

1. Proposed hours of operations.
2. Other similar properties managed by the applicant, if applicable.
3. Explanation of any franchise agreement.

H. Rezoning. Surrounding uses, whether conforming or non-conforming should not be taken into consideration for the rezoning rationale.

I. Non-residential site and building requirements.

1. Building height. New buildings, additions and redeveloped buildings shall complement the existing pattern of building heights. Buildings in the overlay district may not exceed 45 feet in height.

2. Building design.

a. Setbacks. New construction shall be setback from a distance similar to adjacent buildings unless customer parking is provided adjacent to any of these streets in support of Crime Prevention through Environmental Design (CPTED). Exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape.

b. Facades. A building more than 80 feet in width shall be divided into increments by incorporation of one of the following techniques, but not limited to:

- (1). Divisions or breaks in materials
- (2). Bay windows or the like
- (3). Building setbacks

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c. Rear façade. A minimum of 15 feet of the buildings rear façade facing a public right of way, parking area, or open space shall consist of transparent materials. Reflective glass is prohibited as a transparent material.

d. Materials and detailing. New buildings and structures, additions and renovations shall be constructed to be long lasting and use materials and detailing that maintain the distinct character and harmony of the Palafox Community Redevelopment District. Aluminum, vinyl or metal material siding is prohibited on the primary facades of buildings adjacent to public right of ways.

3. *Accessory Structures.* All accessory structures shall be located in the rear or side area and be a minimum of 5 feet inside the property boundary. All accessory structures shall meet the County landscaping, buffering, and screening requirements and shall use the same materials, color, and/or style of the primary façade if visible to the public from any road, driveway, right-of-way, or similar.

4. *Natural features.* Natural features shall be protected and integrated into site design/development where possible. The applicant shall demonstrate how the development protects and incorporates existing vegetation.

5. *Crime prevention through environmental design.* Crime Prevention Through Environmental Design (CPTED) principles shall be used when designing any element within the district, including but not limited to site design, buildings, street design, signs, landscaping and parking. The following CPTED guidelines shall be considered when designing any element within the district.

a. Territoriality. All building entrances, parking areas, pathways and other elements should incorporate appropriate features that express ownership. The use of these features shall not conflict with the need for natural surveillance.

b. Natural surveillance. The site layout, building and landscape design shall promote the principles of natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site.

c. Activity support. The site layout and building design should encourage legitimate activity in public spaces.

d. Access control. To discourage crime, entrances and exits should be located and designed in a manner that incorporates natural surveillance techniques and area control measures.

6. *Signs.*

a. See Article 8.

b. The choice of building signage shall be compatible with the intent of this district and shall not have an adverse visual impact on surrounding properties.

c. Free-standing on-premises signs shall be "human scaled". There shall be only one such sign per parcel and it shall not exceed 100 square feet per sign face and 12 feet in height; in the case of multi-use parcels, the sign shall not exceed 299 square feet. The sign face shall have colors, materials and lighting that are compatible with the general pattern existing in

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the Palafox Redevelopment Area Overlay District. Freestanding signs shall be limited to monument signs. Attached signs or shingles may be permitted for individual businesses in a multi-use building. Such signs shall not exceed 20 square feet per sign face.

d. Signs cannot block or obstruct design details, windows, or cornices of the building upon which they are placed.

7. Lighting. Lighting in the overlay district should serve to illuminate facades entrances and signage to provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings. Building and signage lighting must be indirect, with the light source(s) hidden from direct pedestrian and motorist view.

8. Parking. Parking in the overlay district must adequately serve the users without detracting from the compact design that makes it a successful commercial center

9. Off-street parking. Off-street parking must be located in the rear. If the lot orientation cannot accommodate for adequate rear parking, parking on the side would then be permitted.

10. Landscaping.

a. See Section 7.01.00.

b. It is the proposed intent of this ordinance to encourage water conservation through proper plant selection, installation and maintenance practices. All commercial and industrial projects shall submit a landscape plan as part of the development review criteria. The plan will include plant species proposed, location of all plant material, including areas proposed for sod, areas of natural vegetation to be protected, and an irrigation plan. Native plant species are required.

11. Buffers and screening of outdoor storage. The screening of outside storage must use the same materials, color, and/or style as the primary building in order to be architecturally compatible with the primary building and the building it is adjacent to. All outside storage must be screened from public view. If the outside storage area is separate from the building it serves the following shall apply:

a. Section 7.01.06.D.2.*Type.* Only fencing (may or may not be opaque) or walls made of concrete or stucco may supplement buffers. Specifically, old garage doors and pieces of tin do not qualify for fencing or wall materials; and

b. Section 7.01.06.E.*Screening of outdoor storage.* Opaque fencing shall mean chain link fence with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco wall may also be used to screen outdoor storage.

12. Exceptions. Financial hardship alone is not a basis to grant an exception; however, it is recognized that there may be circumstances that require a departure from the requirements in this overlay district in order to be feasible. Possible grounds to be considered for granting exceptions to the ordinance include, but not limited to:

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- a. Safety
- b. Unique site or building characteristics
- c. Standards would have a negative effect on the use of the property
- d. Public benefit

GRAPHIC LINK: Palafox Overlay District*6.07.06. Scenic Highway Overlay District.*

A. Intent, boundaries and purpose of the district. This district is intended to protect the unique scenic vista and environmental resources of the Scenic Highway Corridor and adjacent Escambia Bay shoreline. This is an overlay district and the regulations herein expand upon existing R-1, R-2, R-3, R-6, C-1, and/or ID-1 zoning district regulations otherwise imposed on individual parcels within the corridor. The district overlays all parcels adjacent to the Pensacola Scenic Bluffs Highway corridor on the west side of the highway and all of the property between the Pensacola Scenic Bluffs Highway and the Escambia Bay on the east side of the highway, for approximately five miles from the city limit of Pensacola along Scenic Highway continuing along Highway 90 to the bridge over the Escambia River at the Santa Rosa County line. A generalized map of the Scenic Highway Overlay district is depicted in Figure 2; however, it is not the official zoning map and should be used only for preliminary determination of the application of the overlay zone. The purpose of the district is to alleviate harmful effects of on-site generated erosion and runoff caused by clearing natural vegetation and changing existing contours of the land, and to ensure the preservation of the bluffs, wetland areas and scenic views along the bay and assure continued public access to the views along the corridor. Views are an amenity and human appreciation of views is reflected in both private property values and the overall general welfare of the community.

B. Permitted uses. See underlay zoning districts.

C. Lot coverage. Maximum area land coverage by all structures, parking areas, driveways and all other impervious surfaces shall not exceed 50 percent of the gross site area.

D. Setback. All structures shall be located a minimum of 50 feet from the Scenic Highway right-of-way unless precluded by lot configuration or topography.

E. Building separation. The minimum distance between structures shall be 15 feet and there shall be at least 100 feet between a multifamily structure (including hotels and motels) and single-family dwellings.

F. Pedestrian-bicycle. The intent of the corridor management plan is to provide a multiuse path on the east side of Scenic Highway the full length of the corridor at the maximum distance possible from the roadway pavement, within the right-of-way. During the site review process the staff will work with the applicant to maximize the innovative integration of a path extension, into the project, outside of the right-of-way on public property or on easements donated by private property owners.

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G. Building heights. Buildings between the Scenic Highway and Escambia Bay shall have a maximum height of 35 feet as measured at the average finished grade elevation of the lot above mean sea level (MSL). Nonresidential uses can exceed the height limit only with conditional use approval by the board of adjustment. In addition to the other conditional use criteria, the requested height must be found not to interfere with the scenic attractiveness of the location as viewed from any plausible direction. In addition, for structures over 35 feet in height, for every two feet in height over 35 feet, there shall be an additional one foot of front and side setback at the ground level.

H. Tree protection.

1. A canopy road tree protection zone is hereby established for all land within 20 feet of the right of way of Scenic Highway and Highway 90 to the Santa Rosa County line. No person or agency shall cut, remove, trim or in any way damage any tree in any canopy tree protection zone without a permit. Except in unique cases, such pruning shall not remove more than 30 percent of the existing tree material. Utility companies are not permitted to prune more than 30 percent of the existing tree canopy.
2. Heritage Oak trees shall be prescribed.
3. Clearing of natural vegetation within the corridor shall require a land disturbing permit and is generally prohibited except for the minimum area needed for construction of allowable structures or view enhancement.

I. Landscaping.

1. For developments subject to section 7.01.00, a minimum ten-foot wide landscaped strip shall be required along the Scenic Highway frontage, and shall contain one tree for every 35 linear feet of frontage. The trees shall be tall enough so that a six-foot view shed exists at planting. Preservation of existing plant communities within the required landscaped areas can be used to satisfy this requirement.
2. Orientation of commercial buildings shall be away from residential development within or adjacent to the district. Layout of parking and service areas, access, landscaping, yards, courts, walls, signs, lighting and control of noise and other potentially adverse influences shall be such as to promote protection of such residential development, and will include adequate buffering.

J. Fences. See section 7.04.00. No fence may be solid. No chain link fence shall be located between Scenic Highway and the principal building. Any other type of fence in this area shall not exceed three feet. Where single story structures are higher than the roadbed, there should be no wall, fence, structure or plant material located between the front building line and the roadbed that will obstruct the view from automobiles on the scenic route.

K. Structure location. Whether a conditional use or site planning review, all structures will be reviewed to assure conformance with the following criteria:

1. The location shall afford maximum views of the bay from the street right-of-way.

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2. The location shall minimize impact on the natural bluff and plant material (other than pruning to enhance views).
3. Provide underground utilities.

GRAPHIC LINK: Scenic Highway Overlay District

(Ord. No. 2005-2, § 2, 1-6-2005; Ord. No. 2006-16, § 3, 3-2-2006; Ord. No. 2006-70, § 2, 9-7-2006; Ord. No. 2012-31, § 3, 8-23-2012; Ord. No. 2013-32, § 2, 8-8-2013)

6.08.00. Conditional use review standards.

6.08.01. General provisions regulating conditional uses. A conditional use shall be permitted by the board of adjustment (BOA) provided that the BOA finds that the proposed use complies with the requirements of this Code and that the use:

- A. Is so designed, located, and proposed to be operated so that the public health, safety, and welfare will be protected;
- B. Will not unduly adversely affect other property in the impacted area which it is located;
- C. Conforms to all applicable provisions of the district in which the use is to be located; and
- D. Satisfies standards stipulated for similar uses as described in section 6.08.02 below.

6.08.02. Standards regulating conditional uses. In addition to the general provisions cited above, a conditional use may be permitted by the (BOA) provided the proposed conditional use complies with the standards of this Code and the following requirements:

- A. *Administrative offices.* Business, government, professional offices and medical services. Also included are public buildings for general administrative, executive or studio functions, or for general warehousing of maintenance operations.
 1. Sites shall be located within the more highly accessible portions of the respective residential district and near commercial district boundaries, thereby serving as a logical transitional use between residentially and commercially developed areas in the impacted area; and generally should be located on a collector or arterial roadway as opposed to a local residential street; and where not located on a collector or arterial roadway, the site should not be adjacent to a single-family residential district.
 2. The proposed use shall not unreasonably increase traffic on local residential streets in the impacted area.
 3. The use shall not include retail sales as a principal activity.
 4. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to continuous residential properties.
 5. Medical office buildings may include as an accessory use an apothecary, limited primarily to the preparation and sale of medicine and medical related goods; but, if the apothecary is developed as an

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accessory use to a medical office building, it shall not exceed 500 square feet or 25 percent of the gross floor area of any single story within the building.

B. *Child care services.*

1. Site shall be located within the more highly accessible portions of residential districts along or at a collector or arterial roadway within one-half mile of that roadway so as to discourage traffic along local residential streets in the impacted area.
2. No such facility shall be permitted on a lot unless it contains a minimum of 7,500 square feet.
3. One accessory off-street parking space shall be provided for each five children accommodated in the child care facility.
4. Special passenger loading and unloading facilities shall be provided on the same lot for vehicles to pick up or deliver clientele. Such facilities shall include driveways that do not require any backup movements by vehicles to enter or exit the premises.
5. All regulations of the State of Florida as amended hereafter that pertain to the use shall be satisfied.
6. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to contiguous residential properties.

C. *Civic or cultural activities and clubs.*

1. Sites shall be located within the more highly accessible portions of respective residential districts and near commercial district boundaries, thereby serving as a local transitional use between residentially and commercially developed areas in the impacted areas; and generally should be located on a collector or arterial roadway as opposed to a local residential street and where not located on a collector or arterial roadway, the site should not be adjacent to a single-family residential district.
2. The proposed use shall not unreasonably increase traffic on local residential streets in the impacted area.
3. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisance or hazards to contiguous residential properties.

D. *Educational institutions, dormitories, fraternity and sorority houses.*

1. Sites shall be located within the more highly accessible portions of residential districts along or at a collector or arterial roadway within one-half mile of that roadway so as to discourage traffic along local residential streets.
2. No main or accessory buildings shall be located within 25 feet of any side or rear lot line.
3. The applicant shall submit a description of anticipated service areas and projected enrollment by stages if appropriate and relate the same to a development plan explaining:
 - a. Area to be developed by construction phase;

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- b. Adequacy of the site to accommodate anticipated facilities, enrollment, recreation areas, off-street parking and pedestrian and vehicular circulation;
 - c. Safety features of the development plan; and
 - d. Landscaped areas, especially treatment of property lines in close proximity to abutting residential properties.
- E. *Golf courses, tennis centers, swimming pools and recreational facilities.*
- 1. Sites shall be located within the more highly accessible portions of residential districts along or at a collector or arterial roadway within one-half mile of that roadway so as to discourage traffic along residential streets in the impacted area unless the facility is part of a planned unit development.
 - 2. The proposed use shall not increase traffic on local residential streets in the impacted area in excess of established LOS standards.
 - 3. Development features, including the principal and accessory building and structures, shall be so located and related as to minimize the possibility of any adverse effects upon adjacent properties.
 - 4. The minimum number of off-street parking spaces to be provided shall be as required in section 7.02.00 of this Code.
- F. *Guest houses and/or transient quarters.*
- 1. Sites shall be located along or at a collector or arterial roadway within one-half mile of that roadway so as to discourage traffic along local residential streets. The minimum size lot required shall be 15,000 square feet.
 - 2. Interior displays visible from the exterior of the building shall be harmonious with the character of the impacted area.
 - 3. The proposed facility shall comply with applicable regulations in the state division of hotels and restaurants cited in the Florida Administrative Code.
 - 4. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to contiguous residential properties.
- G. *Nursing homes, retirement homes, convalescent homes, adult congregate living facilities (ACLF), etc.*
- 1. A description of the program of service shall be submitted with the application and the applicant shall demonstrate that the method of operation and delivery of such health services and daily care shall be in compliance with all relevant state and federal standards for operation. Issuance of a certificate of need (CON) by the applicable state or federal regulatory agency(s) shall be deemed to satisfy this subparagraph.
 - 2. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.
 - 3. Sites shall be situated within the more highly accessible portions of the residential districts along or at a collector or arterial roadway within one-half mile of that roadway and shall abut an R-4 or

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more intensive district. The intent is to minimize potential adverse impact on the established residential neighborhoods and assure that sites are accessible to collector or arterial roadways.

H. *Places of worship.*

1. Sites shall be located within more highly accessible portions of residential districts near arterials or collectors so as to discourage traffic along local residential streets of the impacted area.
2. No main or accessory building shall be located within 25 feet of any side or rear lot line.
3. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.

I. *Public recreation, public riding stables and park areas.*

1. Any public recreation, public riding stables or park site proposed for public recreation shall comply with standards and policies contained in the Comprehensive Plan.
2. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.

J. *Public facility, public utility, and public utility and service structures.*

1. The location of such facility shall be situated on a site providing the most effective service to such area. The applicant shall demonstrate that such proposed sites are located effectively relative to the service area and that the site proposed is at least equal to the effectiveness of other alternative sites.
2. The location of such facility shall not unreasonably increase traffic on streets in the impacted area.
3. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.
4. For public utility and service structures, the height of any building shall be limited to no higher than 120 feet or double the maximum building height permitted in the adjacent residential district, whichever is less. Yards, fences, setbacks, buffering, and screening shall be provided as needed to protect residents from undesirable views, noise or other adverse offsite impacts.

K. *Marinas.*

1. Commercial or recreational marinas are to be used primarily for the docking, servicing, storage, sales and rental of watercraft. Major repairs, construction or reconstruction of watercraft is prohibited.
2. Use of watercraft for residential purposes may not exceed 14 days in a calendar year.
3. The use shall comply with all other provisions, standards and criteria outlined in section 7.05.00 of this Code.

L. *Radio broadcasting and telecasting stations, studios, and offices with antennas and satellite dishes.*

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1. Sites should generally be located on a collector or arterial roadway and where not located on a collector or arterial roadway, the site should not be adjacent to a single family residential district.
2. No main or accessory buildings shall be located within 25 feet of any side or rear lot line or within 60 feet of the front lot line unless the applicant provides documentation that all other reasonable siting alternatives have been explored and the deviation is necessary due to extenuating factors such as: obstruction of signal reception, locating of existing protected trees, structures or other features on or adjacent to the property.
3. Satellite dishes located on the ground shall be located and/or screened (in compliance with section 7.01.06) so as not to be visible from any public right-of-way.
4. The applicant shall submit a site plan to the BOA sufficient for a review of the conditional use criteria and the following items:
 - a. A FCC/NEPA Environmental Compliance Checklist (if applicable); and
 - b. Compliance with FCC, FAA, and county emergency management services requirements.
5. The size of the satellite dish shall not exceed six meters in diameter and shall not be higher than 12 feet above grade. No more than two satellite dishes shall be allowed on a parcel.

M. *Borrow pits and land clearing debris disposal sites.*

1. Sites shall require access from adequately wide paved roads where trucks hauling excavated materials or debris to/from the site do not require access on local residential roads.
2. The scale, intensity and operation of use shall not generate unreasonable noise, traffic, odors, dust, or other potential nuisances or hazards to contiguous residential properties.
3. Sites shall not be located within proximity of any place of worship, school, cemetery, public park, residential subdivision, or land platted as a residential subdivision existing at the time of application for the development order.
4. The applicant shall submit a boundary survey and description of anticipated excavation phases for a borrow pit as well as a reclamation plan for affected lands. The same requirements shall apply to a development plan explaining:
 - a. Proposed practices to protect adjacent land and water resources, minimize erosion, and treat stormwater runoff.
 - b. Safety features of the development plan.
 - c. Landscaped areas, particularly treatment of property lines in the proximity of residential uses.
 - d. The applicant's reclamation plan.
 - e. Time schedule that meets the requirements of the permitting agency.
 - f. Method, manner, and type of revegetation of affected areas.

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N. *Automobile rental agencies or truck, utility trailer, and rv rental service or facility.*

1. Development features, including the principal and accessory building and structures, shall be so located and related as to minimize the possibility of any adverse effects upon adjacent properties.
2. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic, congestion, or other potential nuisances or hazards to contiguous residential properties.
3. The applicant shall demonstrate that the proposed location is located in a service area of compatible existing C-1 intensity.
4. Sites should generally be located on a collector or arterial roadway and where not located on a collector or arterial roadway, the site should not be adjacent to a residential district or a single-family residence unless buffered in compliance with B-3 buffering standards.

O. *Materials Recovery Facilities. (MRF).*

1. Sites shall require access from adequately wide paved roads where trucks to/from the site do not require access on local residential roads, along or at a collector or arterial road.
2. The scale, intensity and operation of use shall not generate unreasonable noise, traffic, objectionable odors, dust, or other potential nuisances or hazards to contiguous residential properties.
3. With the exception of ID-2, the processing of materials shall be completely within enclosed buildings
4. The applicant shall submit a boundary survey and description of anticipated operations. The same requirements shall apply to a development plan explaining:
 - a. Proposed practices to protect adjacent land and water resources, minimize erosion, and treat stormwater runoff.
 - b. Landscaped areas, particularly treatment of property lines and buffering in the proximity of residential uses.
 - c. Hours of operation.
 - d. Method to comply with the maximum permissible noise levels (LDC 7.07.01.C).
 - e. With the exception of ID-2, the processing of materials shall be completely within enclosed buildings
 - f. Controlled access to prevent illegal dumping.

(Ord. No. 97-18, § 1, 6-5-1997; Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-28, § 1, 6-3-1999; Ord. No. 2000-50, § 5, 11-2-2000; Ord. No. 2003-4, § 3, 2-6-2003; Ord. No. 2003-38, § 2, 8-7-2003; Ord. No. 2003-39, § 2, 8-7-2003; Ord. No. 2005-23, § 4, 7-7-2005; Ord. No. 2006-70, § 2, 9-7-2006; Ord. No. 2010-12, § 2, 5-6-2010; Ord. No. 2014-10, § 2, 2-18-2014)

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***Cross references:** Businesses, pt. I, ch. 18; environment, pt. I, ch. 42; health, pt. I, ch. 54.

- 7.00.00. Purpose.
- 7.01.00. Landscaping.
- 7.02.00. Parking.
- 7.03.00. Exterior lighting.
- 7.04.00. Fences.
- 7.05.00. Marina siting.
- 7.06.00. Industrial processing and storage.
- 7.07.00. Standards regulating adverse off-site impacts.
- 7.08.00. Marine/estuarine/riverine setback.
- 7.09.00. Mobile homes.
- 7.10.00. Zero lot line developments.
- 7.11.00. Access management.
- 7.12.00. Wellhead protection.
- 7.13.00. Wetlands and environmentally sensitive lands.
- 7.14.00. Certificate of zoning compliance for the sale of alcoholic beverages.
- 7.15.00. Stormwater management.
- 7.16.00. Affordable housing.
- 7.17.00. Density bonus.
- 7.18.00. Commercial communication towers.
- 7.19.00. Sewage collection and disposal.
- 7.20.00. Locational criteria.
- 7.21.00. Artificial lakes and artificial ponds.

7.00.00. Purpose.

The purpose of this article is to provide those performance standards and criteria necessary for the orderly development of the county. As appropriate and where indicated, this article applies to and controls various functional provisions within residential, commercial, industrial and any other developments. Further, it is the intent of this article to eliminate or minimize potential nuisances or nuisance activities which may affect the public safety and general welfare of the citizens of the county. Except as otherwise provided herein, all uses in all zoning districts shall conform to the standards of performance described within this article and shall be so constructed, maintained and operated so as not to be injurious or offensive to the occupants or residents of adjacent property.

7.00.01. Application of standards. As of the effective date of this Code:

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- A. Any new use established or changed and any buildings, structures or tracts of land developed, constructed or used for any permitted or permissible principal or accessory use shall comply with all the performance standards herein set forth for the zoning district in which it is located.
- B. If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed; or any existing use of land is enlarged or moved, the performance standards for the zoning district in which it is located shall apply with respect to such extended, enlarged, moved, or reconstructed use or building or other structure or portion thereof.
- C. After the effective date of this Code, all new uses, buildings or other structures shall comply with the performance standards herein set forth for the zoning district in which it is located.

7.00.02 Waivers. Waivers to certain requirements of this code may be approved as indicated below:

The Development Review Committee (DRC) may grant waivers to any of the following performance measures: parking, landscaping, buffering and/or open space requirements of this article, provided all of the following criteria are met:

1. The proposed development meets the definition of redevelopment as defined in *Article 3, Definitions*.
2. The site plan is designed, to the maximum extent possible, to achieve the required parking, landscaping, buffering, and open space, but sufficient land is not available on or off site to allow for the provision of above requirements.
3. Existing impervious/pervious surface ratios shall not increase.
4. Existing trees shall be protected and/or mitigated per *Section 7.01.04. Tree Protection Standards*.
5. The waiver is necessary for the preservation and enjoyment of a substantial property right and not to serve as a convenience to the applicant, and where a literal enforcement of the provisions of this Code will result in unnecessary hardship, and where the spirit and intent of this Code is observed and substantial justice done.
6. The waiver will not impair an adequate supply of light and air to adjacent property or unreasonably increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.

(Ord. No 2010-3, § 3,2-4-2010)

7.01.00. Landscaping.

7.01.01. Purpose. It is the purpose of this section to establish certain regulations pertaining to the establishment of functional landscaping in the county, whether within the rights-of-way or on-site. This section provides for the preservation and protection of certain existing trees, for the conservation of energy through the shading of buildings, for enhancing the aesthetic and natural conditions of the county and for standards and criteria for new landscaping, thereby promoting the health and general welfare of the citizenry.

7.01.02. Applicability

- A. The landscaping and tree protection provisions of this section apply to all uses in all zoning districts except:
 1. A residential use in the AMU-1, AMU-2, R-1, R-2, R-3, V-1, V-2, V-2A, V-3 and Perdido Key residential zoning districts.
 2. A use in RR, VR-1, VR-2, VAG-1, VAG-2 and AG zoning districts.

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3. A residential use in any district where the structure containing such residential use contains four or fewer dwelling units and there is only one such structure on any given parcel.
 4. The improvements in a residential subdivision.
 5. Areas approved through county permits for public or private playing fields, playgrounds, or golf courses that will be retained in pervious ground cover are exempt from the tree protection and landscaping provisions of this section.
 6. Areas approved through county permits for borrow pits or mineral extraction are exempt from the tree protection and landscaping provisions of this section.
 7. Work performed by utilities governed by the Florida Public Service Commission (FPSC) necessary for the maintenance and construction of utility lines, and necessary to maintain FPSC required safe clearances, is exempt from the tree protection provisions of this section. Utilities will, however, regularly inform the county of scheduled maintenance tree trimming.
 8. When county landscaping or buffer regulations conflict with requirements of state or federal authorizations, including biological opinions, technical assistance letters or concurrence letters, the conditions in those state or federal documents shall prevail.
- B. The clear-cutting of trees on all lands not zoned agriculture or taxed as agriculture or on lands proposed for residential subdivision development is prohibited. The commercial harvest of trees on these lands must be approved through county permits and must retain a minimum average of ten trees (minimum six-inch DBH each) per acre of cleared land.
- C. Heritage and champion trees are protected in all land uses.

7.01.03. Procedures.

- A. *Landscape plan.* Prior to the issuance of a building permit for any structure, except as listed above, a landscaping plan shall be submitted as a part of the site plan and related approval process. A landscape plan is required to be submitted prior to commencement of construction and simultaneously with the site plan review application (for those projects requiring site plan approval) to the department of growth management. The plan shall be drawn to scale showing the landscaped area required by this article, including the calculations and information made to meet the minimum landscape area requirements. The plan shall include the following for living plant materials which are part of the required landscape plan:

1. Locations;
2. Species;
3. Height and spacing; and
4. Protected or preserved trees.

As required in article 13, section 13.18.00, the landscape plan for projects for all coastal properties shall show soil, landscaping, stabilization, and species to be planted. Native tree species or compatible species listed by the department of growth management, in conjunction with the Santa Rosa Island Authority, shall be utilized, for landscaping.

- B. *Inspections.* The director or his designee shall inspect all landscaping; and no certificates of occupancy or similar authorization will be issued unless the landscaping meets the requirements herein set forth or unless the owner, developer, landscaper, or their designated agent submits assurances (bonding, letters of credit, etc.) acceptable to the department to complete the required landscaping. Such assurances must include an estimated completion date.

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C. *Tree protection.* The tree protection provisions of this article apply except as listed in section 7.01.02.

1. *Permit required.* Unless exempt under section 7.01.04B, no person shall cut down, destroy, remove, relocate, disfigure, mutilate, or destructively damage any protected or preserved tree without first obtaining a tree removal permit from the county. No construction activities may be commenced, including the clearing of land, until the applicant for such construction activity has obtained a permit from the county to do so. The director, or his designee, shall review all plans for conformance with the tree protection and landscape requirements of this Code. The purpose of the review is to assure that preserved or protected trees, as defined in article 3, are not removed or damaged during site preparation activities and to assure that all landscaping requirements are fulfilled.
2. *Protected and preserved tree inventory.* All protected, preserved or "champion" trees ("champion" trees as defined by the Florida Department of Agriculture and Consumer Services, Division of Forestry) shall be identified on the site plan or other development plan submitted as part of the application for development approval. The plan shall include all such trees which are to remain on site and all such trees proposed to be removed. At a minimum, the plan shall identify the following for such trees:
 1. Location;
 2. Species; and
 3. Diameter at four and one-half feet above grade.

D. *Tree restoration fee.* In order to mitigate the loss of trees resulting from the development of single-family home sites, which are otherwise exempt from the provisions of this Code, a \$25.00 tree restoration fee shall be collected at the time of issuance of any building permit for the construction or replacement of a single-family dwelling, including a permit for a mobile home. All fees collected will be identified by address for the purpose of establishing the watershed within which the funds will be expended. In order to mitigate the loss of trees and their functional benefits, all fees collected will be expended for functional tree replacement and habitat enhancement and deposited into a fund entitled "Tree Restoration Fund." These fees will be used in the respective watershed of collection (Pensacola Bay or Perdido Bay) for costs associated with tree replacement and restoration of functional benefits provided by the urban forest.

7.01.04. Tree protection standards.

A. *Tree protection.* Preserved and/or protected trees as defined in article 3 of this Code shall be protected as follows:

1. Protected trees shall be safeguarded from activities which may injure or kill them. Tree protection techniques found in the publication, How to Save Trees During Construction, published by the National Arbor Day Foundation, or equivalent techniques, shall be used.
2. Exclusive of the principal or accessory structure area and/or the area for any required new roadway, when a protected tree must be removed, it shall be replaced with trees at a minimum quantity based on the type and diameter (DBH) of the protected tree according to the table below. Mitigation trees must be at least nine feet in height at time of planting.

Existing Tree Diameter	Number of Replacement Trees
12--17 inches	2
18--23 inches	3
24--29 inches	5
30--35 inches	7

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36 inches and above 10

Mitigation requirements shall not exceed ten trees per acre or \$25,000.00 under any single permit, whichever is less. If the number of required replacement or mitigation trees cannot be reasonably accommodated on the development site, the applicant may choose to either (1) provide payment per mitigation tree as specified in the adopted fee schedule ordinance, into the county tree restoration fund, or (2) enter into an agreement with the county to plant excess trees on public lands under jurisdiction of the board of county commissioners for reforestation or habitat restoration. No protected tree may be removed or relocated without a removal permit authorized by the director or his designee.

3. Fifty percent of the area, as determined at the time of the landscape plan approval, within the drip line of protected trees shall be maintained in either vegetative landscape material or pervious surface cover.

B. *Trees exempt from protection.* The following trees are exempt from protection under this Code unless it is a champion tree:

1. Mimosa (*Albizzia julibrissan*);
2. Pine;
3. Chinese tallow (*Sapium sebiferum*);
4. Cherry laurel;
5. Turkey oak (*Quercus lacuis*);
6. Any tree determined by the director or his designee to be an immediate hazard or in a dangerous condition so as to constitute an imminent threat and hazard to the public safety, health or welfare; and
7. Trees requiring removal for safety, health or welfare purposes, during or following periods of emergency, such as hurricanes, or other natural disasters.

C. *Tree removal.* In considering applications for the removal of preserved or protected trees, the director, or his designee, shall consider and approve or deny such requests based upon the following standards:

1. Reconfiguration of the proposed development is impractical or infeasible based upon characteristics of the site, including site dimensions and topography and any one of the following; or
2. The location of the tree will constitute a safety or health hazard upon completion of development (i.e., traffic hazard, impair visibility at intersections or driveways, etc.); or
3. The tree, if left on the site, will constitute a potential safety hazard to principal or accessory structures or adjoining structures or property; or
4. The tree or its root system will interfere with or likely damage required infrastructure, including water and sewer lines and laterals; or
5. The tree is located in the area of the principal or accessory structure or within any required roadways.
6. The tree impedes visibility from a public right-of-way of a permitted sign.

7.01.05. Landscaping standards. To ensure attainment of the objectives of this article and to ensure that design standards will be met in the event that a landscaping plan is required pursuant to section 7.01.03A, development and revegetation of altered sites shall be consistent with the following standards:

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- A. *Installation.* All landscaping shall be installed in a sound and workmanlike manner and according to accepted nursery planting procedures. All elements of landscaping shall be installed so as to meet all other applicable sections of this Code and the respective district requirements.
- B. *Staging.* Site alteration shall occur in planned stages or in increments, not exceeding the minimum area necessary to prepare the site for the next phase of development. Prior to the approval of any site alteration, the developer of a project shall be required to provide the necessary assurances (e.g., performance bonds, letters of credit, escrow accounts, etc.) that the land will be restored to its state prior to alteration if the development is not completed.
- C. *Quality.* All plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants," Part I, current edition, and Part II, State of Florida, Department of Agriculture, Tallahassee, Florida, a copy of which shall be maintained for public inspection in the department. In addition, all landscape materials shall conform to the following standards:
1. *Trees.* A tree shall be a plant species having an approximate height of nine feet at time of planting and shall have a trunk(s) that is expected to be maintained in a clean condition, clear of lateral woody growth of five feet or greater.
 2. *Shrubs and hedges.* A shrub is a self supporting, woody evergreen or flowering species generally growing or maintained at a height of not less than three feet. Shrubs shall be a minimum of 12 inches in height when measured immediately after planting and shall be planted a maximum of 36 inches on center.
 3. *Vines.* Vines are any of a group of woody or herbaceous plants which may climb by twining, by means of aerial roots or by means of tendrils, or which may simply sprawl over the ground or other plants.
 4. *Ground cover.* Ground cover is low growing plants or vines planted in such a manner as to form a continuous cover over the ground and usually growing no higher than two feet.
 5. *Lawn grass.* Grass areas shall be planted with species normally grown as permanent lawns in Escambia County, Florida. All sod shall be clean and reasonably free of weeds, noxious pests, and diseases. When grass areas are to be seeded, sprigged or plugged, specifications must be submitted. Substantial coverage must be achieved within 180 days. Nurse grass shall be sown for immediate effects and protection until coverage is otherwise achieved.
- D. *Overhead utilities.* The applicant or developer planting any tree must consider future overhead maintenance of such trees. If trees are required where overhead utilities exist, and such trees may create a maintenance potential, only species whose expected height at maturity will not create interference may be planted.
- E. *Exotic vegetation.* Generally, landscaping shall utilize native or noncompeting exotic plant species. Landscaping shall not utilize any exotic vegetation which is likely to outcompete or otherwise displace native vegetation. Xeriscape is encouraged.
- F. *Erosion control.* Adequate wind and water erosion control measure shall be put into effect prior to commencing site alteration on each increment of a project.
- G. *Street trees.* Developers of subdivisions may be allowed to provide shade trees along and/or within all streets and rights-of-way and pedestrian paths where practical and feasible. Existing trees may be preserved within the right-of-way so long as traffic hazards are avoided. Appropriate preservation and protective measures including staking and flagging during construction must be taken by the developer to ensure the survival of the preserved trees. Tree protection techniques found in the Tree Protection Manual for

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Buildings and Developers of the state department of agriculture and consumer services, division of forestry, or equivalent techniques, shall be used.

- H. *Maintenance.* The owner, lessor, or party responsible for a building or grounds maintenance or the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all required landscape plant materials and all irrigation equipment, if any. Irrigation systems or other means of plant watering are encouraged. Landscaping shall be maintained in a healthy, orderly appearance. Required landscaping shall be maintained in a manner sufficient to meet the requirements of this section and the continuing obligations of this Code. Plants with physical characteristics which may be injurious to the public shall not be planted in areas such as parking lots, vehicular use areas, along walkways, and other areas where pedestrian traffic reasonably can be anticipated. Any dead vegetation and landscape material shall be promptly replaced with healthy living material of the quality specified in the original application.
- I. *Minimum required landscape area.* No parcel may contain less than ten percent landscaped area unless otherwise specified in a particular zoning district. Permeable retention/detention ponds or permeable swales, either of which have a maximum depth of three feet or less, shall qualify as part of the minimum required landscape area.
- J. *Parking space reduction.* The number of parking spaces required by this Code shall be reduced to the extent necessary to comply with this section.
- K. *Front perimeter landscape.* A minimum ten-foot wide strip of privately owned land located along the property line adjacent to the street right-of-way shall be landscaped. Width of sidewalks shall not be included within the ten-foot wide front perimeter landscape area. For those parcels with multiple street frontage, the ten-foot wide minimum landscape strip shall be located along the designated frontage of the property. Other street frontage of the same lot shall have a minimum five-foot wide landscape strip which shall form an attractive boundary between the parcel and the street right-of-way. All frontage strips may be credited toward the ten percent minimum landscaped area required by subpart J. above.
- L. *Trees along rights-of-way.* One tree for each 50 feet of linear foot frontage along a right-of-way shall be preserved or planted.
- M. *Visibility.* All required landscaping shall be maintained to assure unobstructed visibility between three and nine feet above the average grade of any adjacent street and driveway intersection. (See section 7.01.08.)
- N. *Minimum requirements for vehicular use areas.* All parking lots, travel lanes or aisles, access ways and other vehicle storage or use areas, by whatever named called, shall conform to the following:
 - 1. *Vehicular areas.* All such vehicular use areas, other than public rights-of-way, designed to be used for parking or movement of vehicular traffic, shall be separated by a landscaped strip for any boundary of the property on which the vehicular use area is located. Such landscaped strip shall be at least five feet in width.
 - 2. *Interior vehicular use area landscaping.* The following standards shall apply to all required interior vehicular use areas:
 - a. *Generally.* Interior portions of off-street parking facilities which are not specifically designed as parking spaces or maneuvering areas shall not be paved for vehicular use. Such areas shall be planted and maintained with trees and shrubs and finished with ground cover, vines or other landscape material.
 - b. *Maximum number of continuous parking spaces.* There shall be one tree planted with a minimum height of nine feet for each 15 continuous parking spaces.

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- c. *Termination of parking rows.* Each row of interior parking spaces shall be terminated at each end by a landscaped area which shall be a minimum of 100 square feet with a minimum dimension of ten feet. These landscaped areas must contain one tree with a minimum height of nine feet at time of planting.
- d. *Encroachments and overhang areas.* Vehicles may overhang no more than two feet into required landscape areas. Planted areas on private property shall require protection from vehicular encroachment. Encroachment shall be prevented through the use of curbs, wheel stops, or by other acceptable means. Wheel stops shall be located so as to prevent damage to any trees, fences, shrubs, or other landscaping from automobiles.
- e. *Tree preservation incentives.*

- (1) A reduction of required parking spaces may be allowed when the reduction would result in the preservation of a protected tree with a trunk of 12 inches in diameter or greater. The reduction in required parking may be granted only if it will prevent the removal of a protected tree that is located within the area of the site designated as a vehicular use area. The following reduction schedule shall apply:

REDUCTION SCHEDULE

No. of Required Spaces	Reduction of Required Spaces Allowable
1--4	0
5--9	1
10--19	2
20 or above	10% of total no. of spaces (total reduction regardless of no. of trees preserved)

- (2) Any existing tree with a crown located within the parking area shall be eligible for credit against required tree planting. Where new or expanded paved areas are constructed, the following credit schedule may be applied for existing trees on-site which will be preserved:

CREDIT SCHEDULE

Existing Crown Spread Diameter* of Preserved Tree (feet)	or	Diameter* of Tree Trunk of Preserved Tree (inches)	=	No. of Trees Credited
90 +		36 +		10
69[60]--89		30--35		7
50--59		24--29		5
40--49		18--23		3
30--39		12--17		2

*Crown spread measurements shall be rounded off to the nearest whole foot, and the tree trunk diameter, measured at a height of four and one-half feet above the natural grade, shall be rounded off to the nearest whole inch.

- (3) The parking area reduction used for the preservation of protected trees shall not be counted as part of the required ten percent landscape area.

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- f. *Landscape incentives.* Any project which devotes 18 percent or more of the parcel to landscaping or landscaped areas shall be entitled to a five percent reduction in the total number of required parking spaces.

7.01.06. Buffering between zoning districts and uses.

- A. *Zoning districts.* The following spatial relationships between zoning districts require a buffer:
1. R-3PK district where it is adjacent to R-1PK or R-2PK districts.
 2. AMU-1, AMU-2, R-4, R-5, R-6, V-4, VM-1, or VM-2 districts, where they are adjacent to single-family or two-family districts (RR, SDD, R-1, R-1PK, R-2, R-2PK, R-3, V-1, V-2, V-2A, V-3, V-5, VR-1, VR-2).
 3. C-1, C-1PK, C-2 GBD or GMD districts, where they are adjacent to single-family or two-family districts (RR, SDD, R-1, R-1PK, R-2, R-2PK, R-3, V-1, V-2, V-3, V-5, VR-1, VR-2, PUD) or multiple-family and office districts (R-3PK, R-4, R-5, R-6, V-4, VM-1, VM-2, PUD), or agricultural districts (AG and VAG).
 4. ID-P, ID-1, ID-2, GID districts, where adjacent to residential, commercial, agricultural or SDD districts.
- B. *Land uses.* The following relationships between land uses require a buffer:
1. Multiple-family, zero lot line or office uses, where they are adjacent to single-family or two-family uses.
 2. Commercial land uses, where they are adjacent to residential uses.
 3. Industrial land uses, where they are adjacent to residential, office, agricultural or commercial uses.
- C. *Responsibility for buffer.* For buffers on parcels between zoning districts, the property owner requesting approval of a site plan or a building permit shall be responsible for providing and maintaining said buffer.
- D. *Buffer standards.*
1. *Function.* Buffers shall be designed to protect the lower intensity use from the more intensive use (agriculture from residential, residential from commercial, etc.) and provide an aesthetically attractive barrier between such uses. The buffer shall function to protect each land use from the intrusive effects of adjacent activities and minimize the adverse impacts of the uses upon each other. It is the intent of this part that the negative impacts of the uses upon each other are minimized or, preferably, eliminated by the buffer such that the longterm continuance of either use is not threatened by such impact and, therefore, incompatibility between uses is minimized or eliminated.
 2. *Type.* The buffer shall be a natural vegetative barrier or a landscaped barrier or combination thereof, supplemented with fencing or other manmade barriers within the required landscaped strip. These landscaped strips shall be of a minimum of ten feet in width and shall be landscaped for every 100 linear feet with plant coverage following Standard A-2 (for a ten-foot wide strip). Natural barriers proposed to remain shall meet these minimum requirements or the applicant must provide evidence that the existing natural barrier will fulfill the intent of subpart 1.
- E. *Screening of outdoor storage.* Outdoor storage of equipment and supplies shall be screened from the public right-of-way and adjacent properties by a six-foot opaque fence. In the case of the view from the public right-of-way, this fence shall be supplemented by landscaping in accordance with Standard A-2.
- F. *Minimum buffer guidelines in the villages zoning districts.*
1. A buffer is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

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2. The width of the buffer and degree of vegetation required depends on the nature of the adjoining zoning districts and uses.
3. The performance guidelines for buffers are set out in the following illustrations that specify the number of plants required per 100 linear feet. To determine the total number of plants required, the length of each side of the property boundary requiring a buffer shall be divided by 100 and multiplied by the number of plants shown in the illustration. Plants may be spread evenly along the length of the buffer, or may be clustered to accomplish the intent of the buffer.
4. Canopy trees are those that reach a mature height of 30 feet or greater.
5. Understory trees are those that reach a mature height of less than 30 feet.
6. Stormwater management ponds and underground sewage disposal systems may be located within buffer areas.
7. Use of existing native vegetation is preferred for buffers. A waiver of the strict planting standards may be granted by the director of the planning and zoning division to allow for retention of native vegetation, when it can be demonstrated that the intent of the planting standard is substantially met. Such buffers may be credited toward meeting the landscaped standards contained in the landscaping standards section of this Code (section 7.01.05).
8. Where any other code provisions are less stringent than these buffer standards, the requirements of this section shall prevail.
9. Except in the GID, where a buffer is required adjacent to a right-of-way, buffer performance standard A-1 may be utilized.

The following buffer performance guidelines shall apply to all new development locating in the villages zoning districts shown below, with the exception of single-family residential:

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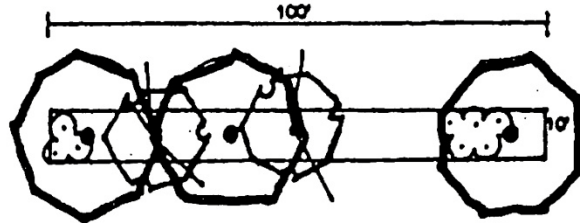
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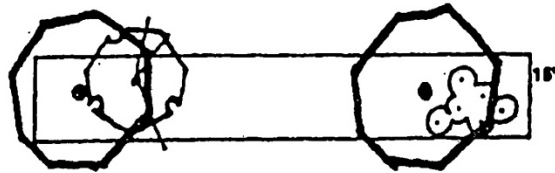
Villages Zoning Districts
 Buffer and Roadway Setback Performance Standards

Plant Material Required per 100 Linear Feet of Frontage/Buffer

- A-1 - 10 feet in width**
 2.5 Canopy Trees
 1.5 Understory Trees
 8 Shrubs



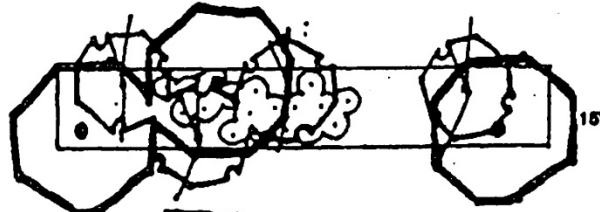
- A-2 - 15 feet in width**
 2 Canopy Trees
 1 Understory Tree
 6 Shrubs



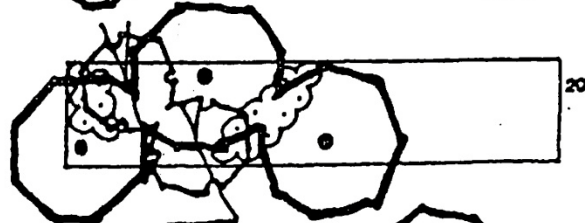
- B-1 - 10 feet in width**
 3 Canopy Trees
 4 Understory Trees
 20 Shrubs



- B-2 - 15 feet in width**
 2.75 Canopy Trees
 3.5 Understory Trees
 18 Shrubs



- B-3 - 20 feet in width**
 2.5 Canopy Trees
 1.5 Understory Trees
 16 Shrubs



- C-1 - 20 feet in width**
 4.5 Canopy Trees
 3 Understory Trees
 28 Shrubs



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	Performance Guideline
Proposed use in GBD:	
Commercial	B-1 or B-2
High intensity commercial (C-2 type uses)	B-1 or B-2
Proposed use in GMD:	
Commercial	B-1 or B-2
High intensity commercial	B-1 or B-2
Multifamily residential	A-1
Proposed use in GID:	
Light industrial/high intensity commercial	C-1
Heavy industrial (ID-2 type uses)	C-1
Proposed use in VM-1:	
Neighborhood commercial	A-1
Multifamily residential	A-1
Proposed use in VM-2:	
Multifamily residential	A-1
Neighborhood commercial	A-1
Commercial	B-1 or B-2
High intensity commercial	B-1 or B-2
Proposed planned neighborhood center (PND) in any district	B-1 or B-2
Proposed planned business development (PND) in any district	B-1 or B-2

G. *Roadway setback guidelines in village gateway districts.*

1. A roadway setback is a landscaped strip along the right-of-way line, that serves as an attractive boundary to accomplish the intent of the gateway districts.
2. The depth of the roadway setback and degree of vegetation required depend on the zoning district and the nature of the adjoining thoroughfare.
3. The performance guidelines for roadway setbacks are set out in the illustrations in section 7.01.06E[F] that specify the number of plants required per 100 linear feet. To determine the total number of plants required, the length of the property boundary requiring the roadway setback shall be divided by 100 and multiplied by the number of plants shown in the illustration. Plants may be spread evenly along the length of the right-of-way line, or may be clustered to attain roadway frontage visibility and access.
4. Canopy trees are those that reach a mature height of 30 feet or greater.
5. Understory trees are those that reach a mature height of less than 30 feet.
6. Roadway setback areas may be used for stormwater management purposes, and for location of underground sewage disposal systems when used.

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7. Any fencing placed on the front perimeter of any parcel in the gateway districts shall be located within the setback area.
8. A waiver of the strict planting standards may be granted by the director of the planning and zoning division to allow for retention of native vegetation, when it can be demonstrated that the intent of the planting standard is substantially met. Such buffers may be credited toward meeting the landscaped standards contained in the landscaping standards section of this Code (section 7.01.05).
9. Where any other code provisions are less stringent than these roadway setback standards, the requirements of this section shall prevail.

The following roadway setback performance guidelines shall apply to all new development located in the villages gateway districts shown below, with the exception of single-family residential:

Districts	U.S. Highway 29 Performance Guidelines	State Road 95A Performance Guidelines
GBD	B-1, B-2 or B-3	A-1 or A-2
GMD	B-1, B-2, or B-3	A-1 or A-2
GID	B-1, B-2 or B-3	B-1, B-2, or B-3

- H. *Screening of outdoor storage in villages zoning districts.* The following screening requirements shall apply to all new development locating in the villages zoning districts in which outside storage is allowed. Further, existing unscreened outside storage shall be made to conform to the requirements of this section as a condition of permit approval for any improvements on site exceeding a value of \$2,500.00.

In the GBD and GID districts where outside storage of materials, equipment and machinery is permitted, all such storage shall comply with the following screening requirements:

1. All outdoor storage shall be surrounded by a substantial continuous masonry, wooden or metal fence (not including chainlink fences), or a wall, any of which shall be a minimum of eight feet in height without openings of any type except for one entrance and/or one exit which shall not exceed 25 feet in width.
2. Gates at entrance or exit shall be of a material without visual openings.
3. The screen shall be constructed of the same type of material throughout.
4. Screens shall not be closer to the property line than any roadway setback line as required in section 7.01.06E of this Code.
5. No screen shall be constructed of metal that will rust.
6. Screens shall be maintained in good repair at all times.
7. Screening requirements do not apply to vehicles (truck, cars) used in the daily operation of a business, or to automobiles or mobile homes on display for sale.
8. Any storage of hazardous wastes must be conducted in full accordance with all applicable county, state, and federal standards. Any small or large quantity generators of hazardous waste as defined in 40 CFR 261 must be secured and restricted from public access.
9. Buffer in lieu of screening. Where an outdoor storage area does not abut a public street or highway and cannot be viewed from any public way, a vegetative buffer may be permitted in lieu of screening. A buffer "B-1" as described in section 7.01.06E of this Code shall be required.

[7.01.07. Reserved.]

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7.01.08. Visual clearance along rights-of-way and at sight triangles intersections. The following areas shall be designed and maintained to allow visibility between three feet and nine feet above grade. (Tree trunks trimmed of foliage to nine feet, and newly planted material with immature crown development allowing visibility are exempt):

- A. At the intersection of two public rights-of-way, a sight triangle described by the intersection of the right-of-way lines extended, and a line joining points on those lines 35 feet from said intersection.
- B. At the intersection of a private driveway and a public right-of-way, a triangle described by the intersection of the edge of the driveway and the right-of-way line, and a line joining points on those lines 13 feet from said intersection.
- C. Additional visibility requirements may be imposed by the department where unusual topography or traffic patterns dictate.

7.01.09. Inspections, enforcement and penalties. All tree removal or disturbance, and all required landscaping must conform with the standards of this article, permit conditions, conditional uses, variances, or other formal actions by the county. Nonconformance as determined by county staff inspections is subject to the enforcement and penalty provisions of this section.

- A. For approved development, no certificates of occupancy or similar authorization will be issued by the county unless conformance with the project development order is demonstrated, or unless the owner, developer, landscaper, or their designated agent submits assurances (bonding, letters of credit, etc.) acceptable to the county to complete landscaping required by this article. Such assurances must include an estimated completion date.
- B. Complaints of violation of the tree protection standards of this section, regardless of association with any proposed or approved development, will be investigated by the county office of code enforcement who shall have the authority and be responsible for issuing written notice of violations of this Code in accordance with the provisions of chapter 30, Escambia County Code of Ordinances.
- C. Violations of the tree protection standards of this section are subject to mitigation and fines as follows:
 1. Failure to install or maintain tree protection barricades per county approved plans:
First offense: Written warning.
Second offense: \$50.00 fine.
Third offense: \$200.00 fine.
 2. Failure to obtain a county permit before removing a protected tree:
First offense: \$100.00 per tree and twice the tree replacement quantity of a permitted removal.
Second offense: \$500.00 fine per tree and mitigation trees at three times the required rate.

If a protected tree has sustained irreparable damage to its normal growth character by topping, "hat racking," or similar extreme pruning, the fine may be based on the total diameter of limbs removed, up to the trunk diameter (DBH), and full tree replacement may be required based on the same.
 3. Intentional substantial injury to, or destruction of, a protected tree: \$100.00 per tree and twice the replacement quantity of a permitted removal.

(Ord. No. 97-18, § 2, 6-5-1997; Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-3, § 1, 1-8-1998; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2001-20, § 2, 4-5-2001; Ord. No. 2004-33, §§ 7, 8, 6-3-2004; Ord. No. 2007-48, § 2, 9-6-2007; Ord. No. 2008-44, § 1, 8-7-2008)

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7.02.00. Parking.

- A. *Intent.* Parking shall be provided in all districts at the time any building or structure is erected or enlarged or increased in capacity, or where a change of use occurs, or where there is an addition of dwelling units, floor area, seats, or other factors determinative of parking demand as stated in this section.
- B. [*Pensacola Beach requirements.*] Off-street parking space requirements for development on Pensacola Beach are contained in article 13, section 13.04.00 of this Code.
- C. *Parking spaces required by use.* Ground level or multilevel parking structures shall be provided on-site pursuant to the following minimum requirements, subject to the exceptions for off-site parking specified in subpart D.6 below. The applicant may demonstrate a different parking requirement based on recommendations and parking studies such as those from the Urban Land Institute (ULI), Institute of Transportation Engineers (ITE), or the Traffic Institute, or based on data collected from uses or combinations of uses which are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. Any parking study proposing different parking requirements shall document the source of data used to develop their recommendations. All requests for alternatives or other methodologies should be submitted during the review process; the division manager, development services, by department policy, reserves the right to request agreements from applicants before approval. Study methodology must demonstrate sound engineering principles and be acceptable to the department.
1. *Residential districts.* One-family and two-family dwellings, two spaces for each dwelling unit; multiple-family dwellings, 1 1/2 spaces for each dwelling unit.
 2. *Office buildings.* One space for each 300 square feet of gross floor area in the building.
 3. *Medical and dental offices.* One space for each 200 square feet of gross floor area.
 4. *Elementary and middle schools.* One space for each classroom.
 5. *High schools.* One space for each ten students based on the design capacity of the school, plus one space for each classroom.
 6. *Vocational schools or colleges.* One parking space for each eight seats in the main auditorium or three spaces for each classroom, whichever is greater.
Note: See section 7.02.00.H.2 for excess or overflow parking requirements.
 7. *Private clubs, fraternities, sororities and lodges.* One parking space for each 200 square feet of gross floor area.
 8. *Skating rinks, assembly halls, libraries, community centers and other buildings serving the general public but without fixed seating.* One space for each 450 square feet of gross floor area in the building devoted to patron use.
 9. *Retail and commercial (other than those specifically cited in this section).*
Up to 2,000 sq. ft. . . . One space for each 200 sq. ft. of floor area
2,001 to 4,000 sq. ft. . . . One space for each 300 sq. ft. of floor area
4,001 to 10,000 sq. ft. . . . One space for each 400 sq. ft. of floor area
Above 10,000 sq. ft. . . . One space for each 500 sq. ft. of floor area
When a building includes retail/commercial plus warehouse space, the parking requirement for each type space of use shall apply for that portion of the building.

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10. *Distribution warehouse facilities (not used for public display of merchandise).* One space for every 1,000 square feet of gross floor area for the first 20,000 square feet devoted to warehousing.
One space for every additional 2,000 square feet of gross floor area for the second 20,000 square feet.
One space for every additional 4,000 square feet of gross floor area in excess of 40,000 square feet.
11. *Places of worship.* One space for each four seats in the auditorium. If not a fixed seat facility, one space for each 35 square feet of seated area in the main auditorium.
12. *Hospitals.* One space for each two beds, plus one for each 500 square feet of floor area of nonpatient space.
13. *Adult congregate living facilities (ACLF), community care facilities and nursing homes.* One space for each five beds.
14. *Marina (commercial or industrial but not to include a private marina).* One parking space for each one boat slip.
15. *Restaurants (not drive-in) and bars.* One space for each 50 square feet of floor area used for customer service with a minimum of 20 spaces. Take-out only food stores shall be considered retail stores.
16. *Drive-in restaurants.* One space for every 25 square feet of gross floor area.
Drive-thru restaurants. One space for every 75 square feet of gross floor area.
17. *Funeral parlors.* One space for each 50 square feet of floor area.
18. *Motel.* One space per room, plus two additional spaces.
19. *Hotel.* Three spaces for each four sleeping rooms or suites. If, in addition to sleeping rooms there are other uses operated in connection with and/or as part of the hotel, additional off-street parking spaces shall be provided for such uses as would be required by this section if such uses were separate from the hotel to the extent of 50 percent of the off-street parking specified in this section for retail stores, offices, service establishments, bars, restaurants, dining rooms, nightclubs, ballrooms, banquets halls, meeting rooms and auditoriums.
20. *Trailer courts, camps, or RV parks.* One space for every lot or campsite.
21. *Mini-warehouse facilities.* No minimum parking shall be required for the mini-storage units provided that the aisle widths between buildings are a minimum of 18 feet and through access or turnaround space is provided.
22. *Manufacturing and industrial, laboratories, bottling plants, printing plants, and laundries.* One space for each 1,000 square feet.
23. *Launderettes.* One space for each two washing machines.
24. *Barbershops and beauty parlors.* Two spaces for each chair.
25. *Theater.* One space for each four seats.
26. *Bowling alleys.* Four parking spaces for each alley.
27. *Golf course.* Four spaces for each golf green, plus one space for each 250 square feet of gross floor area of clubhouse, plus additional spaces as required for other accessory uses.
28. *Golf, miniature.* Three spaces per hole.
29. *Golf driving range.* One space per tee.
30. *New or used automobile sales, boat sales, or other outdoor sales.* One space for each 400 square feet of gross floor area.
31. *Child care centers, adult day care center, kindergarten.* Five spaces.

