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.

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Article 1 General Provisions

Sec. 1-1.1 Purpose of chapter.

This chapter establishes the title, authority and purposes of these assembled land development regulations for Escambia County, Florida, and to assure their effective implementation and enforcement. Additionally the chapter identifies the implementing authority and duties of county administrative officials and boards, and to provide for the limited continuation and gradual remedy of nonconformance with these regulations. The provisions of this chapter and the definition of terms in Chapter 6 shall guide and support the implementation of review and approval processes, standards, and other regulations of the remaining chapters.

Sec. 1-1.2 Purpose of article.

This chapter establishes general provisions that apply broadly to all use and administration of this code. The continuation and remedy of nonconformance with the code, and the code authority and duties of county officials and boards, is prescribed in the remaining articles of this chapter.

Sec. 1-1.3 Title of code.

This code, Part III of the Code of Ordinances of Escambia County, Florida, shall be known as the “Escambia County Land Development Code” and may also be referred to or cited as the “Land Development Code” or the “LDC.”

Sec. 1-1.4 Authority of LDC.

The Escambia County Land Development Code is that collection of local land development regulations required by Florida Statutes (Chapter 163, Part II) to implement provisions of the Escambia County Comprehensive Plan. The Comprehensive Plan further requires that specific and detailed provisions necessary and desirable to implement plan goals, objectives policies and the associated manual be adopted and maintained within a land development code.

Sec. 1-1.5 Purpose of LDC.

(a) General. The Land Development Code implements the land use goals, objectives and policies of the Escambia County Comprehensive Plan through specific regulations that govern the use and development of land within the county. These regulations are necessary to protect the public health, safety and general welfare, private property rights, the natural environment, and the economic vitality of the county. More specifically, it is the purpose of the LDC to:

(1) Establish an objective, organized and effective system of administration and appeal for county land development regulations that clearly describe compliance review and approval requirements for the public, responds consistently and fairly, and optimizes the resources of government.

(2) Establish clear county zoning and other land use regulations that provide for the orderly, efficient, and sustainable use of land and structures for agricultural,

residential, mixed-use, commercial, industrial, recreational, conservation, public and other needs of the present while ensuring no less for the future.

(3) Establish clear county development standards for the allowed uses of land and structures that ensure the protection of life and property, the provision of adequate public facilities and services, the conservation of natural resources, the protection of public and private investments, and the preservation of social and aesthetic values.

(4) Establish clear county regulations that balance the interests of property owners in continuing lawfully established uses, structures, lots and conditions in productive use with the public benefits of providing a gradual remedy for existing substandard conditions through increased conformance with current standards and prohibited expansion of nonconformance.

Sec. 1-1.6 Enforcement of LDC compliance.

(a) General. Land uses and development activities regulated by the LDC shall comply with all applicable county requirements, and nothing in the LDC shall prevent the county from taking any lawful action necessary to prevent or remedy any violation. Although state and federal regulations may also apply to those uses and activities, the intent of the county is to enforce only the terms of its ordinances. Compliance with the LDC shall be fully enforced by any means provided, authorized or allowed by law or ordinance, including Florida Statutes and Chapter 30, *Code Enforcement*, Part 1, Escambia County Code of Ordinances. More particularly:

(1) Procedural remedies. Failure to comply with LDC provisions may result in application denial, delay of application approval, conditional application approval, voiding an application approval, delay of use or occupancy, multiplied application fees, or penalties as additionally may be prescribed by the LDC.

(2) Civil remedies. The Board of County Commissioners (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 violating the provisions of the LDC.

(3) Criminal remedies. Any person, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of, any of the provisions of the LDC, shall be subject to a misdemeanor punishable by fine and/or imprisonment according to state law. Upon conviction the person shall additionally pay all expenses of the county in the case. Each day a violation exists shall constitute a separate offense.

Sec. 1-1.7 Applicability of LDC provisions.

(1) General. The provisions of the LDC apply within all unincorporated areas of Escambia County, with the exception of areas exempted by state or federal regulations, and to all land uses and development activities, including the construction, placement, erection, alteration, use or occupancy of any structure, and the division of any land. Accordingly, no principal or accessory structure, or use of any land or structure, shall be established, located, erected, converted, reconstructed, structurally altered, extended, or enlarged, and the county shall issue

no approval to develop or permit to construct, unless such uses and activities comply with all applicable provisions of the LDC.

(2) Vested rights. Certain land development rights are vested with respect to future adoption or amendment of land development regulations and cannot be revoked by changes to the LDC without due process of law. Development rights are statutorily vested for any use or activity lawfully approved by the county according to the regulations in effect at the time of approval. For landowners who can adequately demonstrate they have acquired development rights through other official county action, those rights become equitably vested under principles of fairness and due process as prescribed in Chapter 2. A use or activity approved under either form of vesting may be completed or continued, even when inconsistent with newer LDC provisions. However, any use or activity for which a vested right has been established shall continue to be subject in all other respects to regulations and requirements not addressed by the vested rights confirmation.

(3) Nonconformance. Lawfully established and maintained uses, structures, site conditions, and lots made nonconforming by later adoption or amendment of any land development regulations may continue, subject to the nonconformance provisions of Article 2.The provisions protect the interests of owners in continuing to use their property while providing the community a gradual remedy for existing undesirable conditions resulting from nonconformance. Actions that would expand nonconformance are prohibited and actions that would make nonconformance more permanent are restricted. Nothing in the LDC shall be interpreted as authorizing or approving the continuation or expansion of any uses, structures, conditions, or lots not lawfully established according to regulations in effect at the time of establishment.

Sec. 1-1.8 Effective date of LDC provisions.

Provisions of the LDC are effective as of the effective date of their adopting ordinances. Any application for county approval required by the LDC and accepted by the county on or after the effective date of a new or amended LDC provision shall comply with that provision unless its terms clearly indicate otherwise.

Sec. 1-1.9 Impartiality of LDC provisions.

The provisions of the LDC apply without bias. Decisions regarding the administration of code provisions shall be influenced only by facts and conditions relevant to those provisions. Applications for development approval shall be evaluated strictly on the basis of LDC compliance, and no more or less shall be required of applicants than is necessary to confirm and document that compliance. Conflicts of interest and other risks to fair administration of the LDC shall be avoided to maintain impartiality. No county officer or employee shall grant any special consideration, treatment, or advantage to any person, group or organization beyond that which is available under the terms of the LDC to every other person, group or organization in the same or similar circumstances.

Sec. 1-1.10 Adjustments to LDC provisions.

The provisions of the LDC apply without any exceptions, exemptions, alternatives, waivers, variances or other adjustments unless such adjustments are specifically established within the code. For some unusual or unanticipated circumstances the LDC allows limited criterion-based variances to provide site-specific relief, and may include alternative requirements to provide flexibility or encourage minimum standards to be exceeded. Except for such provisions, only the lawful amendment of the LDC can permit what is not otherwise authorized. Nothing in the LDC shall allow, encourage or require any change to its provisions except through the formal amendment process established within the LDC and Florida Statutes.

Sec. 1-1.11 Rules for understanding LDC provisions.

(a) General. The LDC shall be interpreted and administered broadly by the administrative authorities described in this chapter to achieve its declared purposes. In the interpretation and administration of any LDC provisions, they shall be understood to be the minimum requirements adopted by the BCC for the promotion of the public health, safety and general welfare. It is presumed that the intent of the BCC in a particular provision of the code is expressed by the wording of that provision. Further, the BCC is presumed to act intentionally and purposely when it includes language in one section of the code but omits it in another. The rules of interpretation prescribed in this section shall be observed in the implementation of all LDC provisions.

(b) Confirmation of meaning. The meaning of a provision in the LDC must first be evaluated according to the plain language of the provision. If the meaning is clear, then the remaining administrative function is to enforce it according to its stated terms. If the provision is unclear, its meaning shall be determined in consideration of other LDC provisions on the same subject, giving priority to those closest in context. Individual provisions must be interpreted so as to be internally consistent and not disconnected from the rest of the LDC. Every part of a provision is presumed to have some effect, and must not be treated as having no effect unless absolutely necessary.

(c) Delegation of authority. When a provision of the LDC authorizes the County Administrator, County Engineer, Planning Official, Building Official, or other county officer or employee to perform some act or duty, the provision also authorizes that individual to delegate the performance of that act or duty to other qualified county employees under his authority, unless the terms of the provision clearly indicate otherwise. Similarly, when a provision authorizes the Santa Rosa Island Authority Board (SRIA) to perform some act or duty, the provision also authorizes the board to delegate the performance of that act or duty to qualified individuals under the board's authority.

(d) Particular and general. A particular intent expressed in the LDC has authority over a general one, such that when there is a more specific requirement it must be followed in place of a more general one, regardless of whether the general requirement is more lenient or in conflict with the specific one.

(e) Use of words. The use of words within the LDC shall be understood according to the following rules:

(1) Definitions. In addition to the rules of this section and those terms defined where used, definitions of selected terms used within the LDC are provided in Chapter 6. Words not defined within the LDC, and not otherwise having acquired a meaning by other applicable regulatory definition or judicial construction, shall be understood according to their usual, ordinary and customary meanings.

(2) Tense and form. Words used in one tense or form include other tenses or derivative forms, unless the context clearly indicates otherwise.

(3) Singular and plural. Words used in the singular include the plural and words in the plural include the singular, unless the context clearly indicates otherwise.

(4) Gender. Words used in the masculine, feminine, or neuter gender include the other genders.

(5) Mandatory, permissive, and advisory. The words "shall," "will" and “must” are mandatory in nature and always require compliance where used. The word "may" is permissive, authorizing but not requiring action. The word "should" is advisory only, identifying recommendations provided by the county in the implementation of regulations.

(6) Conjunctions. Unless the context clearly indicates otherwise, where a regulation connects items, conditions, provisions or events, the conjunctions shall be interpreted as follows:

a. And. The word "and" indicates that all the connected terms, conditions, provisions, or events apply.

b. Or. The word "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. Either or. The words "either . . . or" indicate that the connected items, conditions, provisions, or events apply singly but not in combination.

(7) Written or in writing. The words "written" and "in writing" include any representation of words, letters, diagrams or figures, whether by handwriting, printing or other forms of recording.

(8) Used for or as. The words “used for “and “used as” include intended, designed, arranged, occupied and maintained for or as, unless the context clearly indicates otherwise.

(9) Including or includes. The words “including” and "includes" do not limit a provision to the specific example or series of examples it contains.

(f) Computation of time. Unless otherwise specifically provided, a "day" means a calendar day and a “year” means 365 days. In computing any period of time allowed or prescribed by the LDC, the day from which the period begins to run is not included. The day after the act or event that begins the period is day one. The last day of the computed period is included, unless it is a Saturday, Sunday or legal holiday observed by the county. In that case the period will run until the end of the

next day that is not a Saturday, Sunday or observed legal holiday. In computing any period of months, the period ends on the same or closest numbered day of the ending month as the number of the beginning day in the beginning month.

(g) Controlling text. If there is any inconsistency between the text of the LDC and any picture, illustration, drawing, map, table, or caption within the LDC, the text governs unless otherwise specifically provided.

(h) Headings and titles. Headings and titles within the chapters of the LDC, typically in boldface or italic type, are only included to indicate content and organization for the convenience of the reader. Such headings are only catchwords and do not by their presence or absence govern, limit, modify, or in any manner affect the scope, meaning, or intent of any provision of the LDC. Accordingly, no provision of the LDC will be held invalid by reason of deficiency in any heading or title of any chapter, article, section or other part.

Sec. 1-1.12 Appeal of LDC-based determinations.

Those persons whose substantial interests have been adversely affected by an interpretation or other administrative determination of a county official or body exercising authority under the LDC, including the SRIA, have the right to a review of that determination. Review of any such action may be requested following the appealable action as prescribed in Chapter 2.However, review of citations by code enforcement officers shall be as prescribed in Part I of the Escambia County Code of Ordinances. Additionally, any challenge to the consistency of either a development approval or a provision of the LDC with the Comprehensive Plan shall be made in the manner prescribed by Florida Statutes.

Sec. 1-1.13 Relation of LDC to other authorities.

(a) Code of Ordinances. The LDC exists as Part III of the Escambia County Code of Ordinances to implement the land use goals, objectives and policies of Part II, the Comprehensive Plan. Except in their administration and enforcement, or where specific references are made to other county ordinances, the Comprehensive Plan, LDC, and the Design Standards Manual (DSM) are to be construed independently of Part I.

(b) Building Code. The LDC establishes certain land use regulations for buildings and prescribes development standards for sites they occupy, but the construction of buildings and other structures is regulated through the Florida Building Code and other provisions prescribed within Part I of the Code of Ordinances.

(c) Non-county entities. Non-county entities also regulate, govern, or otherwise influence the use or development of land. However, it is the responsibility of each property owner to determine those entities that have jurisdiction affecting their property, its use, or activities upon it, and to adequately communicate with them. The county may assist in directing the applicant to appropriate agencies or entities, but in doing so the county assumes no responsibility or liability in any way for any owner’s failure to adhere to any restrictions or requirements of those or other entities.

(d) References to other regulations. References within the LDC to federal, state or other county regulations are intended only for the convenience of the reader. An error in any reference or the absence of a reference does not exempt any use or activity from compliance with applicable requirements of law.

Sec. 1-1.14 Conflicts with LDC provisions.

(a) Higher standards. If any provision of the LDC is in conflict with any county, state or federal law, ordinance, regulation, DSM or other requirement, including other provisions of the LDC, the more restrictive requirement or the one imposing the higher standard shall prevail unless otherwise specifically provided by the prevailing requirement.

(b) SRIA leases. Where the provisions of a lease agreement with the Santa Rosa Island Authority (SRIA) conflict with LDC provisions, the lease will govern unless otherwise mutually agreed by the lessee and the SRIA that the LDC provisions shall apply. However, all new or renegotiated lease agreements with the SRIA shall be consistent with the provisions of the Comprehensive Plan and the LDC.

(c) Private agreements. The interpretation and enforcement of the LDC is not affected by any recorded easements, covenants, lease agreements, deed restrictions or other agreements between private parties. It is not the intent of the LDC to repeal, abrogate, or interfere with such private restrictions or agreements, but where the LDC imposes greater restrictions, its provisions govern. Where the LDC imposes lesser restrictions, it is the responsibility of those parties in a private agreement to enforce its greater restrictions.

Sec. 1-1.15 Severability of LDC provisions.

If any section, sentence, clause or other portion of the LDC is for any reason held or declared by a court of competent jurisdiction to be inoperative, invalid, or unconstitutional, that decision does not affect other portions of the LDC that can be given effect without the unacceptable portion. Similarly, if any provision of the LDC is held to be inapplicable to a particular person, property, or circumstance, that holding does not affect its applicability to any other person, property, or circumstance.

Article 2 Nonconformance

Sec. 1-2.1 Purpose of article.

The purpose of this article is to establish land use regulations that define the legal status of nonconformance with LDC regulations, prohibit the expansion of any nonconformance, restrict activities that would make any nonconformance more permanent, and correct nonconformance to the extent practical. This article establishes specific provisions through which nonconforming uses, structures, lots and site conditions may be maintained, altered or reconstructed, and conditions under which the nonconformance is terminated.

Sec. 1-2.2 General conditions.

(a) Continuation. Lawfully established and maintained uses, structures, lots and site conditions that no longer comply with one or more land development regulations may continue in productive use as legal exceptions to those regulations only as prescribed by the nonconformance provisions of this article and related sections of the LDC. In allowing the continuation of such nonconformance it remains the intent of the LDC to prohibit the expansion and limit the alteration or reconstruction of nonconformities, and to discourage the continuation of those that are inconsistent with the purposes of applicable regulations. Where multiple nonconformities exist, each must comply with the provisions regarding their lawful continuation.

(b) Nonconformance status. Any nonconformance status of a use, structure, lot or site condition runs with the land and is not lost by changes of ownership, or management. However, once nonconforming status is lost, the use, structure, lot or condition shall comply with current LDC regulations. For the purposes of determining whether the right to continue a nonconformance is lost, all of the activities and structures on a lot are generally to be considered as a whole. For example, a unit vacancy in a nonconforming multi-tenant building does not result in the loss of the right to rent the unit if the use of the building as a whole is maintained.

(c) Burden of proof. The burden of proving the right to continue any nonconformance is on the person seeking to maintain the nonconformance. Evidence of lawful establishment and lawful continuance since establishment is required. In proving such a right, the casual, intermittent, temporary, or unlawful use of land or structures for any length of time is not sufficient to establish the existence of nonconformance. Rental, lease or tax payments are not considered proof of a continued use, and the voluntary disconnection of utilities shall be a means of establishing abandonment of the use of the subject site.

(d) Repairs and maintenance. Minor repairs to and routine maintenance of property where nonconformities exist are permitted and encouraged if such activities do not create or increase any nonconformance and are not otherwise prohibited by the LDC. Such repairs and maintenance may include non-structural interior and exterior alterations or improvements, and normal work necessary to keep a structure in sound condition. Additionally, no requirements of this section shall prevent the strengthening or restoration of a structure to a safe condition in compliance with the

lawful order of a public official. All work, however, remains subject to the Florida Building Code and the proper issuance of building permits.

(e) Historic structures. The correction of nonconformance for a bona fide historic structure shall not require measures that would preclude the structure's continued designation as a historic structure.

(f) Parcel modification. No parcel containing a nonconformity shall be divided, reduced, or otherwise modified if the modification would inhibit correction of the nonconformity.

(g) Loss of property to public use. Nonconformance resulting from governmental right-of-way acquisition or other dedication of private property to a public use shall have the same status as nonconformance resulting from amendments to land development regulations. Construction or reconstruction in response to such loss of property to a public use shall be according to current LDC provisions.

Sec. 1-2.3 Continuing nonconformance.

(a) Nonconforming uses. Lawfully established and maintained uses of land or structures that no longer comply with zoning district or other applicable use regulations of the LDC may continue subject to the following provisions which apply to the uses of both conforming and nonconforming structures, site conditions and lots:

(1) Loss of nonconformance status. The nonconformance of a use is lost when any of the following occur, regardless of whether the nonconforming use is maintained in conjunction with a conforming use:

a. Conversion. The use is converted to or replaced with a conforming use.

b. Voluntary discontinuance. The use is voluntarily discontinued for a continuous period of 12 months or more as may be verified by the requested termination of site utilities and similar evidence of voluntary discontinuation.

c. Involuntary discontinuance. The use is involuntarily discontinued for a continuous period of 18 months or more and no extension of the period has been granted by the Board of Adjustment (BOA) as prescribed in Chapter 2 of the LDC or by the lawful authority.

(2) Additions and alterations to structures. No additions which increase the area of either conforming or nonconforming uses shall be made to any structure occupied, in whole or in part, by a nonconforming use. And, except as allowed in the general conditions of this section, no alterations shall be made to such structures.

(3) Extension within a structure. A nonconforming use may be extended to occupy more floor area within the same structure it occupied when it became nonconforming, provided that no dwelling or lodging units are added, and that drainage, access, parking, landscaping, and all other site conditions are conforming or will be made conforming prior to the increased occupancy of the use.

(4) Expansion to other structures or land. Except as may otherwise be allowed in the LDC, a nonconforming use shall not be expanded or relocated, in whole or part, to occupy any other structures or land beyond that which it occupied when it became nonconforming.

(5) Operation of use. A nonconforming use shall not be operated in a manner that creates any new conflict or increases any existing conflict with any development standards of the LDC.

(6) Accessory uses. A use that is accessory only to a principal nonconforming use may not be continued after the principal use has been discontinued.

(7) Change to another nonconforming use. A nonconforming use of a structure or premises may be changed to another nonconforming use provided that all of the following conditions are met:

a. Alterations. No structural alterations are made to any structure used, and any other alterations made to a structure occupied by the new use conform to LDC requirements.

b. Appropriate use. The new use, including its customary accessory uses, is no less appropriate under all current LDC regulations than the use it replaces. The most restrictive zoning district in which the existing nonconforming use is permitted by right shall be the reference for evaluating the appropriateness of the new use.

c. Intensification. The new use shall not intensify or enlarge the basic use of the building or premises by increasing required parking, vehicular or pedestrian traffic, impervious ground cover, noise, dust or other adverse offsite impacts, or other indicators of use intensity and enlargement.

d. Restriction. Once changed to a more restrictive nonconforming use, the new use is not afterward changed to any less restrictive use.

e. Extension. The change does not result in an extension of a nonconforming use except within a structure as permitted in this section.

(b) Nonconforming structures. Lawfully established and maintained structures that no longer comply with height, setback, floor area ratio or other applicable regulations of the LDC may continue subject to the following provisions:

(1) Loss of nonconformance status. The nonconformance of a structure is lost when the structure is converted to or replaced with a conforming structure, or when it is substantially damaged, demolished or removed. With the exception of LDC airport and airfield requirements, when a nonconforming building is destroyed by fire or other casualty, or by act of God, its restoration to the same or lesser gross floor area is allowed when in conformance with current LDC site and building standards to the extent possible as determined by the Planning Official. Additionally, the continued use or occupancy of any undamaged portion of a nonconforming building existing at the time of the partial damage is allowed if the undamaged portion is determined by the appropriate authorities to be safe for the intended use or occupancy.

(2) Alterations and additions. A nonconforming structure, other than a sign, may be structurally altered, enlarged or extended through walled or unwalled additions only if the use of the structure is conforming and the alteration, enlargement or extension can be made without increasing the nonconformity of the structure.

(3) Moving. A nonconforming structure, other than a sign, may be moved in whole or part to another location within the same parcel only if the move decreases or eliminates nonconformity.

(c) Nonconforming lots. Lawfully established lots that no longer comply with the minimum area, minimum width, or other applicable regulations of the LDC may continue subject to the following provisions:

(1) Loss of nonconformance status. The nonconformance of a lot is lost when the lot is converted to a conforming lot.