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32. *Health and fitness clubs.* One space per each 200 square feet of gross floor area occupied by guests, customers, patrons, or members.

33. *Veterinarian clinic.* One space for each 250 [square] feet of gross floor area.

D. *Computation of parking spaces.* In computing the number of required parking spaces, the following standards shall apply:

1. Floor area means the gross floor area unless otherwise specified herein.
2. Where fractional spaces result, the number of spaces required shall be construed to be the next whole number.
3. In the case of mixed uses, the parking shall be equal to the sum of the several uses computed separately unless allowed by subpart 6., below.
4. Whenever a building or use is enlarged or increased in floor area, number of dwelling units, seating capacity, intensity, density or in any other manner so as to create a need for a greater number of parking spaces than that existing, such spaces shall be provided in accordance with this section. The required number of parking spaces shall be brought into conformity concurrently with the enlargement or change of use.
5. All applicants providing required parking spaces on-site shall be exempt from all provisions noted in the following subpart 6., below.
6. Provisions for off-site parking:
 - a. Applicants who request off-site parking with abutting and/or crossing access points located on a local two travel lane undivided or divided road or street, posted at 35 miles per hour or lower, with crossing points located directly across from the primary parcel served (within property lines of both parcels), shall be exempt from all waivers and variances and deemed as permissible.
 - b. Applicants who request off-site parking with abutting and/or crossing access points located on a local two travel lane undivided or divided road or street, posted at 35 miles per hour or lower, with crossing points located outside the primary parcel (property line) within 500 feet of the primary parcel shall evaluate pedestrian walking conditions. In such cases, it shall be the applicant's responsibility to provide for safe pedestrian movement. Existing four-foot shoulders on either side of the roadway or constructed by the applicant can be used to accommodate safe parallel movement of pedestrian traffic. The applicant may be exempt from this requirement if the governing agency has prioritized the location in the FDOT five-year work program or the Escambia County Master Project Plan List.
 - c. Off-site parking along or across undivided or divided roads or streets with speed limits greater than 35 miles per hour shall be allowed if either condition below exists, or if the applicant presents alternatives to the division manager, development services demonstrating the safe movement of pedestrian traffic between the primary and secondary parcels. The division manager, development services (or designee) has the administrative authority to request additional information for all conditions or alternatives. This request will be submitted in writing during the development review process and become part of the development order upon approval.
 - (1) Applications for required parking off-site submitted by existing owners or new applicants owning both facilities will have the following conditions present or will submit alternatives to the division manager, development services acceptable under state statutes that demonstrate sound engineering practices.

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(a) *Signalized crossing.* Applications are permissible if off-site location property lines are located at or within 500 feet of a traffic signal and/or pedestrian signal. Applications are also permissible at or within this distance if the signals are warranted and scheduled installation is funded by the applicant or governing agency proceeding with construction and installed within two years of the date of application.

(b) *Nonsignalized crossing.* Applications are permissible if off-site location property lines are located at or within 500 feet of the following alternative facilities: pedestrian crossovers, overhead trams, underground tunnels, or other structures designed to accommodate pedestrian traffic between the off-site parking area to the site of the principal structure or use without necessitating or allowing pedestrians to cross the street which separates the properties. If no alternative crossing facilities exist, the applicant or governing agency must demonstrate funding provisions for construction within two years of the date of application. Any alternative impacting traffic movement will not be permitted.

(2) Applications for joint-use off-site parking. In the event off-site parking is requested and the existing owner(s) or new applicant(s) wish to share and combine off-site facilities, a joint use agreement between all users, the division manager, development services, and the governing agency will be required.

E. *Reduction for shared or joint use of parking spaces.* The director may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need and amount of parking needed do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:

1. The developer submits sufficient data to demonstrate that hours and amount of demand for parking at the respective uses do not normally overlap.
2. The developer submits a legal agreement, in which the county shall be a party with enforcement authority, which shall be approved by the county attorney, guaranteeing the joint use of the off-street parking spaces signed by all property owners involved, as long as the uses requiring parking are in existence and there is not a conflict of traffic between the uses that would result in a violation of the minimum standards of this section, or until the required parking is provided elsewhere in accordance with the provisions of this section. The legal agreement shall include provisions for the maintenance of the parking facility. The legal agreement shall also contain covenants running with the lands of both the dominant and subordinate parcels or uses.

F. *Handicap spaces.* Handicap spaces shall be provided as required by federal, state, and other regulations. Handicap spaces shall count as part of the total number of spaces required and shall be signed and marked in accordance with FDOT standards.

G. *Loading and unloading areas.* Whenever a normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading area shall be provided in accordance with this section to accommodate the delivery or shipment operations in a safe and convenient manner.

1. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this section:

Area of Bldg. Gross Leasable Sq. Ft.	No. of Spaces
10,000--19,999	1

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20,000--79,999	2
80,000--127,999	3
128,000--191,999	4
192,000--255,999	5
256,000--319,999	6
320,000--391,999	7

Plus one space for each additional 72,000 square feet or fraction thereof.

2. Minimum dimensions shall be 12 feet by 55 feet with an overhead clearance of 14 feet from street grade.
3. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can (a) maneuver safely and conveniently to and from a public right-of-way, and (b) complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle; and (c) access the area without backing into or from a street right-of-way with speed limits greater than or equal to 35 miles per hour.
4. No area allocated to loading and unloading areas may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
5. Whenever (a) there exists a lot with one or more structures on it constructed before the effective date of this Code, and (b) there is a change in use that does not involve any enlargement of a structure is proposed for such lot, and (c) the loading area requirements of this article cannot be satisfied because there is not sufficient area available on the lot that can practicably be used for loading and unloading, then the developer need only comply with this article to the extent reasonably possible.

H. *Design and specifications for parking and loading areas.*

1. *Stalls, aisles and driveways.* Parking stalls shall be nine feet wide by 18 feet long for angle and right angle parking; and shall be nine feet wide by 23 feet long for parallel parking stalls. Aisle dimensions shall be in accordance with standard specifications on file in the department, angles shall be restricted to 90 degrees, 60 degrees, or 45 degrees and marked white on impervious surfaces per the "Manual on Uniform Traffic Control Devices." The following criteria shall be applicable to all parking spaces, except parking spaces for single-family homes and duplexes:
 - a. Each parking stall shall be accessible from an aisle or driveway and designed so that no automobile shall back into a public street in order to exit a parking stall. The internal design of the parking lot shall be designed to facilitate vehicular circulation and avoid conflict between pedestrian and vehicular movements.
 - b. No door or pedestrian entrance at ground level shall open directly upon any driveway or access aisle unless the doorway or pedestrian entrance is at least three feet from said driveway or access aisle.
 - c. All required paved parking spaces shall be delineated sufficiently to indicate individual stalls. Wheel stops for stalls adjacent to landscaped strips shall be located 2 1/2 feet from the front end of the stall and prevent encroachment into required landscaped areas. The front two feet of the stall may be kept as a maintained vegetative ground cover area although no credit will be extended toward the open space or landscape requirements of the respective district.

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2. *Surface design.* All required parking (spaces, isles and accesses) shall be finished with an all weather surface which may include, but is not limited to, asphaltic concrete, concrete, S-I and S-II asphalt, crushed stone or shell, dolomite, paving stones and the like.
 - a. The development review committee may require the developer to select one of the above hard surfaces if the use is intensive.
 - b. Excess or overflow parking may be finished in any surface, including stable grass.
 - c. Places of worship, educational institutions and other community serving uses may use grass surfaces to satisfy required parking spaces and facilities.
3. *Modifications.* The BOA may approve modifications to the design specifications. In considering modifications to the design specifications required by this article, the BOA shall be guided by Architectural Graphic Standards, Sixth Edition, by Ramsey and Sleeper as exists now or as hereafter updated.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2003-53, § 2, 11-6-2003; Ord. No. 2007-60, § 4, 10-4-2007)

Cross references: Stopping, standing and parking generally, pt. I, § 94-31 et seq.

7.03.00. Exterior lighting.

Exterior lighting in and around buildings and in parking lots is permitted in all districts. Lighting is to be located for safety and visual effect. With the exception of street lights, it shall be installed so as not to shine directly on adjacent property. Lighting shall avoid annoyance from brightness and glare. Artificial beachfront lighting should be designed and positioned in such a way that it is not disruptive or have an adverse impact on the activities of Florida's endangered sea turtles. The Florida Department of Environmental Protection (DEP) guidelines for protection of nesting habitat, nesting females and hatchling marine turtles from the negative effects of artificial lighting can be found in their pamphlet titled "Sea Turtles and Lights."

7.04.00. Fences.

7.04.01. Fence heights in residential districts. Maximum heights for fences constructed in residential districts shall be [in feet]:

	Opaque Materials	Transparent Materials Which Do Not Obstruct Light, Air and Visibility
Front yard	3	4
Side yard	8	8
Rear yard	8	8

Barbed wire and electrified fences are permitted in RR and VR rural residential districts. Below-ground electrified fences are permitted in all residential districts. Above-ground electrified fences are permitted in residential districts provided that such fences are located inside, are completely enclosed and do not come in contact with a perimeter fence erected according to the height standards above. Electrified fences in residential districts shall be of the type that are permitted under the electrical building code listing and shall also meet fence height standards for regular fences.

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Where a fence is located at a common property line with varying elevation, including berms and sloping ground, the height shall be measured and averaged at regular intervals along the property line. The final height shall be determined by averaging the dimensions obtained from measured interval averages. The fence height includes height of berm and sloping grounds. The measured interval distances shall be eight feet.

7.04.02. Fence setbacks. Fences shall be permitted to the street right-of-way or marine/ estuarine/riverine setback (MERS) line and common property lines. Construction shall be entirely upon the owner's property. No fence shall be permitted to obstruct visual clearance along a right-of-way (as determined by the division manager, development services). Also see section 7.01.08, "Visual Clearance Along Rights-of-Way and at Sight Triangle Intersections." No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.

7.04.03. Permitted fence materials. All fence construction shall be of suitable materials as follows: masonry (brick, stone or substantial wall material that contributes to the identification and beauty of principal use), chain link, chain link with slatting, wood, cast iron, aluminum, plastic (all as manufactured for fencing), precast concrete and hedges (if trimmed).

7.04.04. Fence heights in commercial and industrial districts. There shall be no maximum height for fences in commercial districts except that barbed wire is permitted only on top of a solid or chain link fence at least six feet in height. Where a commercial district is adjacent to a residential district, a fence may be constructed to a maximum height of eight feet on the property line contiguous to the commercial district. The method of measurement shall be the same as for residential district fences (see subsection 7.04.01 of this section).

(Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-2, § 1, 1-7-1999; Ord. No. 2007-25, § 2, 5-1-2007; Ord. No. 2007-60, § 4, 10-4-2007)

7.05.00. Marina siting.

- A. *Zoning districts and uses.* All applicable federal, state and local permits must be obtained prior to the commencement of any type construction activity, lot clearing or other similar activity. Marina support facilities are allowed by the zoning district regulations upland from the site of the proposed marina. In addition, rental boat slips or dock space, marine fuel and lubricant sales, boat and motor sales and/or rental facilities, live bait sales, boat dry storage, auto parking lots, public rest rooms, potable water, minor and/or major boat and engine repair, ice, food and beverage sales, on and off-premises, ship chandler and fishing tackle sales. Marina facilities may be permitted in connection with a marina as the principal business offering facilities for boats, boat owners, crews and guests.
- B. *Reserved.*
- C. *Locational and design standards.* Any applicant for a marina facility or marina support facilities shall be required to demonstrate the following which also may be accomplished by a DEP permit:
 1. *Uplands.* The marina has sufficient upland area to accommodate all needed utilities and marina support facilities. Facilities are encouraged to utilize pervious materials for parking areas.
 2. *Nonwater-dependent facilities.* Facilities such as restaurants and bait-and-tackle shops are situated on uplands, except where the location of such facilities over public lands has been permitted by applicable local, state and federal agencies.
 3. *Traffic.* The general area, onsite, and adjacent roadways have the capacity to accommodate the projected vehicular traffic associated with the marina.
 4. *Sewage pump-out.* There is adequate capacity to accommodate the anticipated volume of sewage, and the ability to handle the waste in accordance with state standards, either by means of on-site pump-out

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and treatment facilities or connection to a treatment plant. All marinas with fuel facilities shall provide pump-out facilities at each fuel dock. Commercial marinas and those which serve live-aboard or overnight transient traffic shall provide upland sewage facilities. Facilities of 100 slips or more shall provide permanent pump-out facilities.

5. *Petroleum.* The capability to respond to and contain any petroleum or hazardous material spills within the boundaries of the owned or leased area.
6. *Storm, windload and wave protection and evacuation.* The capacity to provide maximum practical protection of the contents of the proposed premises from damages caused by wind and wave forces resulting from hurricanes. Structures shall comply with all applicable coastal construction codes. Applicants shall also demonstrate the ability to evacuate persons and vessels by area roadways (by documenting traffic capacities) and by area waterways.
7. *Historic.* The marina facilities will have no adverse impact on archaeological or historical properties as defined by the Florida Department of State, Florida Statutes and appropriate rules.
8. *Water depth.* There is adequate water depth to accommodate the proposed boat use for docking facilities. Greater depths shall be required for those facilities designed for or capable of accommodating boats having greater than a three-foot draft. These depth requirements shall also apply to the area between the proposed facility and any natural or other navigation channel, inlet or deep water. Ingress and egress shall be delineated by appropriate markers indicating speed limits and any other applicable regulations. Where necessary, marking of navigational channels may also be required.
9. *Dredge and fill.* All appropriate permits (i.e., dredge and fill permits) required by the state or federal regulatory agencies with jurisdiction over the lands (submerged or upland) where the proposed marina or dockage facility is to be located shall be obtained and submitted to the county by the applicant.
10. *Erosion control.* Appropriate erosion control protection will be in place before, during and after construction.
11. *Submerged vegetation.* There shall be protection of and mitigation for submerged or emergent vegetation consistent with the permit requirements established by the state or federal regulatory agency with jurisdiction over the lands containing such vegetation.
12. *Docks, piers and mooring devices.* Noncommercial structures such as piers, docks, wharves, mooring devices, lifting and launching devices are permitted as accessory structures where otherwise allowed in residential districts.
 - a. An applicant shall submit a detailed set of plans to the county indicating compliance with all applicable federal, state, and local regulations prior to the issuance of any building permit for such structures. Among other specifications for docks, the plans shall include survey points indicating the centerline at the mean high water line (MHWL) and the endpoint extending into the water. The plans shall also include the presence of any seagrasses or other environmentally sensitive lands (submerged or coastal) in the vicinity of the proposed structure.
 - b. Such structures shall not extend seaward from the property line for more than 300 feet or consist of 15 percent of the open water span at the point of installation, whichever is less. In no case shall such structures extend nearer than 25 feet to the center of a channel.
 - c. Unwalled roof areas or boat shelters are permitted as accessory structures on conforming piers, docks, or wharves, provided that no part of such superstructure extends further seaward from the property line than the permitted pier, dock or wharf.

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- d. For any dock, boathouse structure, pier, or any part of extensions thereof, the minimum setback line from the side property lines and riparian lines shall be ten percent of the width of the lot where the side property lines intersect the mean high water line (MHWL) (see exception in subsection e., below). However, side yards shall not be less than five feet on each side. This setback requirement is not intended to define an upland property owner's riparian and/or littoral rights.
- e. Owners of contiguous residential lots of parcels, each of which meet the minimum lot size requirements for construction of single-family residential structures, may construct one common pier (dock) with boathouse structure within the setback requirement of subsection d., above, upon the following conditions:
 - (1) The structure would be for the joint use of the contiguous property owners;
 - (2) The owners of the contiguous parcels, as well as their heirs, successors, assigns, representatives and agents, including those who acquire fractional interests in either or both contiguous parcels, would not be allowed to construct an additional pier (dock) or boathouse structure which may serve or appertain to either or both contiguous parcels unless and until the common pier is removed and all persons having ownership interests in the contiguous parcels rescind and vacate, in writing (which shall be recorded in the public records of Escambia County, Florida), their rights to the said common pier; and
 - (3) The owners of the contiguous parcels shall execute an agreement in a form provided by the county, which expressly stipulates to the terms of this subsection (e) and the owners shall record the said agreement in the public records of Escambia County, Florida.
- f. All docks, piers or mooring devices at Pensacola Beach shall first be approved by the Santa Rosa Island Authority in accordance with section 13.16.00 of this Code.
- g. Permits for construction of docks and piers on right-of-way that has been dedicated to the public, but not yet opened, maintained, or otherwise accepted by the County, shall be issued only upon authorization by the Board of County Commissioners.

The Board may authorize issuance of such permits after considering all relevant factors, including, but not limited to, the following:

- (1) Whether the applicant has adequately demonstrated that they hold all necessary interest in the dedicated area where the dock or pier will be constructed;
- (2) Whether construction of the dock or pier would have an adverse impact on adjacent properties;
- (3) Whether the dedicated area is or will be needed for development of a public right-of-way or other infrastructure in the foreseeable future;
- (4) Whether the geography and configuration of the property is suited for construction of a dock or pier; and
- (5) Whether construction of a dock or pier would have an adverse environmental impact on the shoreline or adjacent water body.

However, neither authorization nor denial of a permit for construction of a dock or pier by the Board shall be construed as a vacation or acceptance of the dedication. This provision may be applied retroactively to allow permitting of existing docks or piers that were never properly permitted.

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13. *Ownership and control.* The applicant shall submit proof of ownership and/or control of the upland property proposed for a marina facility.
14. *Availability for public use.* The applicant shall submit information (graphic or textual) sufficient to define the extent of public access and/or availability for public use for those portions of the proposed facility which will be made available and accessible to the general public, if any.
15. *Economic need and feasibility.* A complete application submitted for a marina facility shall be deemed to be based upon a market study or other economic considerations satisfactory to the applicant that the market will support and justify the marina and the applicant's investments therein. Note: Nothing herein shall be interpreted as requiring the submittal of any market studies or analyses by the applicant to the county nor shall the submittal or nonsubmittal of any market studies or any provision of this part be interpreted to incur any liability for the adequacy or accuracy of such study by the county. The applicant, and any investors associated therewith, assume all financial risk/liability associated with any marina approved by the county pursuant to this Code.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2004-68, § 2, 11-4-2004; Ord. No. 2008-49, § 1, 9-4-2008; Ord. No. 2013-37 § 1, 8-8-2013; Ord. No. 2013-54, § 1, 12-5-2013)

Cross references: Waterways, pt. I, ch. 102.

7.06.00. Industrial processing and storage.

- A. *ID-1 and ID-P district.* Within all districts including GBD, GMD, and VM-2 (except the ID-2 and GID districts), all businesses, services, or manufacturing or processing of materials, goods or products shall be conducted within completely enclosed buildings. All work and/or operations within the districts must be conducted within buildings except temporary outside storage may be allowed if it is adequately buffered and screened from adjacent uses. Storage may be permitted outdoors upon demonstration of need and approval by the board of adjustment. Such storage shall be effectively screened by a wall, fence or planting so that such materials will not be visible from a public way, except in those cases where the BOA determines such screening is unreasonable. Where a lot line within a district abuts the side or rear lot line of any residential lot, screening/buffering is required. Such screening/buffering may be in the form of unimproved property, walls, fences or landscaping and shall be at least 50 percent opaque when viewed from any point along said residential lot line. When landscaping is used for screening, the opacity requirements shall be attained within 18 months of the issuance of the certificate of occupancy. The primary purpose of the screening/buffering is to ensure compatibility of adjacent uses as required by comprehensive plan policy FLU 1.1.9.

Specific gateway district buffering and screening requirements are set forth in section 7.01.06 of this Code.

- B. *ID-2 [and GID] districts.* In the ID-2 and GID districts, permitted uses may be conducted either indoors or outdoors, but shall be in conformance with the applicable performance standards. Exceptions to this requirement are that in the ID-2 and GID districts, all business, servicing, manufacturing or processing within 200 feet of a residential district boundary shall be conducted within completely enclosed buildings. Where a lot line within an ID-2 or GID district abuts the side or rear lot line of any residential lot, screening/buffering is required. Such screening/buffering may be in the form of unimproved property, walls, fences or landscaping and shall be at least 50 percent opaque when viewed from any point along said residential lot line. When landscaping is used for screening, the opacity requirements shall be attained within 18 months of the issuance of the certificate of occupancy. The primary purpose of the screening/buffering is to ensure compatibility of adjacent uses as required by comprehensive plan policy FLU 1.1.9.

Specific gateway district buffering and screening requirements are set forth in section 7.01.06 of this Code.

(Ord. No. 97-18, § 2, 6-5-1997; Ord. No. 98-3, § 1, 1-8-1998; Ord. No. 2013-54, § 1, 12-5-2013)

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7.07.00. Standards regulating adverse off-site impacts.

7.07.01. Noise.

- A. *Prohibitions.* It shall be unlawful, except as expressly permitted herein, to make, cause, or allow the making of any noise or sound which exceeds the limits set forth in this article or the county noise ordinance contained in chapter 1-20.3 of the Code of Ordinances. Chapter 1-20.3 contains the principal noise regulations; the following provisions deal with development issues only.
- B. *Measurement of sound.* The measurement of sound or noise shall be made with a calibrated sound or noise level meter. A calibration check shall be made at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. A windscreen for the sound level meter microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. All measurements shall be made at the property line of the subject property and such measurements shall be taken at least five feet above grade and for a period of not less than two minutes.
- C. *Maximum permissible sound levels.* No manufacturing or commercial use shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth below at the time of land use certificate/site plan review, the applicant may be asked to certify the intent to meet the specified standard:

Table 7.07.01.C
Sound Level Limits

Use Occupancy	Time	Sound Level Limit dB
Commercial/ tourist	7:00 a.m.--10:00 p.m.	75
	10:00 p.m.-- 7:00 a.m.	70
Manufacturing ID-P	At all times	60
ID-1 or ID-2	6:00 a.m.--10:00 p.m.	95
	10:00 p.m.-- 6:00 a.m.	85

- D. *Hours of operation.*
 1. Mining, borrow pit, resource extraction, and reclamation activities (including land clearing debris disposal) that require trucks and heavy equipment to traverse through residential areas as their only access path to pit operations are limited to the hours between 6:00 a.m. and 6:00 p.m. Monday through Friday and between 8:00 a.m. and 2:00 p.m. on Saturday. (See section 7.11.09.)
 2. Mining, borrow pit, resource extraction, and reclamation activities (including land clearing debris disposal) that access their operations without traversing through residential areas (i.e., via principal and minor arterial roadways) are limited to the hours between 6:00 a.m. and 6:00 p.m. Monday through Saturday. (See section 7.11.09.)
 3. *Exceptions.* Exceptions to the above noted operating hours may be authorized by federal, state, and/or county authorities in cases of emergency or when determined by such authorities to best serve the public interest. Any exceptions require written approval by the county administrator, or his/her appointed designee, specifying the reason and allowed timeframe(s) for the exception.

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- E. *Exemptions.* The following uses or activities are exempt from the noise level regulations noted in sections 7.07.01.A. through C., above, and chapter 1-20.3:
1. Construction operations for which building permits have been issued, provided that such operations are limited to the hours between 5:00 a.m. and one hour after sunset, except that on Pensacola Beach:
 - a. No outside construction may begin before 6:30 a.m., if within 200 ft of an occupied residence; and
 - b. Owner-occupied single-family detached houses are exempt from the above restriction.
 2. Safety signals, warning devices, bells and chimes of churches;
 3. Noise from emergency vehicles, or noises resulting from emergency works;
 4. All noises coming from the normal operation of trains, aircraft (not including scale model aircraft), motor vehicles governed by F.S. § 316.293, or vessels operated upon the waters within or adjacent to Escambia County;
 5. Activities at Five Flags Speedway and/or other legally constructed and operated tracks or courses for competitive motor sports.

7.07.02. Vibrations. Every use, excluding initial construction activities, shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the property line of the property on which the use is located.

7.07.03. Air pollutants. Including smoke, particulate matter, odor, and toxic matter.

- A. *Smoke.* Every use shall be operated so as to prevent the emission of smoke as specified in F.A.C. ch. 17-2, as amended, "Rules of Department of Environment Regulations: Air Pollution."
- B. *Particulate matter including dust.* Every use shall be operated so as to prevent the emission into the air of dust or other solid matter as specified in F.A.C. ch. 17-2, as amended, "Rules of Department of Environmental Protection: Air Pollution."
- C. *Odor.* Every use shall be operated so as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located, as specified in F.A.C. ch. 17-2, as amended, "Rules of the Department of Environmental Protection: Air Pollution."

7.07.04. Fire and explosive hazards. All operations, activities and uses shall be conducted so as to comply with the performance standards governing fire and explosion hazards prescribed below. Such uses shall also comply with the rules and regulations of the National Fire Code published by the National Fire Protection Association as well as F.A.C. ch. 4A, as amended, "Rules of the Marshal." If there is a conflict between the two, the more stringent regulation applies.

- A. *Detonatable materials.* Detonatable materials shall include, but not be limited to, all primary explosives, such as lead, azine, lead styphnate, fulminates and tetracaine; all high explosives such as TNT, RDX, HMS, PETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, potassium chlorate and potassium nitrate; blasting explosives such as dynamite and nitroglycerin; unstable organic compounds, such as acidtylides, tetraoles, and ozonides, and unstable oxidizing agents, such as perchloric acid, perchlorates and hydrogen peroxide in concentrations greater than 35 percent and nuclear fuels, fissionable materials and products and reactor elements, such as uranium 235 and plutonium 239.
- B. *Fire hazard solids.*

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1. *ID-P and ID-1 districts (or more restrictive district).* The storage or utilization of solid materials which could result in intense burning shall be within spaces having fire resistive construction of no less than two hours and protected with an automatic fire extinguishing system. Such storage or utilization shall be approved by the director after consultation and approval of the chief fire safety inspector, based on standards incorporated herein specifically or by reference.
2. *ID-2 district.* In the ID-2 district the storage, utilization or manufacture of solid materials which could result in intense burning shall be conducted within walls having a fire resistance of no less than two hours, or be protected by an automatic fire extinguishing system, or the building wall shall be no less than 25 feet from all lot lines. The outdoor storage of such materials shall be permitted no closer than 40 feet from all lot lines. Such activity shall be approved by the director after consultation and approval of the chief fire safety inspector based on standards incorporated herein in specifically or by reference.

C. *Fire hazard liquids and gases.*

1. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers (60 gallons or less) which shall be unrestricted.
2. The total storage capacity of flammable liquids and gases shall be restricted to capacity expressly permitted by the director after consultation with the chief fire safety inspector based on standards incorporated herein specifically or by reference.
3. In no case shall hazardous or potentially hazardous materials be stored or located in residential zones or within 500 feet of any residential zone.

7.07.05. Glare. No operation or activity shall be conducted so as to cause or create glare in excess of 0.5 footcandles in a residential district, whether from a direct or indirect light source. No operation or activity shall create safety hazards through the impairment of motorist's vision simulating traffic control devices (including strobe lights and any outside display, sign, window display or other device), or otherwise interfere with the safety of the traveling public. NOTE: Tri-changing signs are allowed provided such signs otherwise conform to the provisions of this part and this Code.

7.07.06. Nuisances. The following conditions, existing, permitted, maintained, or caused by any individual, municipal organization or corporation, governmental or private, on real property in Escambia County shall be prohibited. The existence of such conditions shall constitute prima facie evidence of maintaining a nuisance, injurious to health and such conditions shall not be deemed to be all inclusive.

- A. The creation or maintenance of any condition capable of breeding flies, mosquitos, or other arthropods capable of transmitting diseases directly or indirectly to humans.
- B. The accumulation of rubbish, trash, garbage, or solid waste materials in violation of any existing state law, regulation or Ordinance of the City of Pensacola or Escambia County.
- C. The existence of any dwelling, house, building, structure or real property, or premises on which a dwelling, house, building or other structure is located which is unsafe and a menace to the health, safety, or general welfare of the residents of Escambia County, or which is deteriorated or dilapidated.
- D. The accumulation of in excess of one inoperable vehicle on an individual lot or parcel at any one time within the unincorporated areas of Escambia County. Exempt from this provision shall only be duly licensed junk or salvage yards and vehicles under repair at a duly licensed automotive repair shop. Also exempt from this provision are duly permitted used car lots, provided that any inoperable vehicles, in excess of one such vehicle, are not visible from the public right-of-way or adjacent property.

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7.07.07. Borrow pits (includes mining and resource extraction) and reclamation activities thereof.

- A. *Setbacks for excavation.* Borrow pit slope commencement (i.e., the outermost edge of excavation) shall be located a minimum of 25 feet from the adjoining owner's property boundary and/or adjacent right-of-way (ROW). Setback provisions established herein include the required width for landscape screening and buffers subsequently noted herein. The following exceptions may apply:
1. *Back to back pits.* The setback for slope commencement excludes property boundary lines between active pits using the same excavation area.
 2. *Slope angles.* Pits with a shallow excavation slope of 6:1 (i.e., six feet horizontal for each one foot vertical) may exceed the 50-foot setback up to the 20-foot minimum required width for landscape screening and buffer requirements. Steep pits allowed to exceed the required 2:1 slope ratio as provided in subsection C., below, shall require a 100-foot setback.
 3. *Site specific requirements.* Increased setbacks may be required per the terms of the mandatory county development order to protect wellheads, environmental areas, and/or adjacent properties from adverse impacts (reference Comprehensive Plan OBJ CON 1.5, among others).
- B. *Reserved.*
- C. *Excavation slope requirements.* The angle of repose for borrow pit/mining slopes shall be no greater than 2:1 (i.e., two feet horizontal for each one foot vertical) unless a professional engineer (P.E.) or professional geologist (P.G.) certifies that an angle of repose exceeding this ratio will prohibit any potential erosion or slumping, factoring into account the type of soil (i.e., clay, sand, etc.) and pertinent environmental conditions of the area.
- D. *Traffic requirements.* See section 7.11.09. Pit access shall be limited to routes having the least impact on residential areas, and the use shall be subject to all traffic concurrency requirements.
- E. *Permits.* See Escambia County Code of Ordinances, part I, chapter 42, Article VIII, section 42-323. A county resource extraction permit is required for extraction, removal and transportation of material excavated from the site. Permits for filling and/or reclamation of pits after removal of usable materials are subject to additional federal, state and/or local regulations as governed by the applicable regulatory authority.
- F. *Hours of operation.* Limited for pits and reclamation activities as indicated in section 7.07.01.D above.
- G. *Fences and gates.* A substantially built, esthetically pleasing security fence with appropriate gates for access, not less than six feet above grade, is required along the outer perimeter of the excavated area, with exception of the pit access point(s). Additional security features, such as barbed wire above the fence top, are encouraged. Gates for access shall be locked at all times during nonoperating hours. Fences and gates shall be maintained in a reasonable condition to remain an effective barrier.
- H. *Screening.* Portions of the pit visible from the public right-of-way or nearest residential use shall be screened with dense landscaping to achieve at least 75 percent opacity within two years. The landscape buffer shall be no less than ten feet in width at any given point and may be placed either inside or outside the required fence perimeter to achieve maximum dust and noise reduction and visible shielding. Earthen berms with a minimum height of three feet can be placed within this buffer area.
- I. *Buffers.* In addition to the landscape screening noted above, a minimum ten-foot wide buffer is required parallel to, and inside, the required fence. Excavation, pit operations, parking, storage and disposal of debris are not permitted within the screening or buffer areas. The setback area may not be used for truck or equipment traffic, except as necessary to maintain the setback area and perimeter fence. Pit access point(s)

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shall be designed perpendicular to the buffer/screening width with the least disturbance to the buffer/screening zone that allows safe vehicle and equipment access to the operating site.

- J. *Signs.* "No Trespassing" signs are required at each pit access point(s), every 250 linear feet on the boundary fence, and at each corner, in letters not less than two inches in height. "No Trespassing" signs shall be maintained in legible condition.
- K. *Reclamation activities.* Active reclamation activities shall be governed by the above performance standards until such time as complete reclamation has occurred in accordance with all federal, state, and local regulations and approved by the division manager, development services in accordance with the Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII. Reclamation involving land clearing debris disposal shall only be permitted to the minimum height above ground level that allows for environmental safety and stormwater runoff consistent with the surrounding environment and intended post-mining land use not to exceed six feet. Groundwater monitoring wells may be required for specific types of debris disposal per the applicable federal and state regulations and the terms of the required county-approved reclamation plan.
- L. *Exceptions for existing pits and/or reclamation activities thereof.*
 - 1. *Setbacks/slopes.* Existing pit owners and/or operators with pits that do not meet the setback and/or slope requirements established above shall have 180 days from the date of adoption of this ordinance (Ordinance 2005-23) to apply for a development order that establishes the criteria for required setbacks and/or slopes.
 - 2. *Traffic requirements.* Traffic requirements are waived for existing pits when strict application would deny access to pit operations.
 - 3. *Permits.* Permit requirements are established in the Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII.
 - 4. *Hours of operation.* Limited as noted above.
 - 5. *Fences, gates, screening, and buffers.* Existing pit owners and/or operators with pits that do not comply with the fence, gate, screening and buffering provisions above shall have 180 days from the date of the mandatory approved county development order to comply with the established provisions herein. Extensions for extenuating circumstances (e.g. large pits) may be approved per the terms of the mandatory development order on a case-by-case basis (reference Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII).
- M. *Reclamation of existing pits involving land clearing debris disposal.* If reclamation activities involving land clearing debris disposal at existing pits already exceeds ground level as of the date of adoption of this ordinance (Ordinance 2005-23), no further increase in vertical height shall be permitted unless the height increase is certified by a professional engineer (P.E.), using best management practices, to be necessary for stormwater considerations and/or environmental safety not to exceed the permitted height as of September 16, 2004. Any such certification for height increases above ground level shall be consistent with the surrounding environment and intended post-mining land use.

(Ord. No. 97-8, § 1, 2-27-1997; Ord. No. 97-18, § 2, 6-5-1997; Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2005-23, § 5, 7-7-2005; Ord. No. 2007-60, § 4, 10-4-2007; Ord. No. 2013-54, § 1, 12-5-2013)

7.08.00. Marine/estuarine/riverine setback.

- A. *Intent.* Escambia County recognizes the importance of wetlands and areas of water-land interface in maintaining a healthy environment. The integrity of these sensitive areas will be protected by requiring shorelines to be retained in their natural state along the banks of all marine, estuarine, and riverine systems to the extent possible. This section is established to attain the following objectives:

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1. Prevent and/or reduce erosion;
 2. Trap the sediment in overland runoff;
 3. Protect indigenous wetlands and estuarine flora, fauna, and habitat; and
 4. Retain and enhance physical and visual aesthetics of riverine and estuarine systems.
- B. *Construction setback standards.* With the exception of bulkheads, gazebos, docks, walkways, piers, and boathouses, in areas containing marine, estuarine, or riverine systems there shall be no new construction between mean sea level (M.S.L.) established by the National Geodetic Vertical Datum of 1929 and an elevation of plus (+) 1.5 feet, or within a minimum of 30 feet from the mean or ordinary high tide, whichever is greater. These restrictions apply to all the unincorporated areas of Escambia County under the jurisdiction of the BCC which front on or are contiguous to the waters of Escambia Bay, Pensacola Bay, Perdido Bay, Big Lagoon, Old River, Bayou Grande, Bayou Chico, Santa Rosa Sound and including all rivers and waterways within the unincorporated areas of the county.
- C. *Exceptions.* The following exceptions to the marine/estuarine/riverine setback (MERS) line are provided:
1. *Waterward exception.* If the applicant requests siting of a structure or conducting an activity prohibited by this article waterward of the MERS line by no more than 15 feet and no wetlands or highly eroding lands are present between the MERS line and the water's edge, as determined by a wetlands inventory map or a copy of the most current Federal Emergency Management Agency Floodway Flood Boundary and Floodway Map or an on-site inspection.
- D. *Shoreline protection.* The use of natural means, i.e., vegetation and beach renourishment, shall be used to stabilize erosion prone areas and shall be designed and implemented in accordance with sound environmental and engineering practice. Natural erosion control methods create a buffer zone providing for a greater chance of natural recovery, the normal progress of natural processes, and the entrapment of sediment laden waters.
1. *Vegetation.* The vegetation used in erosion control methods shall be those indigenous to the region.
 2. *Grading.* Site grading, excavating or other activities which significantly disturb the property shall be allowed waterward of the MERS line only if it is consistent with the intent of this Code.
 3. *Structure location.* Applicants are encouraged to place all structures, except those which are water dependent, as far landward of the MERS line as practical.
- E. *Seawalls.* Rigid shore protection structures shall not be permitted waterward of the mean high water line except as herein authorized. The use of rigid shore protection structures may cause significant environmental impacts. These impacts can result in increased overland runoff, loss of valuable topsoil, increased water turbidity, loss of wildlife habitat, and the loss of the natural amenity associated with shoreline areas.
- F. *Repair.* The repair of an existing functional shore protection structure shall be exempted from the setback of this article. Prior to the repair of any shore protection structure, the property owner must notify the county of the intended work, the extent of the work contemplated, notify all appropriate state and federal agencies, and meet all state and federal regulations.
- G. *Beach access.* Beach accesses shall be maintained to the greatest extent practical.
- H. *Emergencies.*
1. This article shall not be construed to prevent the doing of any act necessary to prevent material harm to or the destruction of real or personal property as a result of a present emergency (as defined by F.A.C. ch.

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16B-33), under those circumstances the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of life and property.

2. A report of any such emergency action shall be made to the director or division manager, development services by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but no more than ten calendar days following such action. Remedial action may be required by the director or division manager, development services to assure lands are put back to the status quo subject to appeal to BCC in the event of a dispute.

(Ord. No. 2007-60, § 4, 10-4-2007; Ord. No. 2012-36, § 9-13-2012))

Cross references: Waterways, pt. I, ch. 102.

7.09.00. Mobile homes.

- A. *Mobile homes on individual lots.* When a mobile home is permitted for residential use in any district, such mobile home shall meet all minimum requirements for a single-family residence in said district. A mobile home shall not be stored or parked on any public street or alley within any residential district. NOTE: Except for emergency situations, as determined by the SIRA or BCC, mobile homes are not permitted anywhere on Pensacola Beach or Perdido Key.
- B. *Mobile home as guest residence.* A guest residence of not more than one per dwelling unit (d.u.) per lot may be authorized as a conditional use in the districts within which mobile homes are allowed as guest residences (i.e., R-3) provided that the following criteria are met:
 1. *Principal residence.* The applicant must reside in the principal residence on the lot, parcel, tract, where the mobile home(s) as guests residences are requested;
 2. *Minimum lot size.* The lot, parcel or tract must contain at least two acres in order for two mobile homes to be utilized as guests residences; otherwise, only one mobile home will be allowed as a guest residence. NOTE: No more than two mobile homes may be used for guest residences regardless of the size of the parcel in excess of two acres;
 3. *Facade.* The mobile home(s) must be of a similar or simulated exterior finish material that is in general keeping with the principal residence and the neighborhood;
 4. *Installation.* The mobile home(s) must be completely skirted, tied down and meet all other building, safety and sanitary code requirements of the county;
 5. *Setbacks.* The mobile home(s) must meet all other zoning setbacks and requirements;
 6. *Site plan.* The applicant must submit a scaled site plan showing conformance with this section; and
 7. *Other uses.* Under no circumstances will the applicant be allowed to utilize the mobile home for any use other than a guest residence.
- C. *Mobile home parks.* A mobile home park shall have a minimum of five mobile home spaces. No space may be occupied until five spaces are completed and ready for occupancy. In addition to compliance with applicable state statutes and administrative rules for mobile home parks, the following standards shall apply to all mobile home parks:
 1. *Site plan.* An application for a land use certificate to develop a mobile home park shall be accompanied by a site plan drawn to scale, prepared by a registered land surveyor or professional engineer showing:

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- a. Location and legal description of the proposed mobile home park, name and address of owner and owners of adjacent tracts;
- b. Motor vehicle entry and exits, internal traffic circulation patterns and off-street parking;
- c. Location and size of all mobile home spaces, tenant storage facilities, improvements, drainage structures, and facilities proposed for construction;
- d. Location and details of perimeter walls, fences, hedges and landscaping;
- e. The mobile home(s) must be completely skirted, tied down and meet all other building, safety and sanitary code requirements of the county; and
- f. That the proposed mobile home park complies with other site plan requirements (see article 4).

D. *Mobile home subdivisions.* The proposed mobile home subdivision shall comply with all regulations pertaining to site and building requirements for the district containing the proposed subdivision, except minimum lot area, if sewerred, may be 4,000 square feet. Mobile home subdivisions shall comply with the current subdivision regulations.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2001-52, § 2, 9-20-2001; Ord. No. 2012-36, § 9-13-2012))

7.10.00. Zero lot line developments.

All applications for a zero lot line development shall submit a development plan and plat which shall comply with the following criteria:

- A. *Minimum project area.* None.
- B. *Minimum lot area.* The minimum lot size shall be 2,000 square feet for each zero lot line development unit.
- C. *Dwelling unit setback.* The dwelling unit shall be placed on one interior side property line with no minimum setback (zero lot line), and the side yard setback on the opposite side shall be a minimum of ten feet. In no case shall a zero lot line dwelling unit be built closer than 15 feet of the lot line of a contiguous parcel that is zoned R-1, R-1PK, R-2, R-2PK and R-3. All dwelling units shall be set back a minimum of 20 feet from the front property line and a minimum of 15 feet from the back property line.
- D. *Minimum lot width.* The average minimum lot width for all lots within a zero lot line development shall be 35 feet.
- E. *Maximum lot coverage.* The total lot coverage permitted for all buildings on each lot shall not exceed 80 percent.
- F. *Building height.* The maximum building height shall not exceed 2 1/2 stories or 35 feet above the habitable first floor.
- G. *Platting requirements.* Each dwelling shall be located on its own individual platted lot. The plat shall indicate the zero lot lines and easements appurtenant thereto.
- H. *Openings on zero lot line side.* The wall of the dwelling located on the lot line shall have no windows, doors, air conditioning units or any other type of openings.
- I. *Corner lots.* Minimum side yards for corner lots shall not be less than ten feet from the lot line or the street right-of-way line, whichever is greater.
- J. *Atriums or courts.* Atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed and a solid wall of at least eight feet in height is provided on the zero lot line. Said wall shall be constructed of the same material as exterior walls of the unit.

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- K. *Maintenance and drainage easements.* A perpetual four-foot wall-maintenance easement shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and shall be incorporated into each deed transferring title to the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the affected lot owners. Roof overhangs may penetrate the easement on the adjacent lot a maximum of 24 inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is limited to the easement area.
- L. *Parking.* A minimum of one off-street parking space shall be provided on each platted lot. The end of a cul-de-sac should permit travel return with a turnaround area, considering backing movements, that will accommodate automobiles and single unit truck vehicles without encroachment upon private property. It is recommended that parking and design standards for dead-end streets and cul-de-sacs be consistent with that given in the American Association of State Highway Transportation Officials Manual, most recent edition, "A Policy on Geometric Design of Highways and Streets" and the "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways," FDOT.

(Ord. No. 97-51, § 1, 10-2-1997)

7.11.00. Access management.

7.11.01. Purpose and intent. Access management has three objectives, which are based on the concept of reducing potential conflict between motorists.

- A. Limiting the number of conflict points that a motorist experiences during travel;
- B. Separating conflict points as much as possible when they cannot be eliminated; and
- C. Control turning movements so as to facilitate traffic flow on affected roadways.

7.11.02. Applicability. The provisions of this part relate to new development and redevelopment except single-family residential driveways:

- A. *Minimum design standards.* Vehicular access to public roadways shall be accomplished by means of an improved access facility (i.e., driveway, private road, etc.) Unimproved and/or unrestricted access will not be permitted. See site plan provisions (article 4) for access information required on all such plans. All driveways and streets shall be designed and constructed pursuant to the design standards in the most recent edition of the "A Policy on Geometric Design of Highways and Streets" by the American Association of State Highway Transportation Officials" and/or "The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways," FDOT and consistent with comprehensive plan Policy MOB 1.5.5.
- B. Relation of proposed driveways and roadways to existing and planned driveways, median openings and roadways. Proposed roadways and driveways shall be aligned with or offset from, existing and planned driveways, median openings and roadways on the same and opposite sides of the road to be connected in accordance with the following standards:

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Posted speed (MPH)	Distance between access points (feet)
>45	440
36--45	245
35 and less	125

If such alignment or offset is not feasible (additional property would be required to meet the standard), the proposed driveway or roadway shall be offset from existing driveways, median openings and roadways by at least 75 feet.

Note: Nothing in this article shall be construed to deny access to any lawfully created lot or parcel.

- C. *Relation to turning lanes and ramps.* Driveways shall not be located within the taper portion of a turning lane.
- D. *Driveway paving.* Driveways which connect to a paved roadway shall be paved between the roadway edge of pavement and the right-of-way line, except that driveways which serve less than 100 trip ends per day need only pave five feet from the roadway edge of pavement.

7.11.03. Developer and property owner responsibilities.

- A. *Relocation.* Removal or relocation of utilities, structures, and vegetation in county road rights-of-way necessitated by the construction of access points.
- B. *Maintenance.* Maintenance of driveways or other rights-of-way encroachments.

7.11.04. Number of driveways for residential intersection frontage/corner lots. When a property fronts more than one roadway or is located at an arterial/arterial, arterial/collector, collector/collector, arterial/local or collector/local intersection, driveway access may be limited to the roadway with the lowest traffic volume, least operational impact, or lower functional classification provided that such restriction is consistent with existing FDOT standards. Potential traffic impacts to residential neighborhoods shall be considered when applying this restriction. Nonaccess easements may be required on-site plans and plats to implement this restriction.

7.11.05. Sidewalks and bikeways.

- A. *Sidewalks.* Sidewalks shall be constructed along the frontage, or within a development if any of the following conditions apply:
 1. An existing sidewalk abuts the development, or is on one or both sides of an intervening/intersecting street, and that such new sidewalk provides connectivity and utility as determined by the 1996 Bicycle and Pedestrian Plan of Escambia County or division manager, development services; or
 2. Along collector, arterial and local roads designed to move traffic through subdivisions, when the property is within 1,500 feet of public school property; or
 3. The need for site specific improvements are identified within an approved school "Safe Route to School" Plan approved by the LPA and the BCC (see 1996 Bicycle and Pedestrian Plan of Escambia County).
- B. *Bikeways.* Class I (separated from the roadway) or II (striped) bikeways shall be constructed along the frontage of a development if any of the following conditions apply:
 1. An existing bikeway abuts the development; or
 2. The need for a bikeway is identified by an amendment to the 1996 Bicycle and Pedestrian Plan for Escambia County and specifically listed in this section.
- C. *Repair.* Existing sidewalks and bikeways damaged during the development of a property shall be repaired or replaced by the owner of such property as directed by the division manager, development services.

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- D. *Connectivity.* A separate access connection that routes pedestrians from the sidewalk to the building shall be provided for developments which are expected to attract pedestrian traffic.

7.11.06. Traffic control.

- A. *Traffic control devices.* The division manager, development services shall require the reasonable placement of traffic control signs, pavement markings, and traffic signals at any roadway or driveway, or within any development, if it is necessary, to provide for the safe and efficient movement of traffic at or prior to the preliminary plat, construction plans or site plan approval, if such device is justified. All traffic control devices shall be designed and installed in accordance with the Manual On Uniform Traffic Control Devices (USDOT, most recent edition) and the Roadway and Traffic Design Standards (FDOT, most recent edition).
- B. *Traffic signals.* If an optional traffic signal serves a public/public intersection and/or if it serves a private/public intersection and has the opportunity for additional users, the signal will be the responsibility of the county. If an optional traffic signal is proposed by a developer or property owner on a private/public intersection that has no opportunity for additional users, it is a private signal. The private signal shall be justified by a traffic study which demonstrates the warrants, design, and operation of the proposed signal. Such studies shall be provided by the developer for approval by the division manager, development services. All construction costs for the installation of a traffic signal, including associated roadway modifications, necessitated by and proposed by a developer or property owner shall be borne by same. If such proposed traffic signal serves only the development associated with the proposal and no other driveway or side road, the developer or property owner of said development shall reimburse the county for the continuous operating and maintenance costs of the traffic signal on a agreed upon schedule approved by the county prior to installation.
- C. *Turn restrictions.* The division manager, development services shall restrict turning movements into and out of any roadway or driveway where it is deemed necessary for the safe and efficient movement of traffic, and the decision is based on sound professional engineering practices. Roadway or driveway connections with restricted turn movements shall be geometrically designed so as to provide access only for the movements permitted.
- D. *Median openings.* The location of additional and relocated median openings shall comply with the standards of FDOT in F.A.C. ch. 14.97, as amended.
- E. *Turn lanes.* The developer shall construct right and/or left turn lanes on a county roadway to serve any turning movement entering a development when the estimated volume of such movement is 60 or more vehicles during any peak hour. Such turn lanes shall be provided by the developer at no cost to the county and meet all county standards. Turn lane design shall be supported by documentation of the estimated volume of traffic using the lane, resulting queue length, and design speed of the roadway. When existing conditions warrant, i.e., traffic volume, queue length, design speed of roadway, etc., the division manager, development services shall require additional length or width of proposed turn lanes and/or modifications to existing lanes. Any rights-of-way required to accommodate the construction of turn lanes shall be provided at no cost to the county.

7.11.07. Modification of existing access.

- A. *Abandoned access.* When an existing driveway or other type of access is abandoned, or not used to serve a redeveloped site, the developer or property owner shall remove all pavement or gravel and restore the road rights-of-way. Restoration shall include but not be limited to, grading, culvert removal, and replacement of curbing and sidewalk.

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- B. *Additions.* Unless the project is de minimis, reconstruction and/or removal of existing access connections to current standards is required when a site is redeveloped or expanded and the number of average daily vehicle trip ends attracted/generated by the new use is increased by 50 percent or more of the previous use.
- C. *Change of use.* Unless exempted by article 5, alteration of existing access connections by the property owner shall be required by the division manager, development services whenever the nature of business conducted at a location changes so as to cause a change in the traffic pattern on a roadway which is reasonably expected to cause undue disruption to traffic or present a safety hazard.

7.11.08. Internal site access design.

- A. *Parking area setbacks.* Parking shall be set back from the property line at driveways so as to not interfere with safe ingress/egress of traffic. The set back distance should be determined according to the estimated speed and volume of traffic entering a driveway and shall meet all the visual clearance requirements of section 7.01.07.
- B. *Drive-through stacking.* Drive-in and drive-through developments shall provide adequate queue storage capacity based on the peak hour storage requirements of the project which is subject to the review and approval by the division manager, development services.

7.11.09. Commercial traffic in residential areas. No permit, development order, or other approval shall be issued for any proposed commercial use which requests primary, secondary, or limited access onto a local street if that local street is fronted by more than 50 percent residential zoning in the following districts: R-1, R-1PK, R-2, R-2PK, R-3, V-1, V-2, V-3, V-4, V-5, measured in linear feet along the center line of the local street impacted by the proposed development. This provision will not apply when its strict application would deny all access to a parcel that is zoned for any commercial use.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2001-64, § 9, 11-15-2001; Ord. No. 2007-60, § 4, 10-4-2007; Ord. No. 2013-54, § 1, 12-5-2013)

7.12.00. Wellhead protection.

7.12.01. Intent. The intent and purpose of these standards is to protect and safeguard the health, safety, and welfare of the residents and visitors of Escambia County by providing criteria for regulating and prohibiting the use, handling, production and storage of certain deleterious substances which may impair present and future public potable water supply wells and wellfields.

7.12.02. Definitions.

- A. *Aquifer.* A groundwater bearing geologic formation, or formations, that contain enough saturated permeable material to yield significant quantities of water. In Escambia County, most potable water is extracted from the "sand and gravel" aquifer, a shallow aquifer separated by impermeable matter from the deeper, and more protected, Floridan Aquifer.
- B. *Cone of depression.* An area of reduced water levels which results from the withdrawal of groundwater from a point of collective source such as a well, wellfield, dewatering site of a quarry, etc. The area, extent and depth of the depression is a function of the hydraulic properties of the aquifer, the pumpage rates and recharge rates.
- C. *Groundwater.* Water that fills all the unblocked voids of underlying material below the ground surface, which is the upper limit of saturation, or water which is held in the unsaturated zone by capillarity.
- D. *Protected wellhead.* Those wellheads with a permitted capacity of 100,000 GPD or more.

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- E. *Public utility.* Any privately owned, municipally owned, special district-owned, or state-owned system providing water or wastewater service to the public which has at least 15 service connections or regularly serves at least 25 individuals daily for at least 60 days of the year.
- F. *Regulated substances.*
1. Those deleterious substances and contaminants, including degradation and interaction products which, because of quality, concentration, or physical, chemical (including ignitability, corrosivity, reactivity and toxicity), or infectious characteristics, radioactivity, mutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristic, may cause significant harm to human health and the environment (including surface water and groundwater, plants, and animals).
 2. Regulated substances shall include, but are not limited to, those substances set forth in the lists, as amended from time to time, entitled Lists of Hazardous Wastes (40 CFR Part 261, Subpart D), 40 CFR, Part 261, Appendix VIII--Hazardous Constituents, and EPA Designation Reportable Quantities and Notification Requirements for Hazardous Substances Under Circular (40 CFR 302, effective July 3, 1986); provided, however, that this article shall only apply whenever the aggregate sum of all quantities of any one time exceeds five gallons where said substance is a liquid, or 25 pounds where said substances is a solid.
 3. These regulations shall also apply if no single substance exceeds the above-referenced limits but the aggregate sum of all regulated substances present at one facility/building at any one time exceeds 100 gallons if said substances are liquids, or 500 pounds if said substances are solids.
 4. These regulations shall apply to all underground storage facilities for petroleum projects which are not regulated by F.S. § 376.317 and F.A.C. ch. 17-61.
- G. *Travel time contour.* Locus of points from which water takes an equal amount of time to reach a given destination such as a well or other point of withdrawal.
- H. *Travel time zones.* The areas bounded by travel time contours.
- I. *Wellhead protection area.* All land within a 200-foot radius of an existing or designated protected wellhead. WHPA or all land within the seven-year and 20-year travel time contour (whichever is more protective of the wellhead) as shown on the maps provided herein as composite exhibit "A," attached hereto and incorporated by reference herein and defined for the composite vertical and horizontal travel time analysis in the project report entitled "Wellhead Protection Area Delineation in Southern Escambia County, Florida." Any wells north of Barrineau Park Road (County Road 196) shall have a 500-foot radius zone in lieu of the seven-year and 20-year travel time contour. Within the 200 feet of any well, the only activities allowed are those associated with the well or existing single-family residential uses, open spaces and recreation facilities, but not including impervious surfaces.

7.12.03. Restrictions on development.

- A. *[Seven-year wellhead protection area.]* The following land uses are prohibited within the seven-year travel time contour as shown on attached exhibit "A" or within the 500-foot radius of any well north of County Road 196.
1. Sanitary landfills plus construction and debris pits.
 2. Facilities for the bulk storage, handling or processing of materials on the Florida substance list (F.S. ch. 442).
 3. Activities that require the outside storage, use, production or bulk transportation of regulated substances: agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, medical wastes, etc.

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4. Feedlots or other concentrated animal facilities.
5. Wastewater treatment plants, and related percolation ponds; septic tank or other on-site treatment facilities for commercial and industrial uses.
6. Mines or resource extraction.
7. Excavation of waterways or drainage facilities which intersect the water table.
8. Drainage wells or other facilities which provide for the disposal of stormwater directly into the aquifer absent normal percolation.
9. Discharges to ground water of industrial wastewater.
10. Phosphogypsum stacks and lateral expansions of phosphogypsum stack systems.
11. Class I and Class III underground injection control wells.
12. Class V underground injection control wells.
13. Aboveground and underground tankage of hazardous wastes.

- B. *Twenty-year wellhead protection area.* Within the 20-year travel time contour as shown on Exhibit "A," all site plans or change of use applications involving the land uses listed in A. above shall be subject to review by one representative each of the Escambia County Utilities Authority and the county department of neighborhood and environmental services. In the case of site plans, this shall be part of the DRC process. A report is required as outlined in 7.12.04.D.
- C. *Abandoned wells.* Where wells have been abandoned or no longer function, such wells shall be sealed and plugged in accordance with the requirements of the NFWFMD and F.A.C. ch. 17.28.