(2) Availability of adjacent land. No structure shall be erected on any nonconforming lot that is deficient in area if the owner of the lot owns any adjoining vacant land which would create a conforming lot if combined with the deficient lot.

(3) Combination of lots. The Planning Official may permit the combination of nonconforming lots of record, in whole or part, into new lots less than the size requirements established by the LDC if the combination of lots reduces the degree of nonconformity and results in parcels which are capable of accommodating structures in conformance with the building area and setback requirements of the applicable zoning district.

(4) Less than minimum size. When a nonconforming lot of record can be used in compliance with all regulations applicable to the intended use, except that the lot is smaller than the minimum required for any use by the applicable zoning district, the lot may be used as proposed. However, no use for which the LDC requires a minimum lot size greater than the zoning district-wide minimum is permissible on the nonconforming lot.

(d) Nonconforming site conditions. Lawfully established site conditions, excluding uses, structures or lots, that no longer comply with applicable regulations of the LDC may continue subject to the following provisions:

(1) Loss of nonconformance status. The nonconformance of a site condition is lost when the condition is demolished, removed, or converted to or replaced with a conforming condition. This provision does not apply to restriping parking lots after surface resealing.

(2) Expansion. A conforming use located on a site with nonconforming conditions shall not be expanded unless the site conditions are brought into conformance with the provisions of the LDC.

(3) Relocation. No structure shall be relocated to a site with nonconforming conditions unless the site conditions are brought into conformance with the provisions of the LDC.

(4) Change of use. No existing structure located on a site with nonconforming conditions shall be changed from one zoning use classification to another use classification unless the site conditions are brought into conformance with the provisions of the LDC.

(5) Article 3 County Officials

Sec. 1-3.1 Purpose of article.

The purpose of this article is to establish the authority and duties of county officials, or to document the prior establishment of their responsibilities in other regulations, that are necessary to implement provisions of the LDC. This article identifies specific LDC authority and duties of the County Administrator, Planning Official, Building Official, and County Engineer.

Sec. 1-3.2 County Administrator.

The County Administrator is appointed by the Board of County Commissioners (BCC) to serve as administrative head of the county. The Administrator's authority and duties, prescribed by Florida Statutes and Chapter 2, *Administration*, Part I, Escambia County Code of Ordinances, include development of an administrative plan and enforcement of all LDC provisions to assure their full implementation.

Sec. 1-3.3 Planning Official.

(a) General. The Planning Official, an appointee of the County Administrator as designated in the adopted county administrative plan, has the following authority and duties in the implementation of the LDC:

(1) **Use determinations.** Make determinations concerning uses of land and structures, especially as to whether a particular use or activity, or class of uses or activities, or characteristic of a use or activity is of the same general character as those uses or activities identified in the LDC as permitted, conditionally permitted or prohibited.

(2) **Review and approval procedures.** Establish and maintain sufficiently detailed procedures to implement the LDC compliance review and approval processes prescribed in Chapter 3, except for those procedures identified as the responsibility of another administrative authority.

(3) **Approvals and permits.** Confirm the appropriate compliance review processes and administer reviews as required by the LDC to grant, grant with conditions, or deny applications for the use and development of land. Upon the required compliance documentation and approvals the Planning Official shall issue land use certificates, development orders, permits and other forms of county authorization.

(4) **LDC interpretations.** Make both general and specific interpretations on the proper application of LDC provisions according to the established rules of interpretation in Chapter 1. Interpretation responsibilities established here are limited to the provisions of the LDC and do not override the responsibilities prescribed by law or ordinance for other county officials or boards.

(5) **Map maintenance.** Maintain the accuracy of the county's official future land use category and zoning district maps. The maps can be made available to the general public through the county website and for purchase through the offices of

the Planning Official according to the fee schedule established by the BCC. Additionally, if uncertainty exists regarding the boundary of any mapped category or district the Planning Official shall determine the boundary according to the provisions in the LDC.

(6) Concurrency management. Provide assistance in regards to the county's concurrency management system for those public facilities that have adopted level of service standards.

(7) Monitoring Systems. Provide assistance in regards to the county's transportation and school facilities monitoring systems that have adopted level of service standards.

(8) Findings and recommendations. Review rezoning, variance, conditional use, text amendment, and other land use applications that proceed to the Board of Adjustment, Planning Board, or BCC and provide findings or recommendations to the boards according to the provisions of the LDC.

(9) Other duties. Perform other duties that may be designated by the LDC.

Sec. 1-3.4 Building Official.

The Building Official is appointed by the BCC to serve as the building codes administrator for the county. The official's authority and duties are prescribed by Chapter 14, *Buildings and Building* Regulations, Part I, Escambia County Code of Ordinances, and include enforcing the provision of the Florida Building Code, making interpretations of that code, and adopting policies and procedures to clarify the application of its provisions.

Sec. 1-3.5 County Engineer.

The County Engineer, has the following authority and duties in the implementation of the LDC:

(a) Standards and specifications. Within accepted standards of professional engineering practice, authorize modifications to specific engineering standards or specifications as specifically provided within the LDC or DSM.

(b) Engineering considerations. Advise the Planning Official regarding his final determinations on subdivision infrastructure construction and platting, interpretations of engineering standards and specifications, and on other engineering based considerations in development matters.

(c) Findings and recommendations. Make both general and specific comments on the proper application of DSM. Review responses established here are limited to the provisions of the LDC and DSM and do not override the responsibilities prescribed by law or ordinance for other county officials or boards. Provide findings or recommendations to the Planning Official according to the provisions of the DSM and LDC.

Sec. 1-3.6 Director of Community and Environment Department

The Director of Community and Environment Department shall set and execute the rules and regulations for administration for the Department of Community and Environment, subject to the approval and under the direction of the Board of County Commissioners. He/she shall be a classified employee of the County and shall have the powers to perform the duties provided for by this ordinance or as may be assigned by amendments hereto. He/she shall see that all laws and ordinances and rules and regulations are enforced.

> **Findings and recommendations.** Make both general and specific comments on the proper application of DSM. Review responses established here are limited to the provisions of the LDC and DSM and do not override the responsibilities prescribed by law or ordinance for other county officials or boards. Provide findings or recommendations to the Planning Official according to the provisions of the DSM and LDC.

Article 4 County Boards

Sec. 1-4.1 Purpose of article.

This article establishes the authority and duties of county boards, or to document the prior establishment of their responsibilities in other regulations, that are necessary to implement provisions of the Land Development Code (LDC). This article identifies the specific LDC authority and duties of the Board of County Commissioners (BCC), Planning Board (PB), Santa Rosa Island Authority (SRIA), and Board of Adjustment (BOA).

Sec. 1-4.2 Board of County Commissioners.

The Board of County Commissioners is the legislative and governing body of Escambia County with authority and duties prescribed by Florida Statutes.

Sec. 1-4.3 Planning Board.

(a) Authority and duties. The Planning Board is established by the Comprehensive Plan as the local planning agency (LPA) of Escambia County for the purposes established by Florida Statutes and additionally prescribed in the LDC. Accordingly, Planning Board members shall be informed and knowledgeable of the current conditions and development of the county. Board members shall also be familiar with county land development regulations, contemporary planning practices, and the rules of quasi-judicial proceedings. The board shall take action on all matters according to the requirements of the LDC, other applicable county ordinances, and state regulations as may be initiated by the board itself, the County Administrator, or the BCC. The Planning Board has the authority and duty for:

(1) Comprehensive planning. Prepare the Escambia County Comprehensive Plan or plan amendments, hold public hearings on the proposals, and make recommendations to the BCC regarding adoption. Additionally, monitor and oversee the status and effectiveness of plan implementation and recommend to the BCC any plan changes as maybe necessary.

(2) Land development regulation. Hold public hearings to review all proposed text amendments to the LDC and make recommendations to the BCC regarding approval, particularly as to consistency with the Comprehensive Plan and other provisions of the LDC.

(3) Quasi-judicial hearings. Hold quasi-judicial public hearings on proposed zoning map amendments (rezoning), vested rights, and planned unit developments (PUD), to review the established record of evidence in support of LDC criteria and make recommendations to the BCC regarding approval, particularly as to consistency with the Comprehensive Plan and LDC.

(b) Membership.

(1) Appointment. Each of the five County Commissioners shall appoint one member, and the BCC as a whole shall appoint two “at large” members. All seven will be voting members and must be approved by a majority vote of the

BCC. The Escambia County School Board shall appoint one *ex officio* member and the commanding officers of NAS Pensacola and NAS Whiting Field shall jointly appoint a second *ex officio* member. These two nonvoting members will provide the school district and military installations with the representation prescribed by Florida Statutes and interlocal agreement.

(2) Qualification. All appointees of the BCC must reside within Escambia County and none shall be a paid or elected employee of the county. All persons seeking appointment shall furnish a resume or *curriculum vitae* to the County Administrator and BCC demonstrating their qualifications to serve.

(3) Terms of service. Each member appointed by an individual commissioner shall serve a four-year term concurrent with their appointing commissioner, and the two at large members shall serve two-year staggered terms. The school board and Navy representatives shall serve until replacement by their respective appointing authorities.

(4) Removal and replacement. Any member appointed by an individual commissioner may be removed from office during his term by that commissioner, and any at large member may be removed by a majority vote of the BCC. Any voting member absent from four or more meetings within a 12-month period shall be removed by the BCC unless the absences are reported by the Planning Board chair as beyond the control of the absentee. The school board and Navy may replace their appointed representatives at any time and for any reason they determine appropriate. Any vacancy occurring during an unexpired term of a member shall be filled for the balance of the term according to the appointment and qualifications provisions applicable to that member.

(5) Officers. The voting members shall elect a chair and vice-chair from among themselves. Terms of the offices shall be for two years, with eligibility for reelection.

(c) Meetings. The board shall hold regular meetings for the consideration of business. Special meetings may also be held as the members may determine necessary, or at the call of the chair or Planning Official. All meetings shall be public and adhere to Florida Sunshine Law requirements.

(1) Quorum and vote. At least four of the seven voting members must be present to hold a meeting, and a majority vote of those present is required for any official action to be taken at the meeting.

(2) Procedure. The Planning Board shall follow its adopted rules of procedure for the transaction of its business consistent with the compliance review processes of the LDC and any other applicable county or state requirements. Any questions of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, as applicable.

(3) Records. Minutes shall be kept of all proceedings, showing the vote of each member on each question considered, or the fact of their absence or failure to vote. Minutes and other records of official actions shall be maintained in the offices of the Planning Official.

(d) Staffing and assistance. County planning staff shall assist in the work of the Planning Board by preparing agendas, publishing notices, posting signs, arranging meetings, distributing meeting minutes, and similar operational support. With the approval of the County Administrator the Planning Board may call upon any county offices for information and advice that it believes will aid its work. It shall be the duty of the offices to furnish such information and advice promptly. A reasonable amount of expenses for the board, such as professional services and legal advertisements, shall be paid by the county upon the approval of the County Administrator. However, no services may be contracted without prior approval of the BCC. The County Attorney's Office shall provide legal assistance to the Planning Board.

(e) Savings clause. At the request of a citizen, County staff, or a Planning Board member, the Planning Board may consider whether the code is lacking any needed provision or regulation and the Planning Board may then make a recommendation to the Board of County Commissioner regarding whether any amendments are warranted.

Sec. 1-4.4 Santa Rosa Island Authority.

(a) General. A special act of the 1947 Florida Legislature authorized the BCC to use that portion of Santa Rosa Island owned by Escambia County for purposes the BCC determined to be in the public interest. Additionally, the legislative act authorized and required the BCC to delegate to, and vest certain of its powers and authority in, a separate board - the Santa Rosa Island Authority (SRIA). The SRIA is charged with the general stewardship of Pensacola Beach and to protect the public interest in those resources that are unique to the county, state, and nation. More specifically, and within the scope of the LDC, the SRIA has the authority and duty for

(1) Land leasing. Lease Santa Rosa Island, in whole or parts, assuring that all such leases executed or renegotiated for the property under its authority are consistent with the Comprehensive Plan and LDC.

(2) Floodplain administration. Administer and enforce the floodplain management provisions of the LDC through the SRIA general manager as the authorized Floodplain Administrator for Pensacola Beach. As Floodplain Administrator, the general manager is specifically authorized and directed to administer and enforce the floodplain management regulations of the county on Pensacola Beach as prescribed in Chapter 4.

(3) Development review. Review development proposed on Pensacola Beach for compliance with executed leases and specific provisions of the LDC, authorizing development or providing recommendations to the Planning Official, Board of Adjustment, or Planning Board, as applicable, regarding their final actions on the development proposals.

(4) Quasi-judicial hearings. Hold quasi-judicial public hearings for Pensacola Beach properties to review established records of evidence in support of LDC criteria, and on the basis of those records to do the following:

a. Variances. Grant, grant with conditions, or deny applications for substantial hardship variances to the strict site-specific application of eligible LDC development standards.

b. Conditional uses. Grant, grant with conditions, or deny applications for conditional uses as identified within applicable zoning or other LDC provisions.

c. Zoning map amendments. Make recommendations to the BCC regarding approval of requested zoning map amendments (rezoning), particularly as to consistency with the Comprehensive Plan and LDC.

Sec. 1-4.5 Board of Adjustment.

(a) Authority and duties. The Board of Adjustment (BOA) is established and authorized by the BCC to review practical difficulties or undue hardships created by the strict application of land use regulations, and to grant relief according to the provisions of the LDC. However, the BOA is not granted legislative authority to substitute its judgment for that of the BCC, nor is it charged with the routine

administration of the LDC. The board shall uphold the meaning and intent of the LDC as enacted by the BCC. Accordingly, BOA members shall be informed and knowledgeable of county land development regulations and the rules of quasi-judicial proceedings. The BOA shall take action on all matters according to the requirements of the LDC, and all other applicable county ordinances and state regulations. Except as established for the SRIA, the BOA has the authority and duty to hold quasi-judicial public hearings, to review established records of evidence in support of LDC criteria, and to grant, grant with conditions, or deny applications for all of the following:

(1) Appeals. Appeals of orders, requirements, decisions, interpretations or determinations of administrative officials, including officials under the authority of the SRIA, regarding LDC compliance.

(2) Variances. Substantial hardship variances to the strict site-specific application of eligible LDC development standards.

(3) Conditional uses. Conditional uses as identified within applicable zoning districts or other LDC provisions.

(4) Extensions. Long-term extensions of LDC standard periods of compliance approval or inactive nonconformance.

(5) Temporary medical hardships. Temporary use of manufactured (mobile) homes or park trailers due to medical hardship.

(6) Other. Other approvals as may be specified by the LDC.

(b) Membership.

(1) Appointment. Each of the five County Commissioners shall appoint one member and the BCC as a whole shall appoint two “at large” members. All members must be approved by a majority vote of the BCC.

(2) Qualification. All appointees must reside within Escambia County and none shall be a paid or elected employee of the county. All persons seeking appointment shall furnish a resume or *curriculum vitae* to the County Administrator and BCC demonstrating their qualifications to serve.

(3) Terms of service. Each member appointed by an individual commissioner shall serve a four-year term concurrent with their appointing commissioner, and the two at large members shall serve two-year staggered terms.

(4) Removal and replacement. Any member appointed by an individual commissioner may be removed from office during his term by that commissioner, and any at large member may be removed by a majority vote of the BCC. Any member absent from four or more meetings within a 12-month period shall be removed by the BCC unless the absences are reported by the BOA chair as beyond the control of the absentee. Any vacancy occurring during an unexpired term of a member shall be filled for the balance of the term according to the appointment and qualifications provisions applicable to that member.

(5) Officers. The members shall elect a chair and vice-chair from among themselves. Terms of the offices shall be for two years, with eligibility for reelection.

(c) Meetings. The board shall hold regular meetings for the consideration of business. Special meetings may also be held as the members may determine necessary, or at the call of the chair or Planning Official. All meetings shall be public and adhere to Florida Sunshine Law requirements.

(1) Quorum and vote. At least four of the seven members must be present to hold a meeting, and a majority vote of those present is required for any official action to be taken at the meeting.

(2) Records. Minutes will be kept of all proceedings to provide a written record, including the meeting time, date and location, confirmation of public notification, participants, and official actions taken by the board. Minutes will record the vote of each member on each question considered, or the fact of their absence or failure to vote. Minutes and other records of official actions shall be maintained in the offices of the Planning Official.

(3) Procedure. The BOA shall follow its adopted rules of procedure for quasi-judicial hearings consistent with the application review processes of the LDC and any other applicable county or state requirements.

(d) Staffing and assistance. County planning staff shall assist in the work of the BOA by preparing agendas, publishing notices, posting signs, arranging meetings, distributing meeting minutes, and similar operational support. The office of the County Attorney shall act as legal advisor to the BOA. Additionally, the BOA is authorized to acquire from any county offices information and advice that it believes will aid its work. However, such requests shall be made through the County Administrator's office to ensure the proper allocation of resources and a timely response.

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DEVELOPMENT AND COMPLIANCE REVIEW

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Article 1 General Provisions

Sec. 2-1.1 Purpose of chapter.

(a) General. This chapter establishes county review requirements necessary to effectively document compliance with the Land Development Code (LDC) and authorize the use and development of land accordingly. The administrative authorities described in Chapter 1 evaluate LDC compliance of land uses and development activities. More specifically, this chapter is intended to:

(1) Identify county and applicant responsibilities in LDC development and compliance review.

(2) Provide public notice requirements.

(3) Establish criteria for the evaluation of variances, conditional uses, vested rights, LDC and Comprehensive Plan amendments, and other discretionary review processes.

(4) Provide a mechanism for appeals of county land use and development decisions.

Sec. 2-1.2 Purpose of article.

This article establishes general provisions that broadly apply to all LDC development and compliance review within the chapter. The compliance review applicable to specific land uses and development activities is prescribed in the remaining articles of this chapter.

Sec. 2-1.3 General compliance review provisions.

(a) Prior county approval required. No land use or development activity regulated by the LDC is allowed prior to obtaining all applicable county approvals according to the provisions of the LDC. No county administrative authority may approve uses, activities, or other actions that do not comply fully with the requirements of the LDC. Additionally, any time the LDC or other regulations require authorizations by the Planning Board, Board of Adjustment (BOA), Board of County Commissioners (BCC), or other local authorities prior to final county approval of an application, those authorizations shall be evidenced in advance of final approval and not deferred in a condition of that approval.

(b) Non-county approvals.

(1) General. State, federal, and other non-county entities, including homeowners associations, may also regulate, govern, or otherwise influence the use or development of land. It is solely the responsibility of each landowner, regardless of LDC compliance review, to determine whether other agencies or entities have jurisdiction or responsibilities in the use of their property or activities upon it and to adequately communicate with them. Although the county may approve a land use application, that approval does not constitute, advocate, or assure approval by any other entity, nor does the approval of another entity relieve a person of the need to obtain appropriate county approval.

(2) State and federal permits. As prescribed by Florida Statutes, the county may not require as a condition of 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.

(c) Applicable review. The Planning Official shall confirm the correct processes and direct applicants to the appropriate reviews prescribed by the LDC.

(d) Concurrent review. To assist applicants in coordinating and expediting all county review, land uses and development activities shall be reviewed for compliance with other applicable county land development regulations during LDC compliance review. Those other regulations include accessibility requirements, fire safety regulations, and applicable health and safety policies.

(e) Single-family lots. Any existing lot of record may have a single-family dwelling permitted on it regardless of how the lot was created, the condition or legal status of the access, or the minimum lot area or width required by the applicable zoning district.

(f) Comprehensive Plan limits. No permit may be issued for any development if it would cause any requirement in the Comprehensive Plan to be violated.

(g) Authority to determine LDC meaning. The Planning Official shall, upon request or initiative, review the meaning and intent of LDC provisions as applied by county review personnel and, with due regard to the stated purposes and requirements of the LDC, clarify or revise that meaning as needed. Where additional technical or specialized knowledge is necessary to make an accurate interpretation, the Planning Official shall rely on the recommendations of those personnel having such knowledge. The final decision of the Planning Official will be recorded and posted for informational purposes.

(h) Building code compliance. Although the LDC establishes setback, height, floor area ratio, and other land use regulations for structures and prescribes development standards for the sites they occupy, the review and approval of construction plans for structures shall be according to Part I, Escambia County building code. The construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of any building, structure, or facility or any appurtenances connected to such buildings, structures, or facilities shall be in compliance with the Florida Building Code. Site development plan approval is required to confirm LDC compliance, but separate review and approval is required to confirm building code compliance.

(i) Split jurisdiction. When a land use or development activity is proposed within the jurisdictional boundaries of the county and another governing body, such as the City of Pensacola, Santa Rosa Island Authority (SRIA), and Town of Century, an application for the use or activity must be submitted as required by both jurisdictions. Each governing body has exclusive jurisdiction to approve the use or activity within its boundaries unless the governing bodies having the jurisdictions agree that application to and compliance review by only one is mutually acceptable.

Sec. 2-1.4 General provisions of compliance review.

(a) General. The LDC establishes compliance review provisions to authorize land uses and development activities that comply with applicable LDC requirements. The procedures vary with the complexity of issues evaluated, but each requires: (1) an application for county approval, (2) an opportunity for public participation, (3) an evaluation of LDC compliance, (4) a final compliance determination, and (5) an opportunity to appeal that determination. The general requirements established in this section shall be combined with the specific requirements prescribed in the remaining articles of this chapter to obtain compliance review appropriate for the uses or activities proposed.