7.12.04. Development standards.

- A. *New on-site wells.* All applications for development approval must specify whether new protected wellheads will be required to service the development. When such new protected wellheads are to be required, the applicant shall demonstrate that:
1. There will be no significant adverse impact on minimum groundwater levels at the protected wellhead;
 2. There will be no significant adverse impact from saltwater intrusion at the protected wellhead.
- B. *Area of water resources concern.* Whenever adverse groundwater withdrawal impacts have been identified through water quality monitoring activities, all development approvals for activities which require the use of groundwater wells shall be coordinated with the NFWFMD, the Escambia County Utilities Authority and other public supply systems. Among other things, lower permit thresholds, maximum and minimum withdrawal levels, other stipulated conditions regarding water use, and any provisions of the Florida Administrative Code including relevant portions of F.A.C. 40A-2.801 et seq., may be employed to regulate, control or restrict water resource withdrawal activities.
- C. *Site plan requirements.* Where applicable, all site plans which accompany applications for development approval shall depict the location of all active and inactive or protected wellheads within 500 feet of the property, and the development approvals shall be conditioned upon the submission of a management plan which provides for the proper abandonment of existing unused wells, in conformance with requirements of the NFWFMD and the public supply systems.
- D. *Groundwater/wellhead impact report.* Within the 20-year travel time contours, all proposed development excluding single-family homes shall prepare and submit a groundwater/wellhead impact report. The purpose of this report is to provide evidence of the probable impact of the proposed development on the groundwater supply and recharge potential of the area and existing or designated wellhead locations.

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(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 99-34, § 1, 7-1-1999)

7.13.00. Wetlands and environmentally sensitive lands.

7.13.01. Findings and purpose. The Escambia County Board of County Commissioners (hereinafter "board") finds that wetlands and environmentally sensitive lands are indispensable and fragile resources that provide many public benefits including maintenance of surface and groundwater quality through nutrient cycling and sediment trapping, as well as flood and stormwater runoff control through temporary water storage, slow release, and groundwater recharge. In addition, wetlands and environmentally sensitive lands provide open space; passive outdoor recreation, education, and scientific study opportunities; critical wildlife habitat for fish, amphibians, reptiles, migratory waterfowl, and rare, threatened or endangered animal and plant species; and pollution treatment by serving as biological and chemical oxidation basins.

A considerable number of these important natural resources in Escambia County have been lost or impaired by draining, dredging, filling, excavating, building, pollution, and other acts. Preservation of the remaining Escambia County wetlands and environmentally sensitive lands in a natural condition shall be and is necessary to maintain hydrological, economic, recreational, and aesthetic natural resource values for existing and future residents of Escambia County. Therefore, the board desires to achieve a long-term goal of net gain of wetlands and environmentally sensitive lands to be accomplished through review of degraded or destroyed wetlands and environmentally sensitive lands in Escambia County, and through cooperative work with landowners, using incentives and agreements to restore and purchase wetlands and environmentally sensitive lands.

To achieve these goals, it is therefore necessary for the board to ensure maximum protection for wetlands and environmentally sensitive lands by discouraging development activities that may adversely affect wetlands and environmentally sensitive lands, while encouraging development activities which avoid and minimize adverse impacts to wetlands and environmentally sensitive lands.

The purpose of this section is to promote wetland and environmentally sensitive land protection, while taking into account varying ecological, economic development, recreational, and aesthetic values. Activities that may damage wetlands or environmentally sensitive lands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this ordinance is to protect wetlands and environmentally sensitive lands from alterations that will adversely impact or reduce their primary functions for water quality improvement, floodplain and erosion control, groundwater recharge, educational and aesthetic nature, and wildlife habitat, especially for species listed as threatened, endangered, or of special concern by local, state or federal agencies. Provided that when insufficient uplands exist for construction of one single-family dwelling unit on a lot of record less than five acres in size, applications for a building permit shall be exempt from the wetland review and permitting requirements of this ordinance, provided the total area of dredging or filling in wetlands for the residence and associated residential improvements shall not exceed 4,000 square feet, and the total area of clearing in wetlands (including the dredging and filling for the residence and associated residential improvements) shall not exceed 6,000 square feet on the contiguous property owned by the applicant. The board of county commissioners may also exempt utilities when necessary.

7.13.02. Identification of wetlands and environmentally sensitive lands threatened and endangered species habitat. The applicant for development approval shall utilize the National Wetlands Inventory Map and the Escambia County Soils Survey, FF&WCC-LANDSAT Imagery, the Escambia County Geographic Information System, or other reliable information, to determine if the site has potential for containing wetlands or threatened and endangered species habitat. If the potential exists, a site specific survey shall be conducted, and such survey will include in the delineation all such wetlands and threatened and endangered species habitat on the subject parcel. All site-specific surveys shall be conducted and completed by the applicant, and approved by the division manager,

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development services in accordance with the State of Florida wetland delineation method as set forth in F.S. § 373.042 and F.A.C. § 62-340.300. Such determination shall be used to determine the buildable area of the parcel or lot. No development permit may be issued without acceptable mitigation if the permitted activities would threaten the life or habitat of any threatened or endangered species listed by state, local, or federal agencies.

7.13.03. Protection standards. As a minimum, the following performance standards apply to the protection of wetlands and threatened and endangered species. These performance standards shall be achieved through a review and permitting process.

- A. Untreated runoff channeled directly into water bodies or wetlands is prohibited.
- B. Development and construction techniques shall be compatible with the soil conditions that are specific to the site. If deemed necessary, the director shall require soil borings and tests conducted by a licensed testing facility.
- C. The natural functions of wetlands and threatened and endangered species habitat shall be protected. If a person proposes to impact wetlands or threatened and endangered species habitat, then he or she shall deliver to the county an application which will provide written documentation to demonstrate that impacts to wetlands and threatened and endangered species habitat have been avoided to the maximum extent possible. If impacts are unavoidable, the applicant shall demonstrate that impacts to wetlands and threatened and endangered species habitat have been minimized to the maximum extent possible. If the applicant has demonstrated adequate minimization of unavoidable impacts, then, and only then, the applicant may submit a mitigation plan for review and consideration. Development in wetlands shall not be allowed unless sufficient uplands do not exist to avoid a taking. In this case, development shall be restricted to allow residential density use at a maximum density of one unit per five acres, or to the density established by the future land use map containing the parcel, whichever is more restrictive, or one unit per lot of record as of February 8, 1996, if the lot of record is less than five acres in size. Lots of record do not include contiguous multiple lots under single ownership.

Mitigation will be allowed only when avoidance of any adverse degradation of the function of wetlands, or threatened and endangered species habitat, during development can not be achieved through modifications to the proposed development such as clustering, vertical development and the like. Mitigation procedures are required in any case where development degrades estuaries, wetlands, bayous, harbors, rivers, surface waters, submerged aquatic vegetation, and threatened and endangered species habitat. Degradation means any modifications, alterations, or effects on waters, wetlands, surface areas, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, species diversity, or ecosystem stability which unreasonably interferes with the functions and values of natural resources on the property, including outdoor recreation. Degradation shall also include secondary or cumulative impacts to off-site wetlands and threatened and endangered species habitat in the watershed. The minimum 30-foot buffer requirement (section 7.13.03.N) will satisfy the county's secondary impact concerns.

Mitigation usually consists of measures which compensate for, or enhance, the aspects of the project that do not otherwise meet permitting criteria or to compensate for unavoidable natural resource losses. It may include purchase, creation, restoration, and/or enhancement of wetlands, performing works or modification that causes a net improvement in water quality or aquatic habitat, or enhancement of the hydrology of wetland areas which have been altered, impounded or drained. Before considering mitigation, all reasonable

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measures must first be taken to avoid and minimize the adverse impacts to natural resources which otherwise rendered the project unpermissible. Compensatory mitigation, by which wetlands and threatened and endangered species habitat are purchased, created, enhanced and/or restored to compensate for the loss of such lands, should be of the same type, or should replace the same functions and values, as that destroyed or degraded.

The county shall establish a system for mitigation banking or an in-lieu fee program, to be accepted by the USACOE and the FDEP, whereby the applicant may financially contribute to a fund to purchase or restore wetlands and environmentally sensitive lands. (Ord. No. 97-51, Section 1, 10-2-1997)

- D. The mitigation plan submitted to the county shall provide details of the applicant's creation, restoration, enhancement, and/or preservation intentions to compensate for the unavoidable impacts to wetlands and threatened and endangered species habitat. The mitigation plan shall include provisions for the replacement of the predominant functional values of the lost wetlands and threatened and endangered species habitat. Wetland mitigation plans shall be based on the Uniform Mitigation Assessment Method in F.S. 373.414(18), as amended, and Fla. Admin. Code ch. 62-345, as amended.

The mitigation plan shall comply with all federal, state, and local laws and regulations. On a case by case basis, the county may require additional mitigation beyond what the USACOE and FDEP require. The mitigation plan will specify the criteria by which success will be measured, the maintenance requirements as specified in section 4.03.04, and it will include a five-year monitoring plan, or provide adequate assurances, such as bonding, to assess and document these success criteria. All mitigation activities shall be completed, or adequate assurances provided, such as bonding, before issuance of a land disturbance permit, before construction plan approval, or before issuance of a building permit. Where there is no practical opportunity for on site mitigation, or when the use of in-lieu fee mitigation is environmentally preferable to on site mitigation, the county will consider a cash in-lieu fee payment to the Escambia County Environmental Lands Trust Fund (ECELTF) to satisfy the requirement for the county's mitigation, if the applicant requests this mitigation option.

- E. Option for cash payment in lieu of mitigation. The cash in-lieu fee payment shall be based on an assessment of the area(s) to be impacted. The amount of the in-lieu fee payment shall be based on the following criteria:
1. Reasonable cost estimate of all funds needed to compensate for the impacts to wetlands or threatened and endangered species habitat, including land acquisition and initial physical and biological improvements. Funds collected should ensure the replacement of functions and values of impacted areas, consistent with applicable regulations and permit conditions. The replacement mitigation property purchased by the county should be of the same or better wetland type and quality, or of the same or better threatened and endangered species habitat type and quality, as the impacted site.
 2. The amount of fee in-lieu of mitigation shall be based on a certified property appraiser's compilation and analysis of sales data of sites containing a minimum of 70 percent wetlands in the same watershed (Perdido Bay or Escambia Bay). The appraisal shall be updated every three years by Escambia County.

The impacted wetland will be rated, prioritized, and placed into one of three categories according to its quality: high quality, medium quality, or low quality based on results of a habitat assessment through the Uniform Mitigation Assessment Method F.S. § 373.414(18), as amended, and Fla. Admin. Code ch. 62-345, as amended. This assessment will score the wetland from 0--10, 0 being a low quality wetland and 10 being a high quality wetland. If a wetland is rated an 8--10, then it will be rated high quality. If it is rated a 5--7, it will be rated medium quality. If it is rated 0--4, it will result in a wetland being rated low quality. However, presence of threatened or endangered species habitat will automatically rate a wetland as high quality. Medium quality wetlands will be valued at 75 percent of the value of a high quality wetland in the

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area, and low quality wetlands will be valued at 50 percent of the value of a high quality wetland in the area. The applicant has final determination of use and acceptance of the in-lieu fee for low priority wetlands only.

3. Pensacola Beach and Perdido Key shall be omitted from the in-lieu fee mitigation option except for impacts to the Perdido Key Beach Mouse and/or associated habitats.
- [4. Reserved.]
5. Authority; purpose; scope. Ordinance No. 2006-2 is enacted under authority of Article VII, Section 1(f) of the Constitution of the State of Florida and F.S. ch. 125 for the purpose of providing a mechanism for imposition and collection of a recurring annual assessment for those properties involved in mitigation for Perdido Key Beach Mouse habitat impacts.
 - a. *Short title.* This subsection shall be known as "The Perdido Key Beach Mouse Special Assessment Ordinance," and may be cited as such.
 - b. *Legislative findings.*
 - (1) Approximately 240 acres of private property on Perdido Key on which are located primary, secondary and scrub dunes have been identified as habitat for the Perdido Key Beach Mouse.
 - (2) Those wishing to commence new development within said 240 acres of Perdido Key Beach Mouse habitat must comply with federal, state and county permitting that includes the option of mitigation for impacts to Perdido Key Beach Mouse habitat.
 - (3) Those electing to provide in-lieu fee mitigation for impacts to Perdido Key Beach Mouse habitat will be assessed an annual assessment per unit.
 - (4) Those properties responsible for these annual assessments derive a special benefit from the improvements and services provided for by the annual assessments in that they benefit from the conservation and natural resource protection.
 - (5) The assessment is fairly and reasonably apportioned among the properties in the PKBM habitat area and is based upon the extent of the impact on the habitat.
 - c. *Imposition.* For those new developments or redevelopments on Perdido Key in the approximate 240 acres identified as Perdido Key Beach Mouse (PKBM) habitat that have elected mitigation for habitat impacts shall hereby be assessed an annual, recurring special assessment per unit on the subject site. The amount assessed shall be \$201.00 per new unit as a recurring annual assessment. For purposes of this subsection, "unit" shall mean dwelling unit as defined in Part III, article 3, section 3.00.01 of this Code. Additionally, for purposes of this subsection, "unit" shall also mean any commercial or lodging establishment. In those instances where a commercial establishment has definable delineations of separate ownership, each such division of separate ownership shall be considered a unit.
 - d. *Procedure for assessment.* Upon issuance of a certificate of occupancy for any unit subject to this assessment, the neighborhood and environmental services department shall report the subject parcel identification number(s) to the Escambia County Office of Management and Budget to process for collections.
 - e. *Method of collection.* Collection shall be by the uniform method of collection provided for by F.S. § 197.3632.
 - f. *Duration.* Recurring annual collections shall continue until such time as this subsection is repealed by the board of county commissioners.

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- g. *Appeal.* Any property owner assessed this special assessment in error may appeal in writing to the Escambia County Office of Management and Budget.
- F. For those lands identified by the applicant for preservation status, appropriate deed restrictions and/or conservation easements shall be placed on said lands and recorded in the public records of Escambia County. Proof of the recorded deed restriction and/or conservation easement shall be provided to the director before approval of, or as a condition of, the land disturbing permit, development order, or final plat. For conditional approvals, the deed restriction and/or conservation easement shall be recorded within ten days of the conditional approval, and prior to any land disturbing activities.
- G. The ECELTF is hereby created for use in acquiring, restoring, enhancing, managing, and/or monitoring wetlands and threatened and endangered species habitat in Escambia County. The finance director is hereby authorized and directed to establish the ECELTF and to receive and disburse monies in accordance with the provisions of this ordinance. The ECELTF shall receive monies from the following sources:
1. All revenues collected pursuant to sections 7.13.03.E and 7.13.06.B.
 2. All monies accepted by Escambia County in the form of grants, allocations, donations, contributions, or appropriations for the acquisition, restoration, enhancement, management, mapping, and/or monitoring of wetlands and threatened and endangered species habitat.
 3. All interest generated from the deposit or investment of these monies.
- H. The ECELTF shall be maintained in trust by the finance director solely for the purposes set forth herein, in a separate and segregated fund of the county that shall not be commingled with other county funds until disbursed for an authorized purpose pursuant to this section. Disbursements from the ECELTF shall only be made for the following purposes:
1. Acquisition, including by eminent domain, restoration, enhancement, management, mapping, and/or monitoring of wetlands, threatened and endangered species habitat, and conservation easements within Escambia County.
 2. All costs associated with each such acquisition including, but not limited to, appraisals, surveys, title search work, real property taxes, documentary stamps, surtax fees, and other transaction costs.
 3. Costs of administering the activities enumerated in this section.
- I. Disbursements from the ECELTF for the acquisition of eligible properties shall require approval by the board after a public hearing on the proposed acquisition. A notice of the time and place of said public hearing shall be published in a newspaper of general circulation in Escambia County a minimum of seven days prior to the public hearing. Said notice shall include the location and a brief statement of the reason for the proposed acquisition.
- J. Applications for a wetlands or threatened and endangered species habitat permit under this ordinance shall be accompanied by a nonrefundable administrative application fee in an amount specified from time to time by the board of county commissioners.
- K. County approvals under this section shall not relieve a person of the need to obtain a permit from the FDEP, the USACOE, the NFWFMD, or other state and federal agencies, if required. Issuance of a permit by the FDEP, the USACOE, the NFWFMD, or other state and federal agencies shall not relieve a person of the need to obtain county approval under this ordinance. The county may coordinate and develop memorandums of agreement with state and federal regulatory agencies to avoid redundancy and duplication of effort to the maximum extent possible.

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- L. Development within the 100-year floodplain and floodprone areas shall be governed by article 10 or the SRIA Flood Plain Management Regulations contained in article 13, section 13.20.00.
- M. Stormwater detention and retention shall meet the requirements of the Escambia County Stormwater Management Provisions (see section 7.15.00), and where such areas are located near an estuary or estuarine system, wetlands, or other surface water body, shall be designed so that the shorelines are sinuous rather than straight, so that water/land interfaces are curvilinear and maximize space for growth of littoral vegetation.
- N. Buffers shall be provided consistent with policy CON 1.3.8. in the Escambia County Comprehensive Plan. Buffers shall be created between developments and environmentally sensitive lands, including wetlands. The purpose of the buffer is to protect wetlands and environmentally sensitive lands from the activities and impacts of development. Buffer standards apply as follows:
 1. Buffers shall function to provide protection to wetlands and environmentally sensitive lands from intrusive activities and negative impacts of development such as trespass, pets, visual impacts, vehicles, noise, lights, and stormwater. The negative impacts of the uses upon each other shall be minimized, or preferably, eliminated by the buffer such that the long-term existence and viability of the wetlands and environmentally sensitive lands, including wildlife populations, are not threatened by such impacts and activities. In other words, incompatibility between the uses is eliminated or minimized and the uses may be considered compatible, which means a condition in which land uses or conditions can co-exist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.
 2. The buffer shall be a natural barrier, or a landscaped natural barrier utilizing native vegetation, with a minimum width of 30 feet, and it may be supplemented with fencing or other manmade barriers, so long as the function of the buffer and the intent of this policy is fulfilled. Buffers shall apply to environmentally sensitive lands and those wetlands meeting the definition of wetlands as promulgated by the Florida Department of Environmental Protection in rule 62-340.200 (19) and in accordance with the State of Florida delineation methods as set forth in F.S. § 373.042 and F.A.C. § 62-340.300. Buffers may include those lands between the wetland boundaries defined by the FDEP and the USACOE.
 3. Development within the required buffer area is considered a secondary impact to wetlands and environmentally sensitive lands. On a case by case basis, unavoidable and minimized impacts to the buffer may be allowed. In this case, acceptable on-site mitigation for the impact shall be required.
 4. Wet and dry pond discharge structures and associated appurtenances such as rip-rap, bubble-up structures, energy dissipaters, outfall swales, etc. are allowed to intrude into the buffer provided the outfall from the pond provides for overland sheet flow utilizing energy dissipaters or other best management practices to prevent channelized flow and erosion of sediment into the adjacent wetland.
 5. To provide economic value to the property owner, the buffer zone area that is not included within platted lots may be used in the calculation of preservation mitigation acreage.
 6. The director of neighborhood and environmental services department, or designee, may grant, under special conditions outlined in the procedural manual for implementation of Wetland Ordinance No. 2001-40, an administrative variance for required buffer, not to exceed 200 square feet or ten percent of the total buffer located on the lot, whichever is more restrictive.
- O. Resource extraction in wetlands and threatened and endangered species habitat which can not be restored following the extraction activity shall be prohibited.

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- P. Utility companies. Utility company activities that provide service to one single family dwelling unit, or take place within established, utilized easements or previously utilized public road/utility rights of way, are exempt from the provisions of this ordinance. However, such activities conducted in a wetland or other environmentally sensitive land outside of the parameters of an established, utilized easement or previously utilized public road/utility right of way are subject to review under this ordinance. For the purpose of this section pertaining to utility company activities, "established, utilized easements or previously utilized public road/utility rights of way" shall be defined as those existing and containing a utility line prior to the effective date of this ordinance, or those otherwise approved by the county.
- Q. Silvicultural operations, on land classified as bona fide agricultural land for ad valorem taxation purposes pursuant to F.S. § 193.461, shall be exempt from the requirements of this ordinance if the silvicultural operations are in compliance with the rules of the Northwest Florida Water Management District and the Silviculture Best Management Practices, Florida Department of Agriculture and Consumer Services, 2000.

However, for any development permit application filed with the county, the county may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit. Issuance of a development permit by the county does not in any way create any rights in the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by the state or federal agency or undertakes actions that result in a violation of state or federal law.

(Ord. No. 2012-36, § 9-13-2012)

7.13.04. Clustering of development away from wetlands or environmentally sensitive lands. For purposes of this section, development is considered to be clustered only when at least 90 percent of the wetlands or environmentally sensitive lands remain undisturbed and preserved under a conservation easement, deed restrictions or covenants, or other method approved by the county and recorded in the public records of Escambia County. The easement may be executed in favor of Escambia County, the State of Florida, a federal agency, or other entity approved by the board of county commissioners. No area of a developable lot may be applied to the minimum 90 percent conservation area.

Except in the Airport Environs Overlay Districts, a developer may cluster the residential density permitted within the zoning district in order to avoid adverse impacts to wetlands or environmentally sensitive lands, provided that all the following conditions are met:

- A. The overall allowable gross density for the parcel is not exceeded; and
- B. The development does not exceed the site and building requirements of the R-3, one- and two-family district (those requirements may be applied uniformly to the entire project); and
- C. A plat is recorded per section 4.02.00 which shows the remainder of the property, on which the development is not clustered, as a permanent open space tract reserved exclusively for conservation use. The conservation easement must be clearly noted on the final plat and recorded in Escambia County records depicting the county as the grantee. For phased and mixed use projects, the conservation easement shall be shown on the master plan and must be recorded prior to approval of the final plat of each phase. Proposed changes to the conservation easement are considered a substantial change to the master plan. In this case, the existing master plan shall be withdrawn and a new master plan shall be submitted for review; and

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- D. Clustered development within the Agricultural (AG), Rural Residential (RR), Villages Rural Residential (VR-1, VR-2, VR-3), and Villages Agriculture (VAG-1, VAG-2) zoning districts maintains a minimum of 30 percent of the parent parcel within a conservation easement; and
- E. All land to be included in the cluster development is contiguous and under unified control of one individual, partnership, corporation, or a grouping thereof at the time of development review; and
- F. The development includes a vegetative buffer between the cluster development and adjacent land uses pursuant to section 7.01.06.D.

7.13.05. Expiration of permit. A permit for impacts to wetlands and threatened and endangered species habitat expires two years after the date of final approval. For good cause, an applicant or any successor owner of any portion of land subject to the permit may request an extension of an original permit by filing an application with the director prior to the expiration date of the permit, for up to an additional one-year period. The director may deny the request if good cause is not shown, if the original intent of the permit is altered, or if the applicant failed to abide by the terms of the original permit.

7.13.06. Penalties and enforcement. The provisions of this section are intended to provide compliance with the requirements of this section. Failure to comply with the requirements of this section or any permit or approval granted or authorized hereunder shall constitute a violation of this section. The provisions of this section are an additional and supplemental means of enforcing county codes and ordinances. Nothing in this section shall prohibit the county from enforcing this section by injunctive relief, civil action, or any other means provided by law.

- A. County code enforcement staff and/or building inspection staff shall investigate any and all complaints of violations of the provisions of this section. The director, or his designees, shall have the authority and be responsible for issuing written citations for violations of the provisions of this ordinance. Such citations will contain identification of the violation and requirement of immediate action. For erosion control violations, violators shall begin remedial action immediately and have seven days to complete the required action which shall result in the restoration of the impacted area to preimpact conditions or better. For other violations, violators shall begin remedial action planning immediately and have 21 days to complete the required action which shall result in the restoration of the impacted area to preimpact conditions or better. The director, or his designees, shall have the authority to extend the time period for completion of the required action for extenuating circumstances. The director, or his designees, shall have the authority to immediately issue a cease and desist order for unpermitted activities or activities not in compliance with permit conditions. The director, or his designees, shall have full authority to initiate any enforcement action authorized by law or pursuant to chapter 30 of the Escambia County Code of Ordinances, which may result in the imposition of administrative fines of up to \$15,000.00 per violation, as described in section 30-35 of the Escambia County Code of Ordinances, if the violator should fail to comply.
- B. The permittee(s), the owner(s) of record of the property on which a violation(s) occurs, and the contractor(s) or agent(s) performing work that is in violation of these requirements, shall be issued citations for the violation(s).

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2001-40, § 2, 8-2-2001; Ord. No. 2001-59, § 1, 10-18-2001; Ord. No. 2002-11, § 1, 3-7-2002; Ord. No. 2003-9, § 3, 3-20-2003; Ord. No. 2004-13, § 3, 3-4-2004; Ord. No. 2004-23, § 1, 5-20-2004; Ord. No. 2006-1, § 1, 1-5-2006; Ord. No. 2006-2, § 1, 1-5-2006; Ord. No. 2006-63, § 1, 8-3-2006; Ord. No. 2007-44, § 4, 8-16-2007; Ord. No. 2007-60, § 4, 10-4-2007; Ord. No. 2013-54, § 1, 12-5-2013)

Cross references: Environment, pt. I, ch. 42.

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7.14.00. Certificate of zoning compliance for the sale of alcoholic beverages.

7.14.01. Purpose. The purpose of this section is to establish a prohibition of the issuance of permits for the sale of alcoholic beverages within 1,000 feet of a place of worship or educational facility.

- A. *Issuance of zoning certificate.* No certificate of zoning compliance shall be granted to a vendor for the sale of liquor, beer, or wine in any area of Escambia County, lying outside the limits of incorporated cities or towns when said place of business is within 1,000 feet of a place of worship or educational facility. Provided, however, that this section shall not apply to 1APS (beer only) licenses as described in F.S. § 563.02(1)(a), as amended, 2APS (beer and wine only) licenses as described in F.S. § 564.02(1)(a), as amended, or to ODP (one, two or three-day) temporary permits, as described in F.S. § 561.422, as amended. If a certificate of zoning compliance has been granted pursuant to article 6, a certificate of zoning compliance shall not be denied to the transferee of the license holder if the transferee operates the business at the same location and applies for the certificate of zoning compliance within 60 days of the last day of business of the transfer.
- B. *Measurement.* The distance as set out above, shall be measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the main entrance of such place of business to the main entrance of the church, and in the case of a school, to the nearest point of the school grounds in use as part of the school facilities. Measurements concerning child care and day care facilities shall be taken in the same manner as for educational facilities.
- C. *Establishment of new places of worship and/or educational facilities.* Whenever a licensee has procured a license permitting the consumption or sale of liquor, beer and wine on premises and, thereafter, a place of worship or educational facility to include child care and day care facilities is established within a distance otherwise prohibited by this section, the establishment of such place of worship or educational facility shall not be cause for the revocation of the license of such licensee and shall not prevent the subsequent renewal of such license or of the transfer of such license or an upgrade of a consumption on premises (COP) license. Additionally, no existing license shall be transferred to within the distance from places of worship or educational facilities prohibited by this section.
- D. *Application procedure.* Any application for a certificate of zoning compliance under this Code shall be accompanied by an application fee to be credited to the County general fund, which fee is intended to offset the cost of ascertaining whether the provisions of this section are applicable. If the applicant seeks an appeal of an administrative decision to deny the application for a certificate of zoning compliance, an additional fee shall be required of the applicant, which fee shall be for the purpose of offsetting the cost of staff time and duplicating services for processing the request. Application fees shall be established by resolution of the BCC.
- E. *Conditional use.* The Board of Adjustment (BOA) may approve a conditional use for the sale of alcohol within 1,000 feet of a place of worship if it finds that all of the following required applicable conditions exist. Also, for purposes of this section only, a child care or day care facility shall not be treated as an educational facility and the BOA may approve a conditional use for the sale of alcohol within 1,000 feet radial spacing of the child care or day care facility if the BOA finds all the following conditions apply:
 1. The applicant will suffer undue hardship by the literal application of the Code.
 2. The authorization of the conditional use will not impair the adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.
 3. The conditional use will not, in any manner, alter other provisions of this Code or the Comprehensive Plan, except this Code and the plan may be amended in the manner prescribed by law.

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4. The subject property is oriented to have the minimum impact on the surrounding properties.
5. Adequate ingress and egress to the subject property and proposed or existing structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe is addressed.
6. Any adverse impact such as noise, glare, smoke, odor, or other harmful effects of the proposed establishment on the adjoining properties and properties generally in the district is adequately addressed.
7. The proposed establishment's general compatibility with adjacent properties and other property in the immediate area is adequately addressed.
8. The proposed use is consistent with all other relevant provisions of this Code.
9. The establishment meets the requirements to qualify as a responsible vendor as outlined in F.S. § 561.705, as amended.
10. For establishments seeking a conditional use to sell alcohol for off-premises consumption, the establishment meets the requirements for a 3PS (beer, wine, and liquor) license as described in F.S. § 565.02(1)(a), as amended.
11. For establishments seeking a conditional use to sell alcohol for on-premises consumption, the establishment meets the requirements for a state issued alcohol license for on-premises consumption.
12. Before any conditional use is approved or approved with conditions, the BOA shall make written findings, based on competent and substantial evidence, certifying compliance with specific rules governing such individual conditional uses, and stating that satisfactory provisions and/or arrangements have been made concerning the applicable criteria above.

F. *Appeal to the board of county commissioners.* Any person aggrieved by a decision of the BOA relating to a conditional use request regarding alcohol sales within 1,000 feet of a place of worship, child care or day care facility or may, within 15 days thereafter, apply to the board of county commissioners for review. Any party aggrieved by the decision of the board of county commissioners shall have 30 days to petition the circuit court for judicial review of such order.

(Ord. No. 2005-13, § 2, 5-5-2005; Ord. No. 2007-14, § 2, 3-5-2007; Ord. No. 2007-42, § 1, 8-2-2007; Ord. No. 2011-38, § 1, 12-8-2011)

Cross references: Alcoholic beverages, pt. I, ch. 6.

7.15.00. Stormwater management.

7.15.01. Purpose. It is the intent of this section to allow landowners reasonable use of their property while protecting surface water and groundwater resources by ensuring that all stormwater runoff rates after development shall not exceed existing predevelopment condition and that precautions are taken to prevent erosion, sedimentation and flooding.

7.15.02. Objectives. In order to protect, maintain and enhance the health, safety and general welfare of the citizens of the unincorporated areas of Escambia County, Florida, the objectives of this section are to:

- A. Prevent untreated stormwater runoff from adversely impacting receiving water bodies;
- B. Ensure all new development properly manage stormwater runoff generated by such new development;
- C. Facilitate groundwater recharge;

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- D. Protect and maintain the natural habitats of fish and wildlife and prevent damage to wetlands;
- E. Minimize loss of valuable topsoils by erosion and prevent sedimentation of streets and surface water bodies;
- F. Minimize damage from flooding while recognizing that natural fluctuations in water levels are beneficial;
- G. Reduce capital expenditures for floodproofing and storm drainage systems where feasible by routing runoff through swales or other natural retention/detention systems to increase stormwater infiltration, settle suspended solids and remove pollutants;
- H. Minimize the adverse impacts of development on the water resources of the unincorporated areas of the county;
- I. Ensure the attainment of these objectives by requiring approval and implementation of stormwater management plans for all activities which may have adverse impacts on community waters.

NOTE: Any of the above [preceding] objectives shall be deemed to be satisfied if the objective is referenced or addressed within an approved permit issued by any state or federal regulatory agency with jurisdiction over the activity or resource.

7.15.03. Activities requiring a stormwater management permit. No development shall occur without first obtaining a stormwater management permit or a land disturbing permit from the county, unless exempt by section 7.15.04. The following activities may alter or disrupt existing stormwater runoff patterns and, unless exempt by section 7.15.04, will require a stormwater management permit or a land disturbing permit prior to initiation of a project:

- A. Clearing and/or drainage of land prior to construction of a project;
- B. All farming and agricultural activities that constitute development;
- C. Converting agricultural land to nonagricultural uses;
- D. Replatting recorded subdivisions;
- E. Changing the use of land causing a change in natural flow patterns of predevelopment conditions;
- F. Construction of a structure or substantial alteration in size (one that is not de minimis) of one or more structures;
- G. Altering the shoreline or bank of any surface waterbody; and
- H. Altering any ditches, dikes, terraces, berms, swales, or other water management facility.

7.15.04. Exemptions. Any development which will not increase the peak discharge rate or the volume of runoff, or deposit additional pollution materials beyond the boundaries of the development shall be exempt from the requirements of this section. In addition, the following structures and activities are also exempt:

- A. Single-family residences and their customary accessory structures, provided such residences or structures conform to the requirements of section 4.02.06.D.
- B. Farming activities on agricultural lands, including tree farming on forest management lands, assessed under provisions of F.S. § 193.461, and provided farming activities are conducted in accordance with a soil conservation service conservation plan, or forestry activities conducted in accordance with the Florida Division of Forestry's Silviculture Best Management Practice Manual (latest edition). See section 4.01.04 for applicability of land disturbing permit.

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- C. Maintenance work on existing mosquito and arthropod drainage structures for public health and welfare purposes.
- D. Maintenance, alteration or improvement of an existing structure which will not change the rate, volume or pollution load of a facility or stormwater detention or retention pond or stormwater runoff from the site on which that structure is located.
- E. Construction in substantial compliance with an approved construction plan.
- F. Emergencies requiring immediate action to prevent material harm or danger to persons when obtaining a permit is impractical and would cause undue hardship in protection of property from fire, violent storms, hurricanes and other hazards. A report of the emergency action shall be made to the division manager, development services as soon as practicable.

7.15.05. General requirements. The hydrologic requirements mandated by this section may be guided by the latest releases and revisions of the U.S. Department of Agriculture, Soil Conservation Service's Technical Release #55, "Urban Hydrology for Small Watersheds"; St. Johns River Water Management District Applicant's Handbook: Regulation of Stormwater Management Systems; "FDEP - Florida Development Manual: A Guide to Sound Land and Water Management"; SCS National Engineering Handbook, Section 4, "Hydrology"; or Department of Transportation Handbook for Drainage Connection Permit described in Rule 14-86. Alternate methods shall be used if, in the opinion of the division manager, development services, the method produces similar results to the above-listed technical guides. Documentation provided to the division manager, development services showing innovative approaches to stormwater management shall be encouraged; however, the concurrent control of erosion, water quality, sedimentation and flooding shall be mandatory. Coordination is encouraged between levels of government to simplify permitting and improve enforcement of stormwater regulations.

The design of stormwater management systems including all water retention or detention structures and flow attenuation devices shall comply with applicable state regulations (i.e., F.A.C. ch. 62-25 and F.A.C. ch. 62-3.02) and shall be subject to the approval of the division manager, development services pursuant to the following standards:

- A. Runoff computations shall be based on the most critical situation (rainfall durations, distribution and antecedent soil moisture condition) and conform to acceptable engineering practices using rainfall data and other local information applicable to the affected area.
- B. All stormwater management facilities shall be designed for a minimum of 20-year life, have low maintenance cost and easy legal access for periodic maintenance. The width of the perimeter maintenance area, access easement, or dedicated right-of-way shall be 15 feet wide unless otherwise approved by the division manager, development services and noted on the final plat.
- C. Composite coefficients used in runoff calculations shall be based on ultimate development, future land use and sound engineering practices. The following runoff coefficient guidelines should be considered:
 - c = 0.90 min. for wetland areas
 - c = 0.25 max. for undeveloped areas other than wetlands
 - c = 0.40 min. for single-family residential uses
 - c = 0.80 min. for multifamily residential, commercial, industrial, public and semi-public uses.
- D. No site alteration shall allow water to become a health hazard or contribute to the breeding of mosquitoes and arthropods.
- E. All proposed stormwater management systems shall be designed to prevent flood or safety hazards from such systems.

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- F. All stormwater management systems shall be designed to enhance groundwater recharge. However, in an area designated as a groundwater recharge area, the developer shall take all possible measures to limit runoff from the proposed site. In addition, the division manager, development services, while enforcing these standards, may encourage or request innovative approaches to achieve the above-stated purpose.
- G. The use of stormwater management facilities and vegetative buffer zones as open space, recreation and conservation areas shall be encouraged. Vegetative buffers adjacent to wetlands shall comply with section 7.13.03.N.
- H. Prevent saltwater intrusion by adhering to applicable best management practices.
- I. When retention and detention ponds are used to retain and detain the increased and accelerated runoff which the development generates, water shall be released from detention ponds into watercourses or wetlands at a rate and in a manner approximating the natural flow which would have occurred before development.
- J. Although the use of wetlands for storing and purifying water is encouraged, care must be taken not to overload their capacity, thereby harming the wetlands and transitional vegetation. Wetlands should not be damaged by the construction of detention ponds. The use of wetlands for stormwater management shall conform with F.A.C. ch. 62-25 or successors.
- K. No grading or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and waterbodies, watercourses and wetlands. Such erosion and sediment control devices shall be adequately installed on the upland side of those buffer zones specified in section 7.13.03.N. to prevent erosion and sediment transport into the buffer zone. When constructing ponds as described in section 7.13.03.N.3. and 5., the erosion and sediment control devices shall be adequately installed on the upland side of the wetland boundary to prevent erosion and sediment transport into the wetlands.
- L. Wetlands and other waterbodies shall not be used as sediment traps during development.
- M. Erosion and sedimentation facilities shall receive regular maintenance by the owner thereof, to ensure that they continue to function properly.
- N. Development, including grading and contouring shall take place in a manner that protects the roots and stability of trees.
- O. Development, including grading and contouring, shall take place in a manner that protects natural drainage features and incorporates such features into the site planning and development process.
- P. All stormwater management systems shall be designed and constructed to protect adjacent property and their associate structures, including but not limited to septic tanks, swimming pools, building foundations, etc.

7.15.06. Design and performance standards for stormwater management plans. Stormwater management plans shall be approved by the division manager, development services when it can be demonstrated that the proposed development activity has been planned, designed and will be constructed and maintained to meet the following standards:

- A. The hydrography for the developed or redeveloped site shall not exceed the rate of flow of runoff procured by conditions existing before development or redevelopment for the 25-year storm of critical duration. The stormwater carrying capacities or downstream water channels shall be considered and the discharge velocity from the site shall be less than the velocity of scour for the receiving surfaces. In addition, the cumulative impact of the outflow hydrography on downstream flow shall be considered. Runoff rates resulting from the project, in excess of existing rates shall be accommodated on-site.

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- B. The engineering calculations required for the stormwater analysis shall be made by a licensed professional engineer practicing within the area of his/her expertise.
- C. Whenever feasible, stormwater runoff shall be routed through swales and other retention or detention systems to increase infiltration, to allow settling of suspended solids, and to remove pollutants.
- D. Water shall be retained or detained before it enters any natural watercourse in order to preserve the natural hydrodynamics and to prevent siltation or other pollution of the watercourse.
- E. In planning detention and retention areas, it is encouraged that these areas be designed so that shorelines are sinuous rather than straight and so that water and land junctures are curvilinear and maximize space for growth of littoral vegetation. When detention and retention areas are located next to wetlands or environmental sensitive lands, design shall meet the protection standards under section 7.13.03.
- F. In planning the banks of detention and retention areas, it is encouraged that these areas, using the smallest area possible, or other suitable alternatives slope at a gentle grade into the water as a safeguard against drowning, personal injury, or other accidents, to encourage the growth of vegetation, and to allow the alternate flooding and exposure of areas along the shore as water levels periodically rise and fall.
- G. Artificial watercourses shall be designed, considering soil type, so that the velocity of flow is low enough to prevent erosion. Natural means shall be utilized wherever possible for stabilizing banks.
- H. Swales shall be vegetated.
- I. Vegetated buffers shall be retained along the banks of all watercourses, waterbodies or wetlands. The width of the buffer shall be a minimum of 30 feet and sufficient to prevent erosion, trap the sediment in overland runoff, provide wildlife habitat, and allow for periodic flooding without damage to structures. Vegetative buffers adjacent to wetlands shall comply with section 7.13.03.N.
- J. Land which has been cleared for development and upon which construction will begin within 30 days shall be protected from erosion and sedimentation by appropriate techniques, satisfactory to the division manager, development services.
- K. On sites greater than one acre, if more than one contiguous acre is cleared, a ground cover sufficient to prevent erosion shall be planted or otherwise stabilized within ten working days on that portion of the site upon which further active construction will not be undertaken within 90 days.
- L. Sediment shall be retained on the site of the development.
- M. Stormwater management systems will be designed and constructed to incorporate upland runoff as not to cause a negative impact to the upland property, development site or downstream site.
- N. See section 4.04.13.A.1., 2., 3., 6. and 7.

7.15.07. Sediment control.

- A. *Sedimentation control.* Any grading or construction as defined in article 3 of this Code shall include stormwater control structures such as dikes, sediment ponds, holding facilities or vegetation fields which limit the turbidity of runoff water leaving the said property, during and after a 25-year storm, to the DEP standards and/or permit requirements. All development shall be completed in compliance with the standards set forth in F.A.C. ch. 62-25. Issuance of a state permit shall be deemed compliance with all water quality standards.
- B. *Turbidity limits, existing parcels.*
 - 1. On existing residential, commercial, industrial or public use parcels, any person may be required to limit the turbidity of runoff water from a 25-year storm to the DEP standards and/or permit requirements.

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2. On agricultural use parcels the turbidity of runoff water from a 25-year storm shall be consistent with DEP and/or soil conservation service standards and/or requirements where the Perdido River Soil and Water Conservation District has determined that excessive erosion is taking place, whether or not construction is occurring on said parcel.

C. *Sedimentation control methods.* Any method devised to control sedimentation which is designed consistent with DEP standards and/or permit requirements.

7.15.08. Stormwater management plan.

- A. It is the responsibility of the applicant to include in the stormwater management plan sufficient information for the division manager, development services to evaluate the physical characteristics of the affected areas, and the effectiveness of the measures proposed by the applicant to comply with the stormwater regulations contained in this Code. The stormwater management plan shall contain maps, graphs, tables, photographs, narrative descriptions, explanations and the information required by this section.
- B. The stormwater management plan shall be prepared by a licensed professional engineer registered in the State of Florida.
- C. The stormwater management plan shall contain:
 1. The name, address and telephone number of the applicant.
 2. A location map and an aerial photo with contours outlining the project boundaries.
 3. The existing environmental and hydrologic conditions of the site and/or receiving waters and wetlands, including the following:
 - a. The direction, flow rate, and volume of stormwater runoff for existing conditions and, to the extent practicable, predevelopment conditions;
 - b. The location of areas on the site where stormwater collects or percolates into the ground;
 - c. A general description of upland acreage, watercourses, waterbodies and wetlands on or adjacent to the site or into which stormwater flows;
 - d. Groundwater levels;
 - e. Location of floodplains;
 - f. Vegetation;
 - g. Topography; and
 - h. A soils analysis, including but not limited to permeability results expected in the bottom of the proposed pond, anticipated wet season water table elevation, soil stratification, etc. For projects less than 10,000 total square feet proposed impervious coverage, the engineer of record may use data obtained from the SCS Soil Survey map.
 4. Any proposed alterations of the site described in detail, including:
 - a. Changes in topography;
 - b. Areas where vegetation will be cleared;
 - c. Areas that will be covered with an impervious surface with a description of the surfacing material;
 - d. The size and location of any buildings or other structures.

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5. All components of the stormwater management system and any measure for the detention, retention, or infiltration of water or for the protection of water quality including:
 - a. The channel, direction, flow rate, volume and quality of stormwater that will be conveyed from the site, with a comparison to existing conditions and, to the extent practicable, predevelopment conditions.
 - b. Detention and retention areas, including plans for the discharge of contained water and maintenance plans.
 - c. A plan for the control of erosion and sedimentation which describes in detail the type and location of control measures, the stage of development at which they will be put into place or used, and provisions for their maintenance.
 - d. Any other information which the applicant or the division manager, development services believes is reasonably necessary for an evaluation of the proposed development.
6. Construction plans and specifications for all components of the stormwater management system. (See section 4.02.06.)
7. A listing setting forth scheduled maintenance needs and including operation/maintenance instructions to be provided and signed for by the entity responsible for maintenance of the stormwater management system.
8. The total existing impervious area, if applicable.
9. The total proposed impervious and semipervious area.
10. The following total volumes for ponds: FDEP required volume per F.A.C. 62-25.035(1)(b), total capacity and total capacity at lowest discharge elevation.
11. Pond percolation rates and recharge capacity.
12. Total vegetative area to be cleared such that it may increase stormwater runoff rates.

7.15.09. Permit application procedures.

- A. *Preliminary permit application.* Any persons proposing to make any change in the size of any structure except as exempt in section 7.15.04, may furnish a completed preliminary application form to the division manager, development services or designee when in doubt as to whether a standard permit application is necessary. No fee shall be charged for a preliminary application. The preliminary application form must be filed by the owner/applicant or his/her agent and shall contain the following elements:
 1. A location map and an aerial photo with contours outlining the project boundaries; and
 2. A statement and sketch expressing the intent and scope of the proposed project.
- B. *Review.* The preliminary application shall be reviewed by the division manager, development services. Within ten working days after submission of the complete preliminary application, the division manager, development services or designee will notify the applicant that the project is approved, is exempt, or a standard permit application must be filed for the project. A standard permit application must be filed if the following conditions exist:
 1. The proposed project is not exempt;
 2. The proposed project appears to increase the rate or volume of runoff from the existing site; and
 3. There are other federal or state criteria which would require a standard permit application.

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- C. *Standard permit application.* If a standard permit application is required for the project, the applicant shall furnish to the public works department five copies of the following:
1. A completed standard permit application;
 2. A stormwater management plan as described in section 7.01.08; and
 3. An applicable permit fee.
- D. *Complete application required.* The division manager, development services shall ascertain the completeness of the application within five working days of receipt. If there are deficiencies, he shall notify the applicant that further processing of the standard permit application is held in abeyance until the application is complete.
- E. *Standard permit application approval considerations.* In approving or denying a standard permit application, the division manager, development services shall consider the following factors:
1. The characteristics and limitation of the soil at the proposed site.
 2. The existing topography of the proposed site and the extent of topographical changes after development.
 3. The existing vegetation of the proposed site and the extent of the vegetation alteration after development.
 4. The existing hydrology of the proposed site and the impact of the proposed alterations on the existing hydrology.
 5. The impact the proposed project will have downstream and specifically the potential for downstream flooding conditions.
 6. The plans and specifications of structures or devices the applicant intends to employ for on-site water retention, detention, erosion control and flow attenuation.
 7. Conformity of the stormwater management plan to all other applicable provisions of this Code.
- F. *Action on application.* Within ten working days after submission of the completed standard permit application package, the division manager, development services shall approve the application, with or without specified conditions or modifications, or reject the application and notify the applicant accordingly. If the division manager, development services has not rendered a decision within ten working days after submission of the application, the division manager, development services shall inform the applicant of the status of the review process and the anticipated completion date. If the application is rejected or modified, the division manager, development services shall state the reasons for rejection or modification. If the applicant feels aggrieved due to rejection, or modification or delay, he may appeal the decision to the BOA.

7.15.10. Permit fees. If authorized by the BCC, a permit fee may be collected at the time the standard application package is submitted. The permit fee should reflect only the cost of administration and management of the permitting and inspection process. The BCC may establish by resolution, a prorated fee schedule based upon the relative complexity of the project. Where work for which a permit is required by this section is commenced prior to obtaining said permit, the fees herein specified shall be doubled. The payment of such double fees shall not relieve any persons from fully complying with the requirements of this section in the execution of the work, nor from any other penalties prescribed herein.

7.15.11. Plan adherence. The applicant shall be required to adhere to the stormwater management plan as approved and permitted. Any changes or amendments to the stormwater management plan must be approved by the division manager, development services in accordance with the procedures set forth in section 7.15.08. After completion of the project, the division manager, development services shall require the project engineer's

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certification that the project meets the approved plans and specifications. Enforcement officials shall be granted inspection rights and right of entry privileges in order to ascertain compliance with the requirements of this section.

7.15.12. Maintenance. The installed system(s) required by this section shall be maintained by the owner except that the county may select certain systems for county maintenance. The selection of critical areas and/or structures to be maintained by the county shall be recommended to the BCC by the division manager, development services. All areas and/or structures to be maintained by the county must be dedicated to the county by plat or separate instrument and accepted by the BCD. The system(s) to be maintained by the owner shall have adequate easements to permit the county right-of-entry to inspect and if necessary, to take corrective action if the owner fails to maintain the system(s). If the owner fails to maintain his system(s), the division manager, development services shall give the owner written notice of the nature of corrective action required. If the owner fails to take corrective action, within 30 days from the date of the notice, the BCC may take the necessary corrective action and place a lien on the property of the owner to recover the costs thereof.

7.15.13. Inspections. The owner shall arrange with the division manager, development services for scheduling the following inspections:

- A. [*Erosion and sediment control inspections.*] Erosion and sediment control inspections, as necessary to ensure effective control of erosion and sedimentation. Prior to construction, control measures shall be installed and stabilized between any waters and any areas to be cleared.
- B. *Bury inspections.* Prior to the burial of any underground drainage structure.
- C. *Final inspection.* When all work including installation of all stormwater management system facilities has been completed. After inspecting the work the enforcement officer shall approve it or notify the applicant in writing of any failure to comply with the requirement of the approved permit. Any portion of the work which does not comply shall be corrected within three working days by the applicant, or be subject to the penalty provisions of section 7.15.15.

7.15.14. Enforcement.

- A. The county administrator or his duly authorized representative shall be the enforcing officer. If the enforcing officer determines that a project is not being carried out in accordance with the permitted approved plan or if any project subject to this section is being carried out without a permit, he is authorized to:
 - 1. Issue written notice to the applicant specifying the nature and location of the alleged noncompliance; with a description of the remedial actions necessary to bring the project into compliance within three working days. Upon request, if weather or other mitigating circumstances prevent timely compliance, the division manager, development services may extend this three-day compliance period.
 - 2. If remedial action is not completed within the compliance period, the enforcement officer shall issue a stop work order directing the applicant to cease and desist all of any portion of the work which violates the provisions of this section. The applicant shall then bring the project into compliance or be subject to immediate revocation of this permit and to penalties set forth in section 7.15.15.
- B. Any order issued pursuant to subparagraphs 1. or 2. above shall become final unless the person or persons named therein requests, in writing, an appeal hearing before the BOA no later than 14 days excluding Sundays and holidays, after the date the stop work order is served. Failure to act in accordance with the order after receipt of written notice shall be grounds for revocations of the permit.

7.15.15. Penalties. Any person who shall violate any of the provisions of this section or amendments thereto or who shall fail, neglect or refuse to comply with any order or notice in pursuance and by authority of this section shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law. For purposes

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of this section, a separate offense shall be deemed committed for each day a violation of this section exists; said time commencing at the time of notifying the offender of the violation.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2002-54, § 6, 12-12-2002; Ord. No. 2003-9, § 3, 3-20-2003; Ord. No. 2007-60, § 4, 10-4-2007; Ord. No. 2012-36, § 9-13-2012)

Cross references: Drainage, pt. I, § 14-361 et seq.; floodplain management, pt. III, art. 10.

7.16.00. Affordable housing.

To encourage the provision of affordable housing (defined as that which costs no more than 33 percent of the median family income, including utilities) the county shall allow cluster developments, zero lot line developments, planned unit developments and density transfers when such developments or approaches to development are documented to contain the cost of housing to the hereinabove referenced threshold.

7.16.01. Innovative development types. Parcels may be rezoned to the appropriate zoning district wherein cluster housing or zero lot line developments are permitted upon presentation of documentation sufficient to indicate that the housing to be constructed can be acquired at a cost not to exceed one third of the median family income as determined by the U.S. Bureau of the Census, the Bureau of Economic and Business Research - University of Florida, or the Florida Department of Community Affairs. Note: Nothing herein shall be deemed to require or "automatically" permit such rezonings. Among other things, compatibility with adjacent and nearby neighborhoods and zoning districts shall be considered.

7.16.02. Density transfers. The owner or developer may transfer density from any portion of a development site to allow innovative development types to another portion of the development site which has been zoned or rezoned to allow such innovative affordable development. Density transfers shall be permitted on a unit by unit (one to one) basis, provided that the receiving portion is sufficient in size to accommodate the density transfer while allowing the development to meet all design and performance standards.

(Ord. No. 97-51, § 1, 10-2-1997)

Cross references: Housing, pt. I, ch. 58.

7.17.00. Density bonus.

Density bonuses are intended to provide incentives to the private sector for assistance in achieving some of the goals, objectives and policies included within the comprehensive plan. The county may award density bonuses (or allow increased densities) for properties in the R-1 through R-6, the PK zoning districts and the following village zoning districts; V-1, V-2, V-2A, V-3, V-4, V-5. Applicants who wish to obtain density bonuses may so qualify if the application submitted, or finally approved, establishes that the proposed development will exceed minimum zoning requirements, exceed minimum performance standards and implement relevant provisions of the comprehensive plan. Bonuses will be determined and points will be awarded pursuant to criteria in the subsections below.

7.17.01. Environmentally sensitive lands. Donation of environmentally sensitive lands to a public agency approved by the county or dedication of a conservation easement in perpetuity which encompasses environmentally sensitive lands. Two points per acre donated or reserved.

7.17.02. Public access to surface waters, beaches and shores. Where land is donated to a public agency approved by the county or dedication of a public access easement for the purpose of providing access to public waterways,

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beaches or shores and such access is maintained for public use and is a minimum 15 feet in width. Four points per accessway.

7.17.03. Water conservation.

- A. Appropriate use of low water demand plants and native vegetation in all required buffers, landscaped areas or other common areas in subdivisions. Two points per site or one point per acre of qualifying lands.
- B. The use of drip irrigation or other low water use methods of irrigation. One point per site.
- C. The use of treated wastewater or "grey" water for irrigation. One point per site or one point per acre irrigated.

7.17.04. Affordable housing.

- A. Ten percent of dwelling units for low to moderate income families with assurances on the site plan. Three points.
- B. Twenty percent of dwelling units for low to moderate income families with assurances on the site plan. Six points.

Note: No more than 20 percent of the units in a conventional housing development shall be credited for affordable housing bonus points. In addition, the development must include at least 30 dwelling units to qualify for bonus points. If the project contains 50 or more dwelling units and 20 percent qualify for bonus points, the applicant may obtain a five percent increase in density.

7.17.05. Redevelopment/adaptive reuse.

- A. Where existing nonresidential structures are proposed for reuse, for residential purposes. One point per five dwelling units.
- B. For rehabilitation to existing multifamily residential structures and for participation in state or federal weatherization programs. One point per five dwelling units.

Note: The above bonuses do not apply to any structure for which compliance with applicable building or life safety codes is not voluntary. Voluntary compliance is deemed to exist if no notice of violation has been issued or if all deficiencies identified in an initial notice of violation have been corrected within the time specified in the notice. The issuance of a second or subsequent notice of violation shall render the structure ineligible for bonus points under this section.

7.17.06. Provision of sidewalks and bikeways.

- A. The provision of bicycle paths or lane markings and/or the provision of sidewalks in developments or subdivisions where such is not otherwise required. Three points.
- B. Where the provision of the facilities in part A above also connect to a commercial, office, service, and/or an existing public recreation area and when such nonresidential uses are located within one-half mile of the development. Four points.

7.17.07. Protection of historic resources. Where land is donated to a public agency approved by the county for the purpose of preservation of sites or artifacts with known archaeological or historic value or for the dedication of a conservation easement in perpetuity for the preservation of such known site, artifact and value. Two points per acre or site donated.

7.17.08. Underground utilities. In the event that the developer provides underground utilities a bonus of one point for every four dwelling units.

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7.17.09. Application of density bonuses. Each five points earned shall qualify for a two percent increase in the maximum density otherwise allowed for the particular development.

EXAMPLE:

Maximum DU's allowed/acre	10
Bonus points awarded	12
DU's increase factor	$12 \div 5 = 2.4$
Bonus percentage factor	$2.4 \times .02 = 4.8\%$
New maximum DU's allowed	$104.8\% \times 10 = 10.48$ DU's per acre

7.17.10. Clustering development outside prime farmland. On parcels which contain prime farmland, as established by the USDA Soil Conservation Service, density bonus points are offered for developments which plat outside prime farmland, and designate such lands for agricultural/open space use. Three points per acre of prime farmland set aside for agricultural/open space use.

7.17.11. Clustering development outside jurisdictional wetlands. On parcels containing jurisdictional wetlands, density bonus points are offered for developments which plat lots entirely outside jurisdictional wetlands. Three points per acre of jurisdictional wetlands set aside for conservation/open space uses.

7.17.12. Tree preservation in residential subdivisions. In subdivisions where at least 75 percent of the protected trees within the required yards and any common open space are preserved, one bonus point for each ten lots with protected trees on them shall be awarded in accordance with section 7.17.09.

7.12.13. [7.17.13]. Retention ponds as subdivision amenity. If the developer solves the on-site stormwater run-off requirements by wet retention ponds that provide true scenic amenities to the development, one point for each four lots shall be awarded.

(Ord. No. 97-18, § 2, 6-5-1997; Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-47, § 1, 6-7-1999)

7.18.00. Commercial communication towers.

A commercial communication tower is a structure which supports communications equipment (not including amateur radio operations, VHF marine, or other similar operators.) Communication antennas are designated to transmit and/or receive communications as authorized by the Federal Communications Commission (FCC), not including amateur radio operators licensed by same; said antennas are usually located on communication towers.

- A. *Antennas.* A commercial communication antenna may be located on an existing nonresidential structure, without conditional use approval, provided the commercial communication tower or antenna does not extend more than 50 feet above the existing structure and the building and new antenna together do not exceed the district height allowed.
- B. *Collocation.* It is important to provide service required by the market while limiting unnecessary commercial communication towers. Therefore, approvals for all new towers will be conditioned on the applicant providing for collocation.
 1. If the commercial communication tower is 150 feet or lower, collocation shall be provided for at least one other communication provider; if greater than 150 feet, collocation shall be provided for two or more additional providers.

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2. If the applicant is not collocating on the proposed commercial communication tower of another provider, evidence must be submitted that reasonable efforts to collocate have been made.
- C. *Environmentally sensitive land.* Commercial communication towers are allowed on wetlands and on lands containing endangered species or historical sites, provided the applicant can demonstrate to the satisfaction of the development review committee that there will be no adverse impact to endangered species or historical sites, and that a variance is otherwise appropriate under the standards specified in section 7.18.00N.
 - D. *Setback from residential zoning.* No commercial communication tower shall be located closer than the height of the tower to a residential zoning district line. In addition, all commercial communication towers which exceed 150 feet in height (in districts where commercial communications towers are allowed), and/or are located within 500 feet of a residential area, are considered conditional uses and shall be reviewed by the board of adjustment pursuant to sections 2.05.03 and 7.18.00.
 - E. *Lighting.* Ground or security lighting for commercial communication towers shall be designed so as to be shielded from being directly visible from nearby residences.
 - F. *Color.* Commercial communication towers not requiring FAA painting/marketing shall have either a galvanized finish or be painted gray or black.
 - G. *Failure.* Commercial communication towers shall be designed and constructed to meet TIA/EIA 222 standards (latest revision) to ensure that the structural failure of the tower will not create a safety hazard.
 - H. *Security.* A minimum six-foot fence or wall shall be required around all commercial communication tower sites, access shall be through a locked gate, and an appropriate anticlimbing device shall be installed on the tower. Fences in residential districts may not exceed a height of six feet; in commercial districts the maximum height is eight feet.
 - I. *Screening.* Landscaping and buffering shall be addressed through article [sections] 2.05.03C.5., 7.01.05, and 7.01.06.
 - J. *Emissions.* No location for placement, construction or modification of a commercial communication tower or communication antenna shall be regulated on the basis of the environmental effects of radio frequency emissions to the extent that commercial communication towers and antennas comply with the FCC regulations concerning such emissions.
 - K. *Abandonment.* Any commercial communication tower whose use has been discontinued for a period of 12 months shall be deemed to be abandoned. The owner/operator of the tower shall have 180 days to reactivate the use of the tower, transfer the tower to another owner/operator, or dismantle and remove the tower.
 - L. *Preexisting towers.* Pre-existing towers shall be allowed to continue their usage. Routine maintenance shall be permitted. Additional antennas and other communication devices may be co-located on preexisting towers, if the towers are structurally designed to accommodate them and the new combined height does not exceed district height allowed. If a preexisting tower is a legal nonconforming use, it can be replaced with a new tower of equal or lesser height. The replacement tower can be located on the site of the preexisting tower or on an alternative site on the existing parcel: provided however, that if the replacement tower is to be placed on an alternative site it must meet the performance standards specified in this article. If the tower is nonconforming with regard to height, the requirements of article 11 shall apply.
 - M. *Airport/airfield zoning.* Any tower located within an area subject to article 11 of this Code (Airport/Airfield Environs) shall be subject to administrative review to determine its elevation above the runway elevation, its distance from the runway and approach zones, and height limitations unique to the Airport/Airfield Environs.

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N. *Variances.* A deviation from the requirements of this section may be granted only upon a finding by the board of adjustment that, in addition to the criteria in section 2.05.02, the following standard is met:

All other reasonable siting alternatives have been explored and the deviation is necessary due to extenuating factors such as: location of existing uses, trees, structures or other features on or adjacent to the property, or compatibility with existing contiguous uses or with the general character of the area.

O. *Application requirements.* In addition to the site plan requirements of article 4, part II, an applicant for development permit shall submit the following documents for use in assessing conformance with these performance criteria:

1. A geotechnical exploration report.
2. An FCC/NEPA environmental compliance checklist.
3. Compliance with FCC, FAA, and county emergency management services requirements.
4. Coverage maps for this tower.
5. Collocation information.

Note: Items 3 through 5 shall also be submitted for BOA review of conditional use applications. The applicant shall submit a site plan to the BOA sufficient for a review of items 3 through 5 and the conditional use criteria.

(Ord. No. 97-59, § 2, 12-4-1997; Ord. No. 98-42, § 3, 9-9-1998; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2000-8, § 2, 3-2-2000; Ord. No. 2006-30, § 2, 4-6-2006; Ord. No. 2012-36, § 9-13-2012))

7.19.00. Sewage collection and disposal.

A. *Purpose.* The purpose of this section is to implement the county's policy with regard to mandatory connection of new structures to the ECUA sanitary sewer system when available. Provisions are made herein to support this public health policy through monetary participation by ECUA and through the use of density bonus certificates issued by the county. This section does not apply to the ECUA retro-fit, mandatory connection program which is covered in section 98-65 Escambia County Code of Ordinances.

B. *Sanitary sewer lines.*

1. *Applicable area.* All new structures intended for human occupancy located in that area south of Well Line Road shall connect to the Escambia County Utilities Authority's (ECUA) sewage collection system unless ECUA has determined that it is not feasible to provide sanitary sewer service to the proposed structures.
2. *Single-family residential structures.* For single-family residential structures ECUA deems to be feasible to connect to the ECUA sanitary sewer system the developer shall pay a maximum per lot for all associated engineering and on-site and off-site construction costs for the sanitary sewer system as specified by ECUA code. The amount shall be specified in the ECUA policies. ECUA shall pay all documented sewer system associated engineering and construction costs in excess of the specified maximum per lot. This policy shall be applicable only to single-family residential structures where traditional mound and standard septic tank installations are permissible.
3. *Nonresidential and multiple-family residential development.* Connection to ECUA's sanitary sewer system by new nonresidential and multiple-family residential development shall comply with current ECUA development policies as may be modified from time to time by ECUA.
4. *Development density bonus or transfer.* Any single-family residential subdivision project that utilizes the connection program contained in paragraph 2. above shall receive a density bonus of up to one dwelling

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unit for each five (20 percent) units in the subdivision. This density bonus can be transferred off-site if the receiving parcel criteria can be met or this bonus can be used on-site. The density bonus program shall be in effect for three years from the date of adoption of this section, August 1, 2002. Density bonus certificates will not be earned and issued after that time.

The ECUA and a developer may agree that it is in the best interest of the public to approve connections to the sanitary sewer system that would not otherwise be feasible under the maximum per lot criteria in ECUA code. In such cases, upon notification by ECUA, the county may increase the density bonus authorized in this section utilizing an equivalency (or pro rata) formula which distributes up to an additional 15 percent density bonus based on the percentage of increase over the maximum per lot participation by ECUA. All other provisions of this section remain the same when additional density bonuses are granted.

a. *Sending parcel.*

- (1) At the time of construction plan approval, planning and zoning shall place the density bonus certificate on file once notified by ECUA of the sewer agreement.
- (2) The density bonus certificate shall be valid for four years from date of issuance by planning and zoning.

b. *Receiving parcel.*

- (1) The parcel must be situated in unincorporated Escambia County but not in a coastal high hazard area, as now defined in the county's comprehensive plan. The receiving parcel must have sanitary sewer system available for connection.
- (2) The resulting development using transferred dwelling units can be at R-1, R-2, R-3, V-1, V-2 and V-3 site design standards, (or more restrictive) as provided for in section 7.13.04, but in no case can the plan for the receiving parcel result in a density increase of more than 20 percent of what is allowed by the zoning which applies to the receiving parcel at the time of the preliminary plat application for the sending parcel. If the developer proposes a density increase of more than 20 percent, the request shall be the topic of a public hearing by the planning board who must approve the appropriateness of the receiving parcel with a technical recommendation from the development review committee. In all cases property owners within 500 feet will be noticed by certified mail.
- (3) The applicant must surrender the density bonus certificate when applied to a development in a receiving parcel.

(Ord. No. 99-23, § 1, 5-6-1999)

7.20.00. Locational criteria.

7.20.01. Intent and purpose. It is the intent of this section to establish locational criteria for all new nonresidential uses that are not part of a predominantly residential development or planned unit development (PUD) in order to ensure the appropriate location of commercial and industrial uses and compatibility with adjacent land uses. Locational criteria is necessary to prevent ribbon commercial development, prevent/minimize negative or blighting influences on adjacent residential neighborhoods, and provide for smooth transitions in commercial intensity from major intersections. Further it is the purpose of this section to include the locational criteria required in Comprehensive Plan Policy FLU 1.1.10 and to clarify and add additional criteria necessary to implement those requirements.

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7.20.02. Waivers. Waivers to the roadway requirements of the locational criteria may be approved by the development review committee (DRC) and the planning board, as indicated below:

- A. The DRC may waive the roadway requirements for developments based on compatibility of the proposed uses with the surrounding area. In order to determine if unique circumstances exist that allow compatibility between uses, a compatibility analysis shall be submitted that provides competent and substantial evidence that the proposed use will be able to achieve long-term compatibility with surrounding uses as described in Comprehensive Plan Policy FLU 1.1.9. Infill development would be an example of when a waiver could be recommended. A waiver may only be granted when one or more of the following criteria are met:
 1. The property has the original commercial or industrial zoning assigned by the county. However, if a rezoning has occurred, the property must meet all of the applicable standards for the zoning district; or
 2. The property is located within one of the county's approved redevelopment areas and the proposed use is consistent with the redevelopment plan adopted by the board of county commissioners and recommended by the community redevelopment agency (CRA).
- B. The planning board (PB) may waive the roadway requirements when determining consistency with the Comprehensive Plan and Land Development Code for a rezoning request when unique circumstances exist. In order to determine if unique circumstances exist, a compatibility analysis shall be submitted that provides competent and substantial evidence that the proposed use will be able to achieve long-term compatibility with surrounding uses as described in Comprehensive Plan Policy FLU 1.1.9. Infill development would be an example of when a waiver could be recommended. The (PB) may also waive the roadway requirements if the property is located within one of the county's approved redevelopment areas and the proposed use is consistent with the redevelopment plan adopted by the board of county commissioners and it has been recommended by the community redevelopment agency (CRA).

Although a waiver to the roadway requirement is granted, the property will still be required to meet all of the other performance standards for the zoning district as indicated below. The additional landscaping, buffering, and site development standards cannot be waived without obtaining a variance from the board of adjustment.

7.20.03. Exemptions. Exemptions to the roadway requirements may be granted by the DRC or RHE if one or more of the following conditions are met:

- A. *75 percent rule.* Where a proposed commercial or industrial use exceeds the maximum distance specified from the appropriate intersection but at least 75 percent of the frontage associated with use is within the minimum distance from the intersection and under single ownership, then the proposed use or zoning will be considered consistent with the roadway requirements portion of the locational criteria.
- B. *Infill development.* In areas where over 50 percent of a block is either zoned or used for commercial development, new commercial development or zoning may be considered without being consistent with the roadway requirements. The intensity of the proposed development or new zoning district must be of a comparable intensity of the zoning and development on the surrounding parcels. Typically, a block is defined as the road frontage on one side of a street between two public rights-of-way. Exceptions will be considered on a case-by-case basis and must be supported by competent and substantial evidence that the proposed rezoning will accomplish "infill" development. The evidence must show that the proposed development or rezoning will promote compact commercial development and will not promote ribbon commercial development.
- C. *Unusual intersections.* When a property is located at a three-way ("T") intersection or located at an intersection where the roadway classification changes on one side of the intersection, consideration for

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commercial development, redevelopment, or expansion may occur as if there were a full intersection for roadway requirements.

- D. *Zoning district exemptions.* When a property is located on Perdido Key, within the GBD, GID, GMD zoning districts, or within the activity areas 1--12 and 18, new commercial uses are not required to meet the roadway requirements of the locational criteria.
- E. *Existing conforming uses.* Any existing use that is conforming with the current zoning district and future land use category is not required to meet the roadway requirements of the locational criteria.

Although an exemption to the roadway requirement is granted, the property will still be required to meet all of the other performance standards for the zoning district as indicated below. The additional landscaping, buffering, and site development standards cannot be waived without obtaining a variance from the board of adjustment (BOA).

7.20.04. Neighborhood commercial locational criteria (AMU-1, R-6, VM-1).

- A. Neighborhood commercial uses shall be located along a collector or arterial roadway and near a collector/collector, collector/arterial, or arterial/arterial intersection and must provide a smooth transition between commercial and residential intensity.
- B. They may be located at the intersection of an arterial/local street without providing a smooth transition when the local street serves as a connection between two arterial roadways and meets all the following criteria:
 1. Shares access and stormwater with adjoining commercial uses or properties;
 2. Includes a six-foot privacy fence as part of any required buffer and develops the required landscaping and buffering to ensure long-term compatibility with adjoining uses as described in Policy FLU 1.1.9 and article 7;
 3. Negative impacts of these land uses on surrounding residential areas shall be minimized by placing the lower intensity uses on the site (such as stormwater ponds and parking) next to abutting residential dwelling units and placing the higher intensity uses (such as truck loading zones and dumpsters) next to the roadway or adjacent commercial properties;
 4. Intrusions into recorded subdivisions shall be limited to 300 feet along the collector or arterial roadway and only the corner lots in the subdivision.
- C. They may be located along an arterial or collector roadway without meeting the above additional requirements when one of the following conditions exists:
 1. The property is located within one-quarter mile of a traffic generator or collector, such as commercial airports, medium to high density apartments, military installations, colleges and universities, hospitals/clinics, or other similar uses generating more than 600 daily trips; or
 2. The property is located in areas where existing commercial or other intensive development is established and the proposed development would constitute infill development. The intensity of the use must be of a comparable intensity of the zoning and development on the surrounding parcels and must promote compact development and not promote ribbon or strip commercial development.

7.20.05. Retail commercial locational criteria (AMU-2, C-1, VM-2).

- A. Retail commercial land uses shall be located at collector/arterial or arterial/arterial intersections or along an arterial or collector roadway within one-quarter mile of the intersection.
- B. They may be located along an arterial or collector roadway up to one-half mile from a collector/arterial or arterial/arterial intersection may be allowed provided all of the following criteria are met:

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1. Does not abut a single-family residential zoning district (R-1, R-2, V-1, V-2, V-2A or V-3);
 2. Includes a six-foot privacy fence as part of any required buffer and develops the required landscaping and buffering to ensure long-term compatibility with adjoining uses as described in Policy FLU 1.1.9 and article 7;
 3. Negative impacts of these land uses on surrounding residential areas shall be minimized by placing the lower intensity uses on the site (such as stormwater ponds and parking) next to abutting residential dwelling units and placing the higher intensity uses (such as truck loading zones and dumpsters) next to the roadway or adjacent commercial properties;
 4. Intrusions into recorded subdivisions shall be limited to 300 feet along the collector or arterial roadway and only the corner lots in the subdivision.
 5. A system of service roads or shared access facilities shall be required, to the maximum extent feasible, where permitted by lot size, shape, ownership patterns, and site and roadway characteristics.
- C. They may be located along an arterial or collector roadway more than one-half mile from a collector/arterial or arterial/arterial intersection without meeting the above additional requirements when one or more of the following conditions exists:
1. The property is located within one-quarter mile of a traffic generator or collector, such as commercial airports, medium to high density apartments, military installations, colleges and universities, hospitals/clinics, or other similar uses generating more than 600 daily trips; or
 2. The property is located in areas where existing commercial or other intensive development is established and the proposed development would constitute infill development. The intensity of the use must be of a comparable intensity of the zoning and development on the surrounding parcels and must promote compact development and not promote ribbon or strip commercial development.

7.20.06. General commercial and light manufacturing locational criteria (C-2).

- A. General commercial land uses shall be located at or in proximity to intersections of arterial/arterial roadways or along an arterial roadway within one-quarter mile of the intersection.
- B. They may be located along an arterial roadway up to one-half mile from the intersection provided that all of the following criteria are met:
 1. Does not abut a single-family residential zoning district (R-1, R-2, V-1, V-2, V-2A or V-3);
 2. Includes a six-foot privacy fence as part of any required buffer and develops the required landscaping and buffering to ensure long-term compatibility with adjoining uses as described in Policy FLU 1.1.9 and article 7;
 3. Negative impacts of these land uses on surrounding residential areas shall be minimized by placing the lower intensity uses on the site (such as stormwater ponds and parking) next to abutting residential dwelling units and placing the higher intensity uses (such as truck loading zones and dumpsters) next to the roadway or adjacent commercial properties;
 4. Intrusions into recorded subdivisions shall be limited to 300 feet along the collector or arterial roadway and only the corner lots in the subdivision;
 5. A system of service roads or shared access facilities shall be required, to the maximum extent feasible, where permitted by lot size, shape, ownership patterns, and site and roadway characteristics;

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6. The property is located in areas where existing commercial or other intensive development is established and the proposed development would constitute infill development. The intensity of the use must be of a comparable intensity of the zoning and development on the surrounding parcels and must promote compact development and not promote ribbon or strip commercial development.

7.20.07. Industrial locational criteria (ID-CP, ID-1, ID-2). New industrial development must meet the following locational criteria:

1. Industrial uses shall be located so that the negative impacts of industrial land uses on the functions of natural systems shall, as a first priority, be avoided. When impacts are unavoidable, those impacts shall be minimized.
2. Sites for industrial development shall be accessible to essential public and private facilities and services at the levels of service adopted in the Comprehensive Plan.
3. New industrial uses in the MU-U and Commercial FLU categories may be permitted provided such use conforms to the permitted uses listed in the ID-CP and ID-1 zoning categories. Industrial and MU-6 categories allow all types of industrial uses.
4. Sites for industrial uses shall be located with convenient access to the labor supply, raw material sources and market areas.
5. New industrial uses shall be located on parcels of land large enough to adequately support the type of industrial development proposed and minimize any adverse impacts upon surrounding properties. Compatibility of land uses shall be ensured consistent with Comprehensive Plan Policy FLU1.1.9.
6. These industrial locational criteria apply to those future land use categories where industrial development is permitted and does not provide or permit industrial land uses in those categories that do not provide for such uses.

(Ord. No. 2005-22, § 3, 7-7-2005; Ord. No. 2009-35, § 4, 10-1-2009; Ord. No. 2013-54, § 1, 12-5-2013)

7.21.00. Artificial lakes and artificial ponds.

7.21.01. Purpose. The purpose of this section is to establish standards for the creation of artificial lakes and artificial ponds. No artificial lakes or artificial ponds shall be permitted except in conformity with these standards.

7.21.02. Applicability. The performance standards of this section shall apply to artificial lakes and artificial ponds except:

- A. Artificial lakes and ponds of less than 1,613 cubic yards or one acre-foot of capacity; and
- B. Bona fide stormwater retention ponds, detention ponds, or other stormwater management facilities; and
- C. Artificial lakes and ponds that are part of a reclamation plan for a borrow pit as these are more specifically regulated in section 7.07.07; and
- D. Artificial lakes larger than 80,000 cubic yards or 50 acre-feet shall be, by definition, considered borrow pits and reclaimed as lakes pursuant to section 7.07.07.

7.21.03. Standards for artificial lakes and artificial ponds.

- A. *Location.* Artificial lakes and ponds may not be located in wetlands, the habitat of endangered species, or areas of historical significance; except as is set forth in subsection E., below.
- B. *Lot coverage.* Artificial lakes and ponds may not exceed a surface area greater than 75 percent of the upland portion of any site.

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- C. *Side slopes.* Side slopes around the entire perimeter shall be no steeper than 3:1 for the first 20 feet of horizontal run.
- D. *Buffers.* A six-foot fence shall be installed around the construction area during the construction process.
- E. *Construction.*
 1. The damming of a flowing waterway may be permitted provided that the applicant submits the following information for review and approval by the planning and zoning department:
 - a. A site plan certified by a licensed engineer showing the area, depth, and volume of maximum impoundment; and
 - b. Construction drawings of the control structure certified by a licensed engineer indicating the maximum load specifications; and
 - c. A plan for regulating the control structure such that the maximum area of impoundment and design specifications is not exceeded. The plan should also provide for restoring and maintaining the stream's flow at preconstruction rates; and
 - d. A letter of map amendment (floodplain) from the Federal Emergency Management Agency, if applicable; and
 - e. The appropriate FDEP permit; and
 - f. The planning and zoning department shall consult with other county departments and if, in the estimation of the planning and zoning department, the volume of water in the impoundment area is such that a breach of the control structure would pose a serious threat to life or property downstream the project shall not be approved.
 2. Soil may be excavated and exported from the site in conformity with the conditions of the artificial lake permit. If the excavated soil is retained on site, care shall be taken to regrade the land contours so as to attenuate storm water runoff and to stabilize the soil through vegetation. Wind and water erosion shall be attenuated at its source.
 3. The lake or pond cavity shall be filled with water to 80 percent of design capacity at completion and maintained at a level consistent with best practices for water resource management. The lake design shall also include a positive outfall to accommodate overflow conditions.
 4. Off-site impacts. Construction traffic shall access the site by collector or arterial roads where available. In the event they are not available, other routes may be approved by the planning and zoning department for the length of the permit, and are appealable by the BOA. Public roads shall be kept free of dirt, dust, and damage.
 5. Construction time shall be limited by the conditions of the artificial lake/pond permit but in no case, longer than 180 days from permit issue date.
- F. *Management and care.* Upon completion, the owner shall be responsible for the care and management of the resource consistent with best practices. Piers, docks, and other structures in, on, or over the water shall require a building permit in the usual fashion.

7.21.04. Permitting.

- A. All artificial lakes and ponds, except those listed in section 7.21.02, shall require a county permit. Said permit shall be in addition to any other permit that may be required by state, federal, or regional governments having legal jurisdiction.

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- B. An application for an artificial lake or pond permit shall be submitted to the planning and zoning department on forms they shall provide. Such forms shall stipulate the maps, data, drawings, and computations needed for proper review of the standards in section 7.21.03.
- C. Applications may be approved, approved with conditions, or denied by the planning and zoning department. Appeals of administrative decisions shall be as provided in article 2 of this Code.
- D. The applicant's engineer shall certify to the planning and zoning department that the work has been completed in compliance with county standards. An inspection fee, if required, shall be paid at this time.

(Ord. No. 2007-3, § 2, 1-4-2007)

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***Editor's note:** Section 1 of Ord. No. 2007-27, adopted May 24, 2007, amended art. 8 in its entirety to read as herein set out. Former art. 8 was comprised of §§ 8.00.00--8.08.00, and derived from Ord. No. 97-5, adopted Jan. 30, 1997; Ord. No. 98-9, adopted Feb. 12, 1998; Ord. No. 98-53, adopted Dec. 3, 1998; and Ord. No. 2002-24, adopted June 6, 2002.

8.00.00. General principles.

8.01.00. Purpose.

8.02.00. Definitions.

8.03.00. Sign permits.

8.04.00. Exempt and prohibited signs.

8.05.00. Temporary signs.

8.06.00. Off-premises signs.

8.07.00. On-premises signs.

8.08.00. Design and performance standards.

8.09.00. Nonconforming signs.

8.10.00. Message substitution.

8.00.00. General principles.

In order to preserve the county as a desirable community in which to live, vacation and do business, a pleasing visually attractive urban, suburban, rural and resort environment is of foremost importance. The regulation of signs within the county is a highly contributive means by which to achieve this desired end. These sign regulations are prepared with the useful intent of enhancing the environment and promoting the continued well-being of the county.

(Ord. No. 2007-27, § 1, 5-24-2007)

8.01.00. Purpose.

It is the purpose of this division to promote the public health, safety and general welfare through a comprehensive system of reasonable, consistent and nondiscriminatory sign standards and requirements. These sign regulations are intended to:

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- A. Enable the identification of places of residence and business.

- B. Allow for the communication of information necessary for the conduct of commerce.

- C. Lessen hazardous situations, confusion and visual clutter caused by proliferation, improper placement, illumination, animation and excessive height, area and bulk of signs that compete for the attention of pedestrian and vehicular traffic.

- D. Enhance the attractiveness and economic well-being of the county as a place to live, vacation and conduct business.

- E. Protect the public from the dangers of unsafe signs.

- F. Permit signs that are compatible with their surroundings and aid orientation, and preclude placement of signs in a manner that conceals or obstructs adjacent land uses or signs.

- G. Encourage signs that are appropriate to the zoning district in which they are located and consistent with the category of use to which they pertain.

- H. Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business.

- I. Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains.

- J. Preclude signs from conflicting with the principal permitted use of the site or adjoining sites.

- K. Regulate signs in a manner so as to not interfere with, obstruct vision of, or distract motorists, bicyclists or pedestrians.

- L. Require signs to be constructed, installed and maintained in a safe and satisfactory manner.

- M. Preserve and enhance the natural and scenic characteristics of this community.

(Ord. No. 2007-27, § 1, 5-24-2007; Ord. No. 2007-63, § 1, 10-4-2007)

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8.02.00. Definitions.

As used in this article, the following words shall be defined as follows:

Abandoned sign :

- (1) Any sign face which advertises a business no longer conducted or product no longer sold. In making the determination that a sign advertises a business no longer being conducted, the enforcement official shall consider the existence or absence of a current occupational license, utility service deposit or account, use of the premises and relocation of the business. An abandoned sign is prohibited and shall be removed by the owner of the premises when there is a lack of maintenance or sign faces are missing, or as otherwise provided for in this article.
- (2) Any sign structure which has not been used for business purposes for over 90 days, and is nonconforming as to existing codes regarding height, setback or maintenance.
- (3) Any previously permitted portable or temporary sign for which the permit has expired.

Awning, canopy or marquee sign: A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by county ordinance. The sign shall not project above, below or beyond the awning, canopy or marquee.

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

Billboard: See "Off-premises sign."

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

Business: Any activity done for commercial aim regardless of whether the activity is performed by a for profit or not for profit entity.

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

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

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

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Directional sign: See "Informational sign."

Electronic message center: A sign that is a computerized, programmable electronic visual communications device capable of storing and displaying multiple messages in various formats at varying intervals for periods lasting at least five seconds.

Facade sign: See "Wall sign."

Flashing sign: A sign exhibiting sudden or marked changes in lighting intensity lasting in duration for periods of less than five seconds.

Freestanding pole sign: A freestanding sign that is mounted on a free standing pole or other similar support so that the bottom edge of the sign face is 9 1/2 feet or more above grade.

Freestanding sign: Any nonmovable sign not affixed to a building. May be either a ground sign or a pole sign.

Governmental sign: A sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or other governmental regulation.

Ground sign: Any freestanding sign, other than a pole sign, placed upon or supported by the ground independent of any other structure; a monument sign.

Historic sign: Any sign officially designated historic by the appropriate federal, state or local historic entity or otherwise considered to be a local landmark by the board of adjustment.

Holiday decorations: Temporary signs and decorations, clearly incidental to, and customarily and commonly associated with, any national, local or religious holiday.

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

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

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

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

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

Multitenant center: Any shopping center, office center, or business center in which two or more occupancies abut each other or share common parking facilities or driveways or are otherwise related on a zone lot.

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Mural: A painting or similar work of art on the facade of a building.

Name plate sign: See "Identification sign."

Noncommercial: Any activity not done for a commercial aim.

Nonconforming sign: A sign which is lawfully erected but which does not comply with the land use, setback, size, spacing, and lighting provisions of this article or a sign which was lawfully erected but which now fails to comply with this article due to changed conditions.

Off-premises sign or billboard: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

On-premises sign: A sign that identifies only goods, services, facilities, events or attractions available on the premises where the sign is located.

Political sign: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Portable sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; including such signs even though the wheels may be removed and the remaining chassis or support structure converted to A-frames or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising unless part of an outdoor restaurant; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of business, the sign area is less than two square feet per side and there is no reasonable alternative storage space.

Projecting sign: A sign that is wholly or partly dependent upon a building for support and which projects more than 24 inches from such building.

Real estate sign: A sign pertaining to the sale or lease of the premises, or a portion of the premises, in which the sign is located.

Roof sign: A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof of the deck line of a building with a mansard roof.

Signs: Any object, device, display or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Corporate flags are a sign and are allowed as part of the allowed square footage for a zone lot. National or state flags, window displays, graffiti, athletic scoreboard, or the official announcements or sign of government are excluded.

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

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

Sign triangle: See visual clearance section of landscaping provisions.

Substantially damaged: A structure that is a total loss or damaged to such an extent that the cost of restoring the structure to its before damaged condition would be 50 percent or more of the market value at the time of damage or destruction.

Wall sign: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 24 inches from such building or structure. Also, a sign mounted on the fascia or sloped roof surface which does not extend above the elevation of the ridge or roof line nor project more than 48 inches from the roof or fascia surface.

Wayfinding Signs: A sign located within the right-of-way providing the name, location, and direction to a public or private place.

Window sign: A sign that is applied or attached to the exterior or interior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window.

Vicinity of the interstate: Vicinity of the interstate is a corridor 125 feet either side of any right-of-way of the interstate highway system.

Zone lot: A parcel of land in single ownership, or parcel of contiguous properties, existing as a unified or coordinated project, that is of sufficient size to meet minimum zoning requirements for area, coverage, and uses, and that can provide such yards and other open spaces as required by the land development code.

(Ord. No. 2007-27, § 1, 5-24-2007; Ord. No. 2007-63, § 1, 10-4-2007; Ord. No. 2011-39, § 1, 12-0-2011; Ord. No. 2012-5, § 1, 2-2-2012)

GRAPHIC LINK:SIGN TYPES

8.03.00. Sign permits.

8.03.01. *Permit required.* Except as provided for in section 8.03.01 of this article, it shall be unlawful for any person to erect, construct, alter or relocate within the unincorporated area of Escambia County, Florida, any sign without

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having first obtained a land use certificate and/or a building permit issued by department of growth management (department).

8.03.02. *Application for permit.* Each application for a permit, with the required fees, shall be filed with the department on a form furnished for that purpose. Application for such permit, describing the work to be done, shall be made in writing to the department by the person, firm, or corporation installing the work, and the permit when issued shall be to such applicant. Only authorized employees or officers of a company or corporation that is qualified as a sign erection contractor can sign for permits by that holder. The holder of the sign erection contractor's certificate shall provide a letter of authorization for such employees or officers. The application shall indicate the location, sign dimensions, and contain such other information as may be required by the department.

State law requires construction to be done by licensed contractors; however, the owner of the particular property in question may sign an owner builder disclosure statement. This allows the owner of the property to act as his/her own contractor (see F.S. ch. 489). Upon receipt of a completed application, the department shall approve or deny the application within 15 days. An applicant who does not receive either a permit or denial within 20 days of submission of a completed application may file an administrative appeal as set forth in section 2.04.00 of this Code. An applicant who is denied a permit may seek prompt judicial determination of such denial.

8.03.03. *Review criteria for multitenant centers.* For all new construction of multitenant centers, a master sign plan must be submitted as part of the development review process. This plan must include in it the building elevations of the proposed project, the square footage of signs (both freestanding and wall signs). The location and size of each sign allotted to the individual occupants must be determined. Once the criteria have been established for a multitenant center or complex, the criteria shall apply to the entire center, as well as each individual occupant, and shall remain as long as the center exists, regardless of change of ownership or management. The criteria may only be changed if:

- A. All signs in the center are changed to conform to the new approved criteria; and
- B. Written consent to the plans and criteria are provided by the owner of the building, structure or land to which or on which the sign structure is to be erected, relocated, maintained or altered.

8.03.04. *Permit fees.* A permit fee shall be charged and collected in accordance with a schedule of development permit fees established by resolution of the board of county commissioners. A permit shall not be valid until the prescribed fees have been paid. An amendment to a permit will not be approved until the additional fees, if any, have been paid.

8.03.05. *Failure to obtain permit.* If any person commences work on an installation before obtaining the necessary permit from the department, the permit fee established by resolution of the board of county commissioners shall be tripled.

8.03.06. *Lapse of sign permit.* A continuing sign permit shall lapse automatically if the business license for the premises lapses, or is revoked or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 calendar days or more and is not renewed within 30 days of notice from the county to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

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8.03.07. *Changes.* In those cases where the corporate entity which originally applied for land use approval transfers the application to another corporate entity, notification of that change must be provided to the department prior to issuance of the permit. This notification must take the form of a certified letter to the director advising of the transfer of the application. Alternatively, the corporate entity may submit a new application for land use. The permit when issued shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the written approval of the director. Permits, when issued and work commenced, may not be canceled or another permit issued for the same work except by mutual consent of the permit holder and owner and/or builder or by court order.

8.03.08. *Revocation.* The permit, when issued, shall become invalid if no work is started within 180 calendar days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 calendar days after the time work has commenced. An extension of time, for a period not to exceed 90 days, may be allowed for the permit provided the extension is requested in writing and justifiable cause is demonstrated.

8.03.09. *Construction specifications.* All signs shall comply with the appropriate detailed provisions of the Southern Standard Building Code relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable electrical and building codes and the additional construction standards hereinafter set forth in this section. These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the county. Wherever there is inconsistency between these regulations and the building and electrical code, the more stringent requirement shall apply.

8.03.10. *Identification of signs.*

A. *Identification plate:* Each sign hereafter erected or remodeled shall bear, in a permanent position thereon, a clearly legible identification plate stating the name and address of the owner of the sign, and the person, firm or corporation responsible for its construction, erection and the date of erection. Electrical signs shall be marked with input amperages at the full load. Every electric sign of any type shall be listed and installed in conformance with that listing.

B. *Permit sticker:* Each sign shall have a sticker placed on one of the faces of the sign that identifies the permit number that was originally issued by the department; these will be color coded to indicate any nonconformance at the time of erection of the sign.

8.03.11. *Limit to the number of freestanding signs.* For all zone lots with multiple uses or multiple users, there shall be a limit to the number of freestanding signs of one for each street on which the zone lot has frontage and shall provide for shared or common usage, except for as provided in sections 8.04.02 and 8.06.03 of this article.

8.03.12. *Permitting of billboards.* On new roadways which meet the criteria of section 8.05.03, permits for billboards will not be issued until the commencement of general traffic flow on the roadway or until the road has been appropriately classified through the Comprehensive Plan amendment process, whichever occurs first. Permits will generally be issued on a first-come, first-served basis. In those instances where two applicants simultaneously apply for a location or locations which, due to their proximity, would allow only one of the billboards to be constructed, the applicant whose state permit was issued first will be granted the permit for construction.

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(Ord. No. 2007-27, § 1, 5-24-2007; Ord. No. 2007-63, § 1, 10-4-2007)

8.04.00. Exempt and prohibited signs.

8.04.01. *Exempt signs.* The following signs are exempt from the permitting requirements of section 8.02.00 of this article. However, exempt signs shall be safely constructed, situated and maintained in such manner as to not create a hazard or nuisance to the public.

- A. "No Trespassing" or "No Dumping" signs of three square feet or less.
- B. Identification signs of three square feet or less.
- C. Private informational signs or public signs for traffic control, street designation or direction to public facilities. Directory signs at door or in courtyard of multitenant building.
- D. Governmental flags and decorative flags or wind socks on a residence. Corporate flags are a sign and are allowed as part of the allowed square footage for a zone lot.
- E. Holiday or special event decorations, incidental to a business and/or residence and customarily associated with a holiday or a special event.
- F. Credit card window signs of three square feet or less, one for each business.
- G. Menu boards or price lists for drive-through facilities of no more than 40 square feet each. Such signs shall be located adjacent to and oriented toward the drive-through area.
- H. Graphics and trademarks on vending machines, gas pumps and other machinery customarily used for sales outside of a building.
- I. Signs required or authorized by federal, state, or county law, including official highway beautification signs.
- J. House address numbers and family name signs of two square feet or less in residential districts.
- K. Garage/yard sales/open house signs four square feet or less, not more than three feet above ground level. Sign must be removed after sales or open house concludes.
- L. Window signs.
- M. Special event banner sign for businesses.
- N. Flutters, pennants, and other signs referred to as wind signs, consisting of material or objects and fastened in such a manner as to move upon being subjected to pressure by the wind. When these items have deteriorated or lost at least 20 percent of their original volume, they must be removed or replaced.
- O. Political signs subject to the restrictions of section 8.05.04.
- P. Community Redevelopment Area gateway signs.

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8.04.02. *Prohibited signs.* It shall be unlawful to erect or maintain any sign described as follows:

A. Traffic or pedestrian hazards. Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, coloring or method of illumination. No sign shall obstruct vehicular vision between three feet and 9 1/2 feet measured vertically from the street level at the base of the sign. Any sign which obstructs the vision between pedestrians and vehicles using the public right-of-way including, but not restricted to, those not meeting visibility standards in this Code. Specifically prohibited are signs using:

1. Animated or moving sign structures, flashing signs, or stroboscopic lights, except electronic message centers that meet the provisions of section 8.08.00.
2. Bare bulbs, defined as clear or fully transparent enclosure of the bulb filament; and
3. Words and traffic control so as to interfere with, mislead, or confuse traffic, such as "stop," "look," "caution," "danger" or "slow."

B. Signs in the right of way except federal, state or county- authorized signs, including CRA gateway signs and wayfinding signs authorized by a governmental entity. This exception shall not be construed to authorize any signage without necessary local, state or federal licenses or permits.

C. Abandoned signs.

D. Portable signs except when authorized as a temporary sign.

E. Signs made of combustible materials that are attached to or in close proximity to fire escapes or fire fighting equipment.

F. Handbills, posters and commercial or non-commercial notices that are attached in any way upon telephone poles, utility poles, fences (except as allowed in section 8.06.02), bridges, sidewalks, trees or other natural objects.

G. Projecting signs that project into the public right-of-way or the site triangle of motorists or do not maintain a minimum clear height of 9 1/2 feet above ground.

H. Signs that are in violation of the building code or electrical code.

I. Blank temporary signs.

J. Any other signs that are not specifically permitted or exempted by this article.

(Ord. No. 2007-27, § 1, 5-24-2007; Ord. No. 2007-63, § 1, 10-4-2007; Ord. No. 2011-39, §§ 2, 3, 12-8-2011; Ord. No. 2012-05, § 2, 2-2-2012)

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8.05.00. Temporary signs.

The following signs shall be allowed temporarily and permit requirements are as specified below. A land use certificate shall be required, where applicable, and this may be accomplished by facsimile, with proper prearrangement for fee collection. Any temporary sign must be at all times maintained off the right-of-way. A temporary sign may not be an electric sign.

8.05.01. *Portable signs.* Portable signs, with a maximum size of 45 square feet are allowed with permits. The number of such portable signs shall be limited to one for each business, one at a time and are allowed for the following on-premises uses:

A. *Interim sign:* A new business or a business in a new location whose allowable freestanding sign has not yet been erected may utilize a conforming portable sign for a period of not more than three years or until installation of the allowable freestanding sign, whichever shall occur first.

B. *Grand opening sign:* A new business including those with permanent signage may utilize a portable sign one time for a maximum of 30 consecutive days in conjunction with a grand opening.

C. *Promotional sign:* A business may utilize one portable sign 30 days during a calendar year for promotional uses.

8.05.02. *Banners.* A maximum of two banner signs are allowed per business at any time, without permit. The maximum size allowed is 60 square feet.

8.05.03. *Real estate and construction signs.* Real estate and construction signs are allowed without permit under the following conditions:

A. One nonilluminated sign of each type shall be allowed on each street frontage of the subject property only. Except when the subject property has a linear frontage of 300 feet or more, then two signs shall be allowed on that frontage and where the property contains at least 1,000 feet of frontage on a roadway then three signs shall be permitted on that roadway.

B. The following dimensional standards shall be met:

Maximum sign height:

Residential districts . . . 6 feet

All other districts . . . 15 feet

Maximum sign area:

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TABLE INSET:

	Real Estate	Construction
Residential districts	6 sq. ft.	6 sq. ft.
Other districts	32 sq. ft.	50 sq. ft.
Perdido Key	32 sq. ft.	32 sq. ft.

C. Construction signs shall not be erected more than 60 calendar days prior to the beginning of construction and shall be removed immediately if construction has not begun after 60 calendar days or if construction is halted thereafter for a period of more than 30 calendar days.

D. Real estate signs shall be removed within 30 calendar days following the sale or rental of subject property.

8.05.04. *Political signs.* Temporary political campaign signs are allowed without permit in all zoning districts subject to the following restrictions:

A. The following dimensional standards shall be:

Residential districts, maximum size per sign . . . 12 sq. ft.

All other districts, signage per zone lot . . . 32 sq. ft.

B. Each candidate for political office shall remove, or be responsible for the removal of all of his/her political campaign advertisements within 30 calendar days after:

1. Withdrawal of candidacy;
2. Having been eliminated as a candidate; or
3. Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements that are in the form of a billboard erected by an outdoor advertising business.

(Ord. No. 2007-27, § 1, 5-24-2007; Ord. No. 2007-63, § 1, 10-4-2007)

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8.06.00. Off-premises signs.

8.06.01. *Bench signs and bus shelters.* Bench signs or bus shelters are allowed, provided the shelters have approvals from the Escambia County Transit Authority and the division of traffic safety and meet the following conditions:

- A. They are only placed at bus stops along the route of the Escambia County Transit System.
- B. A maximum of one bench sign or shelter may be placed at each stop.
- C. All benches must be placed inside the road right-of-way but cannot create hazardous sight lines near curb cuts or block sidewalks. All benches and shelters must conform to traffic safety division placement requirements.
- D. All nonconforming bench signs or shelters shall be removed within 90 calendar days after the effective date of this article.

8.06.02. *Baseball fields and similar recreational facilities.* Off-premises signs placed on fences around play fields or areas concerned with youth and school activities are allowed without permit. All other signs placed in such a manner as to front the adjacent roadways are prohibited unless they are permitted as off-premises signs and meet all requirements specified in this article. Existing signs shall be subject to the provisions of section 8.10.00.

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8.06.03. *Billboards.*A. *Cap and replace restrictions.*

1. *Maximum number of permitted billboards.* The maximum number of permitted billboard structures allowed within Escambia County shall be limited to those existing, or having received county site inspection approval as of December 12, 2001, and those additional billboards necessary for implementation of section 8.06.03.A.3.
2. *New billboards.* A building permit for the construction of a new billboard structure may only be issued after the removal of one existing billboard structure. Confirmation of removal of an existing billboard shall be on file in the building inspections department prior to issuance of a building permit to construct a new billboard structure. Such confirmation may be in the form of a photograph submitted by the applicant or a site inspection by county staff.

Upon confirmation of the removal of a billboard structure, a certificate shall be issued by the building inspections department to the owner of a removed billboard structure for each billboard structure removed. The owner of the certificate may choose to hold the certificate, redeem it for a building permit to construct a new billboard structure, or convey the certificate to a third party.
3. *Replacement of billboards on scenic highways.* Notwithstanding the maximum number of permitted billboards, the removal of an existing billboard on a designated scenic highway will entitle the owner of the removed billboard structure to purchase building permits for construction of two new billboard structures.

B. *Billboard inventory.*

1. *Inventory.* The building inspections department will maintain an inventory of billboards within the county.
2. *Annual audit.* The building inspections department will conduct an annual audit of permits issued for billboards to determine the current number of billboards within the county. The results of the annual audit will be presented to the board of county commissioners in the Comprehensive Plan annual report.

C. *Dimensions and location.* Freestanding off-premises signs are permitted in R-6, C-1, C-2, ID-1 and ID-2 districts in accordance with the following area and height maximums. Freestanding off-premises signs are prohibited in all other zoning districts.

Area maximum:

Interstate highway frontage . . . 378 sq. ft.

Arterials and four-lane roads . . . 378 sq. ft.

Other streets . . . 100 sq. ft.

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Height maximum*:

Interstate highway frontage** . . . 50 ft.

Arterials and four-lane roads . . . 35 ft.

Other streets . . . 20 ft.

* Measured from the crown of the road adjacent to the location of the sign.

** Measured from elevation of closest interstate through traffic lane.

D. *Spacing.*

1. *Placement:* No sign shall be located within 100 feet of any residentially zoned (other than R-6) property as measured along the right-of-way. Setback is 15 feet.

2. *Arterial and four-lane road frontage:* For off-premises signs other than those adjacent to and facing interstate highways, 1,000 feet from any other off-premises nonaccessory signs on the same side of the road right-of-way measured from the closest parts of any two signs. V-type or back-to-back outdoor advertising signs on the same structure with an angle between them of not more than 90 degrees shall be considered one sign.

3. *Interstate highway frontage:* Off-premises advertising signs adjacent to or facing interstate highways, 2,000 feet from any other off-premises signs on the same side of the highway right-of-way, measured from the closest parts of any two signs. No structure may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area, said 500 feet to be measured along the Interstate from the beginning or ending of pavement widening at the exit from or entrance to the main-traveled way.

4. *Scenic highways:* No billboard shall be located within 500 feet or within the line of sight, whichever is less, of the nearest edge of a scenic highway, other roadways classified as scenic in the Escambia County Comprehensive Plan, on Perdido Key, or that can be seen from scenic highways within unincorporated Escambia County, specifically including Scenic Highway and Perdido Key Drive, and any scenic highway as designated by the State of Florida.

E. *Noncomplying billboards.* Any billboard in existence or fully permitted but not yet constructed as of the date of that notice of intent to enact this ordinance is first published, or billboards which had applied for, but not completed, the state and county permitting process prior to December 12, 2001, shall be deemed to be a conforming structure. However, applications for permits received after such date must comply with the requirements of section 2 of this ordinance or the permit will be denied.

8.06.04. *Off-premises signs on Perdido Key.* Off-premises signs shall be allowed on Perdido Key only through a county-based informational and lease/sale based signage program. The county shall design, construct, maintain and

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lease or sell space for informational signs on Perdido Key Drive for the sole purpose of providing directional information to the developments that do not have frontage on Perdido Key Drive.

A. *Size.* The rental/sale space for individual businesses or developments shall not exceed three square feet per sign. However, lease/sale agreements for more than one sign location are permitted.

B. *Information allowed.* Information allowed on signs shall be limited to identifying the name and location of a business/development through items such as logos, the specific name of the entity and numerical distance to the location, including directional arrows. These signs shall not permit leading advertisements.

C. *Location.* The locations are limited to one sign at each county road intersecting Perdido Key Drive.

(Ord. No. 2007-27, § 1, 5-24-2007; Ord. No. 2007-63, § 1, 10-4-2007)

8.07.00. On-premises signs.

8.07.01. *Single-family zones.* The following permanent on-premises signs shall be allowed, with permits, in residential zones, including R-1, R-1PK, R-2, R-2PK, R-3, R-R and AG. One sign per zone lot, such a sign may be a ground or wall sign.

A. *Nonresidential uses.* Includes houses of worship, educational institution, library, community center and civic organization and other permitted nonresidential uses. (Note: Home occupations are accessory to the principal activity and signage is specifically not allowed, see section 6.03.01.B.1 [sic] of this article.)

Permitted signs are:

One sign:

Area maximum, freestanding . . . 32 sq. ft. OR

Area maximum, wall . . . 10% of the
wall surface facing the
roadway not to exceed
200 sq. ft.

Height maximum . . . 6 ft.
from grade

Setback minimum . . . 10 ft.

B. *Identification signs:* Two identification signs per residential subdivision or development entrance.

Area maximum . . . 32 sq. ft.

Height maximum . . . 6 ft.
from grade

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Setback minimum . . . 10 ft.

8.07.02. *Multifamily zones.* The following permanent on-premises signs shall be allowed, with permits in residential zones, including R-3PK, R-4, R-5, and SDD:

A. *Nonresidential uses:* Includes house of worship, educational institution, library, community center and civic organization, plus R-4 office uses and other permitted nonresidential uses.

Permitted signs are:

One sign:

Area maximum, freestanding . . . 32 sq. ft. OR

Area maximum, wall . . . 10% of the
wall surface facing the
roadway not to exceed
200 sq ft.

Height maximum . . . 15 ft.
from grade

Setback minimum . . . 10 ft.

B. *Residential complexes:* Two identification signs per residential subdivision or development entrance.

Area maximum . . . 32 sq. ft.

Height maximum . . . 6 ft.
from grade

Setback minimum . . . 10 ft.

C. *Office center:* A building complex with two or more establishments is authorized to have a maximum combined sign area of not more than 200 square feet. If the center has more than one street frontage, then an additional 32 square foot identification sign is allowed for other frontages.

8.07.03. *Commercial and industrial zones.* The following permanent on-premises signs shall be permitted in commercial and industrial zones including C-1, C-1PK (see section 8.08.03.B), C-2, ID-P, ID-1, ID-2, and R-6 commercial establishments only:

A. *New commercial buildings.* Total allowable square footage of signage per zone lot: 1.5 square feet of signage (wall and freestanding) per lineal foot of addressed street frontage. Minimum allowable sign area per zone lot is 100 square feet (*see note on corner lot signage). A master sign plan must be submitted to the development review committee as part of the overall approval process.

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B. *Existing commercial buildings.* Total allowable square footage of freestanding signs and wall signs are calculated separately. Freestanding signs: The maximum square footage of freestanding sign signs per zone lot is 1.0 square feet of signage per lineal foot of the addressed street frontage. Minimum allowable sign area per zone lot is 100 square feet.

1. Freestanding or projecting sign: Height shall be measured from the crown of the road adjacent to the location of the sign or from the ground at the base of the sign supports to the top of the sign, whichever is higher in elevation. One additional changeable copy sign or electronic message center, with no more than 32 square feet, is allowed as part of the allowable sign area, provided it shares the support structure of the one pole sign allowed for the zone lot and the primary sign that shares the structure has no movable lettering.

GRAPHIC LINK: Freestanding Sign With Moveable Letter Sign 32 Square Feet Maximum

2. Maximum sign area of an individual freestanding sign is not to exceed:

TABLE INSET:

		>8 Developed acres
Vicinity of the interstate	250 sq. ft.	375 sq. ft.
Arterial	200 sq. ft.	300 sq. ft.
Collector	150 sq. ft.	225 sq. ft.
Other	100 sq. ft.	150 sq. ft.

3. Freestanding sign height maximum:

TABLE INSET:

Vicinity of the interstate	50 ft.
Arterial	35 ft.
Collector	25 ft.
Other	20 ft.

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4. Number of signs permitted:

- a. Two acres and smaller--One freestanding sign only per street frontage.
- b. One additional freestanding sign will be allowed for each full acre in parcel size above two acres. All signs on a single parcel must have a minimum spacing between signs of 200 feet measured continuously along the rights-of-way through common point or points, from the closest parts of any two signs. The maximum total number of freestanding signs per zone lot is four.

C. *Signs on a corner lot.* If the zone lot in question is a corner lot, the applicant may increase the size of the freestanding sign by one-third or by two-thirds if the applicant chooses to have only one freestanding sign and the location of the zone lot is on the corner of the following intersections:

1. Collector/collector--Allowed to increase the freestanding sign by one-third of the secondary street frontage.
2. Arterial/collector--Allowed to increase the freestanding sign by one-third of the secondary street frontage.
3. Arterial/arterial intersections--Allowed to increase the freestanding sign by two-thirds of the secondary street frontage (see example below).

GRAPHIC LINK: Arterial/Arterial Intersections8.07.04. *Corner lot signage.*

A. Footage allowed:

Collector/collector frontage or arterial/collector frontage:

$$150' + \frac{1}{3}(75') = 175' \quad 175' \times 1.5 = 262.5'$$

Arterial/arterial frontage:

$$150' + \frac{2}{3}(75) = 200' \quad 200' \times 1.5 = 350'$$

B. Perdido Key is allowed 50 percent of the sign allowance by the formula in this Code for commercially zoned properties, with a maximum size freestanding sign of 100 square feet allowed and all freestanding signs on a zone lot must have a minimum spacing between signs of 300 feet measured continuously along the rights-of-way through a common point or points, from the closest parts of any two signs.

C. Two banner signs are allowed per business. The maximum size allowed is 60 square feet and the banners are exempt from permitting.

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D. Setbacks: All freestanding signs shall be set back from the street right-of-way ten feet or more, measured from the forward-most edge of the sign. For those signs placed on a corner, the side setback will be determined by measuring 35 feet along the intersection of the two public rights-of-way.

GRAPHIC LINK: Sight Triangle

E. A sign may be located within the required setback area, up to one foot of the property line, if the owner executes an agreement (in a form acceptable to the county attorney) that provides for the following:

1. Indemnification of the county from all claims arising in connection with the sign;
2. Agreement that all existing signs on the zone lot have been brought into agreement with this article; and
3. Forfeiture of rights to compensation for removal necessitated by government action.

OR

4. The owner must apply to the board of adjustments for a variance to the required setback and submit a plan that demonstrates that the proposed location for the sign will not obstruct vehicular vision.

5. If the applicant requests to place a freestanding sign less than the required ten feet (i.e., <10' from the property line), in addition to the hold harmless agreement or the approval of a variance, for every one foot increment from the setback to the property line, the maximum sign height allowed is reduced by two feet. No sign shall obstruct vehicular vision between three feet and 9 1/2 feet measured vertically from the street level at the base of the sign.

GRAPHIC LINK: No Signage Area

8.07.05. *Wall signs.* The maximum square footage for a wall sign shall not exceed ten percent of the wall surface facing the addressed street. For those businesses with more than one store front, the maximum square footage for a wall sign shall not exceed 15 percent of the wall surface facing the addressed street. Any one sign shall not exceed 200 square feet. The wall surface shall be measured by determining the total vertical wall surface and the horizontal wall surface and can include the roof surface when the roof slope is steeper than 45 degrees. Signs painted on the wall surface shall require a land use certificate but shall not require a building permit.

A. *New commercial businesses.* The square footage of wall signs are deducted from the total allowable square footage permitted for the zone lot (see section 8.08.03).

B. *Existing commercial businesses.* The square footage of wall signs is calculated by using the elevation of each individual store front. The square footage is calculated separately from freestanding signs.

Note: The square footage authorized under this provision may be allocated to one or more wall signs mounted on the vertical wall surface or the sloped roof surface.

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Typical Building with Roof Slope

Steeper Than 45 Degrees

GRAPHIC LINK: Typical Building with Roof Slope Steeper Than 45 Degrees

Typical Building with Roof Slope

Less Than 45 Degrees

GRAPHIC LINK: Typical Building with Roof Slope Less Than 45 Degrees

C. *Awning, canopy and marquee signs:* Such signs may be substituted for all or part of the allowed wall sign, and measured by the copy in the sign area.

D. *Architectural accents, murals, roof signs and historic signs:* Such signs shall be permitted only as a conditional use.

8.07.06. *Conditional use.*

A. *Industrial:* Signs for industrial uses and in industrial zones only, in excess of the above, can be approved as a conditional use, with the approval of the BOA.

B. *Scenic roadways:* Because of the unique character and related historic and tourist significance, all signage along these roadways should reflect the unique scenic qualities of their environment.

C. *Architectural accents:* Must conform to the scale and architecture of the building plus the urban design character of the immediate area.

D. *Murals:* Sign must be professionally painted and conform to the urban design character of the immediate area.

E. *Roof sign:* Sign must conform to the scale and architecture of the building plus the urban design character of the immediate area.

F. *Historic Sign:* Sign must be officially designated historic by the appropriate federal, state, or local historic entity or otherwise constitute a local landmark as determined by the board of adjustment (BOA).

(Ord. No. 2007-27, § 1, 5-24-2007; Ord. No. 2007-63, § 1, 10-4-2007)

8.08.00. Design and performance standards.

A. *Illuminations:* In the case of external lighting such as floodlights, thin line and goose neck reflectors, these are permitted, provided that the light source is directed on the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed onto any portion of any right-of-way. Internally lit signs are permitted. All signs shall comply with the provisions of the applicable electrical and building codes and must be listed and installed in conformance with that listing.

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B. *Traffic safety:* No sign may:

1. Project into the line of vision of any traffic control signal from any point in a moving traffic line within 660 feet of the signal.
2. Attempt or appear to regulate, warn, or direct the movement of traffic or interfere with, indicate, or resemble any official traffic sign.

C. *Electronic messages and displays:* Electronic message centers are subject to the following requirements:

1. *Operational limitations.* Such displays shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade[,] travel or scroll modes, or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially.
2. *Minimum display time.* Each message on the sign must be displayed for a minimum of five consecutive seconds.
3. *[Dimmer control required.]* No electronic message center shall be erected without a dimmer control device for regulating brightness and illumination of the display.
4. *[Percent/period sign to be dimmed.]* Display shall be dimmed to 30 percent of maximum illumination brightness from dusk until dawn.

8.08.01. *Maintenance.*

A. *Standards:* Every sign, including those specifically exempt by this Code in respect to permits and permit fees, shall be maintained in good structural condition at all times. All signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant material. Double-faced signs shall be fully enclosed. The vegetation around, in front of, behind, and underneath the base of signs for a distance of ten feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

B. *Necessary maintenance and repairs:* These repairs may be made to nonconforming sign to maintain their structural integrity, provided that repair or replacement of structural elements or electrical wiring does not exceed 35 percent of the appraised or fair market replacement value of such sign in any 12-month period, provided that any normal maintenance or repair of the sign or sign structure or copy in any way does not expand the nonconformance whereby the sign shall lose its nonconforming legal status.

8.08.02. *Development site plan requirements.* All existing and proposed sign locations for development projects must be shown on the site plan when reviewed by the development review committee. Locational criteria will be reviewed to determine if setback and conformance requirements have been addressed.

8.08.03. *Enforcement and penalties.* This article may be enforced in any manner, allowed, authorized or provided by law or article including F.S. § 125.69, F.S. ch. 162, Code of Ordinances of Escambia County chapter 30, and as

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otherwise provided herein. Violations of this article shall be subject to the penalties provided by applicable law or ordinance.

(Ord. No. 2007-27, § 1, 5-24-2007; Ord. No. 2007-63, § 1, 10-4-2007)

8.09.00. Nonconforming signs.

8.09.01. *Replacement.* When any sign is substantially damaged, destroyed or removed, it must be replaced or rebuilt in accordance with this article.

8.09.02. *Alteration.* An existing nonconforming sign shall not be structurally altered so as to prolong the life of the sign or so as to change the shape, size, type or design of the sign or in any way expand the nonconformance.