(b) Application. The applicant requesting approval of a land use or development activity regulated by the LDC shall initiate the appropriate compliance review action prescribed in this chapter by submission of a complete application for review according to the adopted procedures for the application. Those procedures and all necessary application forms, checklists, and schedules shall be available to the public by the reviewing authority. Guidance to assist applicants in meeting application requirements shall also be provided and obtained from the appropriate governing body.

(1) Pre-application inquiries. Prior to application for compliance review approval, representatives of the reviewing authority will be available to discuss with applicants any of the processes, regulations, and standards related to development objectives. Anyone unfamiliar with LDC requirements is strongly encouraged to consult the LDC and make sufficient inquiries to the county before submitting an application in order to avoid delays or penalties. As identified in this chapter, a meeting with review personnel is required for certain development review activities but are encouraged for all.

Applicants for any land use or development activity on Pensacola Beach property for which a pre-application meeting is not required shall consult with staff of the SRIA to review for any lease conditions that may affect the proposed use or activity.

(2) Authority to apply. The applicant for compliance review shall be the owner of the subject land or be appropriately authorized by the landowner to submit an application. Where a proposed use or activity involves multiple parcels, common ownership or similar unified authorization shall be documented. For Pensacola Beach leaseholds the applicant shall be the lessee or authorized by the same. Authority to apply may be confirmed through public records or other means established and appropriate for the specific approval requested. For all applications it remains solely the responsibility of the applicant to obtain valid authorization of the landowner.

(3) Fees. Where authorized by the BCC, payment of fees shall be required at the time of application or at the time the requested approval or other service is provided, according to the adopted procedures of the reviewing authorities.

(c) Final determination. The final determination on an application typically follows the applicant's final response to review comments or the conclusion of any required public hearing testimony. The time necessary for an application to conclude with a final determination varies with the reviewing authority and compliance review.

(1) Approval. Confirmation that a requested land use or development activity complies with all applicable LDC provisions is the issuance of a written document of final approval. At a minimum, the document shall identify the subject site, the action approved, the approving authority, the date and period of approval, and any site-specific conditions of the approval. Approval authorizes the applicant, subject to the continuing obligation of the approval terms and conditions, to commence the proposed use or activity. Use or activity other than that approved, or failure to comply with approval terms and conditions is a violation of the LDC and is subject to enforcement and the penalties prescribed.

(2) Approval conditions. The LDC establishes both general and specific conditions of approval and may authorize other reasonable conditions considered necessary to address impacts of approvals and carry out the purposes of the LDC. After final county approval, no new conditions can be imposed and no existing conditions can be removed except by the established appeal provisions. Additionally, except as required by Florida Statutes for requested zoning changes necessary to properly enact a proposed comprehensive plan amendment, no use or activity may be approved conditional to a proposed change in either the future land use category or zoning district. The following conditions apply to all approvals:

a. Substantial conformance. The implementation of an approval shall be in substantial conformance with the terms and conditions of the approval.

b. Compliance inspections. All approved development is subject to county inspections for compliance with the conditions of its approval, including any approved plan. All engineering designs shall require "as built" certification by a Florida registered professional engineer prior to final inspection.

c. Other approvals. All applicable state and federal permits shall be obtained before commencement of the approved development.

(3) Denial. For each application denied by the reviewing authority, the county shall inform the applicant in writing of the basis of the denial. Unless modified or overturned on appeal, a denial closes the original application. Any subsequent review for approval requires a new application and may incur a waiting period as set by department rules and procedures prior to any reapplication for substantially the same requested approval.

(4) Risk in proceeding. The decisions of approving authorities in the LDC compliance review are final unless overturned through a valid appeal process. The county shall issue authorizations for uses and activities according to the

decisions of these authorities. The applicant bears all risk in proceeding with an approved use or activity while the approval remains subject to appeal.

(5) Modification of approvals. It is unlawful to modify, amend, or otherwise deviate from an approval without first obtaining written authorization from the approving authority. Unless specifically established in the LDC or provided through a successful appeal, modification of an approval including its terms and conditions requires a new application for review. Approved uses or activities modified without authorization are subject to the penalties and increased fees specified by the BCC. No certificate of occupancy or similar acceptance of site conditions by the county shall be issued for any unauthorized land use or development activity. Modifications to approvals may be requested by the applicant as prescribed in this chapter, but requests for modifications to certified engineering designs shall only be accepted from the engineer of record and require approval by the County Engineer.

(d) Appeal. Any LDC compliance review applicant, or other aggrieved party as defined by Florida law, may appeal the decision of an administrative official or board in their administration of the LDC as prescribed in this chapter. Decisions subject to appeal include formal interpretations of LDC provisions by the Planning Official and the final approvals, conditions of approval, or denials of development applications. However, recommendations of administrative officials or boards in any matter are not subject to appeal. Avenues of appeal are as follows:

(1) County officials. A decision of a county official in his administration of the LDC may be appealed by application to the Board of Adjustment (BOA) for review within 15 days after the date of the official's decision according to the provisions for appeal of administrative decisions as prescribed in Article 6. Appeal of decisions made by the Building Official in his administration of the building code shall be according to the provisions of the Escambia County Code of Ordinances, Part I.

(2) Board of Adjustment. If the final determination of the BOA is denial, no new application for the same use on the same parcel can be accepted for review until at least 180 days from the date of the denial. A final determination of the BOA may be appealed by petitioning the circuit court for judicial review within 30 days after the date of the board's decision, and providing a copy of the petition to the clerk of the board. Appeal is limited to an applicant or to an adversely affected person who appeared before the BOA in the quasi-judicial hearing and asserted a position on the merits of the application.

(3) Santa Rosa Island Authority. The BCC may review and veto within thirty (30) days any substantive action taken by the SRIA involving changes in land use or the making or amending of commercial or developmental leases pursuant to Ch. 79-457, Laws of Florida."

(4) Planning Board. The recommendations of the Planning Board are not subject to appeal since they are the local planning agency's advice to the BCC.

(5) Board of County Commissioners. A BCC decision may be appealed by petitioning the circuit court for judicial review within 30 days after the date of the board's decision.

Article 2 Verifications and Confirmations

Sec. 2-2.1 Purpose of article.

This article establishes the review criteria necessary to verify or confirm lot conformance, name streets and assign addresses, confirm alcoholic beverage zoning compliance, confirm statutory vesting, interpret LDC meaning, and confirm land use compatibility. These verification and confirmation procedures are defined by the general provisions of Article 1 and the specific provisions of this article. They provide necessary documentation for the processes that grant such authorizations.

Sec. 2-2.2 Permitted land use.

(a) General. Verification of permitted land use is required to authorize any use or development of land regulated by the LDC. The procedure to verify land use is established to document the site-specific conformance of existing uses or potential new uses. Verification does not grant authorization to proceed with a land use or development activity, but is only a measure of the potential for a use or activity under the provisions of the LDC.

(b) Verification of allowable or permitted uses. Application for permitted land use verification shall be submitted for review to the Planning Official. The applicant shall provide the required information.

Sec. 2-2.3 Lot conformance.

(a) General. Verification of lot conformance is required to authorize the use and development of existing lots when they cannot be verified as valid lots of record. The provisions to verify conformance are established to document that an individual lot created and conveyed without prior documented compliance review and authorization is, nevertheless, a physically conforming lot. This provision is not a substitute for proper LDC compliance review and approval of the subdivision of land, and it is not an alternative means to create or establish a lot of record. Lot conformance verification is limited to lots that are used solely as the homestead of the owner-applicant who is not the owner of the parent parcel from which the lot was divided.

(b) Verification for lot conformance. Application for lot conformance verification shall be submitted for review to the Planning Official.

Sec. 2-2.4 Street names and addresses.

Street naming and address assignment is required to authorize the use and development of land. The application shall be submitted for review to the county Geographic Information System (GIS) office. The assigning of street names and addresses is to provide and document proper site identification necessary for the approval of land use applications and the subsequent provision of emergency response, postal delivery, utility connection, and other essential services. The verification or assignment of an address or the approval of a street name neither

provides nor assures any land use or development activity approval, vested right, or capacity allocation.

Sec. 2-2.5 Alcoholic beverage zoning.

Confirmation of alcoholic beverage zoning compliance is required by the State of Florida for licensing the sale or on-premise consumption of alcoholic beverages. Application for alcoholic beverage zoning compliance confirmation shall be submitted for review to the Planning Official. Any subsequently licensed sales shall comply with relevant provisions of the Escambia County Code of Ordinances.

Sec. 2-2.6 LDC interpretation.

(a) General. The Planning Official shall review and interpret any provisions of this Code for purposes of clarification or determination of meaning and intent. If questions should arise regarding the meaning, intent, or interpretation of any provisions, a review for interpretation can be requested by the applicant per the procedures set forth by the department. Interpretations or determinations made by the Planning Official shall be subject to review by the Board of Adjustment as an administrative appeal.

(b) Interpretation process.

Application. Application for interpretation of a LDC provision shall be submitted for review to the Planning Official. The applicant shall provide any authorized fees and the information required by the adopted interpretation procedures. That information shall include the following:

(1) Conditions. A description of the specific conditions to which the interpretation will apply.

(2) Prior meaning. The meaning of the provision previously provided by authorized county review personnel.

(3) Insufficiency or error. A description of how the prior meaning provided is thought to be insufficient or in error.

Sec. 2-2.7 Compatibility.

(a) General. To confirm that proposed land uses and development activities are compatible with adjacent uses or conditions, a review for compatibility is required for rezoning and may be necessary for certain types developments specified herein

(b) Confirmation for compatibility. Application for land use compatibility confirmation shall be submitted for review to the Planning Official.

Article 3 Land Disturbance Activities

Sec. 2-3.1 Purpose of this article.

This article establishes the review necessary to confirm LDC compliance and authorize site-specific land disturbance activities that are not evaluated separately by the other review procedures of this chapter. These land disturbance reviews are defined by the general provisions of Article 1 and the specific provisions of this article. They provide appropriate evaluations of activities that have the potential for producing adverse off-site impacts, especially regarding storm water, if not properly planned and managed. This article includes review for demolition of structures, work in county rights-of-way, removal of protected trees, and sand and aggregate use on barrier islands. Borrow pits and other site development, not limited to land disturbance activity, require compliance review according to the provisions of Article 4.

Sec. 2-3.2 General land disturbance.

(a) General. A general land disturbance permit is required prior to beginning any activity involving the clearing, cutting, excavating, filling, or grading of land, or any other activity that alters land topography or vegetative cover and is not authorized by the other land disturbance permits of this article. The purpose for authorizing general land disturbance is to assure that such activities, especially those with the potential to significantly change stormwater surface runoff patterns, comply with the stormwater management standards found in Chapter 5 of the LDC and in the Design Standards Manual Chapter 1(DSM). Such activities must not result in adverse impacts on adjoining properties, surface waters, environmentally sensitive lands, roadways, or drainage systems.

(b) Permit for land disturbance. Application for a general land disturbance permit shall be submitted for compliance review to the Planning Official.

Sec. 2-3.3 Pre-construction site work.

(a) General. If no building permit is required or a building permit has not been issued, a pre-construction site work permit is required to begin any land disturbance activity, except for single-family and two-family developments.

(b) Permit for pre-construction site work. Application for a pre-construction site work permit shall be submitted for compliance review to the Building Official.

Sec. 2-3.4 Construction in county right-of-way.

Unless construction in a county right-of-way is authorized by a residential driveway permit or other county approval, a county right-of-way work permit is required prior to disturbing the paved portion, or any area beneath the paved portion, of any county right-of-way; or prior to installing underground facilities in a county right-of-way; or prior to work, other than maintenance, on a driveway connection within a county

right-of-way. A permit is not required for work or improvements included within approved subdivision infrastructure construction plans or site development plans, or for any exempt activities identified by the procedure for making road cuts, within *Local Public Improvements*, Escambia County Code of Ordinances.

Sec. 2-3.5 Residential driveways.

A residential driveway permit is required prior to construction of any driveway connection from the lot of a single-family or two-family dwelling to any county street, paved or unpaved, unless the connection is to a street with curb and gutter and is constructed during the valid period of the building permit for the dwelling. A driveway permit is also required prior to any work, other than maintenance, on an existing residential driveway connection to a county street. Application for a residential driveway permit shall be submitted for compliance review to the Planning Officials**.**

Sec. 2-3.6 Removal of protected trees.

A tree removal permit is required prior to removing or otherwise causing unnatural decline by irreparable injury to any protected tree unless that activity is authorized through site development or other compliance review provisions of this chapter. The process to authorize the removal of a protected tree is established in the DSM.

Sec. 2-3.7 Sand and aggregate on barrier islands.

A sand and aggregate use permit is required prior to placement on Santa Rosa Island or Perdido Key of any sand, aggregate, or other construction or landscaping materials regulated by the LDC, regardless of any other land disturbance permits issued or other approvals granted through the LDC compliance review. The process to authorize the placement of these regulated materials is established in the Design Standards Manual, Chapter 2 (DSM) to prevent the importation, use, and relocation of red clay and other prohibited materials that tend to discolor, darken, or stain the natural white sands of those barrier islands.

Article 4 Site Development

Sec. 2-4.1 Purpose of article.

This article establishes the provisions necessary to confirm LDC compliance and authorize forms of site-specific development that propose more than land disturbance activities but do not include the subdivision of land. These site development review provisions are defined by the general provisions of Article 1 and the specific provisions of this article. They evaluate a wide range of land uses and development activities. This article includes major and minor review provisions for the establishment or change of uses and for the construction of structures and supporting infrastructure, whether principal or accessory, residential or non-residential, permanent or temporary. Site development plan approval is not a permit to construct any structure that is regulated by the Florida Building Code. If all the applicable regulations concerning the proposed project for a major or minor development are met, a Development Order shall be issued, with or without conditions, by the approving authority which shall be a continuing obligation to comply with the specifications of the plan and the terms and conditions of that approval.

Sec. 2-4.2 Site development review.

(a) Approval required. Any site development regulated by the LDC requires county review and approval of a major or minor site development plan, according to the provisions of this article, unless the development is evaluated by other compliance review provisions of this chapter or is specifically identified in the LDC as exempt from these processes. And, if site development is anticipated to occur in phases beyond the valid period of an individual site plan approval, review and approval of a master plan is advisable to secure certain development conditions prior to the separate review and approval of multiple phase plans. A representative from the Escambia County Area Transit (ECAT) will review the site development plan if applicable.

(b) Timing of building plan review. Although it may be advisable, it is not necessary for an applicant to delay the building construction plan compliance review until the site development plan is reviewed and approved. Once the building code compliance review begins, the applicant bears all risk in the possibility of a modification to the building construction plans required by a modification in the site development plans and the expense for review of revised and resubmitted construction plans.

(c) Documentation by site plan. Site development compliance review requires the submission of a site plan to provide standardized documentation of compliance with county land development regulations. The form and content of a site plan shall be appropriate to the documentation necessary for the proposed site changes. Once approved, the site plan also documents how completed site changes comply with approved changes. The wide range of site plan content identified in this section is an indication of the types of documentation that may be required for compliance review. In general, as much information as is reasonably necessary to document LDC compliance shall be required on a site development plan, increasing with the

complexity of site uses and improvements to be evaluated. The minimum information required for any specific compliance review process shall be according to the adopted procedures.

(1) Existing conditions. The compliance review of a land use or development activity must consider what is already on and around the site and any jurisdictional constraints. A site development plan shall document existing conditions that will likely affect or be affected by the use or activity, even conditions for which no change is anticipated. .

(2) Proposed changes. A site development plan shall document the temporary or permanent construction or placement of site improvements and other proposed changes to existing conditions. For a development constructed in phases, the plan shall document the sufficiency of each phase to comply with the LDC, without regard to uncompleted changes of the remaining phases.

(3) Supporting information. The effective documentation of existing conditions and proposed changes typically requires other supporting site information, along with a supporting checklist.

Sec. 2-4.3 Minor site development.

(a) General. Minor site plan approval is required to authorize those land uses or development activities categorized as a "minor site development" in this section. The process to approve a minor site development evaluates uses and activities that typically produce fewer and/or less complex LDC compliance conditions than major development. As a result, compliance usually requires less documentation and fewer resources to confirm. Minor review primarily verifies that the use is permitted, the lot conforms, structures are appropriately placed, site access is adequate, public facilities are provided, and no adverse off-site impacts are created.

(b) Categories of minor development. Minor site development is limited to the following categories:

(1) Single-family and two-family residential. Residential site development is a combination of single-family and two-family dwellings that results in no more than four dwelling units on a lot. The category includes all uses and structures customarily accessory to such dwellings, including fences, enclosures, swimming pools, carports, and portable storage containers, and the conversion of a non-residential building to a one- or two-family dwelling.

(2) Non-residential change of use. Change of use in which the site development changes any non-residential use of a non-residential structure or site to another non-residential use, provided that any additional trip generation is minor and modifications are limited to those of the minor non-residential and minor multi-family category in this section. For these purposes, minor trip generation corresponds to a less than a 25 percent increase in the minimum parking required by the applicable unmodified base parking ratios in Chapter 5 and the DSM.

(3) Temporary non-residential. Temporary establishment of a non-residential use or structure including portable storage containers, portable shelters, mobile

vending units, amusement structures, temporary constructions, sales offices, and other temporary uses and structures prescribed in Chapter 4.

(4) Minor non-residential and multi-family. Minor additions and modifications and accessory uses and structures for existing non-residential or multi-family development if the net increase in site impervious cover from all sources is less than 1000 square feet. Repeated additions of impervious surface constructed since the adoption of the LDC shall be combined for the application of this limit. Accessory uses include fences and signs.

(c) Approval process.

Checklists provided by the appropriate department will give the applicant quick and ready access to the requirements of this article.

Sec. 2-4.4 Major site development.

(a) General. Major site plan approval is required to authorize those land uses or development activities categorized as a "major site development" in this section. The process to approve a major site development evaluates uses and activities that typically produce greater or more complex LDC compliance conditions than minor development.

(b) Categories of major review. Major site development is limited to the following categories:

(1) Multi-family residential. Residential site development in which there are five or more dwelling units in any combination on a lot. This category includes uses and structures customarily accessory to multi-family developments, such as fences, swimming pools, carports, mail kiosks, maintenance sheds, and clubhouses when they are not eligible for review as minor site developments. The conversion of a non-residential building into a multi-family dwelling is included in this category.

(2) Residential change of use. Change of use in which the site development changes any residential use of a structure to any non-residential use, in whole or part. This category applies to any principal or accessory residential structure but does not apply to home occupations or home-based businesses as defined by the LDC.

(3) Major non-residential. New principal and accessory uses and structures not reviewed by any other non-residential review category.

(4) Master plans. Master plans for phased site development are intended to provide the developer with confirmation that the development is properly planned according to the regulations and standards of the LDC. The Master Plan ensures integration with the surrounding land uses and development and the sufficiency of the supporting infrastructure at the completion of each phase.

(5) PUDs. Planned Unit Development (PUD) submitted under the PUD provisions of Article 6.

If all the applicable regulations concerning the proposed project for a PUD are met, a Development Order shall be issued, with or without conditions, by the approving authority that shall be a continuing obligation to comply with the specifications of the plan and the terms and conditions of that approval.

(c) Approval process.

Checklists provided by the appropriate department will give the applicant quick and ready access to the requirements of this article.

Article 5 Subdivision

Sec. 2-5.1 Purpose of article.

This article establishes the review provisions to confirm LDC compliance and authorizes the subdivision of land. These subdivision review requirements are defined by the general provisions of Article 1 and the specific provisions of this article. They evaluate subdivisions to avoid the creation of lots with unnecessary constraints on their subsequent development, including inadequate access, buildable areas, potable water supply, sewage disposal, and fire protection. More specifically, this article includes review processes for minor subdivisions, master plans, preliminary plats, infrastructure construction plans, final recorded plats, and plat vacation. Subsequent development on individual lots created by a subdivision is evaluated and authorized through the applicable compliance review processes established in other articles of this chapter.

Sec. 2-5.2 Subdivision review and platting.

(a) Approval required. The division of a parcel of land into three or more lots requires county review and approval, unless the subdivision is specifically identified in the LDC as exempt. Prior to recording any final plat, review and approval of a preliminary plat with an infrastructure construction plan is required if infrastructure improvements are proposed. If subdivision construction and platting are to occur in phases, review and approval of a master plan are required prior to a separate review and approval of the individual phases.

(b) Exemptions from subdivision review. Exemptions from the subdivision compliance review of this article accommodate limited special conditions in the division of land.

(1) Boundary line changes. Conveyances of land that are executed to increase the size of adjoining parcels or resolve boundary line disputes and do not create additional parcels separate and apart from the existing parcels are not subject to the review unless proposed through a subdivision replat.

(2) Family conveyance. The subdivision of land for family conveyance does not need approval through the review of this article.

(3) Individual conforming lot. An individual lot verified as a conforming lot does not need approval through the subdivision review of this article.

(c) Replatting land. The proposed replatting of all or part of the land of a recorded plat shall follow the same review process as the initial subdivision platting.

Sec. 2-5.3 Minor subdivisions.

(a) General. Minor subdivision approval is a limited option for the subdivision of land where the final plat is not recorded in the public records of the county and is not subject to the platting requirements of Florida statutes. One of the requirements is that the supporting infrastructure is already in place. A minor subdivision shall fulfill all of the following criteria:

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

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

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

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

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

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

(b) Approval process.

Checklists provided by the appropriate department will give the applicant quick and ready access to the requirements of this article.

Sec. 2-5.4 Master plans.

(a) General. Master plans approval is required for any phased subdivision of land. A master plan is intended to provide the developer with confirmation that the subdivision is properly planned according to the regulations and standards of the LDC. The Master Plan ensures integration with the surrounding land uses and development and the sufficiency of the supporting infrastructure at the completion of each phase Master Plan approval vests the approved land uses and density, but it does not reserve development standards, guarantee buildable density, nor assure approval of any implementing plats or construction plans. Each implementing phase requires submission of a preliminary plat, construction plan, and final plat.