8.09.03. *Discontinuance of use.* The advertising display area of an existing nonconforming sign shall be brought into conformance or removed and not be reestablished after the activity, business or usage to which it relates has been discontinued for 90 calendar days. Once notified, the period of time to remove or bring the sign into conformance is 30 calendar days.

8.09.04. *Time of compliance.* Nonconforming signs and signs without permits except as otherwise provided herein; the owner of any zone lot or other premises on which exists a sign that does not conform with the requirements of this article or for which there is no current and valid sign permit shall be obligated to remove such sign or to bring it into conformity with the requirements of this article.

8.09.05. *Nonconforming existing signs, permits and terms.* A sign which was in existence on the date of adoption of this article and which was constructed in accordance with the articles and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, or design is not in conformance with the requirement of this article, shall be issued a nonconforming sign permit (sticker). A change in the information on the face of the sign is allowed. However, any nonconforming sign shall either be eliminated or made to conform to the requirements of this section when any proposed change, repair, or maintenance would constitute an expense of more than 35 percent of the lesser of the original value or replacement value of the sign.

8.09.06. *Lapse of nonconforming sign permit.* A nonconforming sign permit shall lapse and become void under the same circumstances as those under which any sign permit may lapse and become void.

8.09.07. *Sign removal required.* A sign that was constructed, painted, installed, or maintained in conformance with a permit under this article, but for which the permit has lapsed or not been renewed, shall forthwith be removed without notice or action from the county.

8.09.08. *Amortization.* Any nonconforming sign existing on the date of adoption of this sign code may continue to exist for periods specified below by type.

A. On-premises signs . . . 10 years

B. Portable signs . . . 5 years

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(Ord. No. 2007-27, § 1, 5-24-2007; Ord. No. 2007-63, § 1, 10-4-2007)

8.10.00. Message substitution.

Subject to the landowner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message; provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

(Ord. No. 2007-27, § 1, 5-24-2007; Ord. No. 2007-63, § 1, 10-4-2007)

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Article 9 NONCONFORMING USES AND NONCOMPLYING STRUCTURES

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9.00.00. Intent.

9.01.00. Continuance of a nonconforming use or noncomplying building or structure.

9.02.00. Expansion of nonconforming use prohibited.

9.03.00. Change of nonconforming use.

9.04.00. Alterations to nonconforming uses or noncomplying buildings or structures.

9.05.00. Discontinuance of a nonconforming use.

9.06.00. Destruction of nonconforming uses and noncomplying buildings.

9.07.00. Governmental right-of-way takings.

9.08.00. Non-single-family occupancies in single-family dwellings.

9.00.00. Intent.

This article provides certain limitations which restrict nonconforming uses and/or noncomplying buildings and structures in order to realize the legislative intent and purpose of the this Code and the adopted comprehensive plan of Escambia County. This article is intended to assist in preserving the character of established districts in light of their suitability for particular uses, and thus to promote and protect public health, safety and general welfare. See Article 8 for provisions governing abandoned and nonconforming signs.

9.00.01. Nonconforming uses. The provisions governing nonconforming uses set forth in this article are established to provide a gradual remedy for existing undesirable conditions resulting from such nonconforming uses. While nonconforming uses lawfully existing at the time of enactment of this Code are generally permitted to continue, this article is designed to restrict action regarding such uses which would make them more permanent establishments. NOTE: Single-family site built houses and manufactured homes/mobile homes existing at the effective date of this amendment are considered to be conforming uses. (Ref. comprehensive plan section OBJ FLU 1.4)

9.00.02. Noncomplying buildings and structures. The provisions governing noncomplying buildings and structures are established to prevent the creation of additional noncomplying buildings and structures lawfully existing at the time of enactment of this Code. It also provides, wherever reasonable and practical, for a gradual remedy from noncompliance.

(Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 99-55, § 1, 11-4-1999; Ord. No. 2013-54, § 1, 12-5-2013)

9.01.00. Continuance of a nonconforming use or noncomplying building or structure.

A. Existing nonconforming use. A nonconforming use lawfully existing at the time of the enactment of this Code may be continued subject to the provisions of this Code and any other applicable county land development regulations. The lawful use of a noncomplying building or structure may be continued subject to provisions of this Code and any other county land development regulations.

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B. *Illegal use.* Nothing in this Code shall be interpreted as authorization for, or approval of, continuation of any illegal use of a building, structure, premises or land, in violation of any ordinance in effect at the time of the passage of this Code. The casual, intermittent, temporary, or illegal use of land, building or structure for any length of time shall not be sufficient to establish the existence of a nonconforming use.

C. *Previously approved use.* Any planned building or structure for which a lawful building permit was issued prior to the enactment of this Code, and construction of which is or will be in conformity with approved site plans, if applicable, said building plans shall not be affected by this Code if the planned building or structure is built in full compliance with county land development regulations as they existed at the time of the issuance of the building permit. However, if such building or structure does not conform to the provisions of this Code which cause such planned building, structure or use to be nonconforming or noncomplying, then it shall be nonconforming or noncomplying, or both, as the case may be, by applying this Code to the building, structure or use.

9.02.00. Expansion of nonconforming use prohibited.

A nonconforming use shall not be extended, expanded, enlarged, or increased in intensity. Such prohibited activities apply to both complying and noncomplying buildings or structures and shall include, without being limited to:

A. *Extension to other land or structure.* Extension of a nonconforming use to any land or structure other than the specific land or structure that was actually and directly occupied by such use on the effective date of this Code (or on the effective date or subsequent amendment thereto that causes such use to become nonconforming).

B. *Extension within buildings.* Extension of a nonconforming use within a building or other structure to any portion of floor area on the same or another floor that was not actually and directly occupied by such use on the effective date of this Code (or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming); provided, however, that a nonconforming use may be extended throughout any part of such building or other structure if same is extended without structural alteration to the building or structure, such extension does not require additional parking spaces, such extension does not add any additional dwelling units, and the existing nonconforming use and the proposed extension complies with bulk regulations, landscape requirements and other provisions of this Code.

C. *Increase of nonconformity of performance standards.* Operation of a nonconforming use in such manner as to conflict with or to further conflict (if already conflicting on the effective date of this Code or, on the effective date of a subsequent amendment thereto that results in such use becoming nonconforming), with any performance standards established for the district in which the use is located.

D. *Parking and landscaping.* Nothing contained in this article shall in any way prohibit a nonconforming use from acquiring additional off-street parking area, subject to applicable landscape requirements.

E. *Additions.* No additions which increase the area of nonconforming use or a conforming use shall be made to any building or structure occupied, in whole or in part, by a nonconforming use.

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F. *Alterations.* No alterations shall be made to any building or structure occupied by a nonconforming use except as permitted by this Code.

9.02.01. Mobile home policy.

A. *Replacement.* Any nonconforming mobile home may be replaced by another larger mobile home within days provided that:

1. Replacement mobile homes must meet the setback requirements of the zoning district; and comply with the most recently adopted installation standards of the State of Florida as well as all applicable American Society of Civil Engineers (ASCE) standards.
2. Replacement mobile homes must meet Department of Housing and Urban Development (HUD) certification standards and have a HUD seal attached to the replacement unit. Any such replacement unit shall have been manufactured after July 13, 1994.

B. *Mobile home parks.* In addition to the above requirements, such replacements are authorized in a mobile home park only if the replacement unit is located ten feet or more from any other mobile home and can meet the property line setback standards.

9.03.00. Change of nonconforming use.

If no structural alterations are made, a nonconforming use of a building or structure may be changed to another nonconforming use of similar classification under the following conditions:

A. *Classification of uses.* The uses to which the building is to be put is at the time of the proposed change, classified as a similar use in the zoning district where the existing nonconforming use is permitted. If the existing nonconforming use is an unconditionally permitted use (not a conditional use) in more than one zoning district, the most restrictive zoning district where the use is unconditionally permitted shall be the zoning district referenced to determine whether the proposed new nonconforming use is classified as a use similar to the existing nonconforming use.

B. *Impact of change.* The change in use shall not intensify or enlarge the basic use of the building or premises by increasing the need for more parking facilities; by increasing vehicular or pedestrian traffic; by creating more noise, vibration, fire hazard, smoke, dust or fume, by increasing ground coverage or adversely impacting drainage; or otherwise result in a more intensive use of the building or premises unless the change is to make the building and premises more nearly conform to the requirements of the zoning of the district in which the building or structure is located.

C. *Subsequent changes.* When a nonconforming use of all or any part of a building, structure or premises is changed to another nonconforming use of a more restricted character, the new use may not thereafter be changed to any less restricted use.

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- D. *New nonconforming use.* When a nonconforming use of all or any building, structure or premises has been changed to a conforming use, the conforming use shall not thereafter be changed to any nonconforming use.
- E. *Compliance.* No alterations shall be made to any building or structure occupied by a nonconforming use except as permitted in this Code.
- F. *Change to lesser nonconforming use.* A change from one nonconforming use to another nonconforming use shall not be permitted if the change results in an extension of a nonconforming use, except as would be permitted pursuant to section 9.02.00B above.

9.04.00. Alterations to nonconforming uses or noncomplying buildings or structures.

9.04.01. Incidental alterations to nonconforming or noncomplying buildings or structures. Repairs and alterations shall be limited to incidental alterations as defined below:

- A. Minor interior structural improvements which do not extend the nonconforming use or increase the noncompliance and which are consistent with all applicable provisions of this article.
- B. Replacement of, or minor changes in capacity of utility pipes, ducts, conduits, or other utility system components.
- C. Improvements to exterior facade, including windows or doors.
- D. No incidental alteration shall include an extension or addition which permits the nonconforming use to occupy any additional land or which increases any noncompliance.
- E. Any single-family residential structure, including manufactured homes/mobile homes, used for residential occupancy only, located in any district may make unwallled additions limited to the following: porches, patios, decks, and carports, provided the more restrictive setbacks, open space, and other bulk regulations governing single-family dwelling units are applied to the entire parcel. Accessory buildings are permitted in accordance with section 2.10.06.

9.04.02. Nonincidental alterations to nonconforming uses or structures.

A. *Change of use or increase in floor area with no exterior addition.* Provided noncompliance is not intensified, extended or increased, a change from one conforming use to another conforming use, or an increase in the area of a conforming use, within a noncomplying building or structure, with or without structural alterations, is permitted only under the following conditions:

1. All uses to which said building or structure is put conform to the applicable use provisions of the zoning district in which the building or structure is located.
2. If only parking is deficient at the time of the proposed change under the provisions of this Code and the change does not require any additional parking space which would increase the existing parking deficiency and its attendant landscaping are corrected to the extent sufficient land is available on the site to

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accommodate some or all of the deficient parking spaces. Increases in floor area which result in additional required parking may be permitted up to the square footage that would still allow for the accommodation of the additional required parking.

3. If only landscaping is deficient at the time of the proposed change under the provisions of this Code, and the change does not require additional parking spaces, the change is permitted providing the existing landscaping deficiency is corrected to the extent sufficient land is available on the site to accommodate some or all of the deficient landscaping.
4. If the parking area is deficient at the time of the proposed change under the provisions of this Code and the proposed change requires additional parking spaces over the existing parking deficiency, the change is prohibited unless the net additional parking area and its attendant landscaping are provided and any deficiencies are corrected under the same criteria in this article.
5. If both existing parking and landscaping are deficient at the time of the proposed change under the provisions of this Code and the change does not require any additional parking, or any additional landscaping which would increase the requirement for parking or landscaping over the existing deficiencies, the change is permitted provided the deficiencies are corrected to accommodate some or all of the deficient parking or landscaping. If sufficient land is not available on the site to allow correction of all of the parking and landscaping deficiencies (at the time of the proposed change), priority of correction to the landscaping and parking deficiencies shall be determined on a case-by-case basis by the director. The director shall determine if the proposed change is a minor change in site plan pursuant to section 2.09.00 et seq., or if the change requires full site plan review.
6. If parking and landscaping are in compliance at the time of the proposed change under the provisions of this Code and the proposed changes do not render either the parking or landscaping deficient, the change is permitted. If the proposed change would render either the parking or landscaping, or both, to become deficient, and therefore noncomplying, the change is prohibited unless the required additional parking and landscaping are provided.

B. Change of use or floor area with exterior additions. Provided noncompliance is not intensified, extended or increased, an increase in the area of a conforming use by the addition to a noncomplying building or structure, or by the addition of another building or structure on the site, is permitted only under the following conditions:

1. All uses to which all buildings or structures are put conform to the applicable use provisions of the zoning district in which the building or structure is located.
2. In every case any additional parking required by the addition shall be provided, unless such additional required parking is provided already.
3. In every case any additional landscaping required by the addition shall be provided, unless such additional landscaping is provided already.

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4. If only parking space is deficient at the time of the proposed addition under the provisions of this Code, the deficiency shall be corrected by applying the following formula. Divide the gross floor area of the existing building(s) or structure(s) into the gross floor area of the proposed addition to establish a percentage; then multiply the percentage times the existing building prior to the proposed addition. The result rounded at the next highest whole number shall be the minimum number of parking spaces required (with attendant landscaping) to correct the deficiency. If insufficient land remains to fully accommodate both the remaining parking deficiency and the landscaping required by the parking spaces to accommodate the remaining parking deficiency, the priority of parking spaces vis-a-vis landscaping shall be determined on a case-by-case basis as provided above.

5. If only landscaping is deficient under the provisions of this Code at the time of the proposed addition, and the addition does not require additional parking, the landscaping deficiency shall be corrected to the extent sufficient land was available on the effective date of this Code on the site to accommodate the landscaping.

6. If both parking and landscaping are deficient at the time of the proposed addition, and the minimum requirements of paragraphs 1, 2, 3, and 4 above are complied with and additional land area was available on the site on the effective date of this Code or at the time of the proposed addition, whichever land area is greater, to accommodate both the parking and landscaping deficiencies, the parking and landscaping provisions of this Code shall be complied with. If, under this situation sufficient land was not available on the effective date of this Code on the site to accommodate full correction of both deficiencies, and sufficient land is not available on the site at the time of the proposed change, whichever land area is greater, the priority of corrections shall be determined as provided in section 9.04.02A.5 above.

9.04.03. Provisions for determining the required corrections of deficiencies.

A. *Intent.* It is the intent of this section to require the corrections of deficiencies to the extent sufficient land is available onsite to accommodate such corrections.

B. *Subdivision.* A reduction in the amount of land containing a nonconformity is prohibited. No subdivision of any parcel containing a nonconforming use, structure or performance standard is permitted.

C. *Involuntary transfers.* Involuntary transfers of, or restrictions on, the land which occurred after the effective date of this Code, shall not be held against the proposed addition as to the existing deficiencies only and, in such event, the provisions relating to existing deficiency shall be complied with to the extent possible at the time, subject to full compliance with the provisions of this article relating to changes of additions which require additional parking or landscaping, or both over and above any existing deficiency.

D. *Applicant responsibility.* The landowner or his representative shall be required to prove the size and shape of the site on the effective date of this Code, plus the size and location of all buildings and structures, including parking lots, on the effective date of this Code, plus the net addition to or subtraction from the land area or buildings or structures, or both, at the time of the proposed addition, to enable the county to properly

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determine the legality and propriety of the proposed change or addition; and the corresponding required corrections of the existing deficiencies, if any, in parking and landscaping.

9.05.00. Discontinuance of a nonconforming use.

A. If a nonconforming use is discontinued, removed or abandoned for a continuous period of 365 days, every future use of the premises shall be in conformity with the use provisions of this Code.

B. Where the cessation of the use is involuntary or the result of acts of God, the nonconforming use shall not be declared discontinued until six months after the initial 365-day period. Extensions to the time period may be granted by the BOA if the landowner proves a cessation of use was due to circumstances beyond his control and that he exerted a continuing good faith effort to put the building or structure to use during the prescribed period.

9.06.00. Destruction of nonconforming uses and noncomplying buildings.

With the exception of structures that are nonconforming with respect to the requirements of Article 11, nothing in this Code shall prevent either:

A. The restoration (to the same or lesser floor area square footage and in conformance with current site and building standards to the extent possible) of a building destroyed by fire, explosion or other casualty, or act of God, or public enemy; or

B. If partially damaged or destroyed, the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction, if the undamaged portion is determined safe for the intended use or occupancy.

9.06.01. Reconstruction. Any reconstruction undertaken pursuant to this part must conform to all applicable laws, rules and regulations governing building and construction, including, but not limited to, F.S. ch. 161 and all applicable performance standards contained herein.

9.07.00. Governmental right-of-way takings.

A. *Nonconformity due to taking.* Existing building and vehicular use areas which are not within the part taken but, because of the taking, do not comply with any development standard of this ordinance, shall not be required to be reconstructed to meet such development standards and the remainder shall be deemed thereafter to be conforming properties. The exemption thus created, at the owner's request shall constitute a covenant of compliance running with the land.

B. *Relocation on parcel.* Any building or vehicular use areas taken either totally or partially may be relocated on the remainder of the site without being required to comply with any development standard of this ordinance except that the relocated building or vehicular use areas shall be set back as far as is physically feasible without reducing the utility or use of the relocated building or vehicular use areas below its pretaking utility or use. The exemption thus created shall constitute a covenant of compliance running with the land.

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C. *Act of God or fire.* Any properties exempt according to paragraphs A. and B. above which are thereafter destroyed, other than by voluntary demolition, to an extent of less than 60 percent of the value at the time of destruction, may be restored but only to the predestruction size and location; and, in the case of voluntary demolition, no rights of restorations are conferred except in compliance with the applicable standards of this Code.

D. *Administrative variance.* In order to secure the exemptions in paragraphs A. and B. above, either the condemning authority, or the landowner or both, shall apply in writing to the chief of the planning and zoning division for determination that the granting of the exemption will not result in a condition dangerous to the health, safety or welfare of the general public. The chief, or staff designee, will meet with the applicant initially to determine the evidence needed to assure that such an exemption will not result in a condition which will endanger the health, safety, or welfare of the general public. Within 30 days of submittal of the necessary evidence, the chief or staff designee shall confer a second time with the applicant to discuss whether or not the application is to be granted. If the application is granted, the chief shall issue a signed letter to the applicant(s) granting exemption. The letter shall specify the details of the exemption in a form recordable in the public records of Escambia County, Florida. If the application is denied, the chief shall issue a signed letter to the applicant specifying the specific health, safety, or welfare grounds upon which the denial is based.

E. *Appeal.* A party may appeal the determination of the chief of the planning and zoning division to the board of adjustment by filing said appeal in writing and standing the grounds for the appeal within 30 days of receipt of the letter of action.

Section 9.08.00. Non-single-family occupancies in single-family dwellings.

A. The provisions of this Article shall not apply to any nonconforming uses in violation of Section 6.04.18. Such uses shall cease as of the effective date of the ordinance establishing 6.04.18.

B. Notwithstanding subsection A., nothing in this section shall impair or terminate any lawful contract or lease in existence prior to the effective date of the ordinance establishing Section 6.04.18. Provided, further, that no contract or lease may be extended or renewed for any additional period or term after this effective date if the extended or renewed use would violate Section 6.04.18.

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Article 10 FLOODPLAIN MANAGEMENT

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- 10.00.00. Administration
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 - 10.02.00. Duties and Powers of the Floodplain Administrator
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 - 10.15.00 Other Development

10.00.00 ADMINISTRATION

10.00.01 Title. These regulations shall be known as the *Floodplain Management Ordinance of Escambia County*, hereinafter referred to as “this ordinance.”

10.00.02 Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

10.00.03 Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

- A. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
- B. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

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- C. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
- D. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
- E. Minimize damage to public and private facilities and utilities;
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
- G. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
- H. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

10.00.04 Coordination with the *Florida Building Code*. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

10.00.05 Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ordinance.

10.00.06 Disclaimer of Liability. This ordinance shall not create liability on the part of **Board of County Commissioners of Escambia County** or by any officer or employee thereof for any flood damage that results from reliance on this ordinance or any administrative decision lawfully made thereunder.

10.01.00 APPLICABILITY

10.01.01 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

10.01.02 Areas to which this ordinance applies. This ordinance shall apply to all flood hazard areas within Escambia County, as established in Section 10.01.03 of this ordinance.

10.01.03 Basis for establishing flood hazard areas. The Flood Insurance Study for **Escambia County, Florida and Incorporated Areas** dated September 29, 2006, and the accompanying Flood Insurance Rate Maps (FIRM), are adopted by reference as a part of this ordinance and shall serve as the minimum basis for establishing flood hazard

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areas. Studies and maps that establish flood hazard areas are on file at the **Escambia County Development Services Department, 3363 West Park Place, Pensacola, Florida 32505.**

10.01.04 Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 10.04.00 of this ordinance the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ordinance and, as applicable, the requirements of the *Florida Building Code*.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

10.01.05 Other laws. The provisions of this ordinance shall not be deemed to nullify any provisions of local, state or federal law.

10.01.06 Abrogation and greater restrictions. This ordinance supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any other provisions of existing ordinances including but not limited to land development regulations, zoning ordinances stormwater management regulations, or the *Florida Building Code*. In the event of a conflict between this ordinance and any other ordinance, the more restrictive shall govern. This ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ordinance.

10.01.07 Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

10.02.00 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

10.02.01 Designation. The **County Administrator** is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

10.02.02 General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to render interpretations of this ordinance consistent with the intent and purpose of this ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ordinance without the granting of a variance pursuant to Section 10.06.00 of this ordinance.

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10.02.03 Applications and permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:

1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this ordinance;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*, when compliance with this ordinance is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

10.02.04 Substantial Improvements and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage;
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

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10.02.05 Modifications of the strict application of the requirements of the Florida Building Code. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 10.06.00 of this ordinance.

10.02.06 Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

10.02.07 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 10.05.00 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

10.02.08 Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. In coordination with the Building Official review all permits for construction within the Special Flood Hazard Areas to ensure that the proposed project meets the freeboard requirements. In Escambia County the freeboard requirement is 3 feet above the designated FEMA Base Flood Elevation.
2. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 10.02.04 of this ordinance;
3. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);
4. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available;
5. Review required design certifications and documentation of elevations specified by this ordinance and the *Florida Building Code* to determine that such certifications and documentations are complete; and
6. Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on Flood Insurance Rate Maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

10.02.09 Floodplain management records. Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations

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specified by the *Florida Building Code* and this ordinance; notifications to adjacent communities, FEMA, and the state, related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ordinance and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Escambia County Development Services.

10.03.00 PERMITS

10.03.01 Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ordinance, including buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within or partially within any flood hazard area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ordinance and all other applicable codes and regulations has been satisfied.

10.03.02 Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this ordinance for any development activities not subject to the requirements of the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

10.03.03 Buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the *Florida Building Code* and any further exemptions provided by law, which are subject to the requirements of this ordinance:

1. Railroads and ancillary facilities associated with the railroad.
2. Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in Section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

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8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in Section 553.73(10)(k), F.S., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

10.03.04 Application for a permit or approval. To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 10.04.00 of this ordinance.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the Floodplain Administrator.

10.03.05 Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

10.03.06 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

10.03.07 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

10.03.08 Other permits. Floodplain development permits and building permits shall include a disclaimer that all other applicable state or federal permits be obtained by the applicant before commencement of the permitted development. Such permits may include but not limited to the following:

1. The Northwest Florida Water Management District; Section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, F.S. and Chapter 64E-6, F.A.C.

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3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; Section 161.141, F.S.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, F.S.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

10.04.00 SITE PLANS AND CONSTRUCTION DOCUMENTS

10.04.01 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 10.04.02(2) or (3) of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 10.04.02(1) of this ordinance.
4. Location of the proposed activity and proposed structures, and locations of current buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

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10.04.02 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation data and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is 3 feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

10.04.03 Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in 10.04.04 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, a hydrological and hydraulic analysis that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a

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manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 10.04.04 of this ordinance.

4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

10.04.04 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

10.05.00 INSPECTIONS

10.05.01 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

10.05.02 Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

10.05.03 Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

10.05.04 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 10.04.02(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

10.05.05 Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 10.05.04 of this ordinance.

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10.05.06 Manufactured homes. The **Building Official** shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the **Building Official**.

10.06.00 VARIANCES AND APPEALS

10.06.01 General. The **Escambia County Board of Adjustments (BOA)** shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to Section 553.73(5), F.S., the **BOA** shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

10.06.02 Appeals. The **BOA** shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of **BOA** may appeal such decision to the Circuit Court, as provided by Florida Statutes.

10.06.03 Limitations on authority to grant variances. The BOA shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 10.06.07 of this ordinance, the conditions of issuance set forth in Section 10.06.08 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The BOA has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

10.06.04 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 10.04.03 of this ordinance.

10.06.05 Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building, Chapter 11 Historic Buildings*, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

10.06.06 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 10.06.04, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

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10.06.07 Considerations for issuance of variances. In reviewing requests for variances, the **BOA** shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

10.06.08 Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ordinance or the required elevation standards;
2. Determination by the BOA that:
 - a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
 - b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood

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elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the base flood elevation increases risks to life and property.

10.07.00 VIOLATIONS

10.07.01 Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance, that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

10.07.02 Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

10.07.03 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

10.08.00 DEFINITIONS

10.08.01 General. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

10.08.02 Terms defined in the *Florida Building Code*. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

10.08.03 Terms not defined. Where terms are not defined in this ordinance or in the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

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Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

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

Basement. The portion of a building having its floor sub-grade (below ground level) on all sides.

Coastal construction control line. The line established by the State of Florida pursuant to Section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune, along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note: The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Datum. A reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

Design flood. The flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

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Existing building and existing structure. Any buildings and structures for which the “start of construction” commenced before September 30, 1977.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before September 30, 1977.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood hazard area. The greater of the following two areas:

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. The area designated as a flood hazard area on the community’s flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodplain management regulations. This article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion

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control ordinance), and other applications of police power which control development in floodprone areas. The term describes federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing. A combination of design modifications which results in a building or structure, including the attendant utility and sanitary facilities, being water tight with walls substantially impermeable to the passage of water and with structural components having the capacity to resist loads as identified in the *Florida Building Code*.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Freeboard. The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Hardship/unique hardship. A hardship results if due to circumstances involving the parcel's size, location, configuration or geotechnical condition, the strict application of this article:

- A. Renders the parcel unusable; or
- B. Denies the owner of the same development rights commonly enjoyed by similarly situated property owners who are in compliance with the ordinance.

A hardship may not result through the fault of the owner, e.g. such as by building without a permit.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

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Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirement of the *Florida Building Code* or ASCE 24

Manufactured home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

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Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, Actual Cash Value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the *Florida Building Code*, structures for which the “start of construction” commenced on or after September 30, 1977 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after September 30, 1977.

North American Vertical Datum (NAVD) of 1988. A vertical control used as a reference for establishing varying elevations within the floodplain.

Park trailer. A transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F. S.]

Recreational vehicle. A vehicle, including a park trailer, which is: [Defined in Section 320.01, F.S.]

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or

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other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building

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

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

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*. A quasi-judicial remedy for hardship administered by the Board of Adjustment in accordance with the procedures contained in this article. See Section 10.06.00.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Water surface elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

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10.09.00 FLOOD RESISTANT DEVELOPMENT

10.09.01 Buildings and Structures. Pursuant to Section 10.03.03 of this ordinance, buildings, structures and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 10.15.00 of this ordinance.

10.09.02 Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code*, *Building* Section 3109 and Section 1612 or *Florida Building Code*, *Residential* Section R322.
2. Minor structures and non-habitable major structures as defined in Section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

10.10.00 SUBDIVISIONS

10.10.01 Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards: in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

10.10.02 Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;
2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 10.04.02(1) of this ordinance; and
3. Compliance with the site improvement and utility requirements of Section 10.11.00 of this ordinance.

10.11.00 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

10.11.01 Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from

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flooding;

2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

10.11.02 Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

10.11.03 Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

10.11.04 Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 10.04.03(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

10.11.05 Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

10.11.06 Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 10.04.03(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 10.15.08(3) of this ordinance.

10.12.00 MANUFACTURED HOMES

10.12.01 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249, F.S, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the Coastal Construction Control Line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

10.12.02 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the

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foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance.

2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

10.12.03 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

10.12.04 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 10.12.05 or 10.12.06 of this ordinance, as applicable.

10.12.05 General elevation requirement. Unless subject to the requirements of Section 10.12.06 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located:

- (a) outside of a manufactured home park or subdivision;
- (b) in a new manufactured home park or subdivision;
- (c) in an expansion to an existing manufactured home park or subdivision; or
- (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

10.12.06 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 10.12.05 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

10.12.07 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed areas, as applicable to the flood hazard area.

10.12.08 Utility equipment. Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section R322, as applicable to the flood hazard area.

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10.13.00 RECREATIONAL VEHICLES AND PARK TRAILERS

10.13.01 Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas (no longer than 14 days) shall be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

10.13.02 Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in 10.13.01 of this ordinance for temporary placement shall meet the requirements of Section 10.12.00 of this ordinance for manufactured homes.

10.14.00 TANKS

10.14.01 Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

10.14.02 Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 10.14.03 of this ordinance shall:

1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
2. Not be permitted in coastal high hazard areas (Zone V).

10.14.03 Above-ground tanks, elevated. Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

10.14.04 Tank inlets and vents. Tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

10.15.00 OTHER DEVELOPMENT

10.15.01 General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;

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2. Meet the limitations of 10.11.04 of this ordinance if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required addressing life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

10.15.02 Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of 10.11.04 of this ordinance.

10.15.03 Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 10.11.04 of this ordinance.

10.15.04 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 10.11.04 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 10.04.03(3) of this ordinance.

10.15.05 Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.

10.15.06 Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.
2. A deck or patio that is located below the design flood elevation shall be structurally independent from

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buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.

10.15.07 Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
4. A pool adjacent to an elevated V zone building may be constructed at grade or elevated so that the lowest horizontal structural member supporting the pool is at or above BFE. A Florida registered design professional must certify that such structure will not be subject to breaking up or floating out of the ground and affecting the pilings and columns of the supporting system of the surrounding buildings. The certified professional must also verify that the pool and accessory equipment will not divert waves an increase potential damage to any nearby buildings. All pool equipment must be strapped down or elevated above BFE to prevent flotation.

10.15.08 Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.
2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures.

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3. Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave run-up and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. 2013-56, § 1,12-05-2013)

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Article 11 AIRPORT/AIRFIELD ENVIRONS

Article 11 AIRPORT/AIRFIELD ENVIRONS*

***Editor's note:** Section 4 of Ord. No. 2006-30, adopted April 6, 2006, amended Art. 11 in its entirety to read as herein set out. Former Art. 11 pertained to similar subject matter and derived from Ord. No. 97-51, adopted Oct. 2, 1997; Ord. No. 98-42, adopted Sept. 9, 1998; Ord. No. 2001-27, adopted May 3, 2001; Ord. NO. 32002-8, adopted Feb. 7, 2002; Ord. No. 2003-35, adopted Aug. 7, 2003; Ord. No. 2004-7, adopted Feb. 5, 2004; Ord. No. 2004-32, adopted June 3, 2004; and Ord. No. 2005-23, adopted July 7, 2005.

11.00.00. Findings.

11.01.00. Airport/airfield environs.

11.02.00. Airfield influence planning districts (AIPD).

11.03.00. Pensacola Regional Airport Planning District (PNSPD).

11.04.00. Airport/airfield height limitations.

11.00.00. Findings.

The board of county commissioners of Escambia County has considered, among other things, the character of the operations conducted and proposed to be conducted at the various airports and airfields of Escambia County, the nature of the terrain and the character of the land within airport/airfield hazard areas, the current uses of property within and around such hazard areas and the uses that are appropriate and the recommendations of the 2003 Joint Land Use Study (JLUS) addressing military airfield encroachment, and the board finds as follows:

There exist airports and airfields within Escambia County and in proximity to Escambia County that are vitally important to the county, but whose operations are potentially harmful to the health, safety and general welfare of the citizens of Escambia County;

Airports/airfields create hazards that endanger the lives and property of users of the airports and/or airfields and the occupants and owners of property in their vicinity;

Airports/airfields produce noise that is not compatible with residential uses and certain commercial and industrial uses;

Obstructions reduce the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of airports/airfields and the public investment therein;

The creation, establishment, enlargement, or intensification of airport/airfield hazards injures the community served by such facilities; and

Airport/airfield hazards should be prevented in the interest of the long-term viability of airports/airfields within the county and the public health, safety and general welfare.

11.00.01. Applicability. This section is adopted pursuant to the authority conferred by F.S. chs. 125, 163 and 333. It is hereby found that incompatible land uses have the potential for being hazardous to aircraft operations as well as

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to the persons and property on the ground in the vicinity of the incompatible land use. Incompatible land use reduces the size of areas available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of Pensacola Regional Airport, NAS Pensacola Airfield, Ferguson and Coastal airports and NOLF Saufley, NOLF Site 8 and Navy Hospital heliport and the public investment therein. Accordingly, it is declared:

That the creation or establishment of incompatible land uses around airports and/or airfields is a nuisance and injurious to the region served by the Pensacola Regional Airport, Ferguson and Coastal airports and NAS Pensacola, NOLF Saufley and NOLF Site 8 Airfields, and the Navy Hospital heliport.

The regulations on land uses set forth herein are applicable to all lands designated as Airfield Influence Planning Districts (AIPD) and the Pensacola Regional Airport Planning District (PNSPD) on the official "Escambia County Airport/Airfield Zoning Map Series", and to all lands subject to land use regulation pursuant to the requirements of Florida Statute. In addition, all of the property as designated on the "Height Limitations Maps" are regulated pursuant to the provisions of this Code for height limitations. The official maps shall be available for public inspection during regular office hours at the Planning and Zoning Department and the County Building Inspections Office.

At such time as any military airfield or outlying landing field permanently ceases military operations and is converted to civilian use, the applicable Airfield Environs regulations for the site and the surrounding properties will revert to the underlying zoning and its attendant regulations. If the airfield is converted to a civilian airport, the Board of County Commissioners shall determine if the airfield zoning overlay, including avigation easements, should be retained for the health, safety and welfare of the surrounding residents.

Any reverted parcel with a Public zoning designation must be rezoned before any nonpublic use or development can occur.

11.00.02. *Definitions, as pertain to Airport/Airfield Environs.*

Abandoned/discontinued. As applies to Article 11, a cessation of use lasting for 365 days, or any structure that has not been used for business or residential purposes for 365 days. Military facilities will not be considered abandoned or discontinued until they have been officially decommissioned by an appropriate military authority.

Absolute. As used in articles 6 and 11, absolute pertains to the density restrictions in some Airfield Influence Planning District areas and means that the minimum lot size allowed is established as the inverse of the maximum density. For example, when the maximum density is three dwelling units per acre, the minimum lot size is one-third acre. When the maximum density is two dwelling units per acre, the minimum lot size is one-half acre.

Accident potential zones (APZ). As applied to military airfields, those areas which are identified as being significantly impacted by accident potential from aircraft. APZ-1 is an area normally beyond the clear zone that possesses a significant potential for accidents. APZ-2 is an area normally beyond APZ-1 that has a measurable potential for accidents.

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Airport. Any area of land or water that is designed and set aside for the landing and taking off of civilian aircraft and utilized or to be utilized in the interest of the public for such purposes. The airports within Escambia County are Pensacola Regional Airport, Ferguson Airport, and Coastal Airport.

Airfield. Any area of land or water that is designed and set aside for the landing and taking off of military aircraft. The airfields within Escambia County are: NAS Pensacola, NOLF Saufley, NOLF Site 8, and Navy Hospital Heliport.

Airport/airfield elevation. The highest point of an airport/airfield's landing area measured in feet above mean sea level (AMSL).

1. The established elevations for the airfields within Escambia County are:
 - a. NAS Pensacola (Elevation 30 AMSL).
 - b. NOLF Saufley (Elevation 85 AMSL).
 - c. NOLF Site 8 (Elevation 110 AMSL).
 - d. Navy Hospital Heliport (Elevation 25 AMSL).
2. The established elevations for the airports within Escambia County are:
 - a. Pensacola Regional Airport (Elevation 121 AMSL).
 - b. Ferguson Airport (Elevation 27 AMSL).
 - c. Coastal Airport (Elevation 110 AMSL).

Airport/Airfield Environs. The area that has been identified as being significantly impacted by any airport or airfield in Escambia County.

Airport/airfield hazard. Any structure, tree or use of land which would exceed the federal standards as contained in Title 14 C.F.R. Part 77 "Objects Affecting Navigable Airspace"; FAA Handbook 7400.2(x) [x = current version] "Procedures for Handling Airspace Matters", FAA Handbook 8260.3(x) "Terminal Instrument Procedures", and FAA Advisory Circulars 70/7460-2(x) "Proposed Construction or Alteration of Objects that May Affect the Navigable Airspace," 70/7460-1(x) "Obstruction Marking and Lighting," and 150/5190-4A "Zoning and Grants," which obstructs the airspace required for the flight of aircraft taking off, maneuvering or landing and which has not previously obtained a permit or variance pursuant to F.S. § 333.025 or 333.07.

Airport/airfield hazard area. Any area of land or water upon which an airport/airfield hazard might be established if not prevented by this Code.

Airport/airfield land use administrator (administrator). The county administrator or his duly appointed designee.

Note: "Airspace height" definition deleted by Ord. No. 2004-32.

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Avigation easement. A form of right-of-way, i.e., an agreement that gives the owner of the easement a clear property right to maintain flight operations in the airspace above the property, running with the land and in perpetuity. Military avigation easements will become null and void at such time as the facility reverts to civilian use. (See section 11.00.01.C.)

Clear zone (CZ). An area extending outward from the end of each runway. The parameters of clear zones are unique to each installation, but all are considered an area of high accident potential. (See section 11.04.02 for the parameters for each of the military installations in Escambia County.)

Note: "Clear zone (CZ)" definition extensively modified and "clear zone (OLF Saufley)" definition deleted by Ord. No. 2004-32.

Day-night average sound level (Ldn). A basic measure for quantifying noise exposure. (See definition of "Ldn".)

Decibel (dB). A unit for measuring the relative loudness of sound or sound pressure equal approximately to the smallest degree of difference of loudness or sound pressure ordinarily detectable by the human ear, the range of which includes about 130 decibels on a scale beginning with one for the faintest audible sound.

dBA. The unit of noise level measured in accordance with the "A-weighted scale" which replicates the response characteristics of the ear. This scale is a quantity, in decibels, read from a standard sound-level meter with A-weighting circuitry. The A-space weighting discriminates against lower frequencies according to a relationship approximating, and more accurately reflecting the auditory sensitivity and response of the human ear. The A-scale sound level measures approximately the relative "noisiness" or "annoyance" of common sounds.

Decision height. The height at which a decision must be made during an instrument approach, to either continue the approach or to execute a missed approach and regain altitude.

Note: "Easements" definition deleted by Ord. No. 2004-32.

Floor area ratio (FAR). A means for determining intensity of land use. FAR is calculated by adding all authorized floor levels minus setback, landscape and parking requirements and then dividing this total by the gross site area.

Height (airport/airfield). In the Airport/Airfield Environs, for purpose of determining the height of any structure, tree or other object, including communication towers, the height is the elevation above mean sea level (AMSL). For calculation purposes, this is the sum of the elevation of the site and the height of the structure, including any appurtenances.

Imaginary surface. See definition for "surface".

Instrument runway. A runway equipped with electronic and visual navigation aids for which a precision or non-precision approach procedure having straight-in landing minimums has been approved.

Ldn. A day/night average sound level obtained by averaging the 24-hour sound level, in decibels, after the addition of a ten decibel to night time (10:00 p.m. to 7:00 a.m.) sound levels.

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Lot of record. In Article 11, Airport/Airfield Environs, a lot of record for the purpose of constructing one single-family dwelling shall be a parcel recorded on or prior to August 21, 2001.

Minimum descent altitude. The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is approved.

Note: "Minimum en route altitude", "minimum obstruction clearance altitude", and "minimum vectoring altitude" definitions deleted by Ord. No. 2004-32.

Noise level reduction (NLR). Amount of noise reduction required through construction and incorporation of sound attenuation material to reduce interior noise level.

Nonprecision instrument runway. A runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in, nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airfield planning document.

Owner. Any person, group of persons, firm or firms, corporation or corporations, commanding officer of any local military base, or any other legal entity having legal or equitable title to or sufficient proprietary interest in or to any property subject to this Code.

Precision instrument runway. A runway having an instrument approach procedure utilizing an instrumented landing system (ILS) or a precision approach radar (PAR).

Runway. A defined area on an airport or airfield prepared for landing and takeoff of aircraft along its length.

Surface. An imaginary geometric plane enclosing an area, penetration into which may be restricted, prohibited or controlled.

Note: "Utility runway" definition deleted by Ord. No. 2004-32.

Visual runway. A runway intended solely for the operation of aircraft using visual approach procedures and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airfield layout plan, or by any planning document submitted to the FAA by competent authority.

(Ord. No. 2006-30, § 4, 4-6-2006)

11.01.00. Airport/Airfield Environs.

11.01.01. *Description of environs.* Certain airport/airfield environs have been established around each of the airports/airfields within the county. These environs have been identified through data provided to the county from the United States Navy and City of Pensacola in studies completed by each of the entities, and by the Joint Land Use

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Study conducted by the county, for the airports/airfields that operate within Escambia County. Areas within the airport/airfield environs are subject to regulation beyond the other requirements of the Code. These additional restrictions provide an enhanced level of protection in support of the continued operations of the airports/airfields in the county.

11.01.02. *Administration.* The following administrative requirements apply to the airport/airfield environs.

A. *Notification of Navy.* For any rezoning, conditional use, variance, development review committee case, administrative appeal, temporary use of a mobile home for medical purposes, or development order extension within the boundaries of any airfield environ area, Airfield Influence Planning District (AIPD-1 or AIPD-2), or any height-restricted area near NAS Pensacola, NOLF Saufley, NOLF Site 8, or the Navy Hospital heliport, mail and/or email notice shall be sent by the planning and zoning department to:

Air Operations Officer
Air Operations
Naval Air Station Pensacola, Building 1852
Pensacola, FL 32508-5217

And to:

Aviation/Community Planner
JPATS Coordinator, Operations Code 31
Naval Air Station Whiting Field
7077 USS Lexington Court
Milton, FL 32570-6016

for review and comment in the form of a recommendation to the final approving authority.

B. *Notification of Pensacola Regional Airport.* For any rezoning, conditional use, variance, development review committee case, administrative appeal, temporary use of a mobile home for medical purposes, or development order extension within the boundaries of PNSPD, within any height-restricted area near Pensacola Regional Airport, or in excess of the Pensacola Regional Airport notification requirement surface, mail or e-mail notice shall be sent by the planning and zoning department to:

Airport Director
Pensacola Regional Airport
2430 Airport Blvd, Suite 225
Pensacola, FL 32504

for review and comment in the form of a recommendation to the final approving authority.

C. *Development review.* A representative from the Navy shall be designated as an ex officio member of the development review committee (DRC) with the purpose of providing written recommendations to the DRC.

11.01.03. *Variances, conditional uses and other relief.*

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A. *Variances and conditional uses.* No variances shall be granted to the requirements of the AIPDs or to the regulations regarding height within airfield height limitation surfaces. Variances to height restrictions, other than airfield height restrictions, shall follow the criteria outlined below. For all other variance or conditional use requests, section 2.05.00 of the Land Development Code shall apply. When considering a variance under section 2.05.02, proximity to the overlay zone boundary lines shall be considered an unusual physical condition.

1. *Variances to height.* Applicants seeking to erect, alter, or modify a structure so as to exceed the height limitations of this article must request a variance. In the event that federal obstruction standards as contained in Title 14 of the Code of Federal Regulations Part 77 (14 CFR Part 77) are more stringent than the height limitations of this article or zoning district height limitations, applicants seeking to erect, alter, or modify a structure so as to exceed the height limitations of 14 CFR Part 77 must request a variance. Unless otherwise noted below, variance requests shall be processed as outlined in Article 2 of the Land Development Code.

a. *Criteria.* In determining whether to grant a variance, the Board of Adjustment (BOA) shall consider the criteria in F.S. § 333.025(6). Per F.S. § 333.03(c)5, no variances shall be granted solely on the basis that a proposed structure will not exceed federal obstruction standards as outlined in 14 CFR Part 77. In addition, no variances will be granted unless the BOA finds that all the following conditions exist:

- (1) The request meets all applicable conditions in section 2.05.02 of the Land Development Code.
- (2) The applicant provides documentation showing compliance with the federal requirement for notification of proposed construction and a valid aeronautical evaluation.
- (3) The applicant provides a Federal Aviation Administration (FAA) aeronautical study with a "Determination of No Hazard" for the proposed project.

b. *Notification requirements.* In addition to the notification requirements contained in Article 2 of the Land Development Code, all applicants requesting a variance to the height restrictions contained in this article shall submit a copy of the variance application by certified mail, return receipt requested, to the Florida Department of Transportation (FDOT), Aviation Office. Per F.S. § 333.07, the FDOT Aviation Office shall have 45 days to comment after receipt of the application; if FDOT does not comment within 45 days the right to comment is waived. The BOA shall not hear a height variance request until the 45-day period has expired.

B. *Other relief.* Any person who is denied a development order within the airport/airfield environs areas because of the restrictions imposed herein may apply for relief through procedures described in Article 2 of the Land Development Code, which provides an administrative process for appeals of administrative decisions.

11.01.04. *Nonconforming uses, structures or objects.* Unless otherwise specified below, the requirements of Article 9 apply.

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A. *Alteration of nonconforming uses, structures or objects.* No permits shall be granted that will allow the establishment or creation of an airport/airfield hazard or would permit a nonconforming structure, object, or use to be made or become higher or to become a greater hazard to air navigation than it was when the applicable regulation was enacted or than it was when the application for a permit was made.

B. *Destroyed or abandoned nonconforming structures or objects.* Whenever the building inspections department determines that a nonconforming structure or object has been abandoned or is more than 80 percent torn down or destroyed no permit shall be granted that would allow said structure or object to exceed the applicable height limit or otherwise deviate from the requirements of this article. A structure or object will be considered 80 percent destroyed when the actual cost to repair the structure or object to its predamage condition would equal or exceed 80 percent of its market value before the destruction occurred.

11.01.05. *Single-family dwelling units existing as of August 21, 2001.* Single-family dwelling units, including mobile homes as single-family dwelling units, existing as of August 21, 2001, shall be considered conforming uses regardless of the allowable density in the overlay district or the date of construction.

11.01.06. *Uses interfering with aircraft.* It is unlawful to establish, maintain or continue any use within the county in such a manner as to interfere with the operation of aircraft. The following requirements shall apply to all lawfully established uses within the county.

A. *Dangerous lighting.* All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from an airport/airfield or in a vicinity thereof as determined by the airport/airfield operator.

B. *Smoke or glare.* No operations of any type shall produce smoke, glare or other visual hazards within three statute miles of any usable runway or a designated airport/airfield.

C. *Electronic interference.* No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport/airfield and the aircraft.

D. *Sanitary landfills.* Sanitary landfills will be considered as an incompatible use if located within areas established for the airport/airfield through the application of the following criteria:

1. Sanitary landfills located within 10,000 feet of any runway used or planned to be used by turbojet or turboprop aircraft.
2. Sanitary landfills located within 5,000 feet of any runway used only by piston type aircraft.
3. Sanitary landfills located outside the above perimeters but within the imaginary surfaces described in FAR Part 77, and applied to an airport/airfield, will be reviewed on a case-by-case basis.
4. Any sanitary landfill located so that it places the runways and/or approach and departure patterns of an airport/airfield between bird feeding, water or roosting areas.

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E. *Obstruction marking and lighting.* Notwithstanding the provisions of any other article of this ordinance or any other ordinance, the owner of any structure or obstruction over 200 feet above ground level shall install marking and lighting on the structure in accordance with the specific standards established by Chapter 14-60, Rules of the Department of Transportation (Appendix 1) and Federal Aviation Advisory Circular 70-7460-1 Series (Appendix 2) and amendments thereto. In addition, the owner shall install high intensity white obstruction lights on a structure which exceeds 800 feet above ground level (AGL.) Towers less than 200 feet may require lighting after Navy evaluation.

F. *Installation of marking and lighting.* In granting any permit or variance under this article, the director or the board of adjustment may, if it deems such action advisable to effectuate the purposes of this Code and reasonable under the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to install, operate and maintain thereon, such markers and lights as may be necessary to indicate to aviators the presence of an obstruction to aeronautical operations.

(Ord. No. 2006-30, § 4, 4-6-2006)

11.02.00. Airfield Influence Planning Districts (AIPD).

11.02.01. *Airfield Influence Planning District characteristics.*

A. *Description of Airfield Influence Planning Districts.* Airfield Influence Planning Districts (AIPD) include the established accident potential and noise zones of an airfield and extend outward from those zones at varying distances specific to the installation and its use. AIPDs also include areas that lie between the boundaries of an installation and its respective accident potential zones. AIPDs include and define areas that are close enough to the installation to impact or to be impacted by the mission of the airfield. Because of the relationship of these areas to airfields, they are subject to additional restrictions on development. The regulations and densities adopted herein are based on the Air Installation Compatible Use Zone (AICUZ) findings, the recommendations in OPNAV Instruction 11010.36B, AICUZ Program Procedures and Guidelines for Department of the Navy Air Installations, (19 DEC 2002) and the recommendations of the Joint Land Use Study. The AIPD overlays, which incorporate and replace the regulations adopted in Ordinance No. 2002-8, and the AIPD overlay maps, including noise zones, which replace the aerial map approved by Ordinance No. 2001-44, are hereby established as follows:

1. *Airfield Influence Planning District--1 (AIPD-1):* An area that includes the current accident potential zones and noise contours of 65 Ldn and higher, as well as other areas near and, in some cases, abutting the airfields. Included are areas designated as Area "A" (A) and Area "B" (B).
2. *Airfield Influence Planning District--2 (AIPD-2):* An area that lies outside the AIPD-1 boundary but is close enough to the airfield to impact or be impacted by airfield operations.

B. *General requirements for all AIPD areas.*

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1. *Avigation easements.* All applications for subdivision approval and/or building permits for any structure requiring plan approval shall include the dedication of an avigation easement to the county. If the parcel on which the structure is to be built has a dedicated avigation easement on record, this requirement is waived. The dedicated avigation easement allows property owners to develop land in accordance with the applicable zoning district and regulations. However, military airfields receive a clear right to maintain flight operations over the parcel. The easement is recorded with the deed to a property and runs in perpetuity with the land. (See section 11.00.01.D, Reversion clause.)

2. *Noise zones.* Permitted and conditional uses in the noise zones that are outside of APZ areas are based upon the underlying zoning along with recommended land uses as contained in "Table 2, Air Installations Compatible Use Zones, Suggested Land Use Compatibility in Noise Zones," OPNAV INST11010.36B, AICUZ Program Procedures and Guidelines for Department of the Navy Air Installations. The primary consideration for construction in the noise zones is noise level reduction/sound attenuation measures.

TABLE INSET:

Noise Zones	Maximum Density Per Acre
Noise zone 3	3
Noise zone 2	3
Noise zone 1	3

a. *Noise reduction standards, methods and construction list.* All new buildings shall be constructed with sound protection based on the level of noise exposure, which can be determined by the location of the building within the adopted noise contour maps. Sound attenuation is not required if the site is located outside the 65 Ldn noise contour. The provisions of this subsection shall apply to new construction and the moving of buildings (including mobile homes/manufactures homes) into noise zones 1, 2 and 3 located within the airport/airfield environs overlay zones. Noise reduction standards, construction and methods are specified in Appendix G of the Airport FAR Part 150 Study adopted by the City of Pensacola in 1990, which is available for review in the county building inspections office and the planning and zoning department.

1) *Noise Zone 1.* Appendix G of the Part 150 Study recommends a sound reduction of 25 decibels (dB) for residential construction within the 65--70 Ldn noise contour. The standards specified in Appendix G for a reduction of 25 dB are recommended in Noise Zone 1.

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2) *Noise Zone 2.* Appendix G of the Part 150 Study recommends a sound reduction of 30 dB for residential construction within the 70--75 Ldn noise contour. The standards specified in Appendix G for a reduction of 30 dB are required in Noise Zone 2.

3) *Noise Zone 3.* Residential construction is discouraged in Noise Zone 3. The standards specified in Appendix G for a reduction of 35 dB are required in Noise Zone 3.

b. *Existing residences.* Any existing residence may be added to, structurally altered, or repaired without conforming to the referenced specifications provided the property owner signs a waiver that he/she was notified of said specifications.

c. *Mobile homes/manufactured homes.* Where state or federal law preempts the imposition of the noise attenuation construction standards of this section, mobile homes/manufactured homes not conforming to the referenced specifications, but meeting all other Land Development Code requirements, are allowed provided the property owner signs a waiver that he/she was notified of said specifications.

d. *Enforcement.* It shall be the duty of the building official to administer and enforce the noise reduction standards, construction and methods specified in Appendix G of the Part 150 Study.

3. *Real estate disclosure form.* All real estate transactions within an AIPD shall include a form disclosing the proximity of the site to the military airfield. The form shall be affixed to all listing agreements, sales and rental contracts, subdivision plats, and marketing materials provided to prospective buyers and lessees. However, the form need not be included in advertisements directed to the public at large. Disclosure is required as soon as practicable, but must be before the execution of a contract, i.e., before the making or acceptance of an offer.

4. *Split parcels.* For purposes of regulating parcels split by the AIPD lines, only that portion of a parcel that falls within the AIPD shall be subject to the conditions of the AIPD.

C. *Subdivision of land for commercial use.* Land within the AIPD overlay zones may be subdivided for commercial use subject to all other provisions of this Code and to underlying zoning. Parcels limited to one single-family dwelling unit per lot of record as of August 21, 2001, may be subdivided for commercial use if the one dwelling unit per lot of record requirement is not exceeded.

D. *Off-site transfer of development rights.* At such time as the county develops a comprehensive program for off-site transfer of development rights, the AIPD areas will not be included in that program as receiving parcels.

11.02.02. AIPD-1

A. *AIPD-1 regulations.* Areas within the AIPD-1 overlay are subject to the following additional restrictions:

1. *Prohibited concentrations of population.* No use is allowed in AIPD-1 that concentrates, within a structure on a regular basis, more than 25 people per acre. This limitation applies to: sports stadiums, amphitheatres, auditoriums, clubhouses, churches, schools, hospitals, assisted living and other medical

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facilities, hotels and motels, restaurants and other eating and drinking establishments built to such a scale that gatherings of more than 25 people per acre would be expected on a regular basis. All such facilities must meet this density requirement or have a FAR of 0.11 in APZ-1 and Area "A" and 0.22 in APZ-2 and Area "B", whichever is less. (See section 11.04.00 for height limitations.)

2. *Parks and recreational facilities.* Outdoor sports facilities, parks and recreation areas are permitted. However, any structure located thereon shall be restricted to those that are ancillary to the outdoor sports facility, park, or recreation area. Such ancillary structures shall include, but shall not be limited to, bleachers, backstops, picnic tables, public restrooms, concession stands, etc.

3. *Other allowed uses.* Certain recreational, agricultural, manufacturing, service, trade, and industrial uses are allowed (see section 11.02.02.D.).

4. *Restrictions on residential development.* Residential development is limited to detached single-family dwellings, including mobile homes if allowed in the underlying zoning district, at maximum densities defined by the areas within the AIPD and the specific airfield as provided herein below. No attached, multifamily, or multidwelling unit structures or complexes are permitted in any area of AIPD-1. Clustering is prohibited, including mobile home parks.

5. *Density limitations.* Density limits established in the areas designated as AIPD-1 are absolute, meaning that the minimum size for any lot is the inverse of the maximum permitted density, except that density limits in AIPD-1 Area "B" are not absolute, i.e., no minimum lot size is required.

6. *Rezoning.* Rezoning to a commercial district to obtain a higher density is not permitted. Rezoning is allowed, but density is limited to the maximum density allowed in the APZ Area or AIPD in which the property is located. The overlay density takes precedence and shall be determined by the following chart, regardless of the zoning district in which the property is located. (See Article 6 for new zoning categories that allow mixed commercial and residential at a lower density.)

B. *AIPD-1 zones.*

1. *NAS Pensacola Airfield influence planning district-1.* The area between the connected outermost lines of the established accident potential zones and including all areas between the APZs and the installation boundary. All densities are absolute unless otherwise noted.

TABLE INSET:

AIPD-1	Aviation Characteristics	Maximum Density per Acre
CZ (Clear zones)	Areas at the end of the airfield runways	0

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A (Area A)	An area of special concern between the west and north runways that abuts the NASP property line and includes a portion of APZ-2 south of Bayou Grande	0
APZ-1 (NASP) [Accident potential zone 1]	Immediately in line with NAS Pensacola North and West runways (Includes a small area of APZ-2 in Garcon Swamp abutting the APZ-1 off the West runway of NASP)	0
APZ-1 (Accident potential zone 1)	All other APZ-1s	0.4 1d.u./2.5ac)
B (Area B)	West of NAS Pensacola between the base boundary and the southerly curve of APZs 1 and 2	3 Not Absolute
APZ-2 (NASP) (Accident potential zone 2)	Immediately in line with NAS Pensacola North and West runways	2
APZ-2 (Accident potential zone 2)	All other APZ-2s	3

2. *NOLF Saufley*. NOLF Saufley AIPD-1 connects the outermost lines of the existing APZs The district encloses land between the APZs and the boundary of the installation and includes the following:

TABLE INSET:

AIPD-1	Aviation Characteristics	Maximum Density per Acre*
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CZ (Clear zones)	Areas at the end of the airfield runways	0
APZ-1 (Accident potential zone-1)	All APZ-1s	0.4 (1d.u./2.5ac)
APZ-2 (Accident potential zone-2)	All APZ-2s	3
B (Area B)	An area that does not fall under a AICUZ APZ or noise contour, but is close enough to the installation to affect airfield operations; Area B includes land on all sides of the NOLF Saufley boundary	3 Not Absolute

* All densities are absolute unless otherwise noted.

3. *NOLF Site 8*. Due to the flight characteristics of the helicopters using the NOLF Site 8, the clear zones and accident potential zones for this installation are wholly contained within its' boundary. However, concern for the health, safety and welfare of residents living in proximity to the installation has resulted in the establishment of an AIPD-1 area that extends 1,000 feet from the installation boundary and contains only Area B, with its attendant regulations:

TABLE INSET:

AIPD-1	Aviation Characteristics	Maximum Density per Acre
B (Area B)	An area that does not fall under an AICUZ APZ or noise contour, but is close enough to the installation to affect or be affected by airfield operations; Area B includes land abutting all sides of the NOLF Site 8 boundary.	3 Not Absolute

C. *Airfield Influence Planning District-1, permitted, prohibited and conditional uses*. Listings of allowed uses in the various zoning categories when they lay beneath AIPD-1 overlay zones are detailed below.

Permitted and conditional uses are based upon the underlying zoning along with recommended land uses in accident potential zones as contained in "Table 3, Air Installations Compatible Use Zones, Suggested Land Use

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Compatibility in Accident Potential Zones," OPNAV INST11010.36B, or the most current edition of the AICUZ Program Procedures and Guidelines for Department of the Navy Air Installations.

1. *AG, agricultural and VAG, villages agricultural districts.* Where the underlying zoning is AG, the permitted and conditional uses are as follows.

a. *Permitted uses.*

- (1) One single-family dwelling per lot of record existing as of August 21, 2001. Mobile homes are allowed as single-family dwellings, subject to the other relevant provisions of this Code. New subdivisions or developments are subject to the density limits in section 11.01.01.A.
- (2) Agricultural, livestock grazing and agricultural-related activities and customary accessory buildings, excluding feedlots and intensive animal husbandry, i.e., herds of sufficient size to cause the accumulation of manure within the pen or pasture and/or such that a vegetative cover cannot be maintained within the enclosure. Open lots used for feeding and rearing of poultry, and barns, dairy farms, swine facilities, beef lots and barns, horse stalls (more than four), mink ranches, zoos and exotic animals shall be considered to be animal feedlots. These activities attract concentrations of birds creating a hazard to aircraft operations. Pastures shall not be considered animal feedlots. Maximum FAR of 0.28 in APZ-1; 0.56 in APZ-2 -- no activity that produces smoke, glare or involves explosives.
- (3) Silviculture.
- (4) Mariculture and aquaculture.
- (5) Public utility. No above ground transmission (high tension) lines in APZ-1. Distribution lines of normal height, such as are found in subdivisions, are permitted.
- (6) Stables, private and public. Facilities must be low intensity (four or fewer horses). Buildings shall have a maximum FAR of 0.11 in APZ-1 and 0.22 in APZ-2.
- (7) Kennels.
- (8) Display and sale of fruit, vegetables and similar agricultural products.
- (9) Public utility and service structures, excluding communication towers.
- (10) Feed and farm equipment stores.
- (11) Animal hospitals and veterinarian clinics.
- (12) Other rural area related commercial uses meeting the locational requirements of Comprehensive Plan policy FLU 1.1.10.
- (13) Golf courses, tennis centers, swimming clubs, and customary attendant facilities and accessory buildings with a maximum FAR of 0.11 in APZ-1; 0.22 in APZ-2. Facilities such as meeting places, auditoriums, large classes, etc. are not permitted. Clubhouses that meet the FAR

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above, or that house no more than 25 people per acre, whichever is less, are permitted in recreational areas.

(14) Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII, and performance standards in Part III, the Land Development Code, Article 7).

b. *Conditional uses.* The board of adjustment must consider whether the proposed use is consistent with military operations within Airfield Influence Planning District-1.

(1) Wastewater treatment facilities, electric power generation facilities or substations that distribute power to customers via distribution lines (normal power lines) as opposed to transmission (high tension) lines.

(2) Oil wells/mineral extraction (See section 11.02.00 for height limitations).

(3) Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII, and performance standards in Part III, the Land Development Code, Article 7).

(4) Solid waste transfer stations, collection points and/or processing facilities.

(5) Junkyards, salvage yards, and waste tire processing facilities.

c. *Prohibited uses.*

(1) Permanent outside storage, excluding farm equipment.

(2) Auto sales, new or used.

(3) Restaurants, bars, nightclubs or any eating or drinking establishment.

(4) Any use that may produce electronic interference, attract large concentrations of birds, have explosive characteristics or produce air-pollution or potential glare.

(5) The raising of exotic animals, such as alpacas, llamas, bison, ostriches, emus, or any other animal not native to this planning area.

(6) No use is allowed in AIPD-1 that concentrates, within a structure on a regular basis, more than 25 people per acre. This limitation applies to: sports stadiums, amphitheatres, auditoriums, churches, schools, hospitals, assisted living and other medical facilities, hotels and motels, restaurants and other eating and drinking establishments built to such a scale that gatherings of more than 25 people per acre would be expected on a regular basis. All such facilities must meet this density requirement or have a FAR of 0.11 in APZ-1 and Area "A" and 0.22 in APZ-2 and Area "B", whichever is less. (See section 11.02.00 for height limitations.)

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(7) Landfills.

2. *RR, rural residential or VR-2, villages rural residential districts.* Where the underlying zoning is RR or VR-2, the permitted and conditional uses are as follows.

a. *Permitted uses.* Any use permitted in the preceding district except as noted below.

b. *Conditional uses.*

(1) Public riding stables. Facilities must be low intensity (4 or fewer horses). Buildings shall have a maximum FAR of 0.11 in APZ1 and 0.22 in APZ-2.

(2) Kennels.

(3) Home occupations with employees.

(4) Country clubs, golf courses and tennis clubs. Maximum FAR of 0.28 in APZ-1; 0.56 in APZ-2 -- no activity that produces smoke, glare, or involves explosives. Buildings shall have a maximum FAR of 0.11 in APZ-1 and 0.22 in APZ-2. Clubhouses that meet the FAR above, or that house no more than 25 people per acre, whichever is less, are permitted.

(5) Any conditional use permitted in the preceding district with the exception of junkyards, salvage yards, and waste tire processing facilities.

c. *Prohibited uses.*

(1) Any use prohibited in the AG district.

(2) Commercial communication towers.

(3) Junkyards, salvage yards, and waste tire processing facilities.

3. *R-1 and R-2, single-family; V-2A, villages single-family; R-3, one-family and two-family; R-4, multifamily districts.* Where the underlying zoning is R-1, R-2, V-2A, R-3 or R-4, the permitted and conditional uses are as follows.

a. *Permitted uses.*

(1) One single-family dwelling per lot of record existing as of August 21, 2001. New subdivisions or developments are subject to the density limits in section 11.01.01.A.

(2) The growing of vegetables or other food crops for personal consumption by the residents. The raising of crops or other plants for commercial purposes is prohibited.

(3) Public utility. No above ground transmission (high tension) lines in APZ-1.

(4) Marina, private.

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(5) Residential dock or pier.

(6) Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII, and performance standards in Part III, the Land Development Code, Article 7).

b. *Conditional uses.*

(1) Home occupations with employees.

(2) Golf courses, tennis centers, swimming clubs with customary attendant facilities and accessory buildings. Maximum FAR of 0.28 in APZ-1; 0.56 in APZ-2 -- no activity that produces smoke, glare, or involves explosives. Buildings shall have a maximum FAR of 0.11 in APZ-1 and 0.22 in APZ-2. Clubhouses that meet the FAR above, or that house no more than 25 people per acre, whichever is less, are permitted in recreational areas.

(3) Covered boathouses and covered boat docks as accessory uses.

(4) Stables accessory to a principal structure for private, noncommercial use only. Minimum lot size 100,000 square feet.

(5) Public utility and service structures, excluding communication towers.

c. *Prohibited uses.* Any use not listed in subparts B. or C., above.

4. *R-5, residential and limited office district.* Where the underlying zoning is R-5, the permitted and conditional uses are as follows.

a. *Permitted uses.*

(1) Any use permitted in the preceding district.

(2) One single-family dwelling per lot of record existing as of August 21, 2001. Mobile homes are allowed as single-family dwellings, subject to the other relevant provisions of this Code. New subdivisions or developments are subject to the density limits in section 11.01.01.A.

(3) Professional offices, as listed below, are permitted in APZ-2, maximum FAR of 0.22:

a. Finance, insurance and real estate.

b. Professional services, such as architects, engineers, lawyers, tax consultants and accountants.

(4) Public utility and service structures, excluding communication towers.

b. *Conditional Uses.*

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- (1) Any conditional use allowed in the previous R-1, R-2, V-2A, R-3 and R-4 districts.
- (2) Cemeteries, mausoleums and crematoriums. No chapels or churches are allowed in AIPD-1, AIPD-1 Area "A", or AIPD-1 Area "B"
- (3) Enclosed animal hospitals and veterinary clinics.

c. *Prohibited uses.* Any use not listed in subparts B. or C., above.

5. *R-6, neighborhood commercial and residential district.* Where the underlying zoning is R-6, the permitted and conditional uses are as follows.

a. *Permitted uses.*

- (1) Any use permitted in the preceding district.
- (2) Retail sales and services such as food and drugstores, personal service shops, hardware, home furnishings and appliances, specialty shops, bakeries, florists, etc. in APZ-2. Gross floor area of building not to exceed 6,000 square feet and maximum FAR of 0.22. No permanent outdoor storage allowed.
- (3) Nonconforming commercial uses legally existing as of August 21, 2001 shall continue as nonconforming uses subject to the provisions of Article 9, i.e., expanding a nonconforming use, etc.
- (4) Appliance repair shops. No outside storage or work permitted. In APZ-2 only. Maximum FAR of 0.22.
- (5) Fortune tellers, palm readers, psychics, etc., in APZ-2. Maximum FAR of 0.22.
- (6) Public utility and service structures.
- (7) Other uses that are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA.)

b. *Conditional uses.*

- (1) Any conditional use allowed in the preceding districts.
- (2) Any building exceeding 120 feet height. See section 11.02.00, Height limitations.
- (3) Neighborhood commercial uses that do not exceed 35,000 square feet of floor area (Comprehensive Plan Policy FLU 1.1.10).
- (4) Automobile service operations, including repair and restoration (not including painting), and sale of gasoline and related service station products, gross floor area not to exceed 6,000 square

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feet. Outside repair and/or storage and automotive painting is prohibited. Maximum FAR of 0.11 in APZ-1; 0.22 in APZ-2.

(5) Mini-warehouses meeting the following standards: Maximum FAR of 1.0 in APZ-1 and 2.0 in APZ-2.

- a. One acre or less in size (building and accessory paved area).
- b. Three-foot hedge along any right-of-way line.
- c. Dead storage use only.

6) Motorcycle rental service; outside storage and outside vehicle repair is prohibited.

c. *Prohibited uses.*

(1) Permanent outside storage.

(2) Auto sales, new or used.

(3) Restaurants, bars, nightclubs or any eating or drinking establishment.

(4) Any use that may produce electronic interference, attract large concentrations of birds, have explosive characteristics or produce air pollution or potential glare.

(5) No use is allowed in AIPD-1 that concentrates, within a structure on a regular basis, more than 25 people per acre. This limitation applies to: sports stadiums, amphitheaters, auditoriums, churches, schools, hospitals, assisted living and other medical facilities, hotels and motels, restaurants and other eating and drinking establishments built to such a scale that gatherings of more than 25 people per acre would be expected on a regular basis. All such facilities must meet this density requirement or have a FAR of 0.11 in APZ-1 and Area "A" and 0.22 in APZ-2 and Area "B", whichever is less. (See section 11.02.00 for height limitations.)

6. *C-1, retail commercial district.* Where the underlying zoning is C-1, the permitted and conditional uses are as follows.

a. *Permitted uses.*

(1) Any use permitted in the preceding district.

(2) One single-family dwelling per lot of record existing as of August 21, 2001.

(3) Nonconforming commercial uses legally existing as of August 21, 2001 shall continue as nonconforming uses subject to the provisions of Article 9, e.g., expanding a nonconforming use, etc.

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- (4) Automobile repair shops for ignition, fuel, brake and suspension systems or similar uses. Maximum FAR of 0.11 in APZ-1; 0.22 in APZ-2.
- (5) Automobile service stations including minor auto repairs. Maximum FAR of 0.11 in APZ-1; 0.22 in APZ-2.
- (6) Automobile washing facility. Maximum FAR of 0.11 in APZ-1; 0.22 in APZ-2.
- (7) Off-premises signs, billboards and other sign structures erected, located and maintained as provided for in Article 8 of this Code.
- (8) Convenience stores, including the incidental sale of gasoline. Maximum FAR of 0.14 in APZ-1 and 0.28 in APZ-2.
- (9) Printing, bookbinding, lithography and publishing companies. Maximum FAR of 0.28 in APZ-1 and 0.56 in APZ-2.
- (10) Interior decorating, home furnishing, and furniture stores. Maximum FAR of 0.28 in APZ-2, not allowed in APZ-1.
- (11) Music, radio and television shops.
- (12) Mortuary and funeral homes. No chapels are allowed within APZ-1 or APZ-2.
- (13) Wholesale warehousing if less than 10,000 square feet. Maximum FAR of 1.0 in APZ-1; 2.0 in APZ-2
- (14) Mini-warehouses. Maximum FAR of 1.0 in APZ-1; 2.0 in APZ-2
- (15) Recreational and commercial marinas.
- (16) Other uses that are similar or compatible to the uses permitted herein that would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

b. *Conditional uses.*

- (1) Any conditional use permitted in the preceding district.
- (2) Any permitted use that requires minor outside storage only in the rear yard and only if covered and adequate screening is provided.
- (3) Used automobile sales. Maximum FAR of 0.14 in APZ-1 and 0.28 in APZ-2. In addition to other conditional use criteria, parcel must be one acre or less in size; there must be a three-foot tall hedge along the right-of-way line; and it cannot be a C-1 parcel fronting on "gateway" arterial streets which are specified as Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR 292),

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Blue Angel Parkway (SR 173), Pine Forest Road from I-10 to SR 173, Navy Boulevard (SR 295 and US 98), and Scenic Highway (SR 10A).

(4) Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII, and performance standards in Part III, the Land Development Code, Article 7).

c. *Prohibited uses.*

- (1) Restaurants, bars, nightclubs and other eating or drinking establishments.
- (2) Any use that may produce electronic interference, attract large concentrations of birds, have explosive characteristics, or produce air pollution or potential glare.
- (3) No use is allowed in AIPD-1 that concentrates more than 25 people per acre within a structure on a regular basis. This limitation applies to: sports stadiums, amphitheaters, auditoriums, churches, schools, hospitals, assisted living and other medical facilities, hotels and motels, restaurants and other eating and drinking establishments built to such a scale that gatherings of more than 25 people per acre would be expected on a regular basis. All such facilities must meet this density requirement or have a FAR of 0.11 in APZ-1 and Area "A" and 0.22 in APZ-2 and Area "B", whichever is less. (See section 11.02.00 for height limitations.)
- (4) Landfills, solid waste transfer stations, collection points, and/or processing facilities.
- (5) Junkyards, salvage yards, and waste tire processing facilities.

7. *C-2, general commercial district.* Where the underlying zoning is C-2, the permitted and conditional uses are as follows.

a. *Permitted uses.*

- (1) Any use permitted in the preceding district.
- (2) One single-family dwelling per lot of record existing as of August 21, 2001.
- (3) Nonconforming commercial uses legally existing as of August 21, 2001, shall continue as nonconforming uses subject to the provisions of Article 9, i.e., expanding a nonconforming use, etc.
- (4) Distribution warehousing. Maximum FAR of 1.0 in APZ-1 and 2.0 in APZ-2.
- (5) New and used car sales, mobile home and motorcycle sales and mechanical services. No such activities are permitted on a public right-of-way. Maximum FAR of 0.14 in APZ-1 and 0.28 in APZ-2.

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(6) Automobile repairs, including bodywork and painting services. Maximum FAR of 0.11 in APZ-1 and 0.22 in APZ-2.

(7) Commercial food freezers and commercial bakeries in APZ-2. Maximum FAR of 0.22.

(8) Building trades or construction office and warehouses with outside on-site storage. Maximum FAR of 0.11 in APZ-1 and 0.22 in APZ-2.

(9) Marinas, all types including industrial. Maximum FAR of 0.28 in APZ-1 and 0.56 in APZ-2.

(10) Cabinet shops. Maximum FAR of 0.28 in APZ-1 and 0.56 in APZ-2.

(11) Manufacturing, fabrication and assembly type operations listed below which are contained and enclosed within the confines of a building and do not produce excessive noise, vibration, dust, smoke, fumes or excessive glare:

(a) Food and kindred products in APZ-2 only. Maximum FAR of 0.56.

(b) Textile mill products in APZ-2 only. Maximum FAR of 0.56.

(c) Lumber and wood products. Maximum FAR of 0.28 in APZ-1 and 0.56 in APZ-2.

(d) Furniture and fixtures. Maximum FAR of 0.28 in APZ-1 and 0.56 in APZ-2.

(e) Paper and allied products. Maximum FAR of 0.28 in APZ-1 and 0.56 in APZ-2.

(f) Printing. Maximum FAR of 0.28 in APZ-1 and 0.56 in APZ-2.

(g) Publishing and allied industries in both APZ-1 and APZ-2. Maximum FAR of 0.28 in APZ-1 and 0.56 in APZ-2.

(12) Taxicab companies.

(13) Boat sales and service facilities. Maximum FAR of 0.14 in APZ-1 and 0.28 in APZ-2.

(14) Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII, and performance standards in Part III, the Land Development Code, Article 7).

(15) Other uses similar to those permitted herein. Determination on other permitted uses shall be made by the planning board (LPA).

b. *Conditional uses.*

(1) Kennels.

(2) Solid waste transfer stations, collection points and/or processing facilities.

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- (3) Junkyards, salvage yards, and waste tire processing facilities.

c. *Prohibited uses.*

- (1) Eating and drinking establishments, including restaurants, bars and nightclubs.
- (2) No use is allowed in AIPD-1 that concentrates, within a structure on a regular basis, more than 25 people per acre. This limitation applies to: sports stadiums, amphitheatres, auditoriums, churches, schools, hospitals, assisted living and other medical facilities, hotels and motels, restaurants and other eating and drinking establishments built to such a scale that gatherings of more than 25 people per acre would be expected on a regular basis. All such facilities must meet this density requirement or have a FAR of 0.11 in APZ-1 and Area "A" and 0.22 in APZ-2 and Area "B", whichever is less. (See section 11.02.00 for height limitations.)

8. *SDD, special development district.* Where the underlying zoning is SDD, the permitted and conditional uses are as follows.

a. *Permitted uses.*

- (1) One single-family dwelling per lot of record existing as of August 21, 2001. Mobile homes are allowed as single-family dwellings, subject to the other relevant provisions of this Code. New subdivisions or developments are subject to the density limits above.
- (2) Home occupations.
- (3) Horticulture, floriculture and greenhouses.
- (4) Mariculture and aquaculture.
- (5) Areas for display and sale of fruit, vegetables and similar agricultural products.
- (6) The growing of crops and plants.
- (7) The keeping of horses and private stables for personal use only.
- (8) Silviculture.
- (9) Public utility. No major above ground transmission (high-tension) lines in APZ-1.
- (10) Reclamation of borrow pits that existed prior to September 16, 2004 (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII, and performance standards in Part III, the Land Development Code, Article 7).
- (11) Other uses that are similar or compatible to the uses permitted herein and would promote the intent and purposes of this district. Determination on other permitted uses shall be made by the planning board (LPA).

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b. *Conditional uses.*

(1) Public riding stables. Facilities must be low intensity (four or fewer horses). Buildings shall have a maximum FAR of 0.11 in APZ-1 and 0.22 in APZ-2.

(2) Public utility and service structures, excluding communication towers.

c. *Prohibited uses.*

(1) Permanent outside storage.

(2) Auto sales, new or used.

(3) Restaurants, bars, nightclubs or any eating or drinking establishment.

(4) Any use that may produce electronic interference, attract large concentrations of birds, have explosive characteristics, or produce air pollution or potential glare.

(5) No use that concentrates, within a structure on a regular basis, more than 25 people per acre is allowed in AIPD-1. This limitation applies to: sports stadiums, amphitheatres, auditoriums, churches, schools, hospitals, assisted living and other medical facilities, hotels and motels, restaurants and other eating and drinking establishments built to such a scale that gatherings of more than 25 people per acre would be expected on a regular basis. All such facilities must meet this density requirement or have a FAR of 0.11 in APZ-1 and Area "A" and 0.22 in APZ-2 and Area "B", whichever is less. (See section 11.02.00 for height limitations.)

9. *ID-CP, industrial commerce park district.* Where the underlying zoning is ID-CP, the permitted and conditional uses are as follows.

a. *Permitted uses.* Any use permitted in the preceding C-2 district, except as provided in subsection D., below.

b. *Conditional uses:*

(1) Any conditional use allowed in preceding districts.

(2) Commercial businesses with outside storage when such storage is adequately screened and/or buffered in accordance with section 7.01.06.E.

(3) Borrow pits and reclamation activities thereof (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII, and performance standards in Part III, the Land Development Code, Article 7).

(4) Solid waste transfer stations, collection points and/or processing facilities.

(5) Junkyards, salvage yards, and waste tire processing facilities.

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c. *Prohibited uses.*

- (1) Residential uses.
- (2) New and used car sales, mobile home and motorcycle sales and mechanical services.
- (3) Restaurants, bars, nightclubs or any eating or drinking establishment.
- (4) No use is allowed in AIPD-1 that concentrates more than 25 people per acre within a structure on a regular basis. This limitation applies to: sports stadiums, amphitheaters, auditoriums, churches, schools, hospitals, assisted living and other medical facilities, hotels and motels, restaurants and other eating and drinking establishments built to such a scale that gatherings of more than 25 people per acre would be expected on a regular basis. All such facilities must meet this density requirement or have a FAR of 0.11 in APZ-1 and Area "A" and 0.22 in APZ-2 and Area "B", whichever is less. (See section 11.02.00 for height limitations.)

d. *Performance standards.*

- (1) All work and/or operations must be conducted within buildings except temporary outside storage may be allowed if adequately buffered and screened from adjacent uses. All waste material must be stored while on the property in a screened enclosure.
- (2) Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency.
- (3) Operations creating excessive noise, vibration, dust, smoke or fumes which are a nuisance to persons off of the lot or parcel are not permitted.
- (4) Operations creating glare shall be shielded.
- (5) Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by any applicable federal or state regulatory entities.

10. *ID-1, industrial district.* Where the underlying zoning is ID-1, the permitted and conditional uses are as follows.

a. *Permitted uses.*

- (1) Any nonresidential use permitted in the preceding district.
- (2) Research and development operations, commercial communication towers 150 feet or less in height (see section 11.02.02.A.3), light manufacturing, processing or fabricating uses, enclosed storage structures and accessory structures. All activities are subject to the performance standards in sections 7.03.00 and 7.06.00.

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(3) Commercial businesses with outside storage when such storage is adequately screened and/or buffered in accordance with section 7.01.06.E.

(4) Permitted industrial uses are production of lumber and wood products, furniture and fixtures, paper and allied products, printing and publishing and allied industries in both APZ-1 and APZ-2. Maximum FAR of 0.28 in APZ-1 and 0.56 in APZ-2.

(5) Uses permitted in APZ-2 but not permitted in APZ-1 are production of food and kindred products, textile mill products, stone, clay and glass products, primary metal products and fabricated metal products. Maximum FAR of 0.56.

b. *Conditional uses.* Any conditional use allowed in preceding districts.

c. *Prohibited uses.*

(1) Residential uses.

(2) New and used car sales, mobile home and motorcycle sales and mechanical services.

(3) Restaurants, bars, nightclubs or any eating or drinking establishment.

(4) No use is allowed in AIPD-1 that concentrates, within a structure on a regular basis, more than 25 people per acre. This limitation applies to: sports stadiums, amphitheaters, auditoriums, churches, schools, hospitals, assisted living and other medical facilities, hotels and motels, restaurants and other eating and drinking establishments built to such a scale that gatherings of more than 25 people per acre would be expected on a regular basis. All such facilities must meet this density requirement or have a FAR of 0.11 in APZ-1 and Area "A" and 0.22 in APZ-2 and Area "B", whichever is less. (See section 11.02.00 for height limitations.)

d. *Performance standards.*

(1) All work and/or operations must be conducted within buildings except temporary outside storage may be allowed if adequately buffered and screened from adjacent uses. All waste material must be stored while on the property in a screened enclosure.

(2) Any process that creates smoke shall meet all standards as required by the Florida Department of Environmental Protection and the U.S. Environmental Protection Agency.

(3) Operations creating excessive noise, vibration, dust, smoke or fumes which are a nuisance to persons off of the lot or parcel are not permitted.

(4) Operations creating glare shall be shielded.

(5) Disposal of industrial or other wastes, gaseous, liquid or solid, must be approved by any applicable federal or state regulatory entities.

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D. *Density limitations.* In all areas of AIPD-1, except for Area "B", density limits are absolute, meaning that the minimum lot size is established as the inverse of the maximum density for each overlay zone, exclusive of any required infrastructure. For example, when the maximum density is three dwelling units per acre, the minimum lot size is one-third acre. When the maximum density is two dwelling units per acre, the minimum lot size is one-half acre. Clustering of residential lots or dwellings, whether by density transfers, planned unit development or other means, is prohibited on-site in AIPD-1. Density limits in AIPD-1 Area "B" are not absolute, meaning clustering, planned unit development and density transfers, when such a program is developed, are permitted. Density limits in AIPD-1 are as follows:

TABLE INSET:

CZ (Clear Zone)	0 d.u./acre
APZ-1 (NASP)	0 d.u./acre
APZ-1 (All Others)	1 d.u./2.5 acres
AIPD-1 Area "A" (NASP Only)	0 d.u./acre
AIPD-1 Area "B"	3 d.u./acre
APZ-2 (NASP)	2 d.u./acre
APZ-2 (All Others)	3 d.u./acre

11.02.03. AIPD-2

A. *AIPD-2 regulations.* AIPD-2 requirements are the same for all airfields and installations.

B. *Density.* Densities are controlled by the underlying zoning category. Density limits in AIPD-2 are not absolute, meaning clustering, planned unit development and density transfers, when such a program is developed, are permitted. There are no additional regulations regarding density except the following:

Rezoning is allowed only to a zoning district that allows three d.u./acre or less. An alternative mixed-use zoning category that allows commercial uses and limits density to three d.u./acre is offered in place of the current high density commercial zoning districts. (See Article 6, Zoning Districts--AMU-1 and AMU-2.) Properties that currently have density of less than three d.u./acre can apply for an up-zoning to AMU-1, AMU-2 or V-2A, which have a maximum density of three d.u./acre.

(Ord. No. 2006-30, § 4, 4-6-2006; Ord. No. 2007-70, § 1, 11-1-2007; Ord. No. 2013-54, § 1, 12-5-2013)

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11.03.00. Pensacola Regional Airport Planning District (PNSPD).

A. *PNSPD regulations.* The Pensacola Regional Airport Planning District is defined as the area within the unincorporated portion of Escambia County that lies within the noise zones, educational facility restriction zone, or real estate disclosure area of Pensacola Regional Airport. Due to the close proximity of these lands to the Pensacola Regional Airport, they are subject to additional restrictions on development. The area is depicted on the "Pensacola Regional Airport Planning District" map which is adopted by reference, located in the Department of Planning and Zoning offices, and is available for review during normal business hours. A generalized map of the Pensacola Regional Airport Planning District is depicted in Figure 1; however, it is not the official zoning map and should be used only for preliminary determination of the applicability of the PNSPD.

B. *Density.* Densities are controlled by the underlying zoning category. Density limits in PNSPD are not absolute, meaning clustering, planned unit development and density transfers, when such a program is developed, are permitted.

C. *Educational Restriction Zone.* No educational facilities of public or private schools as described in F.S. § 333.03(3), or of kindergartens as defined in Article 3 of this Code, may be constructed within the educational facility restriction zone for Pensacola Regional Airport. The construction of child care centers and family day care homes are not restricted. Exceptions to this provision shall only be granted when the planning board makes specific findings detailing how the public policy reasons for allowing construction of an educational facility outweigh health and safety concerns prohibiting such a location. The planning board's findings shall be forwarded by recommendation to the board of county commissioners for a final determination. However, this provision shall not be construed to require the removal, alteration, sound conditioning, or other change or to interfere with the continued use or adjacent expansion of any educational structure or site in existence on July 1, 1993.

The educational facility restriction zone includes all parcels in the unincorporated portion of Escambia County within an area that extends five miles in a direct line along the centerline of each runway and has a width measuring one-half the length of the runway, and all parcels within noise zone C. The area is depicted on the "Pensacola Regional Airport Educational Facility Restriction Zone" map which is adopted by reference, located in the department of planning and zoning offices, and is available for review during normal business hours.

D. *Noise zones and sound attenuation.* All new buildings shall be constructed with sound protection based on the level of noise exposure, which can be determined by the location of the building within the adopted noise contour maps. Sound attenuation is not required if the site is located outside the 65 Ldn noise contour.

1. *Pensacola Regional Airport established noise zones.* There are hereby created and established three noise zones for the Pensacola Regional Airport: zone A, zone B and zone C. Noise zones for Pensacola Regional Airport are based on the Airport FAR Part 150 Study, adopted by the City of Pensacola in 1990. Such zones are shown on the Pensacola Regional Airport Noise Zones map which is adopted by reference, located in the department of planning and zoning offices, and is available for review during normal

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business hours. Airport noise zones, as defined by day-night average sound level (Ldn) noise exposure, are hereby established as follows:

TABLE INSET:

Ldn Values	Noise Zone
65--70	A
70--75	B
75+	C

For Pensacola Regional Airport noise zones and for the land use objective and limitations applicable thereto within the corporate boundaries of the City of Pensacola, refer to City of Pensacola Ordinance No. 43-82, or an approved successor, known as the Comprehensive Airport Ordinance.

2. *Noise reduction standards, methods and construction list.* The provisions of this subsection shall apply to new construction and the moving of buildings (including mobile homes/manufactured homes) into noise zones A, B and C located within the PNSPD. Nothing in this subsection shall be construed to require the removal, alteration, sound conditioning or other change, or to interfere with the continued use or adjacent expansion of any educational facility or site in existence on July 1, 1993. Noise reduction standards, construction and methods are specified in Appendix G of the Airport FAR Part 150 Study adopted by the City of Pensacola in 1990, which is available for review in the county building inspections office and the planning and zoning department.

- a. *Noise Zone A.* Appendix G of the Part 150 Study recommends a sound reduction of 25 decibels (dB) for residential construction or construction of an educational facility within the 65-70 Ldn noise contour. The standards specified in Appendix G for a reduction of 25 dB are recommended in Noise Zone A.
- b. *Noise Zone B.* Appendix G of the Part 150 Study recommends a sound reduction of 30 dB for residential construction or construction of an educational facility within the 70--75 Ldn noise contour. The standards specified in Appendix G for a reduction of 30 dB are required in Noise Zone B.
- c. *Noise Zone C.* Residential or educational facility construction is prohibited in Noise Zone C. Note: As of September 13, 2005, Noise Zone C is located entirely within the boundary of the Pensacola Regional Airport.

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3. *Existing residences.* Any existing residence may be added to, structurally altered, or repaired without conforming to the referenced specifications provided the property owner signs a waiver that he/she was notified of said specifications.
4. *Mobile homes/manufactured homes.* Where state or federal law preempts the imposition of the noise attenuation construction standards of this section, mobile homes/manufactured homes not conforming to the referenced specifications, but meeting all other Land Development Code requirements, are allowed provided the property owner signs a waiver that he/she was notified of said specifications.
5. *Enforcement.* It shall be the duty of the building official to administer and enforce the noise reduction standards, construction and methods specified in Appendix G of the Part 150 Study.

E. *Real Estate Disclosure Area.* All real estate transactions within the Pensacola Regional Airport Real Estate Disclosure Area shall include a form disclosing the proximity of the site to the airport. The form shall be affixed to all listing agreements, sales and rental contracts, subdivision plats, and marketing materials provided to prospective buyers and lessees. However, the form need not be included in advertisements directed to the public at large. Disclosure is required as soon as practicable, but must be before the execution of a contract, i.e., before the making or acceptance of an offer.

The Pensacola Regional Airport Real Estate Disclosure Area shall be comprised of all properties abutting the Pensacola Regional Airport and all properties within Noise Zone A, B, or C. The area is depicted on the Pensacola Regional Airport Real Estate Disclosure Area map which is adopted by reference, located in the department of planning and zoning offices, and is available for review during normal business hours.

F. *Split parcels.* For purposes of regulating parcels split by PNSPD lines, only that portion of a parcel that falls within the PNSPD shall be subject to the conditions of the PNSPD. For parcels located within more than one noise zone inside PNSPD, the more stringent requirements shall apply to the entire parcel.

(Ord. No. 2006-30, § 4, 4-6-2006; Ord. No. 2007-70, § 2, 11-1-2007)

GRAPHIC LINK:PNSPD--Figure 1

(Ord. No. 2006-30, § 4, 4-6-2006)

11.04.00. Airport/airfield height limitations.

In order to carry out the height limitation provisions of this Code, there are hereby created and established certain airport/airfield zones and surfaces. When a lot is divided into sections, the more restrictive height limitations shall apply. An area located in more than one of the described zones and surfaces is considered to be only in the zone and surface with the more restrictive height limitation. Note: Per F.S. § 193.501, the owner may apply to the property appraiser for the sending parcel's tax assessment to be based on the restricted use and not the potential use. Except as otherwise provided, no structure shall be constructed or altered in such a way as to exceed the height limitations established herein, unless a variance is first obtained in accordance with the requirements of section 11.01.03.

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11.04.01. *General height restrictions.*

A. *Hazards to air navigation prohibited.* In addition to the height limitations imposed in this Code, no structure or obstruction shall be constructed or altered in such a way as to cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised, or be considered a hazard to air navigation by a Federal Aviation Administration aeronautical study (7460-1) or conflict with Title 14 of the Code of Federal Regulations Part 77.

B. *Structures in excess of 200 feet AGL.* Any new structure or obstruction in excess of 200 feet above ground level shall receive an airspace evaluation from the FAA prior to development approval, by filing an FAA Form 7640-1. (See Federal Aviation Administration (FAA) Advisory Circular 70/7460-1 and Federal Aviation Regulations (FARs) Parts 71, 77, 93, 95, 152, and 157 for further information on FAA structure permits.)

To determine height limits in all environs, surfaces and zones set forth in this Code, the datum shall be above mean sea level elevation (AMSL) or above airport/airfield elevation, as the case may be, unless otherwise specified in this article.

11.04.02. *Public civil airports.* The various zone, surfaces and height limitations are hereby established for public civil airports.

A. *Pensacola Regional Airport.*

1. *Airspace height limitation zones.* There are hereby created and established airspace height limitation zones that include all areas of land lying beneath aircraft navigational routes applicable to Pensacola Regional Airport. Such zones are shown on the Pensacola Regional Airport Height Limitation Zones map which is adopted by reference, located in the Department of Planning and Zoning offices, and is available for review during normal business hours. Existing structures depicted on the Pensacola Regional Airport Height Limitation Zones map may be utilized as a controlling obstacle. In the event of an existing controlling obstacle (original), a structure may be placed within a 300 foot radius at the same elevation or a lower height. Only the original structure can dictate the 300-foot radius.

A generalized map of the Pensacola Regional Airport height limitation zones is depicted in Figure 2; however, it is not the official map and should be used only for preliminary determination of the applicability of the height limitation zones.

GRAPHIC LINK:Height Limitation Zones--Figure 2

2. *Notification requirement surface.* Any proposed structure or obstruction, or any alteration of an existing structure or obstruction that would exceed the height of an imaginary surface, the slope of which is one foot vertically for every 100 feet horizontally, measured from the nearest point of the nearest runway at Pensacola Regional Airport, shall notify the FAA of the proposed action by filing an FAA Form 7640-1.

B. *Coastal and Ferguson Airports.*

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1. *Primary surface.* An area longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at the end of the runway. The width of the primary surface of a runway will be that width prescribed for the most precise approach existing or planned for that runway end. Except as provided in the permitted use sections, no structure or obstruction will be permitted within the primary surface, that is not part of the landing and take-off area, and is of a greater height than the surface measured at the nearest point on the runway centerline. The width of the primary surface is 250 feet.
2. *Horizontal surface.* A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. No structure or obstruction will be permitted in the horizontal surface that has a height greater than 150 feet above the airport elevation. The radius of each arc is 5,000 feet.
3. *Conical surface.* The area extending outward from the periphery of the horizontal surface for a distance of 4,000 feet. Height limitations for structures in the conical surface are 150 feet above airport elevation at the inner boundary with permitted elevation increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.
4. *Approach surface.* An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach surface is designated for each runway based upon the type of approach available or planned for that runway end. The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of 1,250 feet. The approach surface extends for a horizontal distance of 5,000 feet. The outer width of an approach surface to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end. Permitted height within the approach surfaces is the same as the inner edge and increases with horizontal distance outward from the inner edge; permitted height increases one foot vertically for every 20 feet of horizontal distance for all utility and visual runways. The slope starts at the runway ends.
5. *Transitional surface.* The area extending outward from the sides of the primary surfaces and approach surfaces connecting them to the horizontal surface. Height limits of the transitional surface are the same as the primary surface or approach surface at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal surface or conical surface or for a horizontal distance of 5,000 feet from the side of the part of the precision approach surface that extends beyond the conical surface.

11.04.03. Military airfields. The various zones, surfaces and height limitations are hereby established for military airfields.

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A. *NAS Pensacola*. Runways 07L/25R 07R/25L and 01/19.

1. *Primary surface*. The area located on the ground or water, longitudinally centered on each runway extending 200 feet beyond the runway end and 1,500 feet wide (750 feet each side of the runway centerline). No structure or obstruction that is not part of the landing and takeoff area is permitted in the primary surface.
2. *Clear zone*. A fan shaped area extending outward 3,000 feet from the end of each runway. The inner boundary is the same width as the primary surface and commencing 200 feet from the threshold, expands at an angle of 7 degrees 58 minutes and 11 seconds to a width of 2,284 feet. The Type I clear zone is the first 1,000 feet adjacent to the end of runway. The Type II clear zone is 500 feet wide and extends outward from the Type I clear zone on the extended centerline. The Type III clear zone is laterally adjacent to the Type II clear zone. Except as provided for in the permitted use sections contained herein, no structure or obstruction that is not a part of the landing and takeoff area is permitted in the Type I, Type II, or Type III clear zones.
3. *Inner horizontal surface*. The area encompassing the runways, primary surface and clear zone with an outer perimeter formed by swinging arcs 18,000 feet (3.4 miles) radius about the centerline at the end of each runway and connecting adjacent arcs by lines tangent to these arcs. No structure or obstruction within the boundaries of the inner horizontal surface will exceed 200 feet. Any structure that is either:
 - a. Less than 18,000 feet from the end of any runway at NAS Pensacola, which is between 100 and 200 feet in height above airport elevation; or
 - b. In the region from 18,000 and 35,000 feet from the end of any runway at NAS Pensacola, which is up to 100 feet greater in height than the height of the conical surface, but not to exceed a height of 500 feet,
 requires conditional use approval, including NAS Pensacola review which shall be an additional criterion considered by the board of adjustment in determining whether to issue a conditional use permit.
4. *Conical surface*. The area extending outward from the periphery of the inner horizontal surface for a distance of 24,000 feet (4.6 miles). Height limits in the conical surface commence at a height of 100 feet above airfield elevation at the inner boundary and increase at a rate of one foot vertically for every 60 feet horizontally until it reaches a height of 500 feet above airfield elevation at the outer boundary.
5. *Outer horizontal surface*. The area extending outward from the outer periphery of the conical surface for a distance of 2,500 feet. The height limit within the outer horizontal surface is 500 feet above airport elevation.
6. *Approach surface*. The area longitudinally centered on each runway extended centerline, with an inner boundary 200 feet out from the end of the runway and the same width as the primary surface then extending outward for a distance of 50,000 feet expanding uniformly in width to 16,000 feet at the outer boundary. Height limits within the approach clearance surfaces commence at the height of the runway end

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and increase at the rate of one foot vertically for every 50 feet horizontally for a distance of 25,000 feet at which point it remains level at 500 feet above airfield elevation to the outer boundary.

7. *Transitional surface.* The area with an inner boundary formed by the side of the primary surface and the approach surface then extending outward at a right angle to the centerline and extended centerline until the height matches the adjoining inner horizontal surface, conical surface and outer horizontal surface height limit. The height limit at the inner boundary is the same as the height limit of the adjoining surface and increases at the rate of one foot vertically for every seven feet horizontally to the outer boundary of the transitional surface, where it again matches the height of the adjoining surface.

Transitional surface for those portions of the approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

B. *Navy Outlying Landing Field (NOLF) Saufley.* Runways 5/23 and 14/32.

1. *Primary surface.* The area located on the ground or water, longitudinally centered on each runway and extending 200 feet beyond the runway end, with a width of 1,000 feet. Except as provided for in the permitted use sections contained herein, no structure or obstruction that is not a part of the landing and takeoff area is permitted in the primary surface.

2. *Clear zone.* The area adjacent to the runway end extending outward for 3,000 feet with a width of 1,000 feet centered on the extended runway centerline. The Type I clear zone is the first 1,000 feet adjacent to the end of the runway. The Type III clear zone is the same width, and extends outward 2,000 feet from the Type I clear zone on the extended centerline. Except as provided for in the permitted use sections contained herein, no structure or obstruction that is not a part of the landing and takeoff area is permitted in the Type I clear zone. Except as provided for in the permitted use sections contained herein, no structure or obstruction shall penetrate the approach departure surface in the Type III clear zone.

3. *Inner horizontal surface.* The area encompassing the runways and primary surface, and clear zones with an outer perimeter formed by swinging arcs 7,500 feet radius about the centerline at the end of each runway and connecting adjacent arcs by lines tangent to these arcs. No structure or obstruction will be permitted in the inner horizontal surface of a greater height than 150 feet above the airport elevation.

4. *Conical surface.* The area extending from the periphery of the inner horizontal surface outward and upward at a slope of one foot vertically for every 20 feet for a horizontal distance of 7,000 feet to a height of 500 feet above airport elevation.

5. *Outer horizontal surface.* The area extending outward from the outer periphery of the conical surface for a distance of 30,000 feet. The height limits within the outer horizontal surface is 500 feet above airport elevation.

6. *Approach surface.* The area longitudinally centered on each runway extended centerline with an inner boundary 200 feet out from the end of the runway and the same width as the primary surface, then extending outward for a distance of 50,000 feet expanding uniformly in width to 16,000 feet at the outer

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boundary. Height limits within the approach surface commence at the height of the runway end and increase at the rate of one foot vertically for every 50 feet horizontally for a distance of 25,000 feet at which point it remains level at 500 feet above airport elevation to the outer boundary.

7. *Transitional surface.* The area with an inner boundary formed by the side of the primary surface and the approach surface then extending outward at a right angle to the centerline and extended centerline until the height matches the adjoining inner horizontal surface, conical surface and outer horizontal surface height limit. The height limit at the inner boundary is the same as the height limit of the adjoining surface and increases at the rate of one foot vertically for every seven feet horizontally to the outer boundary of the transitional surface, where it again matches the height of the adjoining surface. Transitional surface for those portions of the approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

C. *Navy Outlying Landing Field Site 8 (NOLF Site 8).* The various zone and surface height limitations are hereby established.

1. *Primary surface.* The area longitudinally centered on each helipad, 150 feet in width and 150 feet in length.

2. *Approach surface.* The area longitudinally centered on each helipad's extended centerline, which starts at the end of the heliport primary surface with the same width as the primary surface and expands to 500 feet at a distance of 4,000 feet. Height limits within the approach surface commence at the height of the established landing surface and increase at the rate of one foot vertically for every ten feet horizontally for a distance of 4,000 feet.

3. *Clear zone.* The first 400 feet of the approach surface. Except as provided for in the permitted use sections contained herein, structure or obstruction that is not a part of the landing and takeoff area is permitted.

4. *Transitional surface.* An area that connects the primary surface and the approach surface, upward and outward of the primary surface at a slope ratio of two feet vertically for every one foot horizontally for a distance of 250 feet from the centerline of the pad.

5. *Helicopter traffic pattern airspace.* No structure shall exceed 200 feet above airfield elevation in the traffic pattern airspace (Attachment D). The area protected around the helicopter NOLF is determined by the capacity limits of the NOLF. [Attachment D is not set out herein, but is available for inspection in the offices of the county.]

D. *Navy hospital heliport.*

1. *Heliport primary surface.* The area longitudinally centered on the helipad, 150 feet in width and 150 feet in length.

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2. *Heliport approach surface.* The area longitudinally centered on the helipad's extended centerline, which starts at the end of the heliport primary surface with the same width as the heliport primary surface and expands to 500 feet at a distance of 4,000 feet. Height limits within the heliport approach surface commence at the height of the established landing surface and increase at the rate of one foot vertically for every ten feet horizontally for a distance of 4,000 feet.
3. *Clear zone.* The first 400 feet of the approach surface. Except as provided for in the permitted use section contained herein, no structure or obstruction that is not a part of the landing and takeoff area is permitted.
4. *Heliport transitional surface.* An area that connects the heliport primary surface and the heliport approach surface, upward and outward of the heliport primary surface at a slope ratio of two feet vertically for every one foot horizontally for a distance of 250 feet from the centerline of the pad.

(Ord. No. 2006-30, § 4, 4-6-2006)

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Article 12 COASTAL MANAGEMENT/CONSERVATION

Article 12 COASTAL MANAGEMENT/CONSERVATION*

***Cross references:** Environment, pt. I, ch. 42.

12.00.00. Introduction.

Part I. Coastal Management

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12.02.00. Scope.

12.03.00. Public access.

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Part II. Conservation

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12.16.00. Environmentally sensitive lands.

12.17.00. Bay protection interlocal agreement.

12.00.00. Introduction.

This article provides regulations, standards and devices necessary to protect coastal resources, reduce adverse impacts upon natural resources, protect lives and property, enhance property values, and provide for the health, safety and welfare of the citizens of Escambia County. This article is divided into two parts. Part I implements the goals, objectives and policies of the comprehensive plan relating to Coastal Management, and Part II contains conservation regulations, procedures and other relevant provisions.

(Ord. No. 97-51, § 1, 10-2-1997)

PART I. COASTAL MANAGEMENT

12.01.00. Shoreline protection zones.

Shoreline protection zones means the area that commences at the mean high water line and runs to and includes the 1975 Coastal Construction Control Line (CCCL) as recorded in Plat Book 9 Page 72 A-P. The shoreline protection zones in Escambia County are also known as the "beach preservation zone."

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A. *Zone 1.* The following areas along the Gulf of Mexico shall be considered within Shoreline Protection Zone 1:

1. The waterward line shall run along the line of mean high water.
2. The landward line shall run along the 1975 CCCL.

B. *Zone 2.* Zone 2 is the shoreline protection zone on Escambia Bay, Pensacola Bay, Perdido Bay, Old River, Big Lagoon, Santa Rosa Sound and the basins and bayous and shall be measured from the mean high water line to a point five feet landward of the mean high water line.

C. *Prohibitions.* The following activities, unless specifically excepted, shall be prohibited within the shoreline protection zones:

1. Construction of major structures, minor structures, and nonhabitable major structures (see section 12.02.00 for definitions); and
2. Removal of vegetation in Zone 1; and
3. Planting of new vegetation in Zone 1 except for native, indigenous salt-resistant vegetation suitable for beach and dune or area stabilization.
4. No variances shall be granted to authorize development activities within Shoreline Protection Zone 1.

D. *Dune enhancement.* All persons constructing elevated boardwalks or other accessory structures on property located in the shoreline protection zone shall include in their plans, provisions to enhance and revegetate the dune system, if any, on their property.

E. *Exemptions.* Exemptions from this section are beach and dune restoration, water dependant and water related uses and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces.

12.01.01. Design standards in areas adjacent to shoreline protection zone. In areas adjacent to the shoreline protection zone, the following shall apply:

A. *Setbacks.*

1. *Zone 1.* All major structures, minor structures, and nonhabitable major structures shall be setback greater than or equal to the landward boundary of the 1975 CCCL along the Gulf of Mexico.
2. *Zone 2.* All major structures shall be setback 25 feet from the landward boundary of the shoreline protection zone in Zone 2.
3. *Exemptions.*
 - a. For properties fronting the Gulf of Mexico, pile-supported, elevated dune and beach walkover structures are permissible.
 - b. Pensacola Beach gulf-front properties may construct sundecks, patios, walkways, etc. on a case by case basis consistent with the SRIA board policy manual.

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- c. In order to prevent takings, Pensacola Beach gulf-front properties that have an insufficient building area to rebuild or redevelop may request a variance to allow construction of a similar structure provided that intrusion into Shoreline Protection Zone 1 is reduced to the maximum extent possible.
- d. Rebuilding/repair of decks and nonhabitable major structures within Shoreline Protection Zone 1 is permissible provided the associated major structure has not been substantially damaged.
- B. *Impervious area.* Total impervious surface, including but not limited to buildings, houses, parking lots, garages, accessory buildings, driveways, pools and walkways is limited to that which is required to serve the proposed development but in no case shall exceed 75 percent of the land area of the entire site.
- C. *Vegetation.* The development shall leave a minimum of ten percent of the site as trees, shrubs, or other natural vegetation, or replace existing trees at a minimum ratio of 1.1.
- D. *Discharges.* Point source and non-point-source discharges are prohibited, except for stormwater, which may be discharged only if it meets the following minimum standards:
1. Stormwater discharges shall provide off-line retention or off-line detention with filtration of the first one-half inch of runoff.
- E. *Erosion control.* Siltation and erosion control measures shall be applied to stabilize barren areas and other unvegetated areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to the creation of any impervious surfaces. For lots or parcels that are cleared, silt screens shall be placed between the construction site and the water body to prevent erosion and siltation.
- F. *Channels.* Any channels constructed shall meet all relevant state and or federal standards. The direct discharge of stormwater through channelization to adjacent water bodies is prohibited.
- G. *Dredging.* Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.
- H. *Spoil disposal.* Any spoil that results from dredging shall be disposed of at upland sites and stabilized within 30 days, unless the spoil is causing turbidity or other problems, in which case the developer must stabilize the spoil immediately.
- I. *Littoral drift.* If dredging changes the littoral drift processes and causes adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate (sand) in accordance with section 12.05.01.
- J. *Buffer.* Buffers shall conform to the requirements of section 7.15.06I.
- [K. *Reserved.*]
- L. *Discoloration.* Material used for fill shall not discolor the natural white sands of Santa Rosa Island or Perdido Key. White sand, oyster shell, limestone and white dolomite are among materials approved for fill or masonry mixes for new development or redevelopment projects on Santa Rosa Island or Perdido Key; reference section 12.05.02.

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(Ord. No. 2000-45, § 1, 10-5-2000; Ord. No. 2005-56, § 1, 11-17-2005; Ord. No 2013-45, § 1, 10-3-2013)

12.02.00. Scope.

The scope of this section shall apply to the following types of construction within areas adjacent to the shoreline protection zone and areas of special flood hazard as defined in article 3 (the FIRM map):

- A. New construction, and improvements to, major structures, minor structures and nonhabitable major structures.
1. *Major structure* means houses, mobile homes, apartment buildings, condominiums, motels, hotels, restaurants, towers, other types of residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.
 2. *Minor structure* includes but is not limited to pile-supported, elevated, dune and beach walkover structures; boat houses; beach access ramps and walkways; stairways; pile-supported, elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboards, tennis courts, handball courts, racquetball courts, and other uncovered, paved areas; earth retaining walls; and sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under designed wind, wave, and storm forces.
 3. *Nonhabitable major structure* means swimming pools; parking garages; pipelines; piers; canals; lakes; ditches; drainage structure, and other water retention structures; water and sewer treatment plants; electrical power plants, and all related structures or facilities, transmission lines, distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.
- B. For structures that are immediately adjacent to the shoreline protection zone, the requirements of this article shall apply to the entire structure.

12.02.01. Exempt structures. Structures or construction extending seaward of the mean high water line which are regulated by F.S. § 166.041 (i.e., groins, jetties, moles, breakwaters, seawalls, revetments, beach nourishment, inlet dredging, etc.), are exempt from the provisions of this article. In addition, this article does not apply to piers, pipelines or outfalls which are regulated pursuant to the provisions of F.S. § 161.053.

12.02.02. Existing structures. The requirements of this article shall not apply to existing structures, structures under construction, or structures for which a valid building permit was issued prior to adoption of this Code.

(Ord. No. 2005-56, § 1, 11-17-2005)

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12.03.00. Public access.

The county shall continue to enforce the public access requirements of the Coastal Zone Protection Act of 1985. Where the public has a legally established prescriptive easement through private lands to lands waterward of the CCCL and/or seaward of mean high tide or waterline by prescription, or any other legal means, development or construction shall not interfere with such right of access unless a comparable alternative access way is provided. The developer or applicant shall have the right to improve, consolidate, or relocate such public access ways so long as they are:

- A. Of substantially similar quality and convenient to the public.
- B. Approved by the BOA.
- C. Consistent with the comprehensive plan.

12.04.00. Construction requirements.

Construction within the zones established and regulated pursuant to this article shall meet the requirements of this article together with the requirements set forth in article 10 of this Code. In the event that requirements contained in both articles apply to a parcel, the more stringent requirement governs.

A. *Design certification.* All major structures as defined in section 12.02.00 above located within the shoreline protection zone, coastal high hazard area, or areas of special flood hazard as defined in article 10, shall be designed so as to minimize damage to life, property and the natural environment. All major structures located within the zones designated by this article shall be designed by an architect or engineer, registered in the state, and such plans shall include a certification by the architect or engineer that the design, specifications and plans comply with all state and local laws as well as the requirements of this article.

B. *FEMA standards.* FEMA V-Zone construction standards shall apply to all major structures in any V-Zone within Escambia County, including Santa Rosa Island and Perdido Key.

12.04.01. Minimum elevation for underside of building support structure.

A. *Perdido Key.* The minimum first floor elevation shall be equal to or above the minimum elevations established by FEMA and as delineated on the flood insurance rate maps and article 10 of this Code.

B. *Santa Rosa Island.* The minimum elevations for new and substantial improvement construction at Pensacola Beach are established in article 13, section 13.20.05.

C. *Mainland.* The minimum elevation for the underside of the building support structure (excluding foundation, piles and columns) shall be equal to or above the minimum elevations established by FEMA and as delineated on the flood insurance rate maps. In the case of areas of the county where flood elevations have not been determined by FEMA, the minimum elevation shall be determined by the design engineer in cooperation with the county engineer and the director. The county government specifically reserves the right to approve or disapprove any calculations submitted by the design engineer.

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12.04.02. Wind velocity pressures. All major structures, except mobile homes, shall be designed to withstand 110 mile per hour wind speeds unless otherwise regulated by article 10. The Santa Rosa Island standard is for a 120 mile per hour wind load. Mobile homes shall conform to the requirements as defined in F.S. § 161.55(1)(b), (c). Horizontal wind velocity pressure design shall conform to the standards, specifications and criteria contained within the most recent edition of the Standard Building Code (SBCCI) adopted by the BCD.

(Ord. No. 97-51, § 1, 10-2-1997)

12.05.00. Sand and water protection.

12.05.01. Purpose; finding.

A. The purpose of this section is to maintain, preserve and protect the natural function and color of the fine to medium grained white sands of Perdido Key and that part of Santa Rosa Island under the jurisdiction of the Santa Rosa Island Authority and Escambia County. There shall be no distinction made regarding the applicability of this ordinance between Perdido Key and Santa Rosa Island soil material with the exception that the department may upon specific consideration, differentiate between the allowable soil material of the gulf front beach, gulf front dunes (primary), sound side beach, interior dunes (secondary) and forested ecosystems. Specifically, it is the intent of this section to prohibit the importation, use, and relocation of red clay and other prohibited materials that tend to discolor, darken or stain the natural white sands of Santa Rosa Island and Perdido Key, and to prevent the transportation of prohibited soils whether by wind or water by requiring containment and removal of red clay and other discoloring, darkening or staining materials. The Santa Rosa Island Authority Gulf Beach Dredging Program shall be exempt from this ordinance for a period of eight months from enactment by the board of county commissioners.

B. The board of county commissioners acknowledges that the white sands of Santa Rosa Island and Perdido Key promote tourism and enhance the quality of life of the residents of Santa Rosa Island, Perdido Key and the county. The permanent discoloration, darkening or staining of the white sands on Santa Rosa Island and Perdido Key would harm the public welfare making the enactment of this section necessary. The board of county commissioners hereby declares that red clay and other prohibited materials that are capable of staining the natural white sands of Santa Rosa Island and Perdido Key constitute a nuisance and irreversible harm to the people of Escambia County.

12.05.02. Definitions. Unless the context clearly requires another meaning, the following words shall have the meanings provided herein:

Approved materials means mineralogical composition of white fine to medium grained quartz sand with a Munsell Color Chart value of 9.25 or whiter and a chroma of 0.5 or less on the 2.5, 5, 7.5 or 10YR scale when checked in an air dry condition. For road bed or foundation construction, oyster shell, limestone or white dolomite shall be reasonably the same color as approved sand after exposure to the sun and shall not contain clay or other discoloring staining or darkening material.