(b) Approval process.

Checklists provided by the appropriate department will give the applicant quick and ready access to the requirements of this article.

Sec. 2-5.5 Preliminary plats.

(a) General. Preliminary plat approval is required to map the proposed subdivision of land and to ensure the division of land meets all the land use regulations of the LDC.

(b) Preliminary plat can be submitted separate or at the same time the construction plans are submitted. The approved preliminary plat reserves the density applied for. Each phase of a subdivision requires submission of a preliminary plat.

(c) Approval process.

Checklists provided by the appropriate department will give the applicant quick and ready access to the requirements of this article.

Sec. 2-5.6 Construction Plans

(a) General. Construction plan approval is required to document the design of infrastructure to adequately serve the created lots. Infrastructure capacities will be allocated upon final development plan approval. The approval allows the construction of the subdivision infrastructure to proceed, but it does not allow development on the individual subdivision lots prior to the recording of a final plat, except for temporary uses as specifically provided in Chapter 4.

(b) Construction plans must be submitted within two years of the preliminary plat approval. Plans may be submitted concurrently with the preliminary plan, at the discretion of the applicant. If the construction plans show substantial deviations from the approved preliminary plat, the applicant must submit a revised preliminary plat prior to construction plan approval.

(c) Substantial deviations. Deviations shall be determined by the Planning Official and/or the County Engineer. Deviations may include but not limited to the following:

(1) Any increase in the number of lots proposed.

(2) Significant re-alignment of proposed roadway.

(3) Increased impacts to public services (sanitary sewer, potable water, solid waste.)

(4) Revised location of roadway connection to county road.

(d) Approval process.

Checklists provided by the appropriate department will give the applicant quick and ready access to the requirements of this article.

Sec.2-5.7 Final plats

(a) General. Final plat approval is required to map the proposed subdivision of land in compliance with the platting requirements of Florida Statutes, so that, upon its recording, all land shown on the plat that is a part of the subdivision is identified and may be conveyed by reference to the plat, including the dedication of rights-of-way and easements. The approval of a final plat allows the recording of the plat in the public records when its content and form are consistent with state and county requirements and with any applicable conditions of its approved preliminary plat and infrastructure construction plan.

(b) Application for the final plat. Applicants seeking final plat approval from the Board of County Commissioners shall submit their request to the Office of the Planning Official. Applications shall be submitted within two years of the date that the preliminary plat and construction plans were approved unless an extension is granted as provided in Chapter 2.

(c) Warranty agreement. Applicants seeking final plat approval shall warrant that all public subdivision improvements are built in accordance with approved construction plans and free from design, construction, material, and workmanship defects for a

period of two years from the date that the final plat is recorded. The applicant shall make the warranty on a form of warranty agreement published by the County.

(d) Incidental deficiencies. At the discretion of the County Engineer, final plats may be submitted to the Board of County Commissioners for approval with minor defects to public subdivision improvements that are determined to be incidental deficiencies. Incidental deficiencies are primarily cosmetic in nature and do not undermine the function or stability of the public subdivision improvements. Incidental deficiencies include but are not limited to the following:

(1) Cracked curbing or other cracked concrete that is not destroyed or displaced but still functions for the intended use.
(2) Minor ponding of water on asphalt, provided base failure is not evident.
(3) Minor settling of asphalt areas, provided base failure is not evident.
(4) Minor defects in stormwater pipe, provided installation is in accordance with the manufacturers' requirements.
(5) Ponds recharging at a slow rate, but still meeting regulatory requirements.
(6) Seed or sod that has failed to establish sufficient ground cover for final stabilization and erosion control.

Incomplete installation of street signs and pavement markings shall not be considered incidental deficiencies. If incidental deficiencies exist when the final plat is submitted for approval by the Board of County Commissioners, the applicant shall also include financial security with the executed warranty agreement.

(e) Acceptable forms of financial security. Financial security shall be in the form of a cash deposit or irrevocable letter of credit. The cash deposit shall be held in an interest-bearing account with withdrawals conditions upon approval of the County Administrator. Interest on cash deposits shall be retained by the applicant only if the applicant satisfactorily corrects all incidental deficiencies guaranteed by the deposit.

(f) Amount of financial security. If financial security is required, the applicant shall provide an estimate from the engineer of record for the cost to remove and replace all public subdivision improvements with incidental deficiencies. The amount of the financial security to be provided by the applicant shall be 150% of the cost estimate or $7,500, whichever is greater.

(g) Warranty inspection. The County shall inspect all warranted public subdivision improvements prior to the expiration of the two year warranty period and provide to the applicant a list of deficiencies noted during the inspection. The applicant shall remain responsible for correcting any deficiencies noted in the inspection even if the corrective action is not completed until after the expiration of the two year warranty period.

(h) Approval process

Checklists provided by the appropriate department will give the applicant quick and ready access to the requirements of this article.

(i) Recreational amenities.

For proposed subdivisions that are designed to utilize significant recreational amenities, including but not limited to a golf course, swimming pool, club house or tennis courts, the area designated for those uses shall be included in the final plat.

Sec. 2-5.8 Plat vacation.

(a) General. Plat vacation approval is required to vacate a subdivision plat in whole or part after the plat has been recorded in the public records of the county. The approval to vacate a final plat accommodates a replat or a return to acreage for the subject land, according to Chapter 177, Florida Statutes.

(b) Approval process.

Checklists provided by the appropriate department will give the applicant quick and ready access to the requirements of this article. (Ord. No. 2016-33,§ 1, 9-1-2016)

Article 6 Special Conditions and Circumstances

Sec. 2-6.1 Purpose of article.

This article establishes the review provisions necessary to consider and authorize limited development alternatives under conditions and circumstances not evaluated by the other provisions of this chapter.

Sec. 2-6.2 Review by quasi-judicial hearing.

Quasi-judicial hearings are required for final determinations on the following applications: appeals of administrative decisions, variances, conditional uses, substantial hardship variances and other reviews as prescribed within this article.

Sec. 2-6.3 Variance of LDC standards.

(a) General. An applicant may request a variance to specified provisions of the LDC.

A variance authorizes site use in a manner that is not otherwise allowed by the dimensional or physical requirements of the LDC, but a variance cannot authorize uses that are prohibited by zoning or remedy general hardship conditions that extend to other sites.

Minor variances of 20% or less that are of mutual benefit to the public and the applicant are evaluated by the Planning Official. All other variances shall be evaluated as substantial hardships through quasi-judicial public hearing review by the Board of Adjustment (BOA) or by the SRIA for Pensacola Beach properties.

Limits on variances. Variances are available and may be granted only for the LDC standards that specifically provide the option and only as allowed by the provisions of the LDC. No variances are available to any provisions of chapters 1, 2, or 6. Additionally, variances cannot be granted to any provisions that establish the allowable uses or densities in a zoning district or to any conditions of approval imposed by an approving authority.
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 only, without the need for further action by the BOA.

(b) General variance conditions. All variances shall satisfy the following conditions:

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

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

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

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

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

(6) The granting of the variance will be consistent with the general intent and purpose of the land development code and that such variance will not be injurious to the area or otherwise detrimental to the public welfare.

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

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

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

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

a. Exceptional conditions. There are exceptional conditions or circumstances that are unique to the land in question, not ordinarily found on other lands in the vicinity and not a result of the owner's intentional action. Unique conditions or circumstances include exceptional narrowness, shallowness, shape, or topographic conditions of the land or the presence of environmentally sensitive lands in or around the land.

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

(4) Final determination.

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

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

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

Sec. 2-6.4 Conditional uses.

(a) General. The LDC may conditionally allow other uses in addition to the permitted uses within each zoning district. Conditions that may justify conditional use approval are evaluated through quasi-judicial public hearing review by the Board of Adjustment (BOA), the Santa Rosa Island Authority (SRIA) for Pensacola Beach properties, or the Board of County Commissioners (BCC) for certain uses as noted in the applicable zoning district.

(b) Limits on conditional uses. Conditional uses are subject to the following limitations:

(1) Availability. Conditional uses are available and may be granted only to land for which that option is specifically provided by the applicable zoning district or other provisions of the LDC.

(2) Invalid reasons. Nonconforming, unapproved, or unlawful uses, structures, or conditions are not considered special conditions or other valid reasons for granting any conditional use.

(3) Site specific. A conditional use can only be granted based on a site-specific review of an individual lot of record or development parcel. Conditional uses are not available to subdivisions or other groups of individually developed lots.

(4) Multiple uses. If more than one conditional use is proposed, the conditions shall be addressed for each use.

(c) Conditional use provisions.

(1) Application. Application for conditional use approval shall be submitted for compliance review to the clerk of the reviewing board within the time period stated in the application. A pre-application meeting with staff for the board is recommended.

(2) Public participation. Hearings to consider a conditional use shall be open to the public. Prior to any hearing to consider a conditional use, the county shall provide reasonable notice to the public as required by Florida Statutes.

(3) Compliance Review. The reviewing board shall conduct the quasi-judicial public hearing to consider the requested conditional use. The applicant has the burden of presenting competent substantial evidence that establishes each of the following conditions:

a. General compatibility. The proposed use can be conducted and operated in a manner that is compatible with adjacent properties and other properties in the immediate area.

b. Facilities and services. Public facilities and services, especially those with adopted levels of service, will be available, and will provide adequate capacity to serve the proposed use consistent with capacity requirements.

c. On-site circulation. Ingress to and egress from the site and its structures will be sufficient, particularly regarding vehicle and pedestrian safety and convenience, efficient traffic flow and control, on-site parking and loading, and emergency vehicle access.

d. Nuisances and hazards. The scale, intensity, and operation of the use will not generate unreasonable noise, glare, dust, smoke, odor, vibration, electrical interference, or other nuisances or hazards for adjoining properties and other properties in the immediate area.

e. Solid waste. All on-site solid waste containers will be appropriately located for functional access, limited off-site visibility and minimal odor and other nuisance impacts.

f. Screening and buffering. Where not otherwise required by the LDC, screening and buffering will be provided if appropriate to the proposed use and site.

g. Signs and lighting. All exterior signs and lights, whether attached or freestanding, will be compatible with adjoining properties and other properties in the immediate area, especially regarding glare and traffic safety.

h. Site characteristics. The size, shape, location and topography of the site appear adequate to accommodate the proposed use, including setbacks, intensity, bulk, height, open space and aesthetic considerations.

i. Use requirements. The proposed use complies with any additional conditional use requirements of the applicable zoning district, use, or other provisions of the LDC.

(4) Final determination.

a. Action of board. If the reviewing board finds from the record of the hearing that the applicant has presented competent substantial evidence proving the required conditions, the board shall grant a conditional use, unless the board finds from the evidence presented that granting the conditional use will be adverse to the public interest.

b. Period of valid approval. A conditional use approval is valid for a period of four years from the date of approval. If within that period the conditional use is not part of an approved site development application or one continuing in good faith review as determined by the Planning Official, the conditional use approval expires and is void. No extension of the initial approval is available. However, once the conditional use is part of an approved site development plan, the conditional use approval will remain valid through the approved plan.

c. Other conditions of approval. In granting a conditional use, the reviewing board shall have the authority to attach any conditions directly related to the use as the board may find necessary for satisfaction of the conditional use conditions and preservation of the intent of the applicable zoning district. Such conditions include setbacks, height, impervious cover, total floor area, building orientation, screening, buffering, site signage and lighting, and hours of operation.

(Ord. No. 2015-18, § 1, 6-25-15)

Sec. 2-6.5 Extensions of review, approval, and use periods.

(a) General. The LDC requires good faith efforts in adhering to its established periods, but extension of an eligible LDC time limit may be requested according to the provisions of this section whereby a landowner asserts that the limit does not anticipate legitimate delays in compliance. However, no applicant is automatically entitled to any extension. Short-term (6 month) extensions are evaluated by the Planning Official, and longer extensions (one year) shall be evaluated through a quasi-judicial public hearing review by the BOA. These extension processes allow additional time for concluding the compliance review, developing an approved use, and continuing or reestablishing some uses.

(b) Limits on extensions. Extensions to LDC periods are subject to the following limitations:

(1) Availability. Extensions are available and may be granted only for LDC periods that specifically provide that option, only if a complete application for the extension was submitted prior to the expiration of the period for which the extension is requested, and only as otherwise allowed by the provisions of the LDC.

(2) Approving authority. Extensions to any period not required by the LDC but imposed as a condition of approval by an approving authority cannot be granted by another approving authority.

(3) Individual and multiple limits. An extension can only be granted based on a specific review of an individual period. If an extension of more than one period is requested, the extension criteria shall be evaluated for each limit.

Sec. 2-6.6 Medical hardship temporary use of manufactured homes.

(a) General. Temporary placement of a manufactured (mobile) home or park trailer may be requested according to the provisions of this section when a landowner asserts that existing medical conditions require in-home care and an accessory dwelling to reasonably provide it. The manufactured home may be placed within any mainland zoning district to remedy a medical hardship according to the temporary use provisions of Chapter 4, regardless of the density limits of the applicable zoning. The requirements to grant the temporary use of a manufactured home or park trailer as an accessory dwelling to provide in-home medical care is considered by the BOA in a quasi-judicial hearing whether conditions warrant such use.

(b) Medical hardship temporary use

(1) Application. An application for approval of the medical hardship temporary use of a manufactured home or park trailer shall be submitted for compliance review to the clerk of the BOA within the time frame provided in the application. A pre-application meeting with staff for the board is recommended. The applicant shall provide any authorized fees and the information required by the adopted medical hardship temporary use procedures. That information shall include a general site plan showing the proposed location of the manufactured home in relation to other site improvements and conditions and other documentation satisfying the medical hardship temporary use conditions established in this section.

(2) Public participation. Prior to any hearing to consider the medical hardship temporary use of a manufactured home or park trailer, the clerk of the BOA shall provide adequate public notice.

(3) Compliance review. The BOA shall conduct a quasi-judicial public hearing as noticed to consider the requested medical hardship temporary use of a manufactured home or park trailer according to the provisions of this article. The applicant has the burden of presenting competent substantial evidence to the board that establishes each of the following conditions:

a. Certified need. A Florida-licensed physician certifies in writing the medical need, specifying the extent of the need for in-home medical care and the approximate length of time for such in-home medical care.

b. Minimum necessary. Conditions and circumstances make it difficult or impossible for the recipient and provider of medical care to reside in the same dwelling and the temporary accessory dwelling is the minimum necessary to provide relief of that medical hardship.

c. Adequate public services. The manufactured home or park trailer will have adequate water, sewer, solid waste removal, and electric services available.

d. Compatibility. The temporary use will not produce adverse impacts on the uses of surrounding properties.

e. **Standard conditions.** The temporary use can comply with the applicable standards of Chapter 4.

(4) Final determination.

a. **Action of board.** If the BOA determines from the established record of the hearing that there is a compelling demonstration by the applicant of competent substantial evidence proving the required conditions, the board shall grant the temporary use of a manufactured home.

b. **Period of valid approval.** Approval of the medical hardship temporary use of a manufactured home or park trailer is valid for a period of one year from the date of approval. If within that period the temporary use is not part of an approved site development application or one continuing on good-faith review as determined by the Planning Official, the temporary use approval is void. Once the temporary use is part of an approved site development plan, however, the use approval will remain valid through the approved plan.

c. **Period of use.** The medical hardship temporary use of a manufactured home or park trailer is initially limited to two years from the date the certificate of occupancy for the home is issued. An extension to the period of use may be granted for a continuing medical need according to the extension provisions of this article. However, regardless of any extensions granted, whenever the medical hardship ends, the approval of the temporary placement and use of the manufactured home are void.

d. **Other conditions of approval.** In granting temporary use of a manufactured home or park trailer, the BOA shall have the authority to attach any conditions directly related to the use as the board may find necessary for protection of the general public, satisfaction of the temporary use criteria, and preservation of the intent of the applicable zoning district. These conditions are in addition to any use-specific standards prescribed by Chapter 4 for the temporary placement of a manufactured home.

Sec. 2-6.7 Vested rights.

(a) General. It is the intent of this section to provide a mechanism for the granting of an equitable vested right according to the provisions of this section when a landowner asserts that sufficient development activity, once lawful under applicable land use regulations but now contrary to their terms, has occurred so that the landowner is entitled to a development right.

(b) Application. Application for vested rights approval shall be submitted to the clerk of the Planning Board no later than 12 months following any act or omission on the part of the county that the landowner discovers and asserts as the basis for a vested right, or no later than 12 months following written county notification to the landowner of the need to apply for a determination, whichever occurs sooner.

(c) Public Participation. Prior to any hearing to consider a vested right, the clerk of the Planning Board shall provide adequate provide adequate public notice.

(d) Compliance review. The Planning Board shall conduct a quasi-judicial public hearing to consider the requested vested right according to the provisions of this article. The Planning Board shall adopt a recommendation to the BCC for vested right approval, approval with conditions, or denial based on the hearing record of evidence.

(e) Criteria for vested rights determination. 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.

(f) Limitation on vested rights. A determination of vested rights shall expire and be null and void unless construction of improvements, if any, are commenced pursuant to a development order within 18 months after the issuance of the determination of vested rights.

Sec. 2-6.8 Planned Unit Developments.

(a) General. Planned unit development (PUD) is an optional and supplemental compliance review process for the subdivision of land. It allows flexibility in LDC requirements to encourage greater creativity in land use planning and design for the mutual benefit of developers and the public. The intent of the PUD is to obtain benefits not anticipated by the strict application of zoning district regulations and subdivision standards, and not available by other variance processes. For the private gain of greater design flexibility, developers are required to provide greater public benefits through permanently preserved common open space, infrastructure improvements, accommodation of environmental and aesthetic features, and other permanent site improvements and amenities benefiting public health, safety and

welfare. Proposed PUD is evaluated first through a quasi-judicial public hearing by the Planning Board and then by the Board of County Commissioners (BCC)

(b) Limits on PUD. Planned unit development can be used to mix land uses, provide broader housing choices, and allow more compact development through specific height, area, yard, size and use requirements that are different in any or all respects from those required by the applicable zoning district, or subdivision design standards different from those prescribed in Chapter 5. Planned unit development is allowed for subdivision within any zoning district or future land use category, but it is subject to the following limitations:

(1) Land uses. Land uses may vary from the specific uses allowed by the applicable zoning district, but they shall comply with the range of allowed uses within the applicable future land use category.

(2) Density. The number of dwelling units shall not exceed the density allowed by the applicable future land use category or zoning district.

(3) Other processes. The PUD process supplements but does not replace other applicable compliance review processes of the LDC, including those for approval of preliminary plats, construction plans, and final plats.

(4) Standards. The PUD process shall not modify any level of service standards for adequate public facilities or standards for accessibility, life safety, or health

(c) Application. An application for PUD approval shall be submitted to the clerk of the Planning Board within the time frame provided in the application. A pre-application meeting with staff is recommended.

(d) Public participation. Prior to any hearing to consider a PUD, the clerk of the Planning Board shall provide adequate public notice.

(e) Compliance review. The Planning Board shall conduct a quasi-judicial public hearing as noticed to consider whether conditions warrant the proposed modifications and make recommendations regarding the proposal to the BCC and for them to consider and act on those recommendations.

(f) Criteria for PUD approval. The applicant has the burden of presenting competent substantial evidence to the board that establishes each of the following conditions for the PUD:

(1) Creative Planning. Uses and structures are arranged in a manner that demonstrates creative concepts of land use planning throughout the development area. Residential uses include a complementary and sustainable mix of dwelling unit types or mix with non-residential uses.

(2) Natural amenities. Clustering, setbacks, easements and other methods are utilized to preserve to the greatest extent practicable the natural amenities and characteristics of the land, including open space, topography, natural vegetation, groundwater recharge, waterways, and scenic views. Deficiencies in natural amenities are supplemented through landscaping and other enhancements.

(3) Desirable environment. A more desirable environment in which to live or work is created than would be possible through the strict application of the minimum requirements of the LDC. Common open space area is within reasonable walking distance of all dwelling units in the development.

(4) Mobility. Internal circulation systems promote both pedestrian and vehicular mobility, especially between residential areas and local public open space, schools, retail sales and services, and employment. Sidewalks are located on at least one side of every street to support safe pedestrian mobility within the development and appropriate access to surrounding uses.

(5) Efficient land use. An efficient use of land results in smaller networks of streets and utilities. If street rights-of-way are proposed to be less than standard width, easements will provide adequate space to install and maintain utilities.

(6) Compatibility. The development is compatible with surrounding areas and provides stable conditions and character to maintain long-term compatibility.

Sec. 2-6.9 Statutory development agreements.

At the request of an applicant or the county, a voluntary development agreement may be entered into that would vest certain conditions agreed to by both parties according to the requirements of Florida Statutes. The form of the development agreement shall be approved through the County Attorney's Office. The Planning Board shall conduct the first of two public hearings required by law. The BCC shall conduct the second public hearing, with final adoption of the development agreement requiring a majority vote of the BCC.

Section 2-6.10 Appeal of Administrative Decisions

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

(b) Appeal process. Conditions that may justify modification of administrative decisions are evaluated through quasi-judicial public hearing review by the Board of Adjustment (BOA).

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

a. Decision appealed. A copy of the written administrative decision to be reviewed on appeal.

b. LDC reference. Identification of the specific LDC provisions for which noncompliance is alleged.

c. Alleged error. A description of how the decision of the administrative official is considered arbitrary or capricious.

d. Conditions. Documentation satisfying the conditions established in the compliance review provisions of this section.

e. Remedy. A description of the proposed remedy.

f. Other information. Any other pertinent information the applicant wishes to have considered.