Department means the neighborhood and environmental services department of Escambia County, Florida.

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Darkening, discoloring or staining means having the ability to permanently change the color or darken the natural white sands of Santa Rosa Island or Perdido Key or other approved material whenever coming into contact with such sands or materials.

Disturb means to loosen or move a material by digging or other similar operation without regard to whether such material is removed from the ditch or hole.

Fine to medium grained sand means quartz sand of which 75 percent of the sand sample by weight with grain size ranging within .43mm to .08m with the remaining 25 percent being coarser than .43mm but not larger than 1mm as described under the Unified Soil Classification System. This corresponds to the number 40-200 sieve sizes for gradation curve analysis.

Natural function means, but is not limited to, its function as soil material for vegetation, as material for natural protective barriers along the shorelines, as habitat for animals and as a recreational medium.

Perdido Key means the barrier island and coastal areas extending westward from Pensacola Pass to the Florida/Alabama state line.

Permanently change means to darken, discolor or stain the soils for a period of greater than six months.

Prohibited materials means any discoloring or staining materials, which includes material with a Munsell Color Chart value darker than 9.25 and a chroma greater than 0.5 on the 2.5, 5, 7.5, or 10YR scale when checked in a dry condition or any other material which, in whole or in part, is composed of or contains clay or any other substance that would darken, stain or discolor the natural white sands of Perdido Key or Santa Rosa Island and a grain size with over ten percent by weight of the sample outside the range stated under fine to medium grained sand.

Santa Rosa Island means that part of Santa Rosa Island under the jurisdiction of the Santa Rosa Island Authority and the board of county commissioners of Escambia County, Florida.

Supplier means the entity providing the sand from on- or off-site.

Transfer for use means to transport by any means, from parcel to parcel or within a parcel, in order to use the transported material.

Use when used as a verb means to utilize a material to provide fill, to provide support, to establish an even grade, to shape the contours of land, or any similar purpose.

12.05.03. Importation, transfer, and use prohibited.

- A. No person may import or cause to be imported onto Santa Rosa Island or Perdido Key located in Escambia County, Florida any construction or landscaping material which is not an approved material.
- B. No person may use, or transfer for use, any prohibited material in connection with any paving, road surfacing, filling, landscaping, construction work or any other improvement to real property on Perdido Key or any part of Santa Rosa Island whether leased or not.

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C. No person may transfer from parcel to parcel any construction material which is not an approved material where such material is to be used in connection with any paving, road surfacing, filling, landscaping, construction work or any other improvement to real property on any part of Perdido Key or Santa Rosa Island whether leased or not.

D. This section shall not be construed to prohibit the importation or use of sod or plants to be used for landscaping.

E. The board of county commissioners may exempt the application of this section in particular projects or parts of projects upon determination by four-fifths' vote of the board of county commissioners that an emergency exists and that an immediate exemption is required to protect the public health, safety or welfare.

12.05.04. Removal of prohibited materials; exceptions; franchises.

A. At such time as reconstruction, redevelopment, improvement or use of a site uncovers or exposes "prohibited materials," such materials must be immediately removed from the site and relocated off Santa Rosa Island or Perdido Key, as the case may be, using such safeguards as are promulgated by the department to prevent the release of such materials by wind, water, or otherwise within the parcel or onto adjacent parcels or waters. The removal of prohibited materials shall be required to a two-foot depth beneath the plane of land surface. If a sand dune is impacted from edge to edge, removal shall be required for the area of disturbed or exposed prohibited material to a depth of two feet beneath the plane of land surface at each edge. Any prohibited materials not required to be removed shall be contained in accordance with this section.

B. The provisions of subsection A. will not apply to any reconstruction, redevelopment, or other project for which a written contract to perform such work was executed prior to January 25, 1996.

C. At such time as any utility company, authority, or franchisee, which has acquired use of the county's rights-of-way, easements or other interest by permission, agreement or law in order to provide services to consumers, shall uncover or expose any prohibited material during the installation, maintenance, repair or removal of its system, such utility company, authority, or franchisee shall remove from Santa Rosa Island or Perdido Key, as the case may be, any prohibited material disturbed by the work and replace with approved materials. Prohibited materials shall be removed in such a manner as to avoid the release of such materials by wind, water, or otherwise onto adjacent lands or waters.

D. The board of county commissioners may exempt the application of this section in particular projects or parts of projects upon determination by four-fifths' vote of the board of county commissioners that an emergency exists and that an immediate exemption is required to protect the public health, safety or welfare.

12.05.05. Containment.

A. Prohibited materials required to be removed, shall be removed immediately. However, the time for removal may be extended consistent with the purpose and intent of this section. Specifically, prohibited materials may remain on-site for no more than 48 hours provided the prohibited materials are contained in such a way as to preclude the transfer of such materials, by wind, water, or otherwise within the parcel or onto adjacent parcels

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or waters. The department shall promulgate approved methods of containing and transporting prohibited materials required to be removed pursuant to section 12.05.04 above.

B. Prohibited materials not required to be removed pursuant to section 12.05.04A shall be contained on-site through the use of such reliable methods as are approved or prescribed by the department, including the employment of silt fencing.

12.05.06. Preapproval. All projects involving land disturbance, placement of sand or dune building on Santa Rosa Island or Perdido Key shall require preapproval of the sand material with the department prior to finalizing site design, applying for a permit or commencement of site work. The application shall be made by submittal of a land disturbance permit.

A. The applicant shall also provide the following:

1. Grain size distribution gradation curve;
2. Geologic description of the sample, including color standard to the Unified Soil Classification System and Munsell Color Charts;
3. Sample of sand material;
4. Schematic site design indicating area of placement of sand or dune.

B. The department staff shall consider characteristics of the site and its location including: topography and vegetation to determine suitability of the sand sample.

C. It shall be the responsibility of the sand supplier to provide assurance that their product meets the specifications of this Code. Rejected material shall be removed at the supplier's expense.

D. The department may provide visual inspection or sample analysis of each load of sand if necessary to ensure the integrity of the material.

E. The department shall approve or disapprove any application for material placement.

(Ord. No. 96-10, 4-25-1996; Ord. No. 2000-45, § 1, 10-5-2000)

12.06.00. Dune restoration.

Whenever construction is to be undertaken in the area between the coastal construction control line (CCCL) and the landward limit of the shoreline protection zone, and if said construction would alter any portion of the primary dune, the county shall require the implementation of a planning board (LPA) approved dune restoration program to mitigate any damage which would result from the construction. If said restoration is to occur at Pensacola Beach, the applicant shall obtain approval from SRIA; the restoration plan will then be submitted to the growth management department director and the neighborhood and environmental services department director for review, comment and approval. The dune restoration program may be forwarded to the department of environmental protection, office of beaches and coastal systems, for review and comment. Among other things, the planting of sea oats supplemented by other appropriate native vegetation to stabilize disturbed dunes shall be

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required. Dune establishment should include planting (sea oats or salt-resistant vegetation), sand fencing, walkovers, etc. Sand fencing shall be constructed in a manner and located to avoid forming barriers for sea turtles and hatchlings. NOTE: The posting of bonds or other sureties pursuant to section 4.03.00 will be required (comprehensive plan policy OBJ COA 2.3).

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2000-45, § 1, 10-5-2000; Ord. No. 2013-54, § 1, 12-5-2013)

12.07.00. Special PUD development.

Any proposed residential development of more than 20 dwelling units per acre on a coastal barrier island shall be required to complete the planned unit development process described in section 6.06.00. As part of such process, a specific set of findings of fact must be developed which, at a minimum, include consideration of coastal densities, health, life and safety of the general public and evacuation times. These findings of fact shall be analyzed by the department and considered by the LPA and BCC in the final consideration for permitting any such project.

(Ord. No. 98-53, § 1, 12-3-1998)

12.08.00. Hurricane evacuation.

The department, in cooperation with other operating departments, shall review projects and maintain information regarding the impact of projects on hurricane evacuation times established by comprehensive plan objective COA 1.3. The following standards and criteria shall govern, guide and direct the department's activities and responsibilities under this section:

A. *Individual project evaluation.* When a proposed development project demonstrates that it meets (or passes) the test for concurrency for transportation and or traffic impact (Ref. article 5), the instant review for impact on evacuation times is deemed to have been met.

B. *Annual evaluation.* Annually, the director shall review the cumulative development within the CHHA and along hurricane evacuation routes and, using the most recent data available, determine if the established evacuation times have been degraded or negatively impacted (and to what extent).

1. The annual evaluation and report shall be promulgated with the other evaluations and reports required by comprehensive plan section COA 1.3.8.
2. The annual evaluation shall include an analysis of the issues addressed in policy OBJ COA 1.3 and any other policies which may directly relate to the issue of hurricane evacuation.

12.08.01. Group homes. Group homes, nursing homes, and other similar uses which have special evacuation requirements shall be prohibited from locating within the CHHA unless such group home or use includes, as a component of the project and as a condition of the continuing operation of the facility, a plan for evacuation of residents or tenants of the facility, methods and equipment for carrying out the evacuation and sufficient space (beds, d.u.s, etc.) for housing the evacuees at an approved location to be used by the evacuees.

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12.08.02. Mobile homes and RV's. All new mobile homes or developments designed to accommodate mobile homes or recreational vehicles, by whatever name known, proposed for any lands within the CHHA shall be required to pay an impact fee (or in-lieu payment) to the county for off-site shelter provisions. The amount of fee shall be established from time to time by resolution of the BCC. Mobile homes are not permitted anywhere on Pensacola Beach unless specifically approved by the SRIA or BCC for a special condition.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2013-54, § 1, 12-5-2013)

PART II. CONSERVATION

12.09.00. Mining and/or extraction of natural resources

12.09.01. Permit required. No commercial extraction of natural resources for sale shall be allowed unless and until the applicant for such extraction has first obtained a county resource extraction permit from the engineering department pursuant to the terms of the development order. Prior to issuance of a permit, the department shall receive authorization from the county engineer.

12.09.02. Permit requirements. Prior to issuing a resource extraction permit for a proposed resource extraction activity, the county engineer shall be assured that the following conditions have been met:

- A. Existing and future resource extraction activities and lands used for such activities and any reclamation of any such lands shall be subject to all relevant rules and regulations including those established by F.A.C. chs. 16, 17, 18, and 39, the U.S. Clean Water Act, F.S. § 372.072, F.S. ch. 373, pt. IV, F.S. ch. 378, pt. IV, and F.S. ch. 403, local permit and development review requirements per the Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII, and the Land Development Code, Article 7), among others. Before any existing resource extraction activity is permitted to expand and prior to approving any new resource extraction activities located within or adversely impacting environmentally sensitive areas, the application for expansion or establishment of a new extraction activity must be accompanied by a reclamation plan which meets all state environmental resource permit (ERP) requirements and reclamation standards required by F.A.C. ch. 62C-39, as well as comprehensive plan policies OBJ COA 2.1 and OBJ CON 1.5 for the area once the extraction activity has been completed.
- B. The resource extraction activity will not degrade or impact adjacent natural, cultural or historic resources including environmentally sensitive lands, wetlands, white sands as protected pursuant to section 12.05.00 et seq. of this article, and others.
- C. That the resource extraction activity is to be conducted more than 500 feet from any potable public water well or well field. The applicant for resource extraction must present information satisfactory to the CE wherein the locations of potable water wells or well fields are identified.
- D. That the proposed resource extraction activity is compatible with adjacent land uses.

(Ord. No. 2012-36, § 9-13-2012; Ord. No. 2013-54, § 1, 12-5-2013)

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12.09.03. Regulated extraction activities. The following types of commercial resource extraction activities are regulated by this section. The listing is an example of the types of activities only, and is not to be construed as an all-inclusive list.

- A. Mining activities.
- B. Petroleum extraction.
- C. Borrow pits.
- D. Removal of white sand from beaches or other areas containing such white sand.
- E. Mineral extraction (not including water).
- F. Quarries.

12.09.04. Activities exempt. The following activities are exempt from the regulations of this section:

- A. Routine agriculture.
- B. Routine silviculture.
- C. Incidental excavation conducted pursuant to valid permits issued by Escambia County for construction or development activities.
- D. Emergency activities necessary to protect lives and property.

However, for any development permit application filed with the county after July 1, 2012, the county may not require as a condition of processing or issuing a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit. Issuance of a development permit by the county does not in any way create any rights in the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by the state or federal agency or undertakes actions that result in a violation of state or federal law.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2005-23, § 7, 7-7-2005; Ord. No. 2012-36, § 9-13-2012)

12.10.00. Conservation of cultural/historical resources.

This section is intended to provide protection for cultural, historic or archeological resources which may exist within Escambia County. The county shall use any available resources of the office of the secretary of state, division of historical resources, in the identification of historic structures within the county. The county will utilize guidance, direction and technical assistance received from the agency so as to insure protection of identified historic structures, sites and areas within the coastal area (and elsewhere). In addition, the county will utilize assistance from the agency together with other agencies (i.e., University of West Florida) in identifying newly discovered historic or archeological resources. The identification will include an analysis to determine the significance of the resource (also, see comprehensive plan objectives policy FLU 1.3.1, OBJ FLU 1.2).

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12.10.01. Protected sites. All historic/archeological sites listed on the Florida Master Site File (in the office of secretary of state, division of historical resources, State of Florida) are covered by the regulations herein. In addition, any historical or archeological artifacts discovered during any phase of construction shall be deemed covered by these regulations until such time as the artifact has been protected or proven insignificant. The determination of whether or not the artifacts are of significant importance and are afforded protection pursuant to federal or state regulation shall be concluded no later than ten working days after discovery and notification to the county.

12.10.02. Determination of significance. The determination of the significance of any artifact or historical or archeological evidence found on any construction site or on any site listed on the Florida Master Site File shall be made by those persons, firms or corporations approved to make such determination by the office of secretary of state, division of historical resources.

12.10.03. Cessation of activities.

A. Any time historical or archeological artifacts or resources are discovered during the process of construction or development activities, such activities impacting the artifact or resource shall be immediately ceased until such time as determination of significance has been rendered. If the location of the artifact or resource is such that the area can be protected while construction or development activities go on elsewhere on the site, such protection shall be allowed. However, if the location or nature of the artifact or resource is such that any site disturbing activities would impact the artifact or resource, then activities on the entire site shall cease.

B. In the event that the cessation of development or construction activities goes beyond the time limits established by development orders, certificates of development, building permits or any other permits issued pursuant to this section, then the time frame for completion of such activities shall be administratively extended so as to allow for the successful completion of the construction or development project.

(Ord. No. 2013-54, § 1, 12-5-2013)

12.11.00. Water-saving devices required.

All structures constructed or permitted pursuant to this Code shall include within such structures water-saving devices. The following regulations shall be followed when issuing plumbing permits and conducting final inspections for plumbing fixtures:

A. No tank-type water closet shall be installed having a tank capacity in excess of 3 1/2 gallons of water.

B. Any tank-type water closet with a tank capacity in excess of 3 1/2 gallons shall only be permitted if such water closets are equipped with a device which reduces the average water consumption to no more than 3 1/2 gallons per flush.

C. No shower head or faucet shall be installed which allows a flow of more than an average of three gallons per minute at 60 pounds of pressure per square inch.

12.11.01. Exceptions. The director may grant an exception to the provisions of this section if:

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Article 12 COASTAL MANAGEMENT/CONSERVATION

- A. The configuration of an existing building water or sanitary sewer system requires a quantity of water greater than 3 1/2 gallons of water to adequately flush the system.
- B. The cost of an addition or renovation does not exceed 50 percent of the value of the existing building and compliance with the requirements of this section will not require substantial modification of the existing plumbing system. (Reference F.S. ch. 553.)

12.12.00. Area of water resources concern.

Any time an area of water resources concern is declared by the Northwest Florida Water Management District, development must comply with the relevant portions of F.A.C. 40A-2.801 et seq. F.A.C. 40A-2.801 et seq. is incorporated herein by reference.

12.13.00. Disaster mitigation.

To minimize the effects of natural disasters in the coastal area, the county shall:

- A. Comply with building code requirements of F.S. § 161.55 and section 12.04.00 of this Code.
- B. Participate in the National Flood Insurance Program in conformance with the Federal Disaster Relief Act of 1974.
- C. Determine the feasibility of eliminating, relocating or structurally modifying public infrastructure which has suffered natural disaster damage and to implement appropriate cost-effective measures to mitigate future damage.
- D. Maintain the same capacity of any public infrastructure that is relocated, modified, or replaced, unless the capacity is expanded as part of an approved post disaster hazard mitigation plan in accordance with PL 93-288.

12.14.00. Air quality.

12.14.01. Purpose. The purpose of this section is to continually protect the quality of air in Escambia County by regulating, or requiring compliance with the regulations governing land uses and/or activities which have, or may have point source emissions (also, see article 7).

(Ord. No. 2012-36, § 9-13-2012)

12.14.02. Continuing obligation. All existing and future activities discharging emissions into the air have a continuing obligation to obtain and abide by all state and federal permits regarding treatment of emissions. In the event information comes available to any county official, such official shall notify the department. The inspections department shall immediately notify the operator of the facility and the owner of the real property, if not the operator, containing the facility, which is believed to be degrading air quality within the county and notify the appropriate regulatory agency of the alleged violation.

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Article 12 COASTAL MANAGEMENT/CONSERVATION**12.15.00. Environmentally sensitive lands.**

Certain properties and lands within Escambia County provide important environmental and aesthetic functions and values and are, therefore, environmentally sensitive. It is the intent of this Code that degradation and development of environmentally sensitive lands, as defined by a local, federal or state agency, shall be avoided to the maximum extent possible.

12.15.01. Protection required of environmentally sensitive lands. All land use certificate/development permit applications are reviewed to determine if the subject property is an environmentally sensitive land, as defined. Pursuant to section 4.06.03.G., the CE or director may require additional information regarding protection of any of the resources listed in sections 12.13.00, 12.16.00 or 3.00.00 above. The county engineer or director may require a buffer (section 7.13.03.N) to protect the quality of environmentally sensitive lands and minimize adverse impacts. Nothing in this section shall preclude the county from obtaining independent verification of documentation.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2001-40, § 3, 8-2-2001; Ord. No. 2003-9, § 4, 3-20-2003; (Ord. No. 2012-36, § 9-13-2012)

12.16.00. Bay protection interlocal agreement.

Any development project which is located in the CHHA or exceeds the DRI threshold (in the Pensacola Bay watershed) shall be reviewed to determine if it exceeds the DRI thresholds specified in the 1995 Interlocal Agreement on Pensacola Bay Protection. If a threshold is exceeded, the Cities of Pensacola and Gulf Breeze, plus Santa Rosa County shall be afforded an opportunity to comment on the project. This interlocal agreement is included as an appendix to this Code.

(Ord. No. 97-51, § 1, 10-2-1997)

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Article 13 SANTA ROSA ISLAND AUTHORITY DEVELOPMENT REGULATIONS

Article 13 SANTA ROSA ISLAND AUTHORITY DEVELOPMENT REGULATIONS*

***Cross references:** Santa Rosa Island bird sanctuary, pt. I, § 10-51 et seq.

- 13.00.00. Intent.
- 13.01.00. Administration.
- 13.02.00. Enclosed living area requirements.
- 13.03.00. Zoning districts.
- 13.04.00. Automobile off-street parking requirements.
- 13.05.00. Residential construction.
- 13.06.00. Multiple dwelling and commercial construction.
- 13.07.00. Other requirements.
- 13.08.00. Reserved.
- 13.09.00. Demolition, reconstruction and structure relocation.
- 13.10.00. Fences.
- 13.11.00. Swimming pools.
- 13.12.00. Piers, basins and marinas. See section 7.05.00.
- 13.13.00. Erosion control.
- 13.14.00. Landscaping and acceptable soils.
- 13.15.00. Building heights.
- 13.16.00. Land use changes (rezoning).
- 13.17.00. Variances.
- 13.18.00. Appeals to Santa Rosa Island Authority decisions.
- 13.19.00. Reserved.
- 13.20.00. Floodplain management on Pensacola Beach under the control of the Santa Rosa Island Authority.
- 13.21.00. Subdivision review procedures for projects submitted to the Santa Rosa Island Authority.
- 13.22.00. Regulation of signs and outdoor displays.

13.00.00. Intent.

The Santa Rosa Island Authority was established by legislative mandate in 1947, Laws of Fla., ch. 24500 (1947), as amended. Section 3(a) vests power and authority in the Board, "to lease the island from time to time, in whole or in part or parts; to purchase, construct, extend, improve, own, maintain, insure and operate, either itself or by contract, or lease with individuals, firms or corporations, all of the bridges, buildings, structures, facilities, projects, developments, streets, playgrounds, installations, utilities, properties, establishments and things mentioned in this act; to acquire, sell and dispose of property; to fix and collect tolls, rents, revenues and profits; to advertise the island; to adopt and enforce building codes and health, sanitation and safety rules and regulations, and regulations generally; and to enter into leases and contracts." Article 13 contains rules and regulations governing construction and land development on Pensacola Beach and its surrounding waters.

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Article 13 SANTA ROSA ISLAND AUTHORITY DEVELOPMENT REGULATIONS

The Santa Rosa Island Authority shall be notified in advance of any consideration for amendments, additions or deletions to this Article.

13.00.01. Purpose. Land under the jurisdiction of the Santa Rosa Island Authority is unique to Escambia County, the State of Florida and the United States of America. All property within this jurisdiction is owned by Escambia County, and the Santa Rosa Island Authority is charged with the stewardship of the island to protect the public interest of the citizens of Escambia County.

This unique requirement for stewardship of public property requires that the Santa Rosa Island Authority take great care in its protection of this asset. The Santa Rosa Island Authority is also responsible for insuring compliance with the National Flood Insurance Program regulations to make certain that flood insurance is available for those residing on and investing in the island.

13.00.02. Applicability. This article applies to development or redevelopment of property within the jurisdiction of the Santa Rosa Island Authority (SRIA).

This article is established in conjunction with other articles of this Code, setting forth regulations, standards and practices that include factors which are unique and of particular concern to a barrier island environment.

13.00.03. Covenants and restrictions. Every lease with the Santa Rosa Island Authority includes, by reference, covenants and restrictions recorded on February 10, 1949. In some cases certain leases may contain provisions which are in conflict with this article. In such cases the lease will prevail unless otherwise mutually agreed upon between lessee and the Santa Rosa Island Authority. All leases executed or renegotiated by the SRIA after (the effective date of this article) shall be consistent with the Escambia County Comprehensive Plan, the Escambia County Land Development Code, and figure 13 from the Future Land Utilization Map (Zoning) in the 1988 Pensacola Beach Land Utilization Plan contained within the 1993 Escambia County Comprehensive Plan.

Any modification to legally executed lease agreements on Pensacola Beach must be approved by the Santa Rosa Island Authority Board, and may only be approved by the Santa Rosa Island Authority Board, except as provided for in Ch. 79-457, Laws of Fla.

13.00.04. Reserved.

13.00.05. Flood insurance program. The requirements of the National Flood Insurance Program must be enforced by the SRIA in order to assure continued participation under the program for all properties under the jurisdiction of the SRIA. Flood Insurance Rate Map (FIRM) #12033C0000 Index (Revised: July 17, 2002) (Community Panel Numbers 125138 557, 558, 559, 577, 578, 579, 581)(Revised: February 23, 2000) issued by the National Flood Insurance Program and any subsequent revisions thereto is a part of this Development Code and copies of such maps are available and open to public inspection in the office of the SRIA at Pensacola Beach. Floodplain management regulations designed to reduce flood losses, shall take precedence over any less restrictive conflicting laws; ordinances, codes and agreements. Floodplain management regulations are set forth in sections 13.20.00 through 13.20.09 in this article.

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(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2006-20, § 1, 3-2-2006; Ord. No. 2007-49, § 1, 9-6-2007)

13.01.00. Administration.

Initial development approval authority. The Santa Rosa Island Authority must approve all residential and commercial building plans, all plans for construction, alteration, repair, demolition, fencing, swimming pools, docks, piers, marinas, etc., and all subdivision or resubdivision of land, acting as the initial development approval authority for all lands under its jurisdiction. All such building plans, will be processed by the SRIA according to sections 13.01.02 A & B, and as otherwise required by this Code (LDC). Following initial approval by the SRIA, final approval for such plans and permits, must be obtained from Escambia County.

13.01.01. Interpretation and conflict. Development proposed on Pensacola Beach shall be subject to all other applicable provisions of this Code as contained in other articles, except as otherwise noted. Where any conflict exists between the provisions of this article and any other code provision, the more restrictive provision shall apply. As stated in Article 2, interpretation of this Code is the responsibility of the Escambia County Planning Board (LPA).

13.01.02. SRIA development approval levels. Because of the leasehold nature of properties on Pensacola Beach which are under the jurisdiction of the Santa Rosa Island Authority, all development projects must first be reviewed by the SRIA.

A. Items that are reviewed and acted upon at SRIA staff level:

1. Residential:

a. New construction

b. Reconstruction

c. Substantial improvement (50 percent or more)

d. Fences.

e. Swimming pools.

f. All signs in section 13.22.00.

g. Erosion control.

h. Satellite dish.

i. Piers

2. Commercial and multi-family residential construction under \$1,000,000.00

B. Items that require action by the full SRIA Board:

1. Commercial and multiple dwelling residential projects valued at more than \$1,000,000.00.

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2. Projects requiring a variance or representing an obvious or questionable deviation from established codes or restrictions or policy.
3. Projects requiring that the SRIA board address ecological or environmental aspects.
4. Preliminary or final plats for the subdivision of land.
5. Appeals of SRIA staff determinations.
6. Basins and Marinas.

(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2013-11, § 1, 04-02-2013)

13.02.00. Enclosed living area requirements.

In order to insure and maintain quality development and property values on Pensacola Beach, the following living area requirements have been established. Measurements shall be made from outside of exterior walls. Screened porches, garages, patios, and closets not opening to the interior shall not construed to mean enclosed living area.

13.02.01. Single-family residences.

- A. Villa Primera--minimum 1,000 square feet.
- B. Villa Segunda--minimum 1,200 square feet on all waterfront lots and 1,000 square feet on others.
- C. Villa Sabrine--minimum 1,500 square feet.

13.02.02. Multifamily structures.

- A. One-bedroom units--minimum of 500 square feet.
- B. Two-bedroom units--minimum of 850 square feet.

13.02.03. Motel and hotel rooms. Minimum room size shall be 220 square feet including bath, closets, etc. See section 3.00.00 for definitions.

(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998)

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13.03.00. Zoning districts.

The 11 zoning districts established in this section apply only to Pensacola Beach. These zoning districts are taken from figure 13, from the Future Land Utilization Map (Zoning) of the 1988 Pensacola Beach Land Utilization Plan contained within the 1993 Escambia County Comprehensive Plan.

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

TABLE 13.03.01 - LDR-PB

TABLE INSET:

Minimum Size Lot	Building Height	Building Setbacks 1, 2	Parking	Special Requirements
Minimum lot size is 10,000 sq. ft.	See section 13.15.00	Front - 30 feet 3, 4 Side - 15 feet* 4, 5 Rear - 20 feet* 3, 6, 7 See section 13.03.00 for existing subdivisions*	Parking - Minimum 2 spaces off street	Restricted to platted subdivisions Subdivision plat required Maximum 4 building sites per acre Landscaping requirements (See section 13.14.00 and Article 7)

Notes:

1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
3. If facing County Road 399 setback shall be 50 feet.
4. If sound front, building front setback may be reduced to a minimum of 20 feet.
5. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions may be based on 10 percent of the average of the front and rear lines, but in no case shall be less than 10 feet unless otherwise specified.

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6. If Gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL). In Lafitte Cove, as per recorded plat. In Villa Sabine, as per recorded plat.

7. If sound front (Villa Primera and Villa Segunda subdivisions) building setback shall be established as 30 feet upland of the mean high water line, for structures deemed in compliance with current flood elevation requirements and whose shoreline has been stabilized. All other structures shall maintain a building setback of 50 feet upland of the vegetation line.

8. First floor level of lowest habitable floor must be in compliance with current flood insurance rate map issued by the National Flood Insurance Program, or section 13.20.08 of this article, whichever is greater.

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

13.03.01(A) Setbacks. Listed below are required setbacks for the existing single-family detached subdivisions located on Pensacola Beach.

TABLE 13.03.01(A) - SUBDIVISION SETBACKS

TABLE INSET:

Name of Subdivision	Setbacks		
	Front	Side	Rear
Deluna Point	plat	plat	plat
LaCaribe	plat	plat	plat
Lafitte Cove	25 feet	10 feet	plat
Lafitte Cove Unit II	40 feet	plat	30 feet
Santa Rosa Villas	25 feet	7.5 feet 5	10 feet 1, 3, 4
Santa Rosa Villas 1st Addition	30 feet 1	15 feet 2	20 feet 3
Santa Rosa Villas 2nd Addition	30 feet	15 feet 2	20 feet 4
Santa Rosa Villas Estates	plat	plat	plat
Seashore Village	plat	plat	plat

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Tristan Villas	plat	plat	plat
Villa Primera	30 feet 1	15 feet 2	20 feet 3, 4
Villa Sabine	30 feet	15 feet	Plat 4
Villa Segunda	30 feet 1	15 feet 2	20 feet 3, 4
White Sands Cottages	30 feet	5 feet	20 feet

13.03.02 Medium density residential (MDR-PB). Areas delineated as medium density residential are restricted to the development of detached and multiple dwelling units at densities ranging from five units per acre up to and including 15 units per acre.

The following types of uses are permitted under MDR-PB:

- A. Duplexes.
- B. Triplexes.
- C. Multiple Dwellings.

TABLE 13.03.02 - MDR-PB

TABLE INSET:

Minimum Size Lot	Building Heights	Building Setbacks 1, 2	Parking Requirements	Special Requirements
5,000 sq. ft. per unit for first 3 units and 3,000 sq. ft. per unit for remaining units built; maximum density 20 units per net acre; maximum 25% for building only	See section 13.15.00	Front 30 feet 2, 3 Side 15 feet 4 Rear 30 feet 5 See section 13.06.00	See section 13.04.00	Subdivision plat required All multiple owner projects to have approved maintenance association Landscaping requirements. (See section 13.14.00 and Article 7)

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Notes:

1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
3. If facing County Road 399 setback shall be 50 feet.
4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions may be based on ten percent of the average of the front and rear lines, but in no case shall be less than ten feet unless otherwise specified.
5. If gulf front, building line shall be the most restrictive 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL).
6. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or section 13.20.05 of this article, whichever is greater.
7. Enclosures below established base flood level must be accomplished through "break-away" wall construction, and such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a combination thereof.)
8. If sound front, building setback line shall be 50 feet upland of the vegetation line.

13.03.03 Medium density residential/commercial (MDR/C-PB). Areas delineated as medium density residential/commercial are for mixed uses including medium density residential, motel, hotel and limited accessory retail uses. Densities shall be in the range of five to 15 units per acre for residential use and for a mix of residential and motel/hotel uses. For developments consisting solely of motel/hotel development, where the application of the five to 15 density range will result in a reduction of the existing number of units, or where such density restrictions will impede efficient motel/hotel development, the Santa Rosa Island Authority may, but shall not be obligated to, recommend conditional use approval to the Escambia County Board of Adjustments such that motel/hotel development may be increased up to a maximum of 20 units per acre. This special exception shall not apply to condominium dwellings which are made available for rental use.

The following types of uses are permitted under MDR/C-PB:

- A. Duplexes.
- B. Triplexes.
- C. Multiple dwellings.
- D. Motel and hotels.

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- E. Restaurants.
- F. Tourist related retail goods.
- G. Marinas, etc.
- H. Cocktail lounges and package stores.
- I. Miscellaneous convenience goods stores.
- J. Professional offices.
- K. Realty and property rental offices.
- L. Personal service establishments.

The following types of use are conditional uses under MDR/C-PB:

- A. Temporary structures. (See section 6.04.16)

TABLE 13.03.03 - MDR/C-PB

TABLE INSET:

Minimum Lot Size	Building Setbacks. (See sections 13.03.02 and 13.05.02)	Project Access Points	Building Heights	Special Requirements
See medium density residential under section 13.03.02	See medium density residential under section 13.03.02	See medium density residential under section 13.03.02	See medium density residential under section 13.03.02	See medium density residential under section 13.03.02
Tourist oriented, service oriented, & local service, commercial uses, & governmental uses	Front 50 feet 2 Side 50 feet 3 Rear 40 feet 4	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the SRIA board	See section 13.03.12 See section 13.15.00	1. Landscaped separate strips shall be provided and maintained along all property lines & streets 2. Parking requirements shall be in accordance

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				with section 13.04.00
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Notes:

1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
3. If facing County Road 399 setback shall be 50 feet.
4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions may be based on ten percent of the average of the front and rear lines, but in no case shall be less than ten feet unless otherwise specified.
5. If Gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL).
6. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or section 13.20.05 of this article, whichever is greater.
7. Enclosures below established base flood level must be accomplished through "break-away" wall construction, and such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a combination thereof).
8. If sound front, building setback line shall be 50 feet upland of the vegetation line.

13.03.04. *High density residential (HDR-PB)*. Areas delineated for high density residential shall be developed for multiple dwelling development in the range of 16 to 30 units per acre.

The following types of use are permitted under HDR-PB:

- A. Multiple dwelling.

TABLE 13.03.04 - HDR-PB

TABLE INSET:

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Minimum Building Setbacks 1, 2, 3	Maximum Coverage*	Parking	Special Requirements 5
Front 60 feet Side 4 feet Rear 60 feet	3 to 4 stories - 25% 5 to 7 stories - 23% 8 to 9 stories - 21% Over 9 stories - 19% *Net building coverage maximum percent of land built over	If maximum lot coverage is attained there will be a minimum of 1 parking space per unit inside building See section 13.04.00	1. Maximum 30 units per acre 2. Maximum floor area 500 s.f. per unit for 1 bedroom apts. For 2 bedroom a minimum of 850 s.f. per unit 3. All multiple owner projects to have appropriate maintenance associations 4. Landscaping requirements (See section 13.14.00 and Article 7) 5. See section 13.15.00 for building heights

Notes:

1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
3. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL). If sound front, building setback shall be established as 50 feet upland of the vegetation line.
4. Side setbacks to be determined on an individual basis.
5. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or section 13.20.05 of this article, whichever is greater. No floodproofing methods will be allowed in the Velocity ("V") Zone. All enclosures below base flood level must be of "break-away" type construction. Such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)
6. If sound front, building setback line shall be 50 feet upland of the vegetation line.

13.03.05. High density residential/commercial (HDR/C-PB). Areas delineated as high density residential/commercial are for mixed uses including high density residential, hotel and limited accessory retail uses. Densities shall be in the

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range of 16 to 30 units per acre for residential uses and for a mix of residential and hotel uses. For development consisting solely of hotel development, where the application of the 16 to 30 density range will result in a reduction of the existing number of units, or where such density restrictions will impede efficient hotel development, the Santa Rosa Island Authority may, but shall not be obligated to, recommend conditional use approval to the Escambia County Board of Adjustment such that hotel development may be increased up to a maximum of 50 units per acre. This conditional use shall not apply to condominium dwellings which are made available for rental use.

The following types of use are permitted under HDR/C-PB:

- A. Condominiums.
- B. Motels and hotels.
- C. Restaurants.
- D. Tourist related retail goods.
- E. Marinas, etc.
- F. Cocktail lounges and package stores.
- G. Miscellaneous convenience goods stores.
- H. Professional offices.
- I. Realty and property rental offices.
- J. Personal service establishments.

The following types of use are conditional uses under HDR/C-PB:

- A. Temporary structures. (See section 6.04.16)

TABLE 13.03.05. HDR/C-PB

TABLE INSET:

Minimum Building Setbacks 1, 2, 3 Types of Commercial Uses	Maximum Coverage*	Parking Project Access Points	Special Requirements 5
Front 60 feet Side 4 Rear 60 feet	3 to 4 stories - 25% 5 to 7 stories - 23% 8 to 9 stories - 21%	If maximum lot coverage is attained there will be a minimum of 1 parking space per unit inside building See section 13.04.00	1. Maximum 30 units per acre 2. Minimum floor area 500 s.f. per unit for 1 bedroom apts. For 2 bedroom a minimum of

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	Over 9 stories - 19% *Net building coverage maximum percent of land built over	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the SRIA board	850 s.f. per unit 3. All multiple owner projects to have appropriate maintenance associations 4. Landscaping requirements (See section 13.14.00 and Article 7) 5. See section 13.15.00 for building heights
Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet 2 Side 50 feet 4 Rear 40 feet 3		

Notes:

1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, the side facing water is rear.
3. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL). If sound front, building setback shall be established as 50 feet upland of the vegetation line.
4. Side setbacks to be determined on an individual basis.
5. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or section 13.20.05 of this article, whichever is greater. No floodproofing methods will be allowed in the velocity ("V") zone. All enclosures below base flood level must be of "break-away" type construction. Such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)
6. If sound front, building setback line shall be 50 feet upland of the vegetation line.

13.03.06. General retail (GR-PB). Areas delineated as general retail may be developed for uses pertaining to retail sales and services including motels (in accordance with the density provisions of medium density residential/commercial), restaurants, service stations, marinas, cocktail lounges, tourist related retail goods and professional services, sundries, convenience stores, groceries, professional offices, realty offices, personal service establishments, and substantially similar uses as determined by the Santa Rosa Island Authority Board.

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The following types of uses are allowed under GR-PB:

- A. Motels and hotels.
- B. Restaurants, indoor and drive-in.
- C. Grocery stores.
- D. Miscellaneous convenience goods stores.
- E. Professional offices.
- F. Realty and property rental offices.
- G. Personal service establishments.
- H. Convenience goods stores.
- I. Professional offices.
- J. Personal service establishments.
- K. Realty and property rental offices.g
- L. Marinas, see section 7.05.00 and section 13.12.00.
- M. Temporary structures. (See section 6.04.16)

TABLE 13.03.06 - GR-PB

TABLE INSET:

Minimum Lot Size	Building Setbacks 1, 2	Project Access Points	Building Heights	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet 2 Side 50 feet 4 Rear 40 feet 3	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the SRIA board	See section 13.03.12 See section 13.15.00 for building heights	1. Landscaped separate strips shall be provided and maintained along all property lines & streets 2. Parking requirements shall be in accordance with section 13.04.00

Notes:

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1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
3. If facing County Road 399 setback shall be 50 feet.
4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions may be based on ten percent of the average of the front and rear lines, but in no case shall be less than ten feet unless otherwise specified.
5. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL).
6. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or section 13.20.05 of this article, whichever is greater.
7. Enclosures below established base flood level must be accomplished through "break-away" wall construction, and such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a combination thereof.)

13.03.07. Recreation retail (REC/R-PB). Areas delineated as recreation retail are for retail establishments relating directly to a specific adjacent beach or other recreation area. Permitted uses include sandwich, fast food and other eating establishments, beachwear and tourist related sundry shops, gift shops, amusements and rental of recreation facilities, e.g. surfboards, jet skis, sailboats, and substantially similar uses as determined by the Santa Rosa Island Authority Board.

The following types of uses are allowed:

- A. Restaurants, indoor and drive-in.
- B. Convenience goods stores.
- C. Tourist related retail goods.
- D. Tourist related personal and professional services.
- E. Temporary structures. (See section 6.04.16)

TABLE 13.03.07 REC/R-PB

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TABLE INSET:

Minimum Lot Size	Building Setbacks 1, 2	Project Access Points	Building Heights	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet 2 Side 50 feet 3 Rear 40 feet 4	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the SRIA board	See section 13.03.12 See section 13.15.00	1. Landscaped separate strips shall be provided and maintained along all property lines & streets 2. Parking requirements shall be in accordance with section 13.04.00

Notes:

1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
3. If facing County Road 399 setback shall be 50 feet.
4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions may be based on ten percent of the average of the front and rear lines, but in no case shall be less than ten feet unless otherwise specified.
5. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL).
6. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or section 13.20.05 of this article, whichever is greater.
7. Enclosures below established base flood level must be accomplished through "break-away" wall construction, and such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a combination thereof.)

13.03.08. *Commercial hotel (CH-PB)*. Areas delineated as commercial hotel sites are intended primarily for hotel development in keeping with the hotel density guidelines established for hotel uses within the high density residential/commercial districts. This district also permits uses permitted in the recreation retail district.

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The following types of uses are allowed under CH-PB:

- A. Motels and hotels.
- B. Restaurants.
- C. Tourist related retail goods.
- D. Marinas, etc.
- E. Cocktail lounges and package stores.
- F. Miscellaneous convenience goods stores.
- G. Professional offices.
- H. Realty and property rental offices.
- I. Personal service establishments.
- J. Temporary structures. (See section 6.04.16)

TABLE 13.03.08 CH-PB

TABLE INSET:

Types of Commercial Uses	Minimum Building Setbacks 1	Project Access Points	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet 2 Side 50 feet 4 Rear 40 feet 3	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the SRIA board	1. Landscaped separate strips shall be provided and maintained along all property lines & streets 2. Parking requirements shall be in accordance with section 13.04.00 3. See section 13.15.00 for building heights

Notes:

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1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
3. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL). If sound front, building setback shall be established as 50 feet upland of the vegetation line.
4. Side setbacks to be determined on an individual basis.
5. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or section 13.20.05 of this article, whichever is greater. No floodproofing methods will be allowed in the velocity ("V") zone. All enclosures below base flood level must be of "break-away" type construction. Such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)

13.03.09. Preservation (PR-PB). Areas delineated as preservation are environmentally sensitive and permanently set aside for the maintenance of all natural features. Such areas shall not be leased and public access may be restricted as deemed necessary by the Santa Rosa Island Authority Board.

The following types of uses are permitted in Preservation (PR-PB):

- A. Areas permanently set aside for preservation in natural state.
- B. Areas temporarily set aside for natural revegetation.

13.03.10. Conservation/recreation (Con/Rec-PB). Areas delineated as conservation/recreation are those set aside as open space where the need for recreation is balanced with the need for environmental conservation. Important natural site features, including dune formations, wetlands and areas of native vegetation shall not be eliminated or damaged. Depending on the specific characteristics of each site appropriate recreation uses may include, public parking, beach access boardwalks, nature trails, boat launching areas, docking facilities, picnic areas, restrooms, and other such related uses as may be approved by the Santa Rosa Island Authority consistent with legal requirements presently in force. Other uses may be approved by the Santa Rosa Island Authority subject to appropriate studies which demonstrate that such uses are environmentally sound and in the public interest. Although all gulf front beaches are places in the Conservation/Recreation Category only dune crosswalks and parking nodes shall be approved east of Avenida 10. The Santa Rosa Island Authority Board also retains the authority to establish temporary preservation areas within areas designated for conservation/recreation where such designations are needed to restrict public access and restore native vegetation.

The following types of uses are permitted in Conservation/recreation (Con/Rec-PB):

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- A. Picnic shelters and related facilities.
- B. Service concessions.
- C. Public beaches.
- D. Public safety facilities.
- E. Public rest shelters and restrooms.
- F. Open parks and play areas.
- G. Public parking areas.
- H. Boat launching facilities.
- I. Lifeguard facilities.
- J. Nature trails.
- K. Conservation areas.
- L. Walkways to preserve dunes.
- M. Small concession limited to food and drinks.

13.03.11. Government and civic (G/C-PB). Areas designated for government and civic uses are intended to accommodate public services and civic facilities including government offices and operations, public utilities, schools, religious institutions, places of worship, community service organizations, and substantially similar uses as determined by the Santa Rosa Island Authority Board.

The following types of uses are permitted under G/C-PB:

- A. Santa Rosa Island Authority uses.
- B. Law enforcement uses.
- C. Public safety uses.
- D. Public utility and service structures.
- E. Schools.
- F. Places of worship.

13.03.12. Places of worship [. Places of worship] may be approved by the Santa Rosa Island Authority Board as a conditional use in residential and commercial zoning districts on Pensacola Beach.

The following types of uses are permitted under places of worship:

- A. Churches.
- B. Associated structures.

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13.03.13. Required land area dimension requirements - commercial uses. (See recreation retail and general retail.)

(Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2003-38, § 5, 8-7-2003; Ord. No. 2006-20, § 2, 3-2-2006; Ord. No. 2009-34, §§ 7--11, 10-1-2009))

13.04.00. Automobile off-street parking requirements.

A. *Intent.* Parking shall be provided in all districts at the time any building or structure is erected or enlarged or increased in capacity, or where a change of use occurs, or where there is an addition of dwelling units, floor area, seats, or other factors determinative of parking demand as stated in section 7.02.00 except for the following more stringent standards.

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TABLE 13.04.00 PARKING

TABLE INSET:

Types of Buildings and Uses	Minimum Number of Parking Spaces Required per Indicated Unit of Measure	Units of Measure
Multiple dwellings	2.0	Per dwelling unit
Retail stores Convenience stores Personal service establishments	0.8	Per 100 square feet of building floor area
Business, professional and nonprofit organization offices, public offices	0.4	Per 100 square feet of building floor area
Restaurant	0.4	Per seat based on maximum customer capacity
Drive-in restaurant	1.0	Per 50 square feet of building floor area
Motel	1.0	Per guest room
Hotel	1.0	Basic truck parking space, plus
	1.0	Per three employees, plus
	0.2	Per restaurant seat based on maximum customer capacity
Marine establishments	1.0	Per boat slip
	Plus	
	0.5	Per 100 square feet of building floor area devoted to retail selling or merchandise goods and products

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	1.1	Per person regularly employed on the premises
Places of worship	0.3	Per seat based on maximum capacity of auditorium or principal place of assembly
Hospitals	1.4	Per bed based on maximum patient capacity
Lounges, cocktail bars and nightclubs	1.0	Per two employees, plus
	0.3	Per seat

(Ord. No. 98-53, § 1, 12-3-1998)

13.05.00. Residential construction.

Pensacola Beach requires additional regulations as contained within the following sections for construction of residential structures which require review and/or approval through the established Santa Rosa Island Authority review process in section 13.01.02. Permits or approvals from other governmental agencies having jurisdiction over leasehold property should be presented to Escambia County prior to county issuing permits or approvals.

This section applies to single-family detached structures, duplexes and triplexes on Pensacola Beach. The Architectural Environmental Committee shall review all plans and specifications for residential construction at Pensacola Beach for conformance to the provisions of this article and legally executed lease agreements. No development or land disturbing activities shall take place until such time as a permit has been granted by Escambia County.

13.05.01. Procedure for submission.

A. *Conceptual approval.* At the option of the developer, prior to submittal of final construction plans, conceptual plans may be brought before any meeting of the AEC for consideration.

1. Prior arrangements must be made in order to be placed on the agenda.
2. Conceptual approval does not assure approval of final construction plans, which must be considered by the AEC subsequent to conceptual approval.
3. After conceptual approval is granted, a letter of no objection may be issued for inclusion in an application to the FDEP for construction seaward of the coastal construction control line.

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B. *Development approval.* Plans and specifications shall be submitted to the SRIA office for development approval, which is required prior to building permit issuance by Escambia County. Specifications shall describe fully each type of material and construction methods for all work indicated on the plans.

1. *Review process.* Allow at least ten working days for staff to review plans submitted for any type of construction. Minor projects as specified in section 13.05.04 may be approved by the SRIA staff at this point. After review by the staff, certain projects must be considered by the AEC as specified in section 13.01.02B. Examples are those which:

- a. Represent new or substantial improvement in the residential category.
- b. Represent a known or potential controversy.
- c. Require that the SRIA board address itself to ecological or environmental impact.

Applicant may proceed concurrently with applications to other agencies having jurisdiction. All agencies having jurisdictions must have issued permits prior to commencement of land disturbing or development activities.

C. *Plans required for approval.*

1. *Plot plan.* Plot plans must be included which shall clearly indicate dimensions of property lines, corner stakes and location of proposed structure, including overhang. All four setback lines, as established by the SRIA, must be shown. Front side of proposed structure must be depicted. Any street/road rights-of-way and/or easement(s) adjacent to or on property must be referenced. The plan shall contain the location of the utilized bench mark as established by the SRIA for flood insurance purposes, its appropriate elevation, and the base flood elevation and zone, as established by the Federal Emergency Management Agency. This plan shall also contain elevations, as measured from NGVD, for each corner of the property, at the edge of the street fronting the property, and at a point representing the approximate center of the proposed structure. Also to be included in the height above National Geodetic Vertical Datum (NGVD) of the bottom of the lowest horizontal structural member of the proposed lowest floor (excluding pilings or columns). This height must be at least ten feet in designated A1--30 and AO zones; at least 14 feet in the designated eastern velocity (V1--30 zone); and at least 15 feet in the designated western velocity (V1--30 zone). If property is in a "V" zone, location of the state's coastal construction control line must be shown. Plans shall show the outline of adjacent buildings and decks and their relation to property and setback lines. Location of mean high water line and vegetation line (if any) shall be shown on waterfront property. Plot plans shall be prepared by the holder of a Florida registered land surveyor's certificate and the document shall bear his seal and signature.

2. *Landscaping.* Each plan shall include a landscaping plan which indicates landscaping and stabilization methods to be employed for the beautification of the property and the stabilization of the soil to prevent wind and water erosion. See section 13.14.00.

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3. *Floor plan.* A floor plan shall indicate clearly the location and dimensions of all walls, windows, doors, rooms, and special equipment. The floor plan shall also identify the proposed use of each room or area. One separate plan shall be provided for each level; first floor plan, second floor plan, etc.

4. *Exterior elevations.* Each plan shall include four vertical views of the structures, one from front, rear, right and left side, and shall clearly indicate all the exterior materials. Walls, windows, doors, finished grade, roof lines and overhang shall be incorporated into each view.

5. *Wall and building sections.* Typical and individual wall sections shall be provided for each type of situation encountered in the structural fastenings, wall material, and anchorage of interior and exterior finishes. Any wall or enclosure below the established base flood level must be clearly identified as nonsupportive, and where applicable must be shown to be incorporated into the structure as "break-away" walls. A break-away wall shall have a designed safe loading resistance of not less than ten pounds and no more than 20 pounds per square foot. One building section will be required for each load bearing wall or support.

6. *Foundation plan.* The plan shall include a top view of footings and foundation walls, complete with size of footings, dimensions, and openings in foundation wall. When concrete floor slab is used, all information required such as thickness, waterproofing and reinforcing shall be included in the foundation plan. All footing and foundation excavations shall be formed with quarter-inch fir plywood or suitable equal material. These forms shall conform to the shape, lines and dimensions of the various concrete elements of the work shown on the drawings and shall be properly braced or tied together to maintain position and shape.

A. *Foundation survey.* A foundation survey must be submitted to the SRIA staff prior to proceeding with the vertical construction above the foundation. Survey must be signed and sealed by a registered Florida surveyor and must contain the following:

1. Show elevation of bottom of lowest horizontal supporting member, as measured from NGVD.
2. Show established SRIA setbacks in relation to all lot lines.
3. Show measurements from lot lines to the outside face of all exterior band joists or beams.
4. With slab on grade construction rather than pilings construction, survey will be made just prior to pouring the slab. In such cases, measurements are to be made from all lot lines to outside face of foundation walls.

B. *Elevation certificate.* An elevation certificate must be submitted to the SRIA staff at the same time the foundation survey is provided.

13.05.02. *Elevated structures.* Residential structures shall be supported on pilings or similar supports. Areas below the first floor of habitable space shall be enclosed by nonsupportive break-away walls, decorative screening materials, plants, or other means acceptable to the AEC, or similar methods; the design of which shall be for the purpose of insuring that the structure shall be attractive, that the view of any utility lines, structures, or storage will

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be effectively obstructed and in keeping with the AEC's desire to enhance the appearance of island structures. Under no condition will such enclosed area be converted to or used for habitable space.

13.05.03. Alterations and additions. Requirements for development projects on Pensacola Beach. The following alteration and addition requirements shall apply:

- A. *Minor alterations of existing structures.* Prior to the beginning of alterations on a one or two-family existing residence where no roof lines will be extended and no interior partitions relocated, removed or added, lessee or his contractor shall submit to the SRIA staff, in duplicate, written statement thoroughly describing the scope of the work. Upon approval of this statement, a development approval may be issued, but no plan or specifications will be required.
- B. *Major alterations of existing structures.* When a major alteration or addition to an existing one- or two-family residence is desired, the plans for such additions in which there are interior structural changes, changes in the size or usage of room, roof structure additions, changes in the external appearance of the structure, shall be the same as those for new residential work. Drawings shall include details on existing construction as well as on the new work. Additions which represent substantial improvement (at least half of market value of structure) must comply with existing flood insurance regulations.
- C. *Waterfront setback provision.* In the interest of adjoining lessees, additions to be constructed on the waterfront side of an existing residence beyond the present permanent structure must be considered by the SRIA board.

13.05.04. Other requirements.

- A. In cases which involve the CCC Line, a permit must first be obtained from the Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, prior to issuance of SRIA development approval.
- B. No swimming pools or gazebo type structures may extend seawards of the state's 1975 coastal construction control line or 50 feet landward of the crest of the primary dune line; whichever is the most restrictive.
- C. No temporary structures are allowed without approval of the SRIA board. Requests for approval to construct additional storage space may be submitted providing the construction is attached to the dwelling, and meets building code requirements. Detached structures are allowed only in conformance with the following guidelines for detached/accessory structures.

Detached/accessory structures are discouraged; however, requests may be considered by the SRIA board if the following standards are met:

1. The design of the detached/accessory structure must be compatible with the design of the residence.
2. The structure must comply with current FEMA construction guidelines.
3. All applicable building code and development code requirements must be followed.

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4. The detached/accessory structure shall be constructed within established building setback lines.
5. The maximum area for detached elevated decks shall be 200 square feet. The maximum height shall be 35 feet. In no case may these structures exceed the height of the residence.
6. Detached/accessory structures on waterfront lots shall be considered on an individual basis.* In no case may these structures extend further seaward than the adjoining residences.
7. The wall of a detached/accessory structure shall be no closer than six feet to the wall of the main structure. No part of a detached/accessory structure shall be closer than four feet to any part of the main structure.
8. An open covered walkway no more than six feet wide may connect the main structure to the detached/accessory structure.

*Examples of detached/accessory structures: Private garages, storage buildings, children's playhouses, private swimming pools, bathhouses or cabanas, tennis courts, noncommercial greenhouses, uncovered decks, screened enclosures. (Eff. November, 1984).

D. When submitting plans for proposed shoreline or near shoreline projects, such as, retainer walls, seawalls, piers, bulkheads, groins, jetties, etc., a recent survey must be included to show relation of proposed project to property lines, structure, approximate mean high water line, vegetation line if any, and such structures on adjacent properties.

E. Prior approval by SRIA staff is required for installation of a satellite dish. Satellite dishes may not be installed on the street side of the dwelling. (Eff. August 9, 1990).

(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998)

13.06.00. Multiple dwelling and commercial construction.

As specified in section 13.01.02, the architectural and environmental committee and/or SRIA board shall review and consider all plans and specifications for multiple dwelling and commercial construction at Pensacola Beach for conformance to the provisions of this article and legally executed lease agreements. No development or land disturbing activities shall take place until such time as a permit has been granted by Escambia County. All agencies having jurisdiction must have issued permits prior to commencement of land disturbing or development activities.

13.06.01. Procedure for submission.

- A. *Conceptual approval.* At the option of the developer, prior to submittal of final construction plans, conceptual plans may be brought before any meeting of the AEC for consideration.
 1. Prior arrangements must be made in order to be placed on the agenda.

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2. Conceptual approval does not assure approval of final construction plans, which must be considered by the AEC subsequent to conceptual approval.

3. After conceptual approval is granted, a letter of no objection may be issued for inclusion in an application to the FDEP for construction seaward of the coastal construction control line.

B. *SRIA development approval.* Plans and specifications shall be submitted to the SRIA office for development approval, which must be obtained prior to building permit issuance by Escambia County. Such plans and specifications may be submitted at the same time for review by Escambia County, however no DRC action may be taken prior to SRIA board approval.

1. *Review process.* Allow at least ten working days for staff to review plans submitted for any type of construction. Applicant may proceed concurrently with applications to other agencies having jurisdiction.

13.06.02. *Construction drawings.* Drawings for all work, including new construction, renovation, and additions shall be prepared by an architect or professional engineer licensed by the State of Florida. Drawings of a complex structural nature as determined by the chief building official may require the services of a professional engineer licensed by the State of Florida. Mechanical and electrical drawings shall be prepared by licensed engineers in that field when required by Escambia County. Drawings shall clearly detail the type construction, provide scaled plans, sections, details, including elevations and plot plans for project:

A. [*Windload design.*] Structures shall be designed to withstand at least 120 miles per hour intensity windload.

B. [*New and substantial improvement construction in the velocity ("V") zone.*] New and substantial improvement construction in the velocity ("V") zone must be designed and constructed as provided for in section 13.20.00 of this article; and with the added provision that all references to piling will be considered as minimal requirements. Piling must be designed to withstand all reasonable anticipated loads due to the 100-year storm, including at least wind and wave forces acting simultaneously with typical structural loads.

C. *Plot plan.* Generally, the standards set forth for residential plot plans also apply to submissions for commercial construction. A notable exception is that on parcels of property considerably larger than typical residential lots, elevations taken at the corners of the proposed structure(s) are to be substituted for elevations at each corner of the property.

1. A foundation survey must be submitted to the SRIA staff prior to proceeding with any vertical construction above the foundation. Survey must be signed and sealed by a registered Florida surveyor and must contain the following:

- a. Show elevation of bottom of lowest horizontal supporting member, as measured from NGVD.
- b. Show established SRIA setbacks in relation to all lot lines.
- c. Show measurements from lot lines to outside face of all exterior band joists or beams.