(2) Public participation. Hearings to consider an appeal of administrative decision shall be open to the public. Prior to any hearing to consider an appeal of administrative decision, the county shall provide reasonable notice to the public as required by Florida Statutes. Although the hearing before the BOA is open to the public, only those person or entities with "standing" will be allowed to present testimony or other evidence during the hearing. Persons with standing include:

a. The applicant or other person who received the complained of adversed decision from the county administrative official.

b. Those persons who are third parties to the administrative decision and who suffer an adverse impact that differs in kind (as opposed to degree) to any adverse impact suffered by the community as a whole.

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

a. Arbitrary or capricious. The decision of the administrative official was neither required nor supported by the Comprehensive Plan or the LDC and was therefore arbitrary or capricious.

b. LDC noncompliance. The specific LDC provisions identified in the appeal application are appropriate to the decision and the decision was not in compliance with those provisions.

c. Adverse impact. The applicant's property will suffer an adverse impact as a result of the decision if it is not modified.

d. Protected interest. The adverse impact is to a specific interest protected or furthered by the LDC or Comprehensive Plan.

e. Greater impact. The adverse impact adversely affects the applicant in a greater degree than any adverse impact shared by the community at large; and, if the applicant is a third party to the decision, the adverse impact peculiar to the applicant differs in kind (as opposed to degree) to any suffered by the community as a whole.

(4) Final determination.

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

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

Ord. No. 2015-18, § 2, 6-25-15)

Article 7 LDC and Comprehensive Plan Amendment

Sec. 2-7.1 Purpose of article.

This article establishes the review necessary to consider and authorize both map and text amendments to the Land Development Code (LDC) and Comprehensive Plan. These LDC and Comprehensive Plan amendment reviews are defined by the general provisions of Article 1 and the specific provisions of this article. The reviews are predominantly discretionary and provide opportunities to modify county land development goals, objectives, policies, and regulations within the limits prescribed by Florida Statutes. More specifically, this article includes review for amendment of the LDC zoning map (rezoning), the Comprehensive Plan future land use map (FLUM), and text amendments to the provisions of both the LDC and Comprehensive Plan.

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

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

(b) Zoning map amendment (Rezoning application)

(1) Application. An application for a rezoning shall be submitted to the clerk of the Planning Board at least 30 business days prior to the scheduled board meeting. If the application concerns property under the jurisdiction of the Santa Rosa Island Authority (SRIA), the application shall be submitted to the clerk of the SRIA at least 30 business days prior to the scheduled board meeting. A pre-application meeting of the applicant with the staff for the board is recommended to discuss the process and review county and applicant responsibilities.

(2) Public participation. Hearings to consider a rezoning application shall be open to the public. Prior to any such hearing, the clerk of the reviewing board shall provide reasonable notice to the public as required by Florida Statutes and the Comprehensive Plan.

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

(4) Approval conditions. The applicant has the burden of presenting competent substantial evidence to the reviewing board that establishes each of the following conditions:

a. **Consistent with Comprehensive Plan.** The proposed rezoning is consistent with the goals, objectives, and policies of the Comprehensive Plan and not in conflict with any of its provisions.
b. **Consistent with LDC.** The proposed rezoning is consistent with the stated purposes and intent of the LDC and not in conflict with any of its provisions.
c. **Compatibility.** All land uses, development activities, and conditions allowed by the proposed zoning are compatible with the surrounding conforming uses, activities and conditions and are able to coexist in relative proximity to them in a stable fashion over time such that no use, activity, or condition negatively impacts another. The appropriateness of the rezoning is not limited to any specific use that may be proposed but is evident for all permitted uses of the requested zoning. This condition shall not apply to any conditional uses of the proposed district or compatibility with nonconforming or unapproved uses, activities, or conditions.
d. **Changed conditions.** The area to which the proposed rezoning would apply has changed, or is changing, to such a degree that it is in the public interest to encourage new uses, density, or intensity in the area through rezoning.
e. **Development patterns.** The proposed rezoning would contribute to or result in a logical and orderly development pattern.
f. **Effect on natural environment.** The proposed rezoning would not increase the probability of any significant adverse impacts on the natural environment.

(5) Board Action. When the reviewing board finds from the record of the hearing that the applicant has presented competent substantial evidence establishing the required conditions, the board shall recommend approval of the rezoning request to the BCC, unless the board determines that maintaining the current zoning will prevent the following:

a. **Premature development or sprawl.** The land uses and development activities allowed by the proposed rezoning are premature, or the rezoning would likely create or contribute to an urban sprawl pattern of development more than the current zoning.
b. **Isolated districts.** The proposed rezoning would create or contribute to an isolated zoning district that is neither related to the adjacent and nearby zoning districts nor an appropriate transition between them.
c. **Intrusion of non-residential uses.** The proposed rezoning would allow an intrusion of commercial or industrial uses into a platted residential subdivision or other established residential area more than the current zoning.
d. **Property value impacts.** The land uses, development activities and conditions allowed by the proposed rezoning would likely result in significant adverse impacts upon the property values of adjacent properties or those in the immediate area more than the types of use, activities, and conditions permitted by the current zoning.

e. **Nuisance-based impacts.** The land uses, development activities and conditions allowed by the proposed rezoning would likely adversely impact the character of existing development or 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 more than the types of uses, activities and conditions permitted by the current zoning.

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

(7) Appeals. Actions by the BCC adopting, rejecting, or modifying the recommended rezoning of the reviewing board are final. Any party seeking judicial review of the final determination shall do so according to the general provisions of Article 1. Additionally, written notice of the filing of any such petition for judicial review shall be promptly provided by the petitioner through the county to each owner of real property with any portion within a 500-foot radius of the rezoning subject property. (Ord. No. 2015-35, § 1, 9-3-2015)

(c) LDC Text amendment provisions.

Changes to the text of the LDC set policy and are legislative in nature. The requirements to approve a text amendment are established for the Planning Board to make recommendations to the BCC regarding whether requested changes to LDC text are necessary and appropriate and for the BCC to consider and act on those recommendations. The text amendment process does not amend the content of zoning district maps, technical standards, and other maps or documents adopted by reference within the LDC.

(1) Application. Where a text amendment is requested by petition to the Planning Board, application shall be submitted for compliance review to the clerk of the Planning Board at least 30 business days prior to the scheduled board meeting. A pre-application meeting of the petitioner with staff for the board is recommended to discuss the process and review county and petitioner responsibilities.

(2) Public participation. Prior to any meeting to consider a text amendment, the clerk of the Planning Board shall ensure public notice consistent with Florida Statutes and the Comprehensive Plan.

(3) Compliance review. The Planning Board shall consider a requested text amendment during the noticed meeting of the board and determine any subsequent action. If the text is to be evaluated as an amending ordinance, the board shall conduct a public hearing. At the conclusion of the hearing the Planning Board shall adopt a recommendation to the BCC for adoption, adoption with modification, or rejection of the amendment.

a. **Planning Official's evaluation.** For any amending ordinance, or as may be requested by the Planning Board for any other text amendment proposal, the Planning Official shall review and evaluate the proposal according to the required amendment conditions. The evaluation shall be provided to the Planning Board for consideration with the proposed text amendment.

b. **Recommendation to BCC.** For any amending ordinance, the clerk of the Planning Board shall forward the board's recommendation to the BCC for consideration in a public hearing at the next available scheduled meeting of the BCC. The clerk of the Planning Board shall ensure public notice of the BCC hearing consistent with Florida Statutes and the notice required for hearings of the Planning Board.

(4) Final determination. The BCC shall consider the amending ordinance at a public hearing as noticed and adopt, modify, or reject the recommendation of the Planning Board. At its discretion, the BCC may return the amending ordinance to the board with instructions for modifications. If the amending ordinance is returned for modifications, the Planning Board shall hold another public hearing for the purpose of considering any revisions. The hearing shall be at a scheduled meeting of the Planning Board, with public notice the same as that provided for the initial hearing. Within the time requested by the BCC, the Planning Board shall resubmit the amending ordinance with any revisions it may propose for BCC consideration. The clerk of the Planning Board shall again ensure proper public notice of the hearing at the next available scheduled meeting of the BCC. In the hearing, the BCC shall again consider the amending ordinance for adoption, modification, or rejection.

(d) Consistency with Comprehensive Plan. A challenge by a substantially affected person of any LDC regulation on the basis that it is inconsistent with the Comprehensive Plan shall be made according to the administrative review provisions of Florida Statutes.

Sec. 2-7.3 Comprehensive Plan future land use and text amendments.

(a) General. All provisions of the Comprehensive Plan are established, modified, or repealed by ordinance of the Board of County Commissioners (BCC). Future land use map (FLUM) and text amendments may be proposed by the county or others according to ordinance enactment and plan amendment procedures prescribed by Florida Statutes and the provisions of this section. Since any Comprehensive Plan amendment is a change in the foundational growth management plan guiding county economic growth, land development, resource protection, and the provision of public services and facilities, significant opportunities for public participation are provided.

(b) Applicant expenses and responsibilities. Any person requesting consideration of an amendment to the Comprehensive Plan shall be responsible for all costs and supporting information associated with preparation of the request that may be required by the county or the state.

(c) State review. A Comprehensive Plan amendment adopted by the BCC shall follow the applicable state statute. An amendment qualifies as a small scale if it is less than ten acres in size or a large scale if it is greater than ten acres in size.

(d) Amendment requirements. Amendments to both the text and the future land use map of the Comprehensive Plan functionally set policy and are legislative in nature. The requirements to approve a comprehensive plan amendment are established for the Planning Board to make final recommendations to the BCC regarding whether requested amendments to the Comprehensive Plan of the county are necessary and appropriate and for the BCC to consider and act on those recommendations.

(1) Application. An application for a Comprehensive Plan amendment approval shall be submitted for compliance review to the clerk of the Planning Board at least 30 business days prior to the scheduled board meeting. A pre-application meeting of the applicant with staff for the board is recommended to discuss the process and review county and applicant responsibilities.

(2) Public participation. Prior to any hearing to consider a comprehensive plan amendment, the clerk of the Planning Board shall ensure public notice consistent with Florida Statutes and the Comprehensive Plan.

(3) Compliance review. The Planning Board shall consider a requested Comprehensive Plan amendment during the noticed meeting of the board and determine any subsequent actions. At the conclusion of the hearing, the Planning Board shall adopt a recommendation to the BCC for adoption, adoption with modification, or rejection of the amendment.

a. General amendment conditions. All amendments to the Comprehensive Plan shall demonstrate the following general conditions, allowing that where an amendment is imposed by a state or federal requirement it need only demonstrate the conditions to the greatest extent practicable under that requirement:

1. Need and benefit. There is an identified land use need particular to the scope and function of the Comprehensive Plan for which an amendment is clearly warranted.

2. Professional practices. The proposed amendment applies contemporary planning principles, engineering standards, and other professional practices to provide an effective and efficient remedy for the identified land use problem or need.

b. FLUM amendment conditions. In addition to the general amendment conditions, a future land use map amendment shall be based upon analyses by Florida Statute.

c. Comprehensive Plan text amendment. A comprehensive plan text amendment shall demonstrate any applicable governing regulations.

d. Planning Official's report. For any amending ordinance, or as may be requested by the Planning Board for any other amendment proposal, the Planning Official shall review and evaluate the proposal according to the

required amendment conditions. The evaluation shall be provided to the Planning Board for consideration with the proposed text amendment.

e. **Recommendation to BCC.** For any amending ordinance, the clerk of the Planning Board shall forward the board's recommendation to the BCC for consideration in a public hearing at the next available scheduled meeting of the BCC. The clerk of the Planning Board shall ensure public notice of all BCC hearings regarding the amendment consistent with Florida Statutes and the notice required for hearings of the Planning Board.

(4) Final determination. Requirements for a final determination on a proposed Comprehensive Plan amendment shall be as prescribed by Florida Statutes and summarized in the following actions:

a. **Initial action of BCC.** The BCC shall consider the amending ordinance at its noticed public hearing and accept, modify, or reject the recommendation of the Planning Board. The initial hearing of the BCC shall be for transmittal if the amendment is following the expedited state review or state coordinated review process. If the amendment qualifies as small in scale, the initial hearing shall be the adoption hearing for the ordinance.

b. **Initial transmittal.** If approved by the BCC at the initial public hearing, an amendment following the expedited state review or state coordinated review process shall be transmitted with appropriate supporting data and analysis to the state land planning agency and other reviewing agencies for comment.

c. **Response of BCC.** After county receipt of reviewing agency comments the BCC shall hold a second noticed public hearing within the time prescribed by statute to consider adoption of the ordinance. At the hearing the BCC shall adopt, modify, or reject the amending ordinance. Failure to timely hold a second hearing shall be considered withdrawal of the amendment.

d. **Adoption transmittal.** If approved by the BCC at a public hearing, the county shall transmit the adopted amendment and appropriate supporting data and analysis to the state land planning agency and any other reviewing agencies that provided timely comment. An adopted amendment becomes effective no sooner than the minimum time after adoption prescribed by statute. If timely challenge, an amendment does not become effective until the state issues a final order determining compliance.

e. **Landowner dispute resolution.** If the county denies a landowner's request for an amendment to the comprehensive plan that is applicable to the owner's land, the county must afford the owner an opportunity for informal mediation or other alternative dispute resolution as required by Florida Statutes.

Article 8 Manual and Procedures

Sec. 2-8.1 Purpose of article.

The County has established and adopted procedures, standards and guidelines to work in conjunction with the LDC in the form of supplemental manuals. The intent and purpose of this section is to provide procedures and general standards for use in the development and management of the supplemental manuals.

The supplemental manuals, which are to be used during review of development activity and other applications requiring County review, will provide detailed site-specific regulations and technical requirements. All applications for development approval shall comply with these applicable procedures standards provided in the supplemental manuals as related to the LDC and as may be required by other federal, state, or local regulations.

Decisions regarding the application of design and environmental standards are the responsibility of the Engineering or Environmental Official (or his or her designee).

Sec. 2-8.2 General.

The LDC support documents can be known collectively as the Design Standard Manual (DSM) and will be located in the LDC as an attachment. To date, the County has established the following documents to be used to supplement the LDC and be provided as part of the DSM:

(a) Design Standards Manual (DSM), Chapter 1, Engineering
(b) Design Standards Manual (DSM), Chapter 2, Environmental
(c) Design Standards Manual (DSM), Chapter 3, Low Impact Development (pending)

The manual outlines the steps and processes or standards to be followed at each stage of the development process. By providing sheet layout specifications, and technical guidelines, the manual is intended to be used in conjunction with the LDC and cover all aspects of development planning, design, and construction.

Sec. 2-8.3 Criteria for Inclusion.

These manuals are not intended to replace the LDC but are meant to provide reference for plan development by the “Engineer of Record.” The information provided in the manual, including, technical guidelines, and standards, must meet one of the following criteria to qualify for inclusion:

(a) Provides specific and general design requirements
(b) Provides subjective design choices
(c) Provides design criteria that, in all cases, meet or exceed mandatory regulatory or industry design requirements
(d) Provides background information related to a design requirement or guideline
(e) Provides a sample calculation
(f) Details specific information regarding development applications

Sec. 2-8.4 Design Standards Manual

The Design Standards Manual (DSM) establishes the standards meant to provide minimum technical or environmental guidelines and standards for the design and construction of any facilities located within Escambia County. The County Engineer and Environmental Director shall be responsible for the administration, oversight, and development of the manual. In addition a Professional Advisory Committee (PAC) shall be established to review and revise the manual. Details regarding the committee's structure and responsibilities have been provided in the DSM.

Sec. 2-8.5 Amendments or changes to the DSM

The manual will be reviewed annually and updated accordingly, based on new standards, technology, or procedural changes, by the Professional Advisory Committee. Revisions to this manual will be presented to the Planning Board for their review and recommendation to the BOCC and will be effective at the time of the BOCC decision.

On occasion it may become necessary to clarify or correct specific terms, requirements, and standards within the DSM, and furthermore, additions, deletions, or revisions to Design Standards may be made by the County Engineer, Community and Environment Director or designee as necessary when required for compliance with mandatory regional, state, or federal regulations.

Chapter 3
ZONING REGULATIONS

Article 1 General Provisions

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Sec. 3-1.2 Purpose of article.
Sec. 3-1.3 Zoning and future land use.
Sec. 3-1.4 Allowed uses.
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Article 3 Overlay Districts

Sec. 3-3.1 Purpose of article.
Sec. 3-3.2 Community redevelopment.
Sec. 3-3.3 Barrancas Overlay (Barr-OL).
Sec. 3-3.4 Brownsville Overlay (Brn-OL).
Sec. 3-3.5 Englewood Overlay (Eng-OL).
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Sec. 3-3.7 Scenic Highway Overlay (SH-OL).
Sec. 3-3.8 Warrington Overlay (Warr-OL).
Sec. 3-3.9 Perdido Key Towncenter Overlay (PK-OL)

Article 4 Perdido Key Districts

Sec. 3-4.1 Purpose of article.
Sec. 3-4.2 Low Density Residential (LDR-PK).[previously R1-PK]
Sec. 3-4.3 Medium Density Residential (MDR-PK). [previously R2-PK]
Sec. 3-4.4 High Density Residential (HDR-PK). [previously R3-PK]
Sec. 3-4.5 Commercial (Com-PK). [previously C1-PK]
Sec. 3-4.6 Commercial Core (CC-PK).
Sec. 3-4.7 Commercial Gateway (CG-PK).
Sec. 3-4.8 Planned Resort (PR-PK).
Sec. 3-4.9 Recreation (Rec-PK). [previously S1-PK]

Article 5 Pensacola Beach Districts

Sec. 3-5.1 Building Height
Sec. 3-5.2 Low Density Residential (LDR-PB).
Sec. 3-5.3 Medium Density Residential (MDR-PB).
Sec. 3-5.4 Medium Density Residential and Commercial (MDR/C-PB).
Sec. 3-5.5 High Density Residential (HDR-PB).
Sec. 3-5.6 High Density Residential and Commercial (HDR/C-PB).
Sec. 3-5.7 General Retail (GR-PB).
Sec. 3-5.8 Recreation Retail (Rec/R-PB).
Sec. 3-5.9 Commercial Hotel (CH-PB).
Sec. 3-5.10 Preservation (PR-PB).
Sec. 3-5.11 Conservation and Recreation (Con/Rec-PB)
Sec. 3-5.12 Government and Civic (G/C-PB).

Article 1 General Provisions

Sec. 3-1.1 Purpose of chapter.

(a) General. This chapter establishes county zoning districts necessary to implement the distribution and extent of land uses prescribed by the future land use categories and related policies of the Comprehensive Plan. Regulations for each district specify the allowable uses of land and structures, the density and intensity of those uses, and other standards that define what portion of any parcel a structure or use may occupy. Special purpose overlay zoning districts further specify allowable uses and other requirements in areas of unique character or condition. Compliance with the provisions of this chapter is evaluated by the administrative authorities described in Chapter 1 according to the compliance review processes prescribed in Chapter 2. More specifically, this chapter is intended to: ¶

(1) Provide for the orderly and efficient distribution of agricultural, residential, commercial, mixed-use, industrial, recreational, conservation, and other land uses to meet the physical, social, civic, security, economic, and other needs of present and future populations.

(2) Promote sustainable land development that minimizes sprawl, avoids the under utilization of land capable of sustaining higher densities or intensities, and maximizes the use of public investments in facilities and services through urban infill and redevelopment

(3) Promote the economic stability of existing land uses that are consistent with the Comprehensive Plan, protecting them from intrusions by incompatible land uses and ensuring that new development is compatible in character and size.

(4) Preserve the character and quality of residential neighborhoods.

(5) Promote both mixed-use buildings and mixed-use neighborhoods, where residential and business uses may overlap to the enhancement and benefit of both.

(6) Balance individual property rights with the interests of the community to create a healthy, safe and orderly living environment.

Sec. 3-1.2 Purpose of article.

This article establishes general provisions that apply to all zoning district regulations within the chapter. The regulations applicable to specific zoning districts are prescribed in the remaining articles of this chapter.

Sec. 3-1.3 Zoning and future land use.

(a) Generally. Together the future land use (FLU) categories of the Comprehensive Plan and zoning districts of the LDC form the primary location-specific land use regulations of the county. Within each FLU, one or more zoning districts implement and further refine the distribution and extent of allowable land uses. The identification or classification of a use or activity as allowed by the applicable future land use category and zoning district does not constitute the required approval to

carry out that use or activity. Consistency with FLU and zoning only indicates that, upon appropriate review and approval for compliance with the provisions of the LDC, the use or activity may be established, reestablished or expanded.

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

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

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

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

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

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

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

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

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

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

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

AG	Agriculture
RC	Rural Community
MU-S	Mixed-Use Suburban
MU-U	Mixed-Use Urban
C	Commercial
I	Industrial
P	Public
REC	Recreation
CON	Conservation
MU-PK	Mixed-Use Perdido Key
MU-PB	Mixed-Use Pensacola Beach

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

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

RR	Rural Residential
LDR	Low Density Residential
MDR	Med. Density Residential
HDR	High Density Residential
LDR-PK	Low Density Residential - Perdido Key
MDR-PK	Medium Density Residential - Perdido Key
HDR-PK	High Density Residential - Perdido Key
LDR-PB	Low Density Residential - Pensacola Beach
MDR-PB	Medium Density Residential - Pensacola Beach
HDR-PB	High Density Residential - Pensacola Beach

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

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

RMU	Rural Mixed-use
LDMU	Low Density Mixed-use
HDMU	High Density Mixed-use
MDR/C-PB	Medium Density Residential & Commercial - Pensacola Beach
HDR/C-PB	High Density Residential & Commercial - Pensacola Beach

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

Com	Commercial
Com-PK	Commercial - Perdido Key
CC-PK	Commercial Core - Perdido Key
CG-PK	Commercial Gateway - Perdido Key
GR-PB	General Retail - Pensacola Beach
Rec/R-PB	Recreation Retail - Pensacola Beach
CH-PB	Commercial Hotel - Pensacola Beach
HC/LI	Heavy Commercial and Light Industrial
Ind	Industrial

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

Agr	Agricultural
Rec	Recreation
Con	Conservation
Pub	Public
PR-PK	Planned Resort - Perdido Key
Rec-PK	Recreation - Perdido Key
PR-PB	Preservation - Pensacola Beach
Con/Rec-PB	Conservation and Recreation - Pensacola Beach
G/C-PB	Government and Civic - Pensacola Beach

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

(Ord. No. 2015-56, § 1, 12-10-2015)

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

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

(Ord. No. 2015-56, § 1, 12-10-2015)

Sec. 3-1.4 Allowed uses.