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With slab on grade construction rather than pilings construction, survey will be made just prior to pouring of the slab. In such cases, measurements are to be made from all lot lines to outside face of foundation walls.

2. An elevation certificate must be submitted to the SRIA staff at the same time the final survey is provided.

D. *Grades and contours.* Grades and contours shall be shown on a separate paving and drainage plan. Bicycle path, if applicable, shall be shown on the plan, also.

E. *Utilities site plan.* A utilities site plan, prepared by a professional engineer, in addition to containing all needed requirements for existing and proposed water, sewer and power lines, shall also include proposed dumpster site locations.

F. *Landscaping plan.* In accordance with Article 7 and section 13.14.00. A complete landscaping plan shall be prepared which shall show stabilization of exposed areas, as described in section 13.14.00, Landscaping and acceptable soils.

G. *Temporary fencing.* Construction companies will be required to erect a temporary fence to protect dune areas from construction equipment and vehicles.

H. *Specifications.* Complete specifications shall accompany drawings submitted for approval.

13.06.03. *Color rendering.* A color rendering of the building exterior must be submitted with plans for new construction and for projects involving exterior alterations/modifications.

(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998)

13.07.00. Other requirements.

A. No swimming pools or gazebo type structures may extend seaward of the state's 1975 coastal construction control line (CCCL), or 50 feet landward of the crest of the primary dune line; whichever is the most restrictive.

B. Prior approval by SRIA staff is required for installation of a satellite dish.

1. Satellite dishes may not be installed on the street side of the business structure (eff. August 9, 1990).

(Ord. No. 98-53, § 1, 12-3-1998)

13.08.00. Reserved.

13.09.00. Demolition, reconstruction and structure relocation.

Requirements through the Santa Rosa Island Authority prior to permitting from Escambia County. SRIA staff and/or board approval must be obtained for any demolition or relocation project before obtaining appropriate permits

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from Escambia County. The requirements for reconstruction projects shall be the same as those for new construction.

(Ord. No. 98-53, § 1, 12-3-1998)

13.10.00. Fences.

Prior to construction of any fence, lessee must obtain development approval from SRIA staff prior to issuance of a fence permit by Escambia County.

- A. *Responsibility.* Lessee assumes full responsibility for all fences and walls erected on leasehold property.
- B. *Location.* Fences, walls, and similar construction may be erected outside building setbacks, provided such construction shall not interfere with the exposure or view, or reasonable privacy of adjoining or facing property, as shall be determined by the architectural environmental committee.
- C. *Height.* Fences shall not exceed the maximum heights as follows. The overall height of the fence is measured from the average elevation of the finished grade.
 - 1. Front yard--Three feet.
 - 2. Side yard--Six feet.
 - 3. Rear yard--Six feet.
- D. *Waterfront.* Fences to be erected on lots having water frontage must be approved by the AEC prior to construction. Each proposal will be considered on its own merit. Fences to be erected seaward of the coastal construction control line must have FDEP permit prior to approval by SRIA.
- E. *Design.* All such structures shall be in harmony with surrounding property.
- F. *Standards for solid wooden fences.*
 - 1. Palings to be not less than three-quarter-inch actual thickness and attached with two galvanized nails per connection (no staples).
 - 2. Stringers to be No. 2 grade or better, two by four inch nominal size pressure treated pine.
 - a. Three stringers to be used with fences more than three feet in height.
 - 3. Posts to be not less than four inches by four inches (square) nominal size or six inches in diameter (round) and treated for below grade penetration.
 - a. Spaces not more than eight feet apart.
 - b. Not less than four-foot penetration; or 2.5 feet penetration below grade if set in concrete.

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G. *Approval.*

1. Applications for fence approvals shall include fence details showing cross sections, elevations and materials to be used.
2. If survey by registered Florida surveyor is not furnished to the SRIA staff, such fence is erected at lessee's own risk.
3. Fence construction shall require a final inspection by SRIA staff.

(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998)

13.11.00. Swimming pools.

A. *General.* Design and construction of swimming pools at Pensacola Beach must take into consideration the existing environmental conditions on a barrier island location. Swimming pools to be constructed outside of established building setback lines must be approved by the SRIA board.

B. *Regulations.* Shall comply with the Standard Swimming Pool Code and State of Florida Swimming Pool Regulations. All swimming pools must be constructed in accordance with current requirements of Escambia County's building safety division.

C. *Development approvals.* Will not be issued until leaseholder executes a "hold-harmless" agreement. Construction can not begin until permit has been obtained from Escambia County.

(Ord. No. 98-53, § 1, 12-3-1998)

13.12.00. Piers, basins and marinas. See section 7.05.00.

Persons contemplating construction of a dock, pier or any other structure or activity which is to be located on a tidal area (seaward or channelward of mean high water line) should contact the local office of the Florida State Department of Environmental Protection for information on procedures to follow in order to obtain the necessary permit(s) from the appropriate agency or agencies. Acquisition of state and/or federal permit for a project as described above does not obviate the need to obtain development approval from the Santa Rosa Island Authority, but rather is a necessary prerequisite which must be accomplished before a development approval is issued by the Santa Rosa Island Authority.

A. Location of commercial piers. The location of all docks, piers, boat basins, marinas or other structures must be authorized by the SRIA board. The SRIA board will appraise each facility separately based upon its merits and the affected adjacent land or water.

B. Marinas, docks, piers, boat basin(s), building(s), ramp(s), and/or other structures constructed adjacent to a commercial area which the lessee intends to operate as a principal business to provide complete facilities for boats must provide the following:

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1. Fuel (gasoline, diesel, oil).
2. Fresh water on docks, ice.
3. Modern clean restrooms.
4. Electrical outlets on docks.
5. Garbage receptacles on docks.
6. Telephone outlets.
7. Ship's store.
8. Facilities for at least minor boat repairs and accessories.
9. Auto parking lot.
10. Sanitary facilities for boats at dockside.

The above are considered minimum requirements. Other features such as lounges, restaurants, motels, tide gauges, major repair facilities, late weather reports, quarters for ship's crew, swimming pools, etc., are highly desirable and should be considered in the overall ultimate development of a marina. Design of boat storage facilities should receive special attention to insure an attractive appearance that lends itself to the architectural style of adjacent buildings and proposed adjacent buildings.

C. Requirements for piers to be constructed at Pensacola Beach.

1. Plans and construction requirements.
 - a. Drawings and specifications for materials and structural integrity, signed and sealed by applicant's engineer or architect must be submitted to and approved by SRIA.
 - b. Current survey of property must be provided, showing property lines and location of mean high water line.
 - c. Width shall be a minimum of three feet and a maximum of eight feet.
 - d. Height to be a minimum of three feet and a maximum of five feet above mean high water line.
 - e. Maximum length of 300 feet and no more than 1,500 square feet.
 - f. Decking shall be spaced not less than one-half-inch spacing.
 - g. Construction shall involve as few pilings as possible.
 - h. Dolphins or mooring piles will be considered on individual basis.
 - i. Construction shall not be of wood products treated with creosote, copper or arsenates, with the exception that single-family detached residences or any other pier of 50 or less pilings may be of CCA treated wood. All pilings for commercial marinas or docking facilities shall be of concrete.

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- j. A means of crossing over, under, or around the pier in a reasonably safe manner must be provided for persons walking the beaches. This may include steps with handrails.
- k. For commercial piers, each pier must have signs posted in bold print prohibiting the dumping of garbage and the pumping of bilges.
- l. Piers setback lines shall be ten percent of waterfront of MHWL, but no less than 5' from littoral lines.
- m. No "T"s, as such, are allowed, but piers may be widened at the outer end on one or both sides. Maximum width may not exceed two times the pier width, and maximum length may not exceed three times the pier width.
- n. Structures above the decks of piers are not allowed; however, boat lifts may be approved adjacent to piers if the supporting piles for the boat lift do not extend more than twelve feet above mean high water. Plans and applications must be accompanied by letters from the adjoining lessees stating that they have reviewed the plans and either do or do not object to the proposed construction. Existing structures that were previously approved by the SRIA may remain as long as they are properly maintained. If these structures are destroyed, they may not be rebuilt.

2. Administrative requirements.

- a. No fueling facilities are allowed on residential docks or piers.
- b. Piers may not be constructed on shared property lines.
- c. SRIA staff shall perform an on-site inspection of area prior to approval.
- d. Owners must agree to maintain piers and docks in a manner to inhibit deterioration. If it becomes necessary after calling the deteriorated condition of the pier or dock to the attention of the owner, SRIA staff may contract for proper repairs and backcharge the owner. Lease(s) shall be amended to accomplish this requirement regarding maintenance and lessee's responsibility for same and approval shall not be granted until executed lease amendment is received by SRIA.
- e. Liability insurance, naming the SRIA as an certificate holder shall be provided on a yearly basis beginning the date permit is issued in an amount, (a) not less than \$250,000.00 liability insurance for single-family lots; (b) additional amounts, as approved by SRIA for multifamily parcels; dependent upon amount of risk involved. Lease shall be amended to accomplish this requirement regarding insurance and lessee's responsibility for same and approval shall not be granted until executed lease amendment is received by the SRIA. Copies of the department of environmental protection (DEP) application and approval letters from DEP and the corps of engineers must be provided to the SRIA prior to development approval.

(1) *In Villa Sabine Bay Waters:* (a) Residential and commercial docks and piers should not be constructed beyond the edge of the channel, and no portion of the structure or mooring pile shall be constructed beyond the toe of the slope of the existing channel, nor shall the pier extend laterally so as to adversely affect the adjacent property or property rights. (b) Marinas may be constructed in authorized areas and in accordance with plans approved by the SRIA board, but a minimum 100-foot clear passageway shall be

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provided beyond any structure. (c) Townhouse developments in existence prior to October 19, 1983, are limited only to one dock per four townhouses units, with docks to be made available for use by all tenants in the development. (d) Effective on 10/19/83, only one pier will be allowed for each townhouse/condominium development. Such pier to be constructed as part of the project by the developer, at his cost.

(2)*In Gulf of Mexico and Santa Rosa Island Sound Waters:* (a) No private piers shall be allowed in the waters of the Gulf of Mexico. (b) Piers which meet current SRIA requirements, and which must be approved by the architectural environmental committee on an individual basis, may be allowed in the waters of Santa Rosa Sound. (c) Basins and marinas shall be constructed in compliance with the current state and federal regulations. (d) Miscellaneous:

[1.] *Sanitary facilities.* It is imperative that the waters adjacent to Santa Rosa Island be kept clean and unpolluted, therefore, no dumping of refuse of any kind, including toilet wastes from boats will be allowed in these waters, in accordance with controlling laws.

[2.] *Signs.* Lessee shall display signs of such size and type as the SRIA board may specify in prominent location about the dock or marina area.

[3.] *Insurance.* Owners or lessees of docks, piers, marinas, and related structures will be required to maintain, at their own expense, adequate public liability insurance designed to absolve and indemnify themselves and the Santa Rosa Island Authority from all claims for injuries or damages suffered by any person on or about such structures.

(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2012-28, § 2, 8-9-2012)

13.13.00. Erosion control.

Retainer or seawalls are generally considered not to be in the best interest of the beach development. Each request will be considered individually on its own merits. All beach restoration and upland protection projects requiring approval of the state or federal agencies must have been approved by such agencies prior to issuance of a development approval by the Santa Rosa Island Authority.

NOTE: Applications and plans submitted for development approval to construct bulkheads, groins, jetties, revetments, or other shore line structures must be accompanied by three copies of a survey, signed and sealed by a registered Florida surveyor. Survey must have been prepared within 60 days prior to submission, and dwelling or other building(s) on the premises, together with location of mean high water line, vegetation line, if any, and location of adjacent bulkheads and/or other shore line structures, if any. Proposed location of structure to be constructed and the elevation of property at proposed location must appear on survey.

(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998)

13.14.00. Landscaping and acceptable soils.**DISCLAIMER:**

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Requirements on Pensacola Beach.

- A. *General.* Due to the wind and water erosion problems experienced in a beach environment, proper landscaping is considered an essential and mandatory part of each new or modified structure. A plan showing soil, landscaping and stabilization must be furnished on submission of other plans.
1. Because of their natural adaptability of physical conditions in the area, native species should be utilized if possible for landscaping.
 2. A guide for nonnative plants adaptable to the island is available in the Santa Rosa Island Authority office.
 3. Unvegetated areas shall be stabilized to preclude or reduce wind erosion. Stabilization may involve sprigging with sea oats or other adaptable plants, surfacing with oyster shells, crushed limestone, or other landscaping materials, mulching and/or sand fencing as defined in section 12.05.01.
 4. Site alteration shall occur in planned stages or increments and not exceed the minimum area necessary to prepare the site for the next phase of development. Prior to the approval of any site alteration, the SRIA board shall require the developer of a project to provide the necessary assurances that the land will be restored to its state prior to alteration if the development is not completed.
 5. Shade trees will be allowed, where practicable, along all streets, pedestrian walkways and bicycle paths.
 6. Developers are encouraged to keep paved ground surface areas to a minimum and to increase landscaped areas where possible.
 7. All paved ground surface areas, other than public rights-of-way, designed to be used for parking and movement of vehicular traffic, except on property used only for residential projects of five units per acre or less, shall be kept to a minimum and shall be separated by a strip of landscaped development from any boundary of the property on which the paved ground surface is located. Such a strip of landscaped development shall be at least five feet in width.
 8. Publicly owned property shall be landscaped with shade trees where possible and with energy conserving landscape methods where practicable.
 9. Unless it is determined that it is not economically feasible, parking areas and other paved vehicular use areas shall have internal landscaping that provides visual and climatic relief from such areas and facilities and directs pedestrian and vehicular traffic.
 10. Acceptable soils. In accordance with Escambia County Land Development Code section 12.05.01, the use of staining, discoloring or darkening soils is prohibited anywhere on Santa Rosa Island under the jurisdiction of the SRIA, 13-39.

(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2000-45, § 1, 10-5-2000)

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13.15.00. Building heights.

Lands within Santa Rosa Island Authority jurisdiction shall remain subject to Article 11, height limitations.

A. *Low and medium density districts.* In the following zoning districts (see section 13.03.00) the maximum height shall be 35 feet above the bottom of the lowest horizontal structural member of the first habitable floor area; the first habitable floor shall be at or above the minimum elevation established for the applicable flood zone. The overall height of the structure may not exceed 45 feet above the finished ground level grade:

1. Low density residential.
2. Medium density residential.
3. Medium density residential/commercial.
4. General retail.
5. Recreation retail.

B. *High density and non-residential districts.* In the following districts, the maximum height shall be 12 habitable stories plus not more than two stories of parking or storage:

1. High density residential.
2. High-density residential/commercial.

C. *Commercial Core Area.* The maximum height shall be 18 habitable stories plus not more than two stories for parking or storage, excepting Gulf front property which is not leased to a private party as of June 4, 1998, commonly referred to as "Casino Beach", and the Gulf from leasehold immediately to the east of and adjoining such property, all of which property shall be limited to three stories in height, habitable or otherwise (from the Hampton Inn, incorporating Crab's and westerly to the area immediately east of the Holiday Inn). This area is defined as being from the east line of Blocks C and H First Addition to Villa Sabine (p.b.5p.75) to Avenida 10 (the commercial core).

D. The following properties are deemed vested insofar as the application of the height restrictions imposed by this ordinance:

1. *Pensacola Beach Land Trust Property (east of Calle Marbella)* - vested for 21 stories for each eight towers pursuant to the lease agreement between Pensacola Beach Land Trust Property and the Santa Rosa Island Authority dated June 30, 1997.
2. *Santa Rosa Towers Condominium (Fort Pickens Road)* - vested 17 stories (16 stories above parking), pursuant to the Final Judgment issued March 13, 1997 in Santa Rosa Dunes Association, Inc. And Lamar N. Coxe, Jr. v. Santa Rosa Island Authority; Escambia County, Florida; Gulfview Partnership and Santa Rosa Towers, Ltd. Case No. 96-1231-CA-01.

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3. *Gulfview Partnership parcel adjacent to Santa Rosa Towers* - vested to 17 stories (16 stories above parking), pursuant to the 1986 lease agreement between Gulfview Partnership and the Santa Rosa Island Authority and the option agreement between Gulfview Partners and Santa Rosa Towers, Ltd., dated April 3, 1998.

(Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2006-20, § 3, 3-2-2006)

13.16.00. Land use changes (rezonings).

For purposes of this article, a rezoning is a change from one land use district to another, as specified in section 13.03.00 of this Code, and as depicted on the adopted Pensacola Beach Land Utilization Plan. Requests for such site specific rezonings are heard by the SRIA board in a quasi-judicial proceeding. The record and the recommended order of the SRIA shall be transmitted to the board of county commissioners for final review and approval, denial or remand in the same manner as set forth in section 2.08.02E and F of this Code.

(Ord. No. 98-53, § 1, 12-3-1998)

13.17.00. Variances.

Variances are requests for departures from the terms of this article pertaining to height, width, depth and area of structures and size of yards and open spaces, where such departure will not be contrary to the public interest, and where conditions are peculiar to the property because of its size, shape or topography, and not as a result of the actions of the applicant. Such variances are heard by the Escambia County Board of Adjustment (BOA) in a quasi-judicial proceeding. The SRIA may make an administrative recommendation to the board of adjustment. Such variances are then approved or denied by the Escambia County BOA in conformance with criteria in section 2.05.02.

(Ord. No. 98-53, § 1, 12-3-1998)

13.18.00. Appeals to Santa Rosa Island Authority decisions.

13.18.01. Appeals of administrative decisions. Procedures for appealing the administration of the terms and conditions of this Article 13 are established in Article 2, section 2.04.00 of this Code.

13.18.02. Appeals of Santa Rosa Island Authority Board decisions. Review of Santa Rosa Island Authority Board decisions may be undertaken by the Escambia County Board of County Commissioners, as provided for in Laws of Fla., ch. 79-457. Otherwise, appeals to SRIA board decisions may be taken directly to circuit court.

(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998)

13.19.00. Reserved.

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13.20.00. Floodplain management on Pensacola Beach under the control of the Santa Rosa Island Authority.

13.20.01. *Statutory authorization.* The Legislature of the State of Florida has delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Escambia County does hereby adopt the following floodplain management regulations by the Santa Rosa Island Authority.

13.20.02. *Findings of fact.*

- A. The flood hazard areas of Pensacola Beach--Santa Rosa Island Authority are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- B. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-protected, or otherwise unprotected from flood damages.

13.20.03. *Statement of purpose.* It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life, health, safety and welfare,
- B. Minimize expenditure of public money for costly flood control projects,
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public,
- D. Minimize prolonged business interruptions,
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains,
- F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and
- G. Ensure that potential homebuyers are notified that property is in a flood hazard area.

13.20.04. *Methods of reducing flood losses.* In order to accomplish its purpose, this ordinance includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities,

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- B. Requiring that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span,
- C. Regulate the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters,
- D. Regulate filling, grading, dredging, and other development which may increase flood damage, and
- E. Regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

13.20.05. *Definitions.* Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The Santa Rosa Island Authority is hereinafter referred to as S.R.I.A.

Appurtenant structure (accessory structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Examples of accessory structures are detached garages, carports, storage sheds.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The term "special flood hazard area", for purposes of these regulations, is synonymous with the phrase "area of special flood hazard".

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "regulatory flood").

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or the supporting foundation system.

Building --See *Structure*.

Certification means a certification by a registered professional engineer or other party does not constitute a warranty or guarantee of performance, expressed or implied. Certification of data is a statement that the data is accurate to the best of the certifier's knowledge. Certification of analyses is a statement that the analyses have been performed correctly and in accordance with sound engineering practices. Certification of structural works is a statement that the works are designed in accordance with sound engineering practices to provide protection from the base flood. Certification of "as built" conditions is a statement that the structure(s) has been built according to the plans being certified, is in place, and is fully functioning.

Coastal high hazard area means, for floodplain management purposes, an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1--V30, VE, or V.

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Community means any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or Alaska Native village or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

Critical facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

Cross bracing means an industry accepted form of diagonal timber bracing used on foundations under coastal homes.

Development means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Residential and nonresidential structures in AE zones must be constructed to meet VE zone standards.

Existing construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date (May 26, 1970). This term may also be referred to as "existing structures".

Fifty-foot setback is the line of jurisdiction established pursuant to the provisions of F.S. § 161.052, in which construct is prohibited within 50 feet of the line of mean high water at any riparian coastal location fronting the Gulf of Mexico or the Atlantic coast shoreline.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters;
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation determination means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM) means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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Flood insurance study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain or floodprone area means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations.

Floodplain management regulations means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide provisions for the purpose of flood damage prevention and reduction.

Flood proofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

General manager of the community means the official of the community who is charged with the authority to implement and administer laws, ordinances and regulations for that community.

Increased cost of compliance (ICC) means the coverage by a standard flood insurance policy under the NFIP that provides for the payment of a claim for the cost to comply with the State of Florida and Pensacola Beach--Santa Rosa Island Authority floodplain management laws and ordinances after a direct physical loss by flood, when Pensacola Beach--Santa Rosa Island Authority declares the structure to be "substantially" or "repetitively" flood-

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damaged. ICC coverage is provided for in every standard NFIP flood insurance policy, and will help pay for the cost to flood proof, relocate, elevate, or demolish the structure.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the nonelevation design requirements of this ordinance.

Map means the flood hazard boundary map (FHBM) or the flood insurance rate map (FIRM) for a community.

Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

New construction means, for floodplain management purposes, structures for which the start of construction commenced on or after May 26, 1970, the effective date of the initial adoption of a floodplain management regulation and includes any subsequent improvements to such structures.

Participating community, also known as an *eligible community*, means a community in which FEMA has authorized the sale of flood insurance.

Pool equipment means any electrically powered equipment (pool pumps and accessories) servicing the pool, excluding pool heaters.

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Program deficiency means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards in §§ 60.3, 60.4, 60.5, or 60.6 [sic].

Recreational vehicle means a vehicle which is:

- (a) Built on a single chassis;
- (b) Four hundred square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling, but may be allowed when the single family residence on the leasehold has been rendered unfit for human habitation and can only be occupied by the owner/leaseholder.

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Remedy a violation means to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period ending on the date of the event for which the second claim is made, for which the cost of repairs at the time of each such flood event, on the average, equaled or exceeded 25 percent of the market value of the structure before the damages occurred.

Sand dunes mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area (SFHA) means an area having special flood hazard and shown on an FHBM or FIRM as Zones AE and VE. (See also "Area of special flood hazard".)

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. Nonconforming structures may not be extended, expanded or enlarged. The term includes structures that have incurred substantial damage, regardless of the actual work performed. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

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Thirty-year erosion projection is the projection of long-term shoreline recession occurring over a period of 30 years based on shoreline change rate information obtained from historical measurements.

Thirty-year setback means a distance equal to 30 times the average annual long term recession rate at a site, measured from the reference feature.

VE Zone --See *Coastal high hazard area*.

Variance means a grant of relief by the board of adjustments from the requirements of this ordinance.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Zone of imminent collapse means an area subject to erosion adjacent to the shoreline of an ocean, bay, or lake and within a distance equal to ten feet plus five times the average annual long-term erosion rate for the site, measured from the reference feature.

13.20.06. *General provisions*

- A. *Lands to which this ordinance applies.* This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Pensacola Beach--Santa Rosa Island Authority, Florida.
- B. *Basis for establishing the areas of special flood hazards.* The areas of special flood hazard identified by FEMA Flood Insurance Study (FIS) for Escambia County, Florida, dated February 23, 2000, with the accompanying maps (Flood Insurance Rate Map (FIRM) #12033C0000 Index (Revised: July 17, 2002) (Community Panel Numbers 125138 557, 558, 559, 577, 578, 579, 581) (Revised: February 23, 2000) specific Flood Insurance Rate Map panels applicable for the community) and other supporting data, and any subsequent revisions thereto, are hereby adopted by reference and declared to be a part of this ordinance.
- C. *Designation of flood damage prevention ordinance administrator.* The Santa Rosa Island Authority of Pensacola Beach hereby appoints the general manager or his designee to administer and implement the provisions of this ordinance, and is hereinafter referred to as the floodplain management administrator, or the floodplain administrator.
- D. *Establishment of development permit.* A development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in conformance with the provisions of this ordinance.

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E. *Compliance.* No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the requirements of this ordinance, the SRIA lease agreement and other applicable laws and regulations.

F. *Abrogation and greater restrictions.* This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

G. *Interpretation.* In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements;
2. Deemed neither to limit nor repeal any other powers granted under state statutes.

H. *Warning and disclaimer of liability.* The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Santa Rosa Island Authority of Pensacola Beach or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

13.20.07. *Administration.*

A. *Permit procedures.* A development permit application shall be submitted the SRIA and Escambia County, prior to undertaking any development activities, to the SRIA administrator and Escambia County building floodplain management administrator on forms furnished by him or her, and must include, but not be limited to, the following: plans in triplicate drawn to scale showing the nature, location, dimensions, and elevations of the area under consideration for development; existing structure(s) and other features; proposed structure(s), existing and proposed infrastructure, earthen fill, storage of materials or equipment, drainage facilities, perimeter setbacks, environmental features such as base floodplain areas, wetlands, coastal barrier resource system areas (as established by the U.S. Department of Interior, Fish and Wildlife Service) the coastal construction control line as established by the Florida Department of Environmental Protection (see section 13.05.01.C.1., Plot plan) and other protected areas; and the location of the foregoing. Specifically, the following information, but may not be limited to, certified by a professional who is authorized to certify such information in the state, is required:

1. *Application stage:*
 - a. Elevations of the area of development in relation to NGVD (such as a contour map) for both existing and proposed development;
 - b. Elevation in relation to NGVD of the lowest floors of all proposed structures;
 - c. Elevation in relation to NGVD to which any nonresidential structure will be floodproofed;

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- d. Floodproofing certificate, meeting the floodproofing criteria. Elevation, in relation to NGVD, of the bottom of the lowest horizontal structural member in AE and VE zones;
- e. FEMA elevation certificate (most current version);
- f. Existing and proposed infrastructure; and
- g. Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

2. *Construction stage:*

- a. Upon placement of the lowest floor, or floodproofing by whatever construction means, it shall be the duty of the permit holder to submit to the floodplain management administrator a FEMA elevation certificate of the elevation of the lowest floor or floodproofed elevation (as built), in relation to NGVD. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer who is authorized to certify such information in the state, and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.
- b. The floodplain management administrator shall review the lowest floor elevation and floodproofing certificate. Should these documents be found not in conformance with the requirements of this ordinance, the permit holder shall immediately cease further work, and shall correct any deficiencies. Failure of the permit holder to submit the surveyed lowest floor elevation and floodproofing certificate, and failure to correct said deficiencies required hereby, shall be the cause to issue a stop-work order for the project.

B. *Duties and responsibilities of the floodplain administrator.* Duties of the administrator shall include, but are not be limited to the following:

- 1. Review all development permits to assure that the requirements of this ordinance have been fully met;
- 2. Review proposed development to assure that all necessary permits have been obtained from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, as amended, or by wide-area agencies, prior to issuing a development permit. Such documentation is to be maintained on file with the development permit;
- 3. Review and verify the VE zone certifications for new and substantially improved structures in coastal high hazard areas;
- 4. Review certified plans and specifications for compliance with the requirements of this ordinance;
- 5. Verify and record the actual elevation (in relation to NGVDI) of the lowest floor of all new and substantially improved residential structures, in accordance with section 13.20.08;
- 6. Verify and record the actual elevation (in relation to NGVD) to which the new and substantially improved nonresidential structures in AE zones have been floodproofed, in accordance with section 13.20.08;

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7. Where community officials determine a structure has been substantially damaged, assure market value estimates are reasonably accurate and that the cost estimate reasonably reflects the actual costs to fully repair the damage, make any other improvements to the structure, and notify the owner of the community's determination. The local permit official may require that the permit applicant or owner of the building supply the information necessary (e.g., appraisals, construction costs estimates, elevation certificate, etc.) to make the determination;
8. Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the floodplain management administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided for in this ordinance;
9. Coordinate with planning, zoning, and public works and other departments in Escambia County, Florida, the Santa Rosa Island Authority, to assure that the requirements of this ordinance are fully met;
10. Participate actively in evaluating variance requests and provide input and recommendations in variance hearings/proceedings;
11. Coordinate all revision or amendment requests to the FIS and/or FIRM or both, with the requester, state, and FEMA, as well as the changes to the Pensacola Beach--Santa Rosa Island Authority jurisdictional limits with the state and FEMA; and
12. Requirement to submit new technical data.
 - a. The Santa Rosa Island Authority's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the Santa Rosa Island Authority shall notify FEMA of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

13.20.08. *Standards for flood hazard reduction.*

A. *General standards.* In all areas of special flood hazard, determined by FEMA, the following provisions shall apply:

1. Submit adequate documentation along with permit application for proposed construction or other development, including the placement of fill and manufactured homes, so that a determination may be made whether or not such construction or other development is proposed within floodprone areas.
2. New construction, substantial improvements, and other development proposals shall assure that all necessary permits have been obtained from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act, as amended, or by wide-area agencies.

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3. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
4. All new construction and substantial improvements shall be constructed with materials and utility elements resistant to flood damage.
5. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
6. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
7. Subdivision proposals and other proposed new development, shall be assured that they will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a floodprone area, any such proposals shall assure that:
 - a. All such proposals are consistent with the need to minimize flood damage within the floodprone area;
 - b. All public utilities and facilities, such as sewer, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided to reduce exposure to flood hazards.
8. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
9. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
10. New construction and substantial improvements, when located in multiple flood zones with varying base flood elevations or in same flood zone with multiple base flood elevations shall meet the requirements for the flood zone with the most stringent requirements and the highest base flood elevation.
11. Cross bracing is NOT permitted except above BFE and perpendicular to the shoreline on a structure that has no breakaway walls. Cross bracing may not be used as part of the structural calculations to meet the required design criteria.
12. All pool equipment must be strapped down or elevated above BFE to prevent floatation during a storm.

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B. *Specific standards for AE zones* In all areas of special flood hazard where base flood elevation data have been provided, the following provisions shall apply:

1. *Residential structures.* All new construction or substantial improvements of residential structures in Zones AE shall be elevated on pilings so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings) is elevated to at least three feet above the base flood elevation.
2. *Nonresidential structures.* All newly constructed or substantially improved nonresidential structures shall be elevated so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings) is elevated to at least three feet above the base flood elevation. Nonresidential structures may not be flood proofed in lieu of being elevated.
3. *Elevated structures.* Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.
4. Designs for meeting this requirement must either be certified by a professional engineer or architect, who is authorized to such information in the state, or meet or exceed the following minimum criteria.
5. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided:
 - a. The bottom of all openings shall be no higher than one foot above grade; and
 - b. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they result in the minimum required net area of the openings and permit the automatic entry and exit of floodwaters.

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6. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
7. The interior portion of such enclosed areas shall not be partitioned, finished, or temperature-controlled.
8. Where elevation requirements exceed six feet above the highest adjacent grade, a copy of the lease amendment restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design, shall be presented as a condition of issuance of the final certificate of occupancy.
9. All recreational vehicles placed on sites must either:
 - a. Be on the site for fewer than 180 consecutive days;
 - b. Meet the requirements for new construction, including anchoring.
 - c. A recreational vehicle must be ready for highway use if it is on its wheels or jack system, is attached to the site only by quick disconnect type utility and security devices, and has no permanently attached additions.

C. *Coastal high hazard area (Zone VE)* Located within areas of special flood hazard areas established in section 13.20.06.B. are coastal high hazard areas, designated as Zone VE. These areas have special flood hazards associated with high velocity waters from hurricane surges and, therefore, the following provisions shall apply:

1. All new construction and substantial improvements in Zone VE shall be elevated on pilings so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings) is elevated to at least three feet above the base flood elevation; and
 - b. The pile foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards. A registered professional engineer or architect, who is authorized to certify such information by the state, shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.
 - c. Obtain the elevation (in relation to NGVD) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings) of all new and substantially improved structures. The floodplain administrator shall maintain a record of all such information.
 - d. All new construction shall be located landward of the reach of mean high tide.

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e. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this Section, a breakaway wall shall have a design safe loading resistance of not less than ten and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

- (1) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
- (2) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

f. The enclosed space below the lowest floor shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be partitioned into multiple rooms, finished, temperature-controlled, or used for human habitation.

g. The use of fill for structural support of buildings is prohibited. Development involving fill in coastal high hazard area shall not be permitted unless it has been demonstrated through appropriate engineering analyses that the subject fill does not cause any adverse impacts to the structure on site or adjacent structures due to wave ramping or deflection.

h. Prohibit man-made alteration of sand dunes that would increase potential flood damage.

i. Recreational vehicles placed on sites shall be in conformance with the requirements of section 13.20.08.B.9.

D. *Critical facilities.* Critical facilities constructed within the SFHA shall have the lowest floor elevated to at least three feet above the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the maximum extent possible.

13.20.09. *Variances*

A. *Variances of this floodplain ordinance.* The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the floodplain management administrator in the enforcement or administration of this ordinance.

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B. *Considerations in granting variance requests.* In acting upon such applications, the {appointed board} shall consider all technical evaluations, all relevant factors, provisions specified in other sections of this ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger of life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment of transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges; and
12. The request for variance is not an after-the-fact request.

C. *Conditions for variances.*

1. Variances may only be issued when there is:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - d. That the exceptional hardship referred to in criteria above applies to the physical characteristics of the property in question, not to economic or other personal hardships of the owner or inhabitants of the structure.

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2. Variances may only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.
3. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria of paragraphs a through c. of section 13.20.09.C.1. are met; and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

D. *Variance notification.* Any applicant to whom a variance is granted shall be notified in writing over the signature of the community official that:

1. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and
2. Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain management administrator in the office of the community recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.
3. The floodplain management administrator shall maintain a record of all variance actions, including justification for their issuance or denial, and report such variances issued in its annual biennial report submitted to FEMA.

E. *Special conditions.* Upon consideration of the factors listed in section 13.20.09, and the purposes of this ordinance, the Santa Rosa Island Authority may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this ordinance.

(Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2006-20, § 4, 3-2-2006; Ord. No. 2012-30, §§ 1, 2, 8-9-2012)

13.21.00. Subdivision review procedures for projects submitted to the Santa Rosa Island Authority.

Subdivision regulations and subdivision design standards can be found in Article 4 of this Code. All proposed subdivisions at Pensacola Beach shall be reviewed by the SRIA board for conformance to the provisions of this article and all legally executed lease agreements. SRIA development approval is required prior to preliminary and final plat approval by Escambia County. No land disturbing or developmental activities may commence prior to issuance of appropriate permits by Escambia County.

13.21.01. Preapplication conference. Before any land is subdivided, an application for development approval by the SRIA board must be made in accordance with the following procedures:

- A. At option of the developer, a preapplication conference may be arranged with the general manager, and staff to discuss plans for a subdivision.

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B. Preliminary plan, approval process.

1. A preliminary plat of the proposed subdivision conforming to the requirements specified in Article 4 of this Code shall be submitted for SRIA board review and consideration. Such plat may be submitted to the Escambia County Growth Management Department for review at the same time; however, SRIA board approval is required prior to DRC action.
2. The developer shall file written application for SRIA approval of the preliminary plat with seven copies of the preliminary plat.
3. The preliminary plat shall be reviewed by SRIA staff who will make a recommendation to the AEC for approval or disapproval, with comments and/or marked prints.
4. Plans recommended for approval by the AEC will be considered by the SRIA board at their next regularly scheduled meeting. Upon approval of the SRIA board, the developer will be so notified within five working days. The SRIA board may postpone recommendation for approval of the preliminary plat for an additional 30 days if a determination of the impact of the proposed subdivision on the environment must be made by another governmental agency.

C. Construction plans and final plat approval process.

1. After notification of approval of the preliminary plat by the SRIA board, and subsequently by Escambia County, the developer may submit construction plans and final plat, together with a letter requesting approval of same to the SRIA board. Construction plans must be in conformance with the provisions of Article 4, and the final plat must conform with the requirements specified in Article 4.
2. The final plat, if desired by the developer, may constitute only that portion of the approved preliminary plat which is proposed for development and recording at the time provided, however, that such portion conforms to all requirements of these regulations.
3. The developer shall submit an original Mylar and seven prints of the final plat to the SRIA board, along with an original and four copies of all subdivision covenants and restrictions.
4. If approval is recommended, the final plat and construction plans will be considered by the SRIA board at their next regularly scheduled meeting. Upon approval by the SRIA board, the developer will be so notified within five working days.
5. After approval of the final plat by the SRIA board, it shall be submitted to the Escambia County Growth Management Department for final approval by the county, or for such other action as the BCC deems appropriate.
6. After installation of improvements, the developer may submit a letter to the SRIA requesting acceptance of public street and drainage for maintenance, along with two sets of "as built" drawings on reproducible Mylar.

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(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998)

13.22.00. Regulation of signs and outdoor displays.

13.22.01. Signs.

A. *General.* No sign of any character shall be erected, pasted, posted, or displayed upon or about any lot or parcel or anywhere on the island without prior written permission of the SRIA staff, AEC, or SRIA board as applicable and the SRIA board shall have the right to summarily remove all unauthorized signs.

13.22.02. Standards and guidelines for design, erection and maintenance of signs.

A. *Design guidelines for signs and outdoor displays.*

1. Sign structure shall be weather resistant material. Main lettering and background shall be in the colors recommended by the SRIA to match the color and texture of the structure.
2. All permanent signs shall incorporate the use of attached lettering. The use of duraply or other exterior plywood, together with painted on lettering, is not approved.
3. Up to one-third of the sign area may include the logo, which may include the name, or special color scheme of that business.
4. Signs shall be located on the landward side of structures, when possible. Signs that must be placed on the seaward side of structures shall be positioned such that they are not in line of sight of the beach and shall be mounted perpendicular to the beach. If placement of signs within line of sight of the beach is unavoidable, long-wavelength lighting shall be required.
5. Signs may not be illuminated utilizing up-lighting.
6. All illuminated signs shall be "face-lighted" or "shadow-lighted." Face-lighting means the light source is operated from the sign surface by means of spotlighting or similar fixtures.

Shadow-lighting is an indirect, concealed light source which is attached directly to the face of the sign. Each element to be lighted must have an opaque surface such that the light does not shine through the element. No exposed neon is allowed.

Lighted canopies displaying the name of the business will be allowed, but in each case a color rendering of the proposed canopy, with the dimensions of the canopy and the building to which it will be attached, must be presented to the architectural and environmental committee for approval. (Amended 10/16/94).

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7. Signs with reader boards containing changeable wording will be considered if the reader board is restricted to not more than one-third of the sign area, is incorporated into the main sign and otherwise conforms to the color and illumination requirements of the sign regulations.
8. Signs for any establishment may be freestanding or attached or a combination of both.
9. Freestanding signs are defined as those located on the leasehold premises, not a part of the main building structure.
 - a. Freestanding signs are encouraged to be low and horizontal in character. The top and bottom of the sign may not exceed 14 feet and six feet, respectively, above the crown of the nearest street/road.
 - b. Freestanding signs shall be mounted in or directly adjacent to a required landscaped area which shall not be smaller than the face area of the sign itself.
 - c. Freestanding signs may not exceed 65 square feet in area and may be single or double-sided. If a double-sided sign is identical on both sides, its size will be calculated as that of a single face. Supports and landscaping are excluded from sign area calculations as long as they do not include lettering or other symbols.
 - d. Businesses that are 750 feet or more from the road right-of-way have freestanding signs that do not exceed 18 feet above the crown of the road.
10. Attached signs are defined as those which are attached to or incorporated into a building.
 - a. Attached signs may not extend above the facade of a building (which may include mansards).
 - b. Wall Signs. The maximum square footage for a wall sign shall not exceed 10 percent of the wall surface facing the addressed street. For those businesses with more than one store front, the maximum square footage for a wall sign shall not exceed 15 percent of the wall surface facing the addressed street. Any one sign shall not exceed 200 square feet. The wall surface shall be measured by determining the total vertical wall surface and the horizontal wall surface and can include the roof surface when the roof slope is steeper than 45 degrees.

Note: The square footage authorized under this provision may be allocated to one or more wall signs mounted on the vertical wall surface or the sloped roof surface.
11. Where several businesses are incorporated into an identifiable entity operating under a master lease and a tenant's association, the following regulations will apply:
 - a. The main freestanding sign identifying the complex shall not exceed 65 square feet and shall comply with other sign regulations.
 - b. Informational or directory signs are limited to 16 square feet.

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c. Individual businesses within the complex having exterior walls fronting a street or parking lot, or facing the water, may display attached signs on said walls not to exceed 16 square feet.

d. Individual businesses inside the complex may display attached signs not to exceed four square feet, near the entrance to their building, on walls other than those described in item c, above.

12. Should any portion of the exterior of a structure deviate in color from the main part of the structure, whether structural or not, and said deviation represents that company's color scheme or logo, it is considered to be signage.

Any proposed deviation submitted for approval will be considered on its own merit.

13. Any vehicle which displays a sign, logo or other advertising related to a business located within the jurisdiction of the Santa Rosa Island Authority must be parked in the rear of the business or in an inconspicuous place, out of view of the public street facing the business.

(Ord. No. 2013-28, §2, 7-11-2013)

13.22.03. Signs exempt from SRIA development approval. The type of signs listed below do not require development approval by the SRIA, provided they are prepared, posted and maintained in accordance with the provisions of prescribed codes and providing that the intent of the codes are met in the usage and display of such signs.

NOTE: The following provisions for display of certain signs without obtaining development approval by the SRIA does not supersede or cancel the provisions contained in the general covenants and restrictions of legally executed lease agreements relative to obtaining written permission from the SRIA board before displaying such signs, nor do these provisions supersede or cancel any references to the display of signs contained in any lease agreement or restrictive covenants which pertain to a specific subdivision.

A. *Bulletin boards.* One bulletin board per street frontage not over 20 square feet in area for public, charitable or religious institutions, or places of worship where the same are located on the premises of said institutions.

B. *Contractor signs.* Not more than 12 square feet in area naming the contractor engaged in the construction on the premises where the sign is located, but only during such period in which actual construction is taking place.

C. *Memorial signs.* Memorial signs or tablets, names or buildings, and dates of erections when cut into any masonry surface or inlaid so as to be part of the building, or when constructed of bronze or other incombustible material.

D. *Occupant signs.* Signs limited in content to name of occupant, address of premises, and signs of danger or a caution nature which are limited:

1. Wall and ground signs;
2. No more than two per street front;
3. No more than three square feet per sign in area;

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4. No more than ten feet in height above grade;
5. Signs which may be illuminated only from a concealed light source which does not flash, blink, or fluctuate; and
6. Signs which are not animated.

E. *Professional signs.* Name plate signs not more than two square feet in area which are fastened directly to the building and do not project more than six inches beyond the property line.

F. *Public signs.* Signs required or specifically authorized for a public purpose by any law, statute or ordinance, which may be of any type, number, area, height above grade, locations, illumination or animation authorized by the law, statute or ordinance under which the signs are erected.

The Santa Rosa Island Authority, as a matter of policy, extends for itself the exemption pertaining to public signs, as contained in the SRIA sign regulations, and declares that any sign of a public information nature which is deemed necessary by the SRIA board may be erected without development approval by the SRIA and may be of such type, number, size, color, height above grade, illumination and at such location as the SRIA board deems appropriate.

G. *For sale/rent/lease signs.* Any sign for sale, rent or lease of real property must be approved by the SRIA prior to use on the island. Thereafter a sign may be erected upon the offered property which shall not exceed six square feet per face for residential, and 12 square feet per face for commercial property. Signs are to be located upon the premises and shall be maintained in good condition as long as displayed.

H. *Signs in display windows.* Signs in the display window of a business which are incorporated with a display of merchandise or a display relating to services offered, but which are not affixed to the window.

I. *Political signs.* Not more than two political sign faces, each to be no larger than two feet by four feet, may be displayed on any leasehold property. Signs must be posted within the area of the leased property, and shall be removed within 72 hours after the polls close for that particular election. Signs for candidates who face another election may remain until not later than 72 hours after the polls close for that election, or until their condition warrants removal/replacement, whichever occurs first. Political signs may not be put on display sooner than 60 days prior to the first election.

J. *Signs within a building.* Any sign placed inside a building may be erected without development approval by the SRIA, but is subject to the safety regulations of the building code.

K. *Information signs.*

1. Signs not exceeding two square feet which contain only non-commercial messages including designation of rest room, telephone locations, restrictions on smoking, door openings and private traffic control and parking signs.

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2. Permanent signs on vending machines, gas pumps or ice containers indicating only the contents of such devices. Vending machines must be placed inside building; or, if placed outside, must be effectively screened from public view from the street. Vending machines may not be placed on public property.

3. One sign per parking lot not exceeding three square feet per sign face and six feet in height identifying the business and providing driving and parking information.

L. *Others.* Pennants and banners may only be displayed for a grand opening or special event, and must be approved by the Santa Rosa Island Authority staff. Pennants and banners may be approved by the staff for a period not to exceed 14 days provided the request is made ten days prior to the date pennants or banners are to be displayed. Any other sign, pennant, banner or notice specifically approved by the Architectural Environmental Committee for a temporary display not to exceed 30 days may be erected without development approval by the SRIA. (Amended eff. 8/14/96).

13.22.04. *Prohibited signs.* The following signs, street graphics and/or sign structures are prohibited:

- A. Signs or sign structures which, by coloring, wording or location resemble or conflict with a traffic control sign or device.
- B. Signs or lights that rotate, move, glare, flash, change, reflect, blink or appear to do any of these things.
- C. Signs that create a safety hazard by obstructing clear view of pedestrians or vehicular traffic.
- D. Roof signs erected, constructed, or maintained above the fascia or eave line of the roof.
- E. All forms of poster-type signs and notices (except yard sale signs).
- F. Signs that identify or advertise a product or business not longer located at a premises.
- G. Bench signs.
- H. Billboards.
- I. Signs that display a message or graphic representation that are lewd, indecent or otherwise offensive to public morals.
- J. Signs on public property or designated easements and rights-of-way.
- K. Signs painted directly on a fence of any part of a building's exterior.
- L. Flagging and pennants, except when approved by SRIA.
- M. Devices which produce movement achieved by normal wind currents, or which give appearance of movement.
- N. Attention-getting devices, including searchlights, banners, propellers, spinners, streamers, balloons and similar devices or ornamentation designed for purposes of attracting attention, promotion or advertising, including audio devices.
- O. Bare bulb illumination around the perimeter of a sign.

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- P. All forms of advertising statuary.
- Q. Off-premises signs except as specifically approved by the SRIA on a temporary basis.
- R. Free standing "A" frame type signs of any type.
- S. Portable signs of the type usually leased by sign companies which can be moved on wheels from place to place, and on which the sign copy can be readily changed.
- T. Backlighted or plastic signs.
- U. Murals.

NOTE: Consideration by the SRIA will be given to a request for the display of a sign as described in "R" above, but only for a specified period of time and only when it is deemed appropriate; as in the case of a new business establishment which has made provision for a permanent sign, but said sign has not yet been provided. Seasonal displays may be approved by staff on an individual basis for limited periods of time providing request is made ten days prior to date display is to be erected.

13.22.05. *Other provisions.*

- A. [*Conformance generally*] all signs at Pensacola Beach must conform to these regulations.
- B. [*Existing signs,*]
 1. All signs as described in items 13.22.04 A, B, C, and G must be removed not later than 30 days after notification by SRIA.
 2. If lease agreement is modified for any reason, the lessee will comply with requirements of the current sign regulations.
 3. Signs and sign structures will be removed within thirty (30) days after a business closes permanently or changes hands, if it is a nonconforming sign.
- C. [*Interior electric signage used for exterior advertising.*] Interior electric signage used for exterior advertising shall be limited to six square feet per business unless specifically approved by the SRIA.
- D. *Sign inspection.* All signs may be inspected by the SRIA staff as deemed necessary.
- E. *Unsafe signs.* Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the SRIA staff, the lessee thereof, or the person or firm maintaining the same, shall, upon written notice from the SRIA staff, forthwith in the case of immediate danger and in any case within ten days, remove such sign or secure the same in a manner to be approved by the SRIA staff, in conformity with the provisions of the code. If such order is not complied within ten days the SRIA staff shall remove such sign at the expense of the lessee.
- F. *Location restrictions.* An outdoor advertising display sign shall not be erected, constructed or maintained so as to obstruct any fire escape or any window or door or opening used as a means of egress or so as to prevent free passage from one part of a roof to any other part thereof. A sign shall not be attached in any form, shape or

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manner to a fire escape, nor be placed in such manner as to interfere with any opening required for legal ventilation.

G. *Design required for development approval.* Before development approval by the SRIA shall be granted, the erector of every outdoor advertising sign, with the exception of shingle signs and light cloth temporary signs, shall, if requested by the SRIA staff, submit to the SRIA staff a design and stress diagram or plan, containing the necessary information to enable the SRIA staff to determine that such sign complies with all the applicable regulations of the Standard Building Code. (Design must comply with structural requirement of the code).

H. *Wind pressure.* In the design and erection of all permanent outdoor advertising display signs, the effect of wind shall be carefully considered. All such signs shall be constructed to withstand 160 mph wind pressure, as required for other structures.

I. *Freestanding signs.* Every freestanding sign shall provide rigid construction to withstand wind action from any direction.

J. *Anchors or supports.* Wherever anchors or supports consist of wood embedded in the soil, the wood shall be pressure treated with an approved preservative.

K. *Attached signs.* Signs attached to exterior walls of solid masonry, concrete or stone, shall be safely and securely attached by means of metal anchors, bolts or expansion screws of not less than three-eighths inch diameter and shall be embedded at least five inches. Wood blocks shall not be used for anchorage, except in the case of signs attached to building with walls of wood. An attached sign shall not be supported by anchorages secured to an unbraced parapet wall.

L. *Requirements/procedures for obtaining SRIA development approval.*

1. A completed application and three sets of detailed drawings (one of which must be in color to represent as closely as possible the proposed sign) must be received at the SRIA office.
 - a. If proposal conforms to SRIA regulations in all respects, development approval may be approved and issued at staff level.
 - b. If proposal deviates from SRIA regulations, or if staff feels there is a need for clarification, the proposal will be submitted to the sign review committee and/or the AEC for approval. Applicant will be notified of times and dates on which proposal will be considered.
 - c. Any proposal requiring a variance of regulations must be approved by both the AEC and the full SRIA board. Upon the required approval by the SRIA staff, AEC and/or SRIA board, the proposed sign must be submitted for review and permit issuance by Escambia County.
2. Drawings and information submitted must include:
 - a. Detailed face view.
 - b. Detailed section view (including foundation details if a freestanding sign).

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- c. Full color rendering of a copy of the three submitted.
- d. Description of all materials used.
- e. Method of lighting, if any.
- f. Dimensions of sign and reader board, if any.
- g. Height of top of sign above crown of nearest street, if freestanding.
- h. Height of bottom of sign above crown of nearest street, if freestanding and elevated.
- i. Size of sign in square feet.
- j. If double-faced, indicate if both sides are identical.
- k. If attached sign, show calculations for computing size.
- l. If free-standing sign, include three copies of a scaled site plan or a survey, if deemed necessary, showing proposed sign location and exact distances to structure on premises, to front and nearest side lot lines and to street right-of-way and/or easement lines.
- m. If freestanding sign, show dimensions of proposed landscaped area.

NOTE: The full color rendering drawing submitted will be retained by SRIA and become its property.

(Ord. No. 97-51, § 2, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2012-23, § 1, 6-28-2012; Ord. No. 2013-05, § 1, 2-7-2013)

13.23.00 Exterior Lighting

13.23.01 Exemptions

- A. Lights mandated by Federal regulations (e.g., Federal Aviation Administration) for illuminating obstructions in navigable airspace and lights required by the U.S. Coast Guard for boat navigation are exempt from the provisions of this section provided such lights have been reviewed and approved in accordance with requirements of the Federal Endangered Species Act. Also exempted are traditional holiday lights used outside the sea turtle nesting season.

13.23.02 Standards for new construction activities

- A. In order to provide the highest level of protection for nesting sea turtles and their hatchlings, the following standards shall apply to artificial light sources on all new coastal construction (including redevelopment and substantial improvements) on Pensacola Beach for which a building permit was issued on or after the effective date of this ordinance:
 - 1. The point source of light or any reflective surface of the light fixture shall not be directly visible within line of sight of the Gulf of Mexico beach.

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2. Unless otherwise exempted herein, only Wildlife Lighting, as defined in Article 3, shall be used for all exterior applications within the line-of-sight of the Gulf of Mexico beach.
3. Pole-mounted lights for pedestrians shall only be used for those applications where mounting the lights at lower elevations cannot practicably achieve the required foot candles to conform to the Florida Building Code and a waiver to those Building Code requirements, as provided under State Statute and Florida Administrative Code Rule, has been requested and denied. Where used, these fixtures and lamps shall be properly shielded and may not be mounted at a height greater than 12 feet above the ground. Pole-mounted lights shall not be used for pathway or access area lighting.
4. Lighting of dune walkovers and elevated crossovers to the beach is prohibited seaward of the dune crest.
5. The use of metal halide lighting is prohibited throughout Pensacola Beach.
6. Temporary lighting of construction sites shall be restricted to the minimal number of lights necessary to conform to state and/or federal safety regulations (e.g., OSHA).
7. Interior stairwells, elevators and enclosed parking garages that allow light to escape through windows or other openings within line-of-sight of the beach shall comply with the definition of "wildlife lighting".
8. Tinted glass shall be installed on all windows and glass doors within line of sight of the Gulf of Mexico beach..
9. Roadway, parking lot, and utility leased lighting including "yard" or security lighting within line-of-sight of the beach shall use low-pressure sodium lights (LPS) 55 watts or less and full cut-off fixtures mounted no higher than 25 feet above the ground, or equivalent LED. Additional shielding shall be installed if the light sources can be observed from the beach. High-intensity lighting applications not within line-of-sight of the beach shall use either full cut-off LPS 55 watts or less or full cut-off high pressure sodium (HPS) lights 150 watts or less mounted no higher than 25 feet above the ground.
10. Before granting any building permit, the Santa Rosa Island Authority and Escambia County Building Department shall determine that all proposed construction complies in all respects with the standards imposed in this section. Detailed project lighting plans shall be submitted to the SRIA and County showing the location of all exterior light sources relative to adjacent nesting habitat. The plans must identify the location, number and type of lighting to be used for all fixtures.
11. Should the light fixtures practically permitted by Section 13.23.02 fail to provide sufficient light to comply with the Florida Building Code, alternative lighting may be used provided a waiver to Florida Building Code requirements, as provided under State Statute and Florida Administrative Code Rule, has been requested and denied. In that case, a combination of full-cutoff LPS fixtures, full-cutoff HPS fixtures, or LED fixtures, may be used to provide the required level of illumination, and the most effective light management practices available (best available technology) shall be utilized to minimize

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light trespass. Conflicts with other applicable state and/or federal laws or regulations may be resolved in a similar manner.

12. Upon the issuance of a certificate of occupancy for any new development within direct line-of-sight of the beach, compliance with the beachfront lighting standards set forth in this article shall be approved as follows:
 - a. Upon completion of the construction activities, the inspector shall conduct a site inspection which includes a night survey with all beachfront lighting turned on.
 - b. The inspector shall prepare and report the inspection findings in writing identifying:
 - 1) The date and time of initial inspection;
 - 2) The extent of compliance with the lighting standards;
 - 3) All areas of observed noncompliance, if applicable;
 - 4) Any action(s) taken to remedy observed noncompliance, if applicable;
 - 5) The inspector, in cases where remedial action is necessary, shall notify the owner or developer of the results of the inspection and shall schedule a date and time for it subsequent inspection.

13.23.03 Standards for existing lighting

- A. In order to provide the highest level of protection for nesting sea turtles, their hatchlings, and other wildlife, all existing artificial light sources, including utility leased lighting, within Pensacola Beach shall be brought into compliance with the provisions of this ordinance as follows:
 1. All existing artificial light sources must comply with the standards set forth in Section 13.23.02 by May 1, 2018,
 2. The use of up-lighting shall be prohibited after 10:00PM during the turtle nesting season. However, up-lighting associated with building façade illumination may be utilized until midnight during the turtle nesting season.
 3. Documented disorientation of nesting or hatchling sea turtles caused by interior lighting is a violation of the U.S. Endangered Species Act and/or the Florida Marine Turtle Protection Act. Consequently, voluntary application of one or more of the following measures, as applicable, are encouraged to reduce or eliminate the negative effects of interior light emanating from doors and windows within line-of-sight of the beach:
 - a. Install tinted glass or apply window tinting;
 - b. Rearrange lamps and other moveable light fixtures away from windows;

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- c. Use opaque window treatments (shades, curtains, blinds, etc.) at night to shield interior lights from the beach;
- d. Turn off unnecessary lights.

13.23.04 Enforcement and Penalties.

- A. Enforcement procedures and penalties under this ordinance shall be those set forth in sections 162.06 through 162.13, Florida Statutes, and Chapter 30, Escambia County Code of Ordinances as may be amended from time to time. The intent of Escambia County is to enforce only the terms of this ordinance and not any state or federal laws.

No permit may be issued by the County to improve or expand any facility constructed or modified in violation of this article until the violation has been corrected.

(Ord. No. 2013-28, §2, 7-11-2013)

DISCLAIMER:

This is an unofficial reproduction of the Escambia County Land Development Code (LDC) and is intended to be for general information only. The official (codified) Escambia County Code of Ordinances may be viewed at www.municode.com.

3/2014