(a) Generally. The uses of land and structures are limited to those identified within the applicable zoning district as "permitted uses" or "conditional uses," and to their valid accessory uses, unless other uses are secured through applicable vesting and nonconformance or temporary use provisions of the LDC. Uses not so identified or secured are prohibited, and the conducting of any prohibited use is a violation of the LDC punishable as provided by law and ordinance. The burden is on the landowner, not the county, to show that a use is allowed. Even when allowed, uses are subject to the general development standards of Chapter 5 and the use and location regulations established in Chapter 4.

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

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

(d) Single-family dwellings. A single-family dwelling as the principal use for an existing lot of record is a conforming use regardless of the zoning district or future land use category. A building permit may be issued for such a dwelling on any nonconforming lot of record if the dwelling complies with all other applicable regulations.

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

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

(1) Information. The Planning Official, or Board of Adjustment (BOA) on appeal, shall obtain the information necessary to accurately classify a use. At a minimum, the applicant shall describe in writing the nature of the use and the county shall utilize public records, site investigations and other reliable sources of information, including the *Land-Based Classification Standards* of the American

Planning Association and the *North American Industry Classification System* (NAICS) of the U.S. Department of Commerce.

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

a. If a use is defined in the LDC, that definition shall be applied to the classification.

b. The reviewing authority shall not read an implied prohibition of a particular use into a classification.

c. Classification is limited to giving meaning to the uses already allowed within the applicable zoning district. No policy determinations shall be made on what types of uses are appropriate within the district.

d. When the use regulations are ambiguous, the purpose and intent of the zoning district and the nature of the uses allowed within it shall be considered.

e. Classification is not based on the proximity of the proposed use to other uses.

f. The use or activity determines the classification, not property ownership, persons carrying out the use or activity, or other illegitimate considerations.

g. Generally, the function rather than the form of a structure is relevant to its classification.

(3) Determinations. All classifications determined by the Planning Official shall be recorded to ensure consistency with future classifications. A use not determined to be one specifically identified in the LDC as permitted or conditionally permitted may be proposed to the Planning Board for consideration of subsequent zoning district use amendment.

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

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

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

(j) Compassionate use of low-THC cannabis. Section 381.986, Florida Statutes (2014), and Florida Administrative Code Chapter 64-4 authorize a limited number of dispensing organizations throughout the State of Florida to cultivate, process, and dispense low-tetrahydrocannabinol (low-THC) cannabis for use by qualified patients. The dispensing organizations must be approved by the Florida Department of Health and, once approved, are subject to state regulation and oversight.

(1) Intent. The intent of this article is to establish the criteria for the location and permitting of facilities that dispense low-THC cannabis by State authorized dispensing organizations in accordance with Section 381.986, Florida Statutes (2014) and Florida Administrative Code Chapter 64-4.

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

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

(Ord. No. 2017-5, §,1, 1-5-2017)

Sec. 3-1.5 Site and building requirements.

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

(b) Modifications. Variances to the strict application of site and building requirements may only be granted according to the compliance review process prescribed in Chapter 2 if the variances maintain the stated purposes of the applicable zoning district and are not otherwise excluded by provisions of the LDC.

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

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

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

within that district if the use complies with all other applicable regulations, including buffering and use-specific minimum lot area.

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

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

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

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

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

(4) Encroachments by building features. 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 building features. No such projection shall extend more than 24 inches into any yard, except roof overhangs, awnings, outside stairways, and balconies which may extend up to 48 inches into any yard provided the building setback is otherwise at least 10 feet

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

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

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

(2) Rooftop structures. The district height limits do not apply to belfries, chimneys, church spires, cooling towers, elevator bulkheads, flag poles, television reception

antennae, roof-mounted tanks, mechanical equipment rooms, or similar rooftop structures that comply with all of the following conditions:

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

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

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

Sec. 3-1.6 Compatibility.

(a) Generally. Zoning districts provide the primary means to establish and maintain the necessary balance between the needs and interests of different land uses, allowing neighboring uses to coexist successfully in a stable fashion over time, protecting the investments in each. Although zoning separates generally incompatible development, inclusion as a permitted use within a district does not alone ensure compatibility with other district uses.

(b) Location criteria. Location criteria are established within some zoning districts to promote compatibility among uses, especially new non-residential uses in relation to existing residential uses. Most criteria are designed to create smooth transitions of use intensity from large-scale concentrations of general commercial uses near major street intersections to small-scale dispersed neighborhood commercial uses in proximity to residential areas. Such transitions prevent the adverse impacts of continuous strip commercial development along major streets and avoid negative or blighting influences of some commercial uses on adjacent residential neighborhoods.

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

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

a. Twenty-two foot width of pavement (two lanes) or more.

b. Posted speed limit of 35 mph or more.

c. Signalized intersection on the segment or at its termini.

d. Connection to a collector or arterial street.

e. Average Annual Daily Traffic at least 1500 vehicles.

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

Sec. 3-1.7 Density bonuses.

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

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

(1) 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, earns two points per acre donated or reserved.

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

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

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

the units in a conventional housing development shall be credited for affordable housing bonus points.

(5) **Redevelopment or adaptive reuse.** Existing non-residential structures proposed for reuse as residential earn one point per five dwelling units. For rehabilitation of existing multi-family residential structures and participation in state or federal weatherization programs, one point is earned per five dwelling units. These bonuses only apply to structures for which no notices of violation of building or life safety codes have been issued, or where all deficiencies identified in an initial notice have been corrected within the time specified in the notice and no subsequent violation notices issued.

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

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

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

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

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

(11) **Tree preservation in 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 is earned for each 10 lots with protected trees on them.

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

Summary of zoning categories relating to Borrow Pits and Reclamation Activities

Zoning District	Borrow Pit	Reclamation Activities
Agr	P1	P1
RR	CU	CU
RMU	P1 *	P1 *
LDR	X	X
MDR	X	X
HDR	X	X
HDMU	X	X
LDMU	X	X
Com	CU *	CU *
HC/LI	CU *	CU *
Ind	CU	CU
REC	X	X
CON	X	X
Pub	P	P
LEGEND: P- PERMITTED P1- PERMITTED ONLY IF 20 ACRES OR MORE CU- CONDITIONAL USE 20 ACRES OR MORE X- NOT PERMITTED If located under AIPD a Conditional Use will be required *refer to specific zoning category for detailed provisions		

Sec. 3-1.8 Density and uses savings clause.

(a) General. The owner of any parcel of land that had the residential density of its applicable zoning district decreased or had permitted land uses of that district eliminated as a result of the April 16, 2015 adoption of the LDC, may apply to have the previous residential density or permitted land uses reinstated. Only residential density and permitted land uses listed on the date of adoption shall be eligible for reinstatement pursuant to this section. Applications shall be approved, unless reinstating the previous residential density or land uses would cause the parcel's density or uses to become inconsistent with the existing applicable future land use (FLU) category. If the density or land uses would become inconsistent with the existing applicable FLU, approval for reinstatement shall be granted only after a FLU amendment consistent with the previous density and uses has been approved and adopted according to the amendment provisions in Article 7 of Chapter 2. All applications for reinstatement and FLU amendments made pursuant to this section shall be submitted to the Planning Official and processed at no cost to the land owner.

(b) Applicability. This section is not intended to authorize density or land uses that are otherwise limited by the LDC. These limitations include, but are not limited to, the provisions of the overlay zoning districts, the airport/airfield environs, floodplain management, or location criteria. (Ord. No. 2015-38, §1, 9-24-15, Ord. No. 2017-5, §, 1, 1-5-2017)

Article 2 Mainland Districts

Sec. 3-2.1 Purpose of article.

This article establishes the zoning districts that apply to all areas of the county under the jurisdiction of the Board of County Commissioners (BCC), except Perdido Key and Santa Rosa Island. Each district establishes its own permitted and conditional land uses, site and building requirements, and other provisions consistent with the stated purposes of the district. District provisions are subject to all other applicable provisions of the LDC and may be modified by the requirements of overlay districts as prescribed in Article 3.

Sec. 3-2.2 Agricultural district (Agr).

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

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

(1) Residential.

a. Manufactured (mobile) homes, excluding new or expanded manufactured home parks or subdivisions.

b. Single-family dwellings (other than manufactured homes), detached only. Maximum single-family lot area within any proposed subdivision of 100 acres or more of prime farmland shall be one and one-half acres.

See also conditional uses in this district.

(2) Retail sales.

a. Low-THC marijuana dispensing facilities. Where ancillary to cultivation or processing, dispensing of low-THC marijuana shall also be permitted in the Agr Zoning district

b. No other retail sales except as permitted agricultural and related uses in this district.

(3) Retail services. No retail services except as permitted agricultural and related uses or as conditional uses in this district.

(4) Public and civic.

a. Cemeteries, including family cemeteries.

b. Clubs, civic or fraternal.

c. Educational facilities, including preschools, K-12, colleges, and vocational schools.

d. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

e. Funeral establishments.

f. Places of worship.

g. Public utility structures 150 feet or less in height, including telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Campgrounds and recreational vehicle parks on lots five acres or larger.

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

c. Hunting clubs and preserves.

d. Marinas, private only.

e. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.

f. Parks without permanent restrooms or outdoor event lighting.

g. Passive recreational uses, including hiking and bicycling.

h. Shooting ranges.

See also conditional uses in this district.

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

(7) Agricultural and related.

a. Agriculture, including raising livestock, storing harvested crops, and cultivation of nursery plants. A minimum of two acres for keeping any farm animal on site and a maximum of one horse or other domesticated *equine* per acre.

b. Agricultural processing, minor only.

c. Agricultural research or training facilities.

d. Aquaculture, marine or freshwater.

e. Farm equipment and supply stores.

f. Kennels and animal shelters on lots two acres or larger.

g. Produce display and sales of fruit, vegetables and similar agricultural products. All structures for such uses limited to non-residential farm buildings.

h. Silviculture.

i. Stables, public or private, on lots two acres or larger.

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

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

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

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

(2) Retail services.

a. Bed and breakfast inns.

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

(3) Public and civic.

a. Cinerators.

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

c. Hospitals.

d. Offices for government agencies or public utilities.

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

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

(4) Recreation and entertainment.

a. Canoe, kayak, and float rental facilities.

b. Parks with permanent restrooms or outdoor event lighting.

c. Zoos and animal parks.

(5) Industrial and related.

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

b. Power plants.

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

d. Solid waste collection points and transfer facilities.

e. Wastewater treatment plants.

(d) Site and building requirements. The following site and building requirements apply to uses within the Agricultural district:

(1) Density. A maximum density of one dwelling unit per 20 acres.

(2) Floor area ratio. A maximum floor area ratio of 0.25 for all uses.

(3) Structure height. No maximum structure height unless prescribed by use.

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

(5) Lot width. A minimum lot width of 100 feet at the street right-of-way for all lots.

(6) Lot coverage. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all uses.

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

a. Front and rear. Forty feet in the front and rear.

b. Sides. On each side, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards.

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

(1) Prime farmland. All new or expanded uses shall be located to avoid the loss of prime farmland. Where such loss cannot be avoided, it shall be limited to five acres or 10 percent of the development parcel area, whichever is greater.

(2) Non-residential uses. All non-residential uses shall be located to avoid nuisance, hazard, and other adverse impacts to surrounding residential uses. Retail sales and services shall be located along collector or arterial streets. Industrial uses shall be on parcels that comply with the location criteria of the Industrial (Ind) zoning district.

(f) Rezoning to Agr. Agricultural zoning may be established only within the Agriculture (AG) and Rural Community (RC) future land use categories. The district is suitable for prime farmland, agriculturally used or assessed areas, large tracts of open space, woodlands, or fields, but not for areas with central sewer or highly developed street networks. The district is appropriate to provide transitions between areas zoned or used for conservation or outdoor recreation and areas zoned or used for more intense uses. (Ord. No. 2017-5, §,2, 1-5-2017)

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

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

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

(1) Residential.

a. Manufactured (mobile) homes, excluding new or expanded manufactured home parks or subdivisions.

b. Single-family dwellings (other than manufactured homes), detached only, on lots four acres or larger, or on lots a minimum of one acre if clustered to avoid prime farmland.

See also conditional uses in this district.

(2) Retail sales. No retail sales except as permitted agricultural and related uses in this district.

(3) Retail services. Bed and breakfast inns. No other retail services except as permitted agricultural and related uses or as conditional uses in this district.

(4) Public and civic.

a. Cemeteries, including family cemeteries.

b. Clubs, civic or fraternal.

c. Educational facilities, K-12, on lots one acre or larger.

d. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

e. Funeral establishments.

f. Places of worship on lots one acre or larger.

g. Public utility structures 150 feet or less in height, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Campgrounds and recreational vehicle parks on lots five acres or larger.

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

c. Marinas, private.

d. Parks without permanent restrooms or outdoor event lighting.

e. Passive recreational uses.

See also conditional uses in this district.

(6) Industrial and related. [Reserved]

(7) Agricultural and related.

a. Agriculture, including raising livestock, storing harvested crops, and cultivation of nursery plants. A minimum of two acres for keeping any farm animal on site and a maximum of one horse or other domesticated *equine* per acre.

b. Aquaculture, marine or freshwater.

c. Farm equipment and supply stores.

d. Kennels and animal shelters on lots two acres or larger.

e. Produce display and sales of fruit, vegetables and similar agricultural products. All structures for such use limited to non-residential farm buildings.

f. Silviculture.

g. Stables, public or private, on lots two acres or larger.

h. Veterinary clinics. A minimum of two acres for boarding animals.

(8) Other uses. [Reserved]

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

(1) Residential.

a. Group living, limited to nursing homes, assisted living facilities, hospice facilities, and other uses providing similar services, assistance, or supervision.

b. Manufactured (mobile) home parks on land zoned VR-1 prior to adoption of RR zoning.

c. Two-family dwellings (duplex) and multi-family dwellings up to four units per dwelling (triplex and quadruplex) on land zoned VR-1 prior to adoption of RR zoning.

(2) Retail services. Medical clinics, including those providing out-patient surgery, rehabilitation, and emergency treatment.

(3) Public and civic.

a. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.

b. Educational facilities not among the permitted uses of the district.

c. Hospitals.

d. Offices for government agencies or public utilities.

e. Public utility structures greater than 150 feet in height, and telecommunications towers of any height, excluding any industrial uses.

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

(4) Recreation and entertainment.

a. Hunting clubs and preserves.

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

c. Parks with permanent restrooms or outdoor event lighting.

d. Shooting ranges.

(5) Industrial and related.

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

b. Mineral extraction, including oil and gas wells.

c. Power plants.

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

e. Solid waste collection points and transfer facilities.

f. Wastewater treatment plants.

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

(d) Site and building requirements. The following site and building requirements apply to uses within the RR district:

(1) Density. A maximum density of one dwelling unit per four acres.

(2) Floor area ratio. A maximum floor area ratio of 0.25 for all uses.

(3) Structure height. No maximum structure height unless prescribed by use.

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

(5) Lot width. A minimum lot width of 40 feet at the street right-of-way for cul-de-sac lots and 100 feet at the street right-of-way for all other lots.

(6) Lot coverage. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all uses.

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

a. Front and rear. Forty feet in the front and rear.

b. Sides. On each side, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements.

a. Farm animal shelters. Stables or other structures for sheltering farm animals shall be at least 50 feet from any property line and at least 130 feet from any dwelling on adjacent property.

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

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

(1) Prime farmland. All new or expanded uses shall be located to avoid the loss of prime farmland. Where such loss cannot be avoided, it shall be limited to five acres or 10 percent of the development parcel area, whichever is greater.

(2) Non-residential uses. All non-residential uses shall be located to avoid nuisance, hazard and other adverse impacts to surrounding residential uses. Retail sales and services shall be located along collector or arterial streets. Industrial uses shall be on parcels that comply with the location criteria of the Industrial (Ind) zoning district.

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

(Ord. No. 2016-31, §1, 8-4-2016)

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

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

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

(1) Residential.

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

See also conditional uses in this district.

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

a. Automotive fuel sales.
b. Convenience stores.
c. Drugstores.
d. Grocery or food stores, including bakeries and butcher shops whose products are prepared and sold on the premises.
e. Hardware stores.
f. Low-THC marijuana dispensing facilities.

See also permitted agricultural and related uses and conditional uses in this district.

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

a. Bed and breakfast inns.
b. Personal services, including those of beauty shops, health clubs, pet groomers, dry cleaners, and tattoo parlors.
c. Professional services, including those of realtors, bankers, accountants, engineers, architects, dentists, physicians, and attorneys.
d. Repair services, including motor vehicle repair, appliance repair, furniture refinishing and upholstery, watch and jewelry repair, and small engine and motor services.

e. Restaurants, excluding on-premises consumption of alcoholic beverages and drive-in or drive-through service.

See also permitted agricultural and related uses and conditional uses in this district.

(4) Public and civic.

a. Cemeteries, including family cemeteries.

b. Clubs, civic or fraternal.

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

d. Educational facilities, including preschools, K-12, colleges, and vocational schools, on lots one acre or larger.

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

f. Funeral establishments.

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

h. Places of worship on lots one acre or larger.

i. Public utility structures 150 feet or less in height, excluding telecommunications towers.

See also, conditional uses in this district.

(5) Recreation and entertainment.

a. Campgrounds and recreational vehicle parks on lots five acres or larger.

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

c. Marinas, private only.

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

See also conditional uses in this district.

(6) Industrial and related. Borrow pit and reclamation activities 20 acres minimum and subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and location and use regulation Part III, the Land Development Code, chapter 4. *Borrow pits require conditional use on land zoned RR prior to the adoption of the RMU zoning.

(7) Agricultural and related.

a. Agriculture, including raising livestock, storing harvested crops, and cultivation of nursery plants. A minimum of two acres for keeping any farm animal on site and a maximum of one horse or other domesticated *equine* per acre.

b. Agricultural research or training facilities.

c. Aquaculture, marine or freshwater.

d. Farm equipment and supply stores.

e. Produce display and sales of fruit, vegetables and similar agricultural products.

f. Silviculture.

g. Stables, public or private, on lots two acres or larger.

h. Veterinary clinics, excluding outside kennels.

See also conditional uses in this district.

(8) Other uses.

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

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

(1) Residential.

a. Group living, limited to nursing homes, assisted living facilities, hospice facilities, and other uses providing similar services, assistance, or supervision.

b. Manufactured (mobile) home parks.

c. Two-family dwellings (duplex).

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

(3) Retail services.

a. Boarding or rooming houses.

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

(4) Public and civic.

a. Cinerators.

b. Hospitals.

c. Offices for government agencies or public utilities with greater floor area than those among the permitted uses of the district.

d. Public utility structures greater than 150 feet in height, and telecommunications towers of any height, excluding any industrial uses.

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

(5) Recreation and entertainment.

a. Hunting clubs and preserves.

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

c. Shooting ranges.

(6) Industrial and related.

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

b. Power plants.

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

d. Solid waste collection points and transfer facilities.

e. Wastewater treatment plants.

(7) Agricultural and related.

a. Exotic animals, keeping or breeding.

b. Kennels not interior to veterinary clinics.

(d) Site and building requirements. The following site and building requirements apply to uses within the RMU district:

(1) Density. A maximum density of two dwelling units per acre.

(2) Floor area ratio. A maximum floor area ratio of 0.25 for all uses.

(3) Structure height. No maximum structure height unless prescribed by use.

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

(5) Lot width. A minimum lot width of 40 feet at the street right-of-way for cul-de-sac lots and 100 feet at the street right-of-way for all other lots.

(6) Lot coverage. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all uses.

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

a. Front and rear. Forty feet in the front and rear.

b. Sides. On each side, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements.

a. Farm animal shelters. Stables or other structures for sheltering farm animals shall be at least 50 feet from any property line and at least 130 feet from any dwelling on the property of another landowner.

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

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

(1) Prime farmland. All new or expanded uses shall be located to avoid the loss of prime farmland. Where such loss cannot be avoided, it shall be limited to five acres or 10 percent of the development parcel area, whichever is greater.

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

a. **Proximity to intersection.** Along an arterial or collector street, and within 200 feet of an intersection with another arterial or collector.
b. **Proximity to traffic generator.** Along an arterial or collector street and within a one-quarter mile radius of an individual traffic generator of more than 600 daily trips, such as an apartment complex, military base, college campus, hospital, shopping mall, or industrial plant.
c. **Infill development.** Along an arterial or collector street, in an area where already established non-residential uses are otherwise consistent with the RMU district, and where the new use would constitute infill development of similar intensity as the conforming development on surrounding parcels. Additionally, the location would promote compact development and not contribute to or promote strip commercial development.
d. **Site design.** Along an arterial street at the intersection with a local street that connects the arterial street to another arterial, and all of the following site design conditions:
    1. Any intrusion into a recorded residential subdivision is limited to a corner lot.
    2. Access and stormwater management is shared with adjoining uses or properties to the extent practicable.
    3. Adverse impacts to any adjoining residential uses are minimized by placing the more intensive elements of the use (solid waste dumpsters, truck loading/unloading areas, drive-thru facilities, etc.) furthest from the residential uses.
e. **Documented compatibility.** A compatibility analysis prepared by the applicant provides competent substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative location criteria, and the proposed use will be able to achieve long-term compatibility with existing and potential uses. Additionally, the parcel has not been rezoned by the landowner from mixed-use, commercial, or industrial zoning assigned by the county.

Rezoning to RMU. Rural Mixed-use zoning may be established only within the Rural Community (RC) future land use category. The district is suitable for recognized rural communities, especially those developed around intersections of higher classification streets and in areas that are generally not agriculturally productive. The district is appropriate to reinforce the value of existing rural communities in serving surrounding areas and minimizing the need to travel long distances for basic necessities. Rezoning to RMU is subject to the same location criteria as any new non-residential use proposed within the RMU district. (Ord. No. 2016-31, §1, 8-4-2016; Ord. No. 2017-5, §, 2, 1-5-2017)

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

(a) Purpose. The Low Density Residential (LDR) district establishes appropriate areas and land use regulations for residential uses at low densities within suburban areas. The primary intent of the district is to provide for large-lot suburban type residential neighborhood development that blends aspects of rural openness with the benefits of urban street connectivity, and at greater density than the Rural Residential district.

Residential uses within the LDR district are predominantly detached single-family dwellings. Clustering dwellings on smaller residential lots may occur where needed to protect prime farmland from non-agricultural use or to conserve and protect environmentally sensitive areas. The district allows non-residential uses that are compatible with suburban residential neighborhoods and the natural resources of the area.

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

(1) Residential.

a. Manufactured (mobile) homes only within existing manufactured home parks or subdivisions, or on land zoned SDD prior to adoption of LDR zoning. No new or expanded manufactured home parks or subdivisions.

b. Single-family dwellings (other than manufactured homes), detached and only one per lot, excluding accessory dwellings. Accessory dwellings only on lots two acres or larger. Attached single-family dwellings and zero lot line subdivision only on land zoned V-5 or SDD prior to adoption of LDR zoning.

c. Two-family dwellings and multi-family dwellings up to four units per dwelling (triplex and quadruplex) only on land zoned V-5 or SDD prior to adoption of LDR zoning.

See also conditional uses in this district.

(2) Retail sales. No retail sales.

(3) Retail services. No retail services.

(4) Public and civic.

a. Cemeteries, family only.

b. Public utility structures, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Marinas, private only.

b. Parks without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

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

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

a. Agriculture, but no farm animals except horses and other domesticated *equines* kept on site, and stables for such animals, accessory to a private residential use with a minimum lot area of two acres and a maximum of one animal per acre.

b. Aquaculture, marine or freshwater.

c. Produce display and sales of fruit, vegetables and similar agricultural products.

d. Silviculture.

See also conditional uses in this district.

(8) Other uses. [reserved].

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

(1) Residential.

a. Accessory dwellings on lots less than two acres.

b. Home occupations with non-resident employees.

(2) Public and civic.

a. Clubs, civic and fraternal.

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

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

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

e. Places of worship.

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

(3) Recreation and entertainment.

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

b. Parks with permanent restrooms or outdoor event lighting.

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

(d) Site and building requirements. The following site and building requirements apply to uses within the LDR district:

(1) Density. A maximum density of four dwelling units per acre.

(2) Floor area ratio. A maximum floor area ratio of 1.0 for all uses.

(3) Structure height. A maximum structure height of 45 feet. See height definition.

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

(5) Lot width. A minimum lot width of 20 feet at the street right-of-way for cul-de-sac lots and 70 feet at the street right-of-way for all other lots.

(6) Lot coverage. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all uses.

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

a. Front and rear. Twenty-five feet in the front and rear.

b. Sides. On each side, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements.

a. Horse shelters. Stables or other structures for sheltering horses or other domesticated *equines* shall be at least 50 feet from any property line and at least 130 feet from any dwelling on the property of another landowner.

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

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

Rezoning to LDR. Low Density Residential zoning may be established only within the Mixed-Use Suburban (MU-S) future land use category. The district is suitable for suburban areas with or without central water and sewer. The district is appropriate to pl Supp 6 nsitions between areas zoned or used for rural residential or rural mixed-use and areas zoned or used for low density mixed-use or medium density residential. (Ord. No. 2015-44, § 1, 10-8-2015; Ord. No. 2015-51 § 1, 11-5-2015; (Ord. No. 2016-31, §1, 8-4-2016)

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

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

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

(1) Residential.

a. Manufactured (mobile) homes within manufactured home parks or subdivisions, including new or expanded manufactured home parks and subdivisions.

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

c. Two-family dwellings (duplex) and multi-family dwellings up to four units per building (triplex and quadruplex).

See also conditional uses in this district.

(2) Retail sales. Small-scale (gross floor area 6000 sq. ft. or less per lot) retail sales, or retail sales within a neighborhood retail center no greater than 35,000 square feet per lot and containing a mix of retail sales and services. Retail sales including Low-THC marijuana dispensing facilities, sales of beer and wine, but excluding sales of liquor or motor vehicles, and exclude permanent outdoor storage, display, or sales. See also conditional uses in this district.

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

a. Bed and breakfast inns.

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

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

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

e. Restaurants, including on-premises consumption of alcohol, but excluding drive-in or drive-through service.

See also conditional uses in this district.

(4) Public and civic.

a. Cemeteries, including family cemeteries

b. Educational facilities, including preschools, K-12, colleges, and vocational schools.

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

d. Funeral establishments.

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

f. Places of worship.

g. Public utility structures, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Marinas, private only.

b. Parks without permanent restrooms or outdoor event lighting.

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

(7) Agricultural and related. Veterinary clinics, excluding outside kennels. Agricultural production limited to food primarily for personal consumption by the producer, but no farm animals.

(8) Other uses. [reserved]

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

(1) Residential.

a. Group living, including nursing homes, assisted living facilities, dormitories and residential facilities providing substance abuse treatment and post-incarceration reentry.

b. Manufactured (mobile) homes outside manufactured home parks or subdivisions.

(2) Retail sales.

a. Liquor sales.

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

(3) Retail services.

a. Medium-scale (gross floor area greater than 6000 sq. ft. per lot, but no greater than 35,000 sq. ft.) retail services, excluding outdoor work and permanent outdoor storage.

b. Restaurants with drive-in or drive-through service.

(4) Public and civic.

a. Clubs, civic and fraternal.

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

c. Offices for government agencies or public utilities, with gross floor area greater than 6000 square feet.

d. Public utility structures exceeding the district structure height limit, and telecommunications towers of any height, excluding any industrial uses.

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

(5) Recreation and entertainment.

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

b. Parks with permanent restrooms or outdoor event lighting.

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

(d) Site and building requirements. The following site and building requirements apply to uses within the LDMU district:

(1) Density. A maximum density of seven dwelling units per acre regardless of the future land use category.

(2) Floor area ratio. A maximum floor area ratio of 1.0 within the MU-S future land use category and 2.0 within MU-U.

(3) Structure height. A maximum structure height of 45 feet. See height definition.

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

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

a. Single-family detached. Forty feet at the street right-of-way for single-family detached dwellings.

b. Two-family. Eighty feet at the street right-of-way for two-family dwellings.

c. Multi-family and other. Eighty feet at the street right-of-way for multi-family dwellings and townhouse groups. No minimum lot width required by zoning for other uses.

(6) Lot coverage. Minimum pervious lot coverage of 25 percent (75 percent maximum semi-impervious and impervious cover) for all uses.

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

a. Front and rear. Twenty feet in the front and 15 feet in the rear.

b. Sides. Ten feet on each side of a group of attached townhouses. On each side of all other structures, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards.

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

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

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

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

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

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

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

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

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

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

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

(f) Rezoning to LDMU. Low Density Mixed-use zoning may be established only within the Mixed-Use Suburban (MU-S) and Mixed-Use Urban (MU-U) future land use categories. The district is suitable for suburban or urban areas with central water and sewer and developed street networks. The district is appropriate to provide transitions between areas zoned or used for low or medium density residential and areas zoned or used for high density mixed-use. Rezoning to LDMU is subject to the

same location criteria as any new non-residential use proposed within the LDMU district. (Ord. No. 2015-44, § 2, 10-8-2015;Ord. No. 2016-31 § 1, 8-4-2016; Ord. No. 2017-5, §,2, 1-5-2017)

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

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

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

(1) Residential.

a. Manufactured (mobile) homes only within manufactured home parks or subdivisions. No new or expanded manufactured home parks, and new or expanded manufactured home subdivisions only on land zoned V-4 prior to adoption of MDR zoning.

b. Single-family dwellings (other than manufactured homes), detached and only one per lot, excluding accessory dwellings. Accessory dwellings only on lots one acre or larger. Attached single-family dwellings and zero lot line subdivisions only on land zoned R-3 or V-4 prior to adoption of MDR zoning.

c. Two-family dwellings only on land zoned R-3 or V-4 prior to adoption of MDR zoning, and multi-family dwellings up to four units per dwelling (quadruplex) only on land zoned V-4 prior to MDR zoning.

See also conditional uses in this district.

(2) Retail sales. No retail sales.

(3) Retail services. No retail services. See conditional uses in this district.

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

(5) Recreation and entertainment.

a. Marinas, private.

b. Parks without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

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

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

(8) Other uses. [reserved]

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

(1) Residential.

a. Accessory dwellings on lots less than one acre.

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

c. Home occupations with non-resident employees.

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

(2) Retail services. Boarding and rooming houses.

(3) Public and civic.

a. Clubs, civic and fraternal.

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

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

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

e. Places of worship.

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

(4) Recreation and entertainment.

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

b. Parks with permanent restrooms or outdoor event lighting.

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

(d) Site and building requirements. The following site and building requirements apply to uses within the MDR district:

(1) Density. A maximum density of 10 dwelling units per acre regardless of the future land use category.

(2) Floor area ratio. A maximum floor area ratio of 1.0 within the MU-S future land use category and 2.0 within MU-U.

(3) Structure height. A maximum structure height of 45 feet. See height definition.

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

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

a. Single-family detached. Fifty feet at the street right-of-way for single-family detached dwellings.

b. Two-family. Eighty feet at the street right-of-way or two-family dwellings.

c. Multi-family and other. Eighty feet at the street right-of-way for townhouse groups and boarding or rooming houses. No minimum lot width required by zoning for other uses.

(6) Lot coverage. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all uses.

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

a. Front and rear. Twenty feet in the front and rear.

b. Sides. Ten feet on each side of a group of attached townhouses. On each side of all other structures, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements.

a. Stables. Stables shall be at least 50 feet from any property line and at least 130 feet from any residential dwelling on the property of another landowner.

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

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

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

(Ord. No. 2015-44, § 3, 10-8-2015; Ord. No. 2016-31, §1, 8-4-2016)

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

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

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

(1) Residential.

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

b. Manufactured (mobile) homes only within existing manufactured home parks or subdivisions. No new or expanded manufactured home parks or subdivisions.

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

d. Two-family and multi-family dwellings.

See also conditional uses in this district.

(2) Retail sales. No retail sales, except as conditional uses in this district.

(3) Retail services.

a. Boarding and rooming houses.

b. Child care facilities.

See also conditional uses in this district.

(4) Public and civic. Public utility structures, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Marina, private.

b. Parks without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

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

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

(8) Other uses. [Reserved].

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

(1) Residential.

a. Dormitories.

b. Fraternity or sorority houses.

c. Home occupations with non-resident employees.

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

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

(4) Public and civic.

a. Clubs, civic and fraternal.

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

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

d. Hospitals.

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

f. Places of worship.

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

(5) Recreation and entertainment.

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

b. Parks with permanent restrooms or outdoor event lighting.

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

(d) Site and building requirements. The following site and building requirements apply to uses within the HDR district:

(1) Density. A maximum density of 18 dwelling units per acre.

(2) Floor area ratio. A maximum floor area ratio of 2.0 for all uses.

(3) Structure height. A maximum structure height of 120 feet above highest adjacent grade.

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

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

a. Single-family detached. Forty feet at the street right-of-way for single-family detached dwellings.

b. Two-family. Eighty feet at the street right-of-way for two-family dwellings.

c. Multi-family and other. Eighty feet at the street right-of-way for multi-family dwellings, boarding or rooming houses, and townhouse groups. No minimum lot width required by zoning for other uses.

(6) Lot coverage. Minimum pervious lot coverage of 20 percent (80 percent maximum semi-impervious and impervious cover) for all uses.

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

a. Front and rear. Twenty feet in the front and 15 feet in the rear.

b. Sides. Ten feet on each side of a group of attached townhouses. On each side of all other structures, 10 feet or 10 percent of the lot width at the street right-of-way, whichever is less, but at least five feet. For structures exceeding 35 feet above highest adjacent grade, an additional two feet for each additional 10 feet in height, but not required to exceed 15 feet.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards.

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

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

(Ord. No. 2015-56, § 2, 12-10-2015; Ord. No. 2016-31, § 1, 8-4-2016)

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

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

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

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

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

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

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

d. Two-family and multi-family dwellings.

See also conditional uses in this district.

(2) Retail sales. Small-scale (gross floor area 6000 sq.ft. or less per lot) retail sales, including Low-THC marijuana dispensing facilities, sales of beer and wine, but excluding sales of liquor, automotive fuels, or motor vehicles, and excluding permanent outdoor storage, display, or sales. See also conditional uses in this district.

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

a. Bed and breakfast inns.

b. Boarding and rooming houses.

c. Child care facilities.

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

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

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

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

See also conditional uses in this district.

(4) Public and civic.

a. Preschools and kindergartens.

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

c. Foster care facilities.

d. Places of worship.

e. Public utility structures, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Marinas, private only.

b. Parks without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

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

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

(8) Other uses. [Reserved]

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

(1) Residential.

a. Dormitories.

b. Fraternity and sorority houses.

c. Manufactured (mobile) home parks.

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

(3) Retail services.

a. Medium-scale (gross floor area greater than 6000 sq. ft. per lot, but no greater than 35,000 sq. ft.) retail services, excluding motor vehicle service and repair.

b. Restaurants and brewpubs with drive-in or drive-through service and brewpubs with the distribution of on-premises produced alcoholic beverages for off-site sales.

c. Small-scale (gross floor area 6000 sq.ft. or less per lot) major motor vehicle service and repair, excluding painting or body work and outdoor work.

(4) Public and civic.

a. Broadcast stations with satellite dishes and antennas, excluding towers.

b. Cemeteries, including family cemeteries.

c. Clubs, civic and fraternal.

d. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.

e. Cinerators.

f. Educational facilities not among the permitted uses of the district.

g. Funeral establishments.

h. Hospitals.

i. Offices for government agencies or public utilities.

j. Public utility structures exceeding the district structure height limit and telecommunications towers of any height, excluding any industrial uses.

k. Warehousing or maintenance facilities for government agencies or public utilities.

(5) Recreation and entertainment.

a. Amusement arcade centers and bingo facilities.

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

c. Parks with permanent restrooms or outdoor event lighting.

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

(7) Agricultural and related.

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

b. Veterinary clinics.

(8) Other uses.

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

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

(d) Site and building requirements. The following site and building requirements apply to uses within the HDMU district:

(1) Density. A maximum density of 25 dwelling units per acre.

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

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

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

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

a. **Single-family detached.** Forty feet at the street right-of-way for single-family detached dwellings.

b. **Two-family.** Eighty feet at the street right-of-way for two-family dwellings.

c. **Multi-family and other.** Eighty feet at the street right-of-way for multi-family dwellings, boarding or rooming houses, or townhouse groups. No minimum lot width required by zoning for other uses.

(6) Lot coverage. Minimum pervious lot coverage of 20 percent (80 percent maximum semi-impervious and impervious cover) for all uses.

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

a. **Front and rear.** Twenty feet in the front and 15 feet in the rear.

b. **Sides.** Ten feet on each side of a group of attached townhouses. On each side of all other structures, 10 feet or 10 percent of the lot width at the street right-of-way, whichever is less, but at least five feet. For structures exceeding 35 feet above highest adjacent grade, an additional two feet for each additional 10 feet in height, but not required to exceed 15 feet.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards.

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

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

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

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

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

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

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

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

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

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

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

(f) Rezoning to HDMU. High Density Mixed-use zoning may be established only within the Mixed-Use Suburban (MU-S), Mixed-Use Urban (MU-U), or Commercial (C) future land use categories. The district is suitable for areas where the intermixing of uses has been the custom, where future uses are uncertain, and some redevelopment is probable. The district inappropriate to provide transitions between areas zoned or used for medium or high density residential and areas zoned or used for commercial. Rezoning to HDMU is subject to the same location criteria as any new non-residential use proposed within the HDMU district.
(Ord. No. 2015-56, § 3, 12-10-2015; Ord. No. 2016-2 § 1, 1-7-2016; 2016-31 § 1, 8-4-2016; Ord. No. 2017-5, §,2, 1-5-2017)

Sec. 3-2.10 Commercial district (Com).

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

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

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

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

b. Manufactured (mobile) homes, including new or expanded manufactured home parks or subdivisions.

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

d. Two-family and multi-family dwellings.

See also conditional uses in this district.

(2) Retail sales. Retail sales, including Low-THC marijuana dispensing facilities, sales of alcoholic beverages and automotive fuels, but excluding motor vehicle sales and permanent outdoor storage. See also conditional uses in this district.

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

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

b. Child care facilities.

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

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

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

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

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

See also conditional uses in this district.

(4) Public and civic.

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

b. Cemeteries, including family cemeteries.

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

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

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

f. Foster care facilities.

g. Funeral establishments.

h. Hospitals.

i. Offices for government agencies or public utilities.

j. Places of worship.

k. Public utility structures, including telecommunications towers, but excluding any industrial uses.

l. Warehousing or maintenance facilities for government agencies or for public utilities.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Campgrounds and recreational vehicle parks on lots five acres or larger.

b. Indoor recreation or entertainment facilities, including movie theaters, bowling alleys, skating rinks, arcade amusement centers, bingo facilities and shooting ranges, but excluding bars, nightclubs or adult entertainment facilities.

c. Marinas, private and commercial.

d. Parks without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

(6) Industrial and related.

a. Printing, binding, lithography and publishing.

b. Wholesale warehousing with gross floor area 10,000 sq.ft. or less per lot.

See also conditional uses in this district.

(7) Agricultural and related.

a. Agricultural food production primarily for personal consumption by the producer, but no farm animals.

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

c. Veterinary clinics.

See also conditional uses in this district.

(8) Other uses.

a. Billboard structures.

b. Outdoor storage if minor and customarily incidental to the allowed principal use, and if in the rear yard, covered, and screened from off-site view, unless otherwise noted.

c. Parking garages and lots, commercial.

d. Self-storage facilities, excluding vehicle rental.

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

(1) Residential.

a. Group living not among the permitted uses of the district.

b. Home occupations with non-resident employees.

(2) Retail sales.

a. Boat sales, new and used.

b. Automobile sales, used autos only, excluding parcels fronting on any of the following streets: Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR 292); Blue Angel Parkway (SR 173); Pine Forest Road, south from Interstate 10 to State Road 173; Navy Boulevard (SR 295 and US 98); and Scenic Highway (SR 10A and US 90). Additionally, the parcel shall be no larger than one acre and provided with a permanent fence, wall, or other structural barrier of sufficient height and mass along all road frontage to prevent encroachment into the right-of way other that through approved site access.

c. Automobile rental limited to the same restrictions as used automobile sales.

d. Utility trailer, heavy truck (gross vehicle weight rating more than 8500 lbs), and recreational vehicle sales, rental, or service limited to the same restrictions as used automobile sales.

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

(4) Public and civic.

a. Cemeteries, including family cemeteries.

b. Clubs, civic and fraternal.

c. Cinerators.

d. Homeless shelters.

(5) Recreation and entertainment.

a. Bars and nightclubs.

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

c. Parks with permanent restrooms or outdoor event lighting.

(6) Industrial and related.

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

(b) Microbreweries, microdistilleries, microwineries.

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

(8) Other uses.

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

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

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

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

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

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

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

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

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

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

a. Single-family detached. Forty feet at the street right-of-way for single-family detached dwellings.

b. Two-family. Eighty feet at the street right-of-way for two-family dwellings.

c. Multi-family and other. Eighty feet at the street right-of-way for multi-family dwellings, boarding or rooming houses, or townhouse groups. No minimum lot width required by zoning for other uses.

(6) Lot coverage. Minimum pervious lot coverage of 15 percent (85 percent maximum semi-impervious and impervious cover) for all uses.

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

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

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

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards.

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

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

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

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

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

a. Any Intrusion into a recorded subdivision is limited to a corner lot.

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

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

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

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

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

(f) Rezoning to Commercial. Commercial zoning may be established only within the Mixed-Use Suburban (MU-S), Mixed-Use Urban (MU-U) or Commercial (C) future land use categories. The district is appropriate to provide transitions between areas zoned or used as high density mixed-use and areas zoned or used as heavy

commercial or industrial. Rezoning to Commercial is subject to the same location criteria as any new non-residential use proposed within the Commercial district.

(Ord. No. 2015-56, § 4, 12-10-2015; Ord. No. 2016-02, § 2, 1-7-2016; 2016-31 § 1, 8-4-2016; Ord. No. 2017-5, §,2, 1-5-2017)

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

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

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

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

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

(3) Retail services.

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

b. Child care facilities.

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

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

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

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

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

h. Restaurants and brewpubs, including on-premises consumption of alcoholic beverages, drive-in and drive-through service, and brewpubs with the distribution of on-premises produced alcoholic beverages for off-site sales. The parcel boundary of any restaurant or brewpub with drive-in or drive-

through service shall be at least 200 feet from any LDR or MDR zoning district unless separated by a 50-foot or wider street right-of-way.

i. Taxi and limousine services.

See also conditional uses in this district.

(4) Public and civic.

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

b. Cemeteries, including family cemeteries.

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

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

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

f. Funeral establishments.

g. Homeless shelters.

h. Hospitals.

i. Offices for government agencies or public utilities.

j. Places of worship.

k. Public utility structures, including telecommunications towers, but excluding industrial uses not otherwise permitted.

See also conditional uses in this district.

(Ord. No. 2015-24, § 1, 7-7-15)

(5) Recreation and entertainment.

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

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

c. Marinas, private and commercial.

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

See also conditional uses in this district.

(6) Industrial and related.

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

b. Marinas, industrial.

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

See also conditional uses in this district.

(7) Agricultural and related.

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

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

c. Veterinary clinics, excluding outside kennels.

See also conditional uses in this district.

(8) Other uses.

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

b. Building or construction trades shops and warehouses, including on-site outside storage.

c. Bus leasing and rental facilities.

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

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

f. Outdoor sales.

g. Outdoor storage of trailered boats and operable recreational vehicles, excluding repair, overhaul or salvage activities.

h. Parking garages and lots, commercial.

i. Sales and outdoor display of prefabricated storage sheds.

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

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

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

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

(3) Public and civic. Cinerators.

(4) Recreation and entertainment.

a. Motorsports facilities on lots 20 acres or larger.

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

c. Shooting ranges, outdoor.

(5) Industrial and related.

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

b. Borrow pits and reclamation activities 20 acres minimum and (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part III, the Land Development Code, chapter 4.) *Borrow pits are prohibited on land zoned GBD, GID, and WMU prior to the adoption of the HC/LI zoning.

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

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

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

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

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

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

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

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

(7) Other uses.

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

b. Heliports.

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

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

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

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

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

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

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

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

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

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

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

(8) Other requirements.

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Rezoning to HC/LI.

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

(2) HC/LI-NA designation. Any applicant for rezoning to the HC/LI zoning district may request a HC/LI-NA designation prohibiting the subsequent establishment of any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult entertainment uses on the rezoned property. The 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 according to the rezoning process of Chapter 2, the HC/LI-NA zoning designation and its prohibitions shall apply to the property, regardless of ownership, unless the parcel is rezoned.

(Ord. No. 2015-56, § 5, 12-10-2015; Ord. No. 2016-2, § 3, 1-7-2016; Ord. No. 2017-5, §,2, 1-5-2017)

Sec. 3-2.12 Industrial district (Ind).

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

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

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

(2) Retail sales. No retail sales except as permitted industrial and related uses.

(3) Retail services. No retail services except as permitted industrial and related uses.

(4) Public and civic.

a. Cinerators, including direct disposition.

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

c. Public utility structures, including telecommunications towers.

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

(6) Industrial and related.

a. Bulk storage.

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

c. Solid waste collection points.

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

(8) Other uses. [reserved]

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

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

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

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

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

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

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

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

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

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

(d) Site and building requirements. The following site and building requirements apply to uses within the Industrial district:

(1) Density. Dwelling unit density limited to vested residential development.

(2) Floor area ratio. A maximum floor area ratio of 1.0 for all uses.

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

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

(5) Lot width. A minimum lot width of 100 feet at the street right-of-way.

(6) Lot coverage. Minimum pervious lot coverage of 15 percent (85 percent maximum semi-impervious and impervious cover) for all uses. A maximum of 75 percent of lot area occupied by principal and accessory buildings.

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

a. Front and rear. Twenty-five feet in both front and rear.
b. Sides. Fifteen feet on each side.
c. Corner lots. Will have one front setback and one side setback.

(8) Other requirements.

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

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

(e) Location criteria. All new industrial uses proposed within the Industrial district that are not part of a planned unit development shall be on parcels that satisfy all of the following location criteria:

(1) Located so that the negative impacts of the uses on the functions of natural systems are avoided if possible, and minimized when unavoidable.

(2) Accessible to essential public facilities and services at the levels of service adopted in the Comprehensive Plan.

(3) Located on parcels of land large enough to adequately support the type of industrial development proposed and minimize any adverse impacts upon surrounding properties through effective buffering so that the proposed use is compatible with surrounding uses.

(f) Rezoning to Ind. Industrial zoning may be established only within the Industrial (I) future land use category. The district is appropriate where conflicts with other uses can be minimized through orderly zoning transitions and effective buffering, and where sufficient access to transportation and other public facilities is available. Rezoning to Industrial is subject to the same location criteria as any new industrial use proposed within the Industrial district. (Ord. No. 2016-15,§ 1, 2-18-16)

Sec. 3-2.13 Recreation district (Rec).

(a) Purpose. The Recreation (Rec) district establishes appropriate areas and land use regulations for outdoor recreational uses and open space. The primary intent of the district is to preserve and maintain parcels of land necessary or used for a system of public and private parks providing both active and passive recreational activities and amenities. Indoor recreation facilities are allowed within the Recreational district if customarily incidental to the principal outdoor uses. Non-recreational uses are severely limited to ensure the preservation of district lands and provision of adequate areas for public recreation. New or expanded residential development is generally prohibited.

(b) Permitted uses. Permitted uses within the Recreation district are limited to the following:

(1) Residential. No new residential uses, including accessory dwelling units, except caretaker residences for permitted non-residential uses. Caretaker and vested

single-family dwellings include manufactured (mobile) homes if allowed by any adjoining zoning.

(2) Retail sales. Retail sales customarily incidental to permitted recreational uses.

(3) Retail services. Retail services customarily incidental to permitted recreational uses.

(4) Public and civic.

a. Bird and wildlife sanctuaries.

b. Parks and greenbelt areas.

c. Public utility structures, including telecommunication towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Recreation facilities, outdoor, including parks, playgrounds, walking and hiking trails, campgrounds, off-highway vehicle trails, swimming pools, baseball fields, tennis courts, and golf courses, but excluding shooting ranges.

b. Marinas, commercial only.

See also conditional uses in this district.

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

(7) Agricultural and related. No agricultural or related uses.

(8) Other uses. [reserved]

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

(1) Public and civic. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

(2) Recreation and entertainment. Outdoor shooting ranges.

(d) Site and building requirements. The following site and building requirements apply to uses within the Recreation district:

(1) Density. Dwelling unit density limited to vested development.

(2) Floor area ratio. A maximum floor area ratio of 1.0 for all uses.

(3) Structure height. No maximum structure height unless prescribed by use.

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

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

(6) Lot coverage. Minimum pervious lot coverage of 80 percent (20 percent maximum semi-impervious and impervious cover) for all uses.

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

a. Front and rear. Twenty-five feet in front and rear.

b. Sides. On each side, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards.

(e) Location criteria. No location criteria established by the Recreation district.

(f) Rezoning to Recreation. Recreation zoning may be established within all future land use categories except Industrial and Conservation.

Sec. 3-2.14 Conservation district (Con).

(a) Purpose. The Conservation (Con) district establishes appropriate areas and land use regulations for the conservation of important natural resources. The primary intent of the district is to conserve wetlands, marshes, watersheds, coastal dunes, wildlife habitats and other environmentally sensitive lands, but allow for passive recreational opportunities and amenities consistent with the Conservation future land use category. Non-conservation uses are severely limited to ensure the conservation of district resources and provision of appropriate areas for public recreation. Non-residential uses within the Conservation district are limited to activities that will have minimal impacts and where the educational benefits of the uses are determined to outweigh those impacts. New or expanded residential development is generally prohibited.

(b) Permitted uses. Permitted uses within the Conservation district are limited to the following:

(1) Residential. No new residential uses, including accessory dwelling units, except caretaker residences for permitted non-residential uses. Caretaker and vested single-family dwellings include manufactured (mobile) homes if allowed by any adjoining zoning.

(2) Retail sales. No retail sales.

(3) Retail services. No retail services.

(4) Public and civic.

a. Bird and wildlife sanctuaries.

b. Educational use of natural amenities for public benefit.

c. Parks and trails for passive recreation only.

d. Preservation and conservation lands.

See also conditional uses in this district.

(5) Recreation and entertainment. Only passive recreation and entertainment uses.

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

(7) Agricultural and related. See conditional uses in this district.

(8) Other uses. [reserved]

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

(1) Public and civic. Public utility structures, including telecommunication towers.

(2) Agricultural and related. The keeping of horses or other domesticated *equines* on site for public riding, and stables for such animals, on lots 10 acres or more.

(d) Site and building requirements. The following site and building requirements apply to uses within the Conservation district:

(1) Density. Dwelling unit density limited to vested development.

(2) Floor area ratio. A maximum floor area ratio of 0.5 for all uses.

(3) Structure height. A maximum structure height of 45 feet. See height definition.

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

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

(6) Lot coverage. Minimum pervious lot coverage of 80 percent (20 percent maximum semi-impervious and impervious cover) for all uses.

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

a. Front and rear. Twenty-five feet in front and rear.

b. Sides. On each side, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements.

a. Horse shelters. Stables or other structures for sheltering horses or other domesticated *equines* shall be at least 50 feet from any property line and at least 130 feet from any dwelling on the property of another landowner.

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

(e) Location criteria. No location criteria established by the Conservation district.

(f) Rezoning to Conservation. Conservation zoning may be established within all future land use categories. The district is suitable for all lands that have natural limitations to development due to sensitive environmental character, both publically owned conservation lands and private lands subject to similarly restrictive conservation easements. (Ord. No. 2015-44, § 4, 10-8-2015)

Sec. 3-2.15 Public district (Pub).

(a) Purpose. The Public (Pub) district establishes appropriate areas and land use regulations for publicly owned parcels with public uses generally having greater potential for adverse off-site impacts.

(b) Permitted uses. Permitted uses within the Public district are limited to the following:

(1) Residential. No new residential uses, including accessory dwelling units, except caretaker residences for permitted non-residential uses.

(2) Retail sales. No retail sales except within permitted business parks.

(3) Retail services. No retail services except within permitted business parks.

(4) Public and civic.

a. Correctional facilities, including detention centers, jails, and prisons.

b. Educational facilities.

c. Offices for government agencies or public utilities.

d. Other public institutional uses.

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

(6) Industrial and related.

a. Borrow pits and associated reclamation activities.

b. Industrial uses within permitted industrial parks.

c. Solid waste processing facilities, including solid waste collection points, solid waste transfer facilities, materials recovery facilities, recovered materials processing facilities, recycling facilities and operations, resource recovery facilities and operations, and volume reduction plants.

(7) Agricultural and related. No agricultural or related uses.

(8) Other uses. Conversion of suitable public lands for business or industrial park development.

(c) Conditional uses. No conditional uses are available within the Public district.

(d) Site and building requirements. The following site and building requirements apply to uses within the Public district:

(1) Density. Dwelling unit density limited to vested residential development.

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

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

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

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

(6) Lot coverage. Minimum pervious lot coverage of 15 percent (85 percent maximum semi-impervious and impervious cover) for all uses.

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

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

b. Sides. Ten feet on each side. For structures exceeding 35 feet above highest adjacent grade, an additional two feet for each additional 10 feet in height.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards.

(Ord. No. 2015-24, § 1, 7-7-15; Ord. No. 2016-42, § 1, 12-8-16)

Article 3 Overlay districts.

Sec. 3-3.1 Purpose of article.

This article establishes overlay zoning districts that apply to areas of the county for which specific aesthetic, historic preservation, resource protection, redevelopment, or other public concerns have been identified. The overlays impose supplemental requirements to manage development not sufficiently managed by underlying zoning districts and may modify the allowable uses, site and building requirements, and other provisions of the underlying zoning.

Sec. 3-3.2 Community redevelopment.

(a) Generally. Community redevelopment areas within the county, and plans to reduce identified slum and blighted conditions within those areas, have been adopted by the Board of County Commissioners (BCC). The redevelopment plans provide guidance to enhance quality of life, encourage private sector reinvestment, promote sound economic development, and provide recommendations for capital improvement projects and other public sector enhancements. Redevelopment overlay zoning districts are established in this article to support these adopted redevelopment plans through land development regulations.

(b) Community Redevelopment Agency (CRA). As part of the redevelopment strategy for designated redevelopment areas, the BCC created the Community Redevelopment Agency (CRA) and authorized tools for redevelopment. Within the LDC compliance review processes the CRA Manager or designee shall determine compliance with redevelopment overlay district regulations, particularly regarding land use and site and building requirements. In evaluating compliance, the CRA Board may identify circumstances requiring a departure from some overlay requirements and may grant exceptions accordingly. Although financial hardship alone is not a basis to grant an exception, the CRA Board may consider the following when requested to grant exceptions to overlay zoning district requirements:

(1) Individual and public safety.

(2) Unique site conditions or building characteristics.

(3) Adverse effects of standards on the use of the property.

(4) Public benefit.

(c) Crime prevention through design. When designing any element within a redevelopment overlay district, including site layout, buildings, streets, signs, landscaping, and parking, Crime Prevention Through Environmental Design (CPTED) principles shall be used. The CRA shall evaluate the following CPTED guidelines for development within the districts:

(1) Territorial reinforcement. All building entrances, parking areas, pathways, and other elements should incorporate appropriate features that create or extend a "sphere of influence," express ownership, and clearly distinguish private areas from public ones.

(2) Natural surveillance. The site layout, building, and landscape design should promote the ability to "see and be seen." Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site.

(3) Activity support. The site layout and building design should encourage legitimate activity in public spaces.

(4) Access control. Walkways, fences, lighting, signage, and landscape should be located and designed to clearly guide people and vehicles to and from the proper entrances, directing the flow of people while decreasing the opportunity for crime.(Ord. No. 2015-50, §1, 11-5-2015)

Sec. 3-3.3 Barrancas Overlay (Barr-OL).

(a) Purpose. The Barrancas Overlay (Barr-OL) district establishes supplemental land use regulations to support the objectives of the adopted Barrancas area community redevelopment plan. The intent of the additional land use controls is to enhance the character of an area changed by the realignment of Barrancas Avenue and undergoing revitalization, and to alleviate the harmful effects of industrial pollutants on the waters of Bayou Chico.

(b) Waterfront mixed-use area.

(1) Function. Within the Barr-OL overlay district a waterfront mixed-use (WMU) area is established to take advantage of the deep water characteristics of Bayou Chico and preserve commercial and recreational waterfront. The intent of the area is to promote more consistent shoreline development and encourage residential uses along and around the waterfront; protect unique natural resources within and around the bayou; and preserve and encourage water-dependant and water-related support uses that do not degrade the natural resources of the bayou or prevent their restoration.

(2) Location. The WMU area generally includes all land bounded on the north and east by the waters of Bayou Chico, and on the south and west by Olde Barrancas Avenue, Weis Lane, and Lakewood Road extending northwest from Weis Lane. The area extends from the east line of Lot 10, Block 3 of Lakewood subdivision (PB 2, P 30-E) to the east line of lots 5 and E of Brent Island subdivision (PB 4, P 78), but excludes: the area bounded by Lakewood Road, Audusson Avenue, and Browns Lane; Millwood Terrace subdivision (PB 12, P 22); and the area of a 13-lot development (Marina Villas, LLC) on the west side of Mahogany Mill Road and contiguous with the north side of Millwood Terrace. The waterfront mixed-use area is officially defined within the Geographical Information System (GIS) of the county.

(c) Permitted uses. Permitted uses vary by location within the Barr-OL district.

(1) District-wide. The following uses, if permitted by the underlying zoning district, are modified as noted throughout the overlay district:

a. For any mix of permitted residential and non-residential uses within the same building the non-residential uses shall occupy the first or bottom floor(s) and the residential uses shall occupy the second or upper floors.

b. Motor vehicle service and repair is limited to small-scale (gross floor area 6000 sq.ft. or less per lot) minor services and repair, indoor only.

c. Multi-family dwellings shall be in condominium form of ownership.

d. Sidewalk sales and tent sales are allowed only as temporary events accessory to the permitted retail uses within the overlay and shall be conducted immediately adjacent to the principal business for no more than 14 days within a calendar year. The business shall make all necessary arrangements to keep public rights-of-way unobstructed and obtain all required permits.

(2) Within WMU. The following uses are permitted within the WMU area, regardless of their status in the underlying zoning district:

a. Water-dependent uses.

1. Boat maintenance and repair yards that comply with the best management practices of the Florida Clean Boatyard Program of the Florida Department of Environmental Protection (FDEP).

2. Expansion of existing bulk product facilities and terminal facilities (as defined in Florida Statutes)if the expansion is no closer than 300 feet to any residential use and provides noise and visual buffering from adjacent parcels and public rights-of-way.

3. Commercial storage of boats.

4. Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing, and water taxis.

5. Harbor and marine supplies and services, and ship chandleries, including the fueling of vessels.

6. Marinas that comply with the best management practices of the Florida *Clean Marina* Program of the FDEP, including those berthing tugboats, fireboats, and pilot boats and providing similar services.

7. Public landings for the loading and unloading of boats and ships.

8. Marine research, education, and laboratory facilities.

9. Seafood packaging and distribution for sales.

b. Water-related support uses.

1. Fabrication of marine-related goods.

2. Fabrication, repair, and storage of fishing equipment.

3. Marine products wholesaling, distribution, and retailing.

4. Marine repair services and machine shops.

c. Other uses. Residential uses, including multi-family, but not required to be part of a predominantly commercial development.

(d) Conditional uses. The Barr-OL district does not modify the conditional uses of any underlying zoning districts except for those uses prohibited by the overlay.

(e) Prohibited uses. Prohibited uses vary by location within the Barr-OL district.

(1) District-wide. The following uses are prohibited throughout the overlay district regardless of their status in the underlying zoning district:

a. Billboards.

b. Boarding or rooming houses.

c. Campgrounds or recreational vehicle parks.

d. Carnival type amusements and amusement arcades.

e. Commercial storage of boats, except within the waterfront mixed-use (WMU) area.

f. Commercial outdoor storage of recreational vehicles.

g. Deposit boxes for donation of used items.

h. Fortune tellers, palm readers, psychics, and similar personal services.

i. Manufactured (mobile) homes and manufactured home subdivisions and parks.

j. Motor vehicle painting and outdoor motor vehicle repair or storage.

k. Pawn shops and check cashing services.

l. Self-storage facilities.

m. Warehouses, distribution and wholesale, except within the WMU area.

(2) Within WMU. The following uses are prohibited within the WMU area, regardless of their status in the underlying zoning district:

a. Heavy industry, including salvage yards, materials recovery facilities, mineral extraction, concrete and asphalt batch plants, sewage treatment plants, chemical plants, and new bulk product facilities or terminal facilities as defined in Florida Statutes (Chapter 376).

b. Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices.

c. Storage facilities for any materials that are toxic or hazardous substances or nutrients (i.e., elements or compounds essential as raw material for organic growth and development, such as carbon, nitrogen, or phosphorus), or that become one when left to stand or when exposed to water, but not including petroleum and petroleum related products regulated by the Florida Pollutant Discharge Prevention and Control Act.

(f) Site and building requirements. Site and building requirements vary by location within the Barr-OL district.

(1) District-wide. The following requirements apply throughout the overlay district:

a. **Structure height.** Except within the WMU area, a maximum structure height of 45 feet above highest adjacent grade. Any lower height required by use or underlying zoning district shall govern.

b. **Materials and colors.** Building materials and colors shall avoid adverse visual impacts on surrounding properties. Accessory structures shall use the same or similar materials, color, and style of the primary structure's facade if visible from a public way.

c. **Street orientation.** Buildings shall create desirable pedestrian environments between the buildings and adjacent streets through clear and visible orientation to the streets.

(2) Within MDR or HDR zoning. The following requirements apply if the underlying zoning is Medium Density Residential (MDR) or High Density Residential (HDR):

a. **Entry.** The front facade of a residential building shall include the primary entry door, be street facing, and include a porch or stoop that complies with the following:

1. Front Porches Front porches shall be a minimum of six (6) feet deep and ten (10) feet wide for two-story houses and four (4) feet deep and ten (10) feet wide for one- story houses and should otherwise match the scale of the primary façade.

2. Stoops. Where buildings are elevated above grade, stoops providing connections to building entrances or porches shall be a minimum of five (5) feet wide.

b. **Parking.** All off-street parking shall be located in the rear yard or within a garage. For single-family detached dwellings, off-street parking can be located in a driveway, carport, or garage. For residential uses, any front-facing attached garage shall be set back an additional ten (10) feet from the primary front façade and shall not exceed 25 percent of the width of that façade if the lot width is greater than 40 feet. All other garages must face the side or rear of the parcel.

(3) Within HDMU or Commercial zoning. The following requirements apply if the underlying zoning is High Density Mixed-use(HDMU) or Commercial (Com):

a. **Structure setbacks.** Front and side structure setbacks shall be consistent with adjacent structures. Rear setbacks shall be as required by the underlying zoning district. Where setback patterns are not clearly established, buildings shall be built to within 10 feet of property lines.

b. **Building orientation.** Buildings shall be oriented so that the principal facades are parallel or nearly parallel to the streets they face. On corner sites, buildings shall occupy the corner.

c. **Entry.** Entrances shall be well lit, visible from the street, and easily accessible. Walkways separate from driveways shall lead to front doors where practical.

d. **Parking.** Off-street parking areas shall be connected by walkways to the buildings they serve and comply with the following:

1. **Residential.** Parking for residential uses shall be located in the rear yard or within a garage. Any front facing attached garage shall be set back at least eight feet from the primary front facade and not exceed 25 percent of that façade if the lot width is greater than 40 feet.
2. **Non-residential.** Parking for non-residential uses shall be located in the rear or side yards unless provided as shared central parking through an easement or common ownership among contiguous properties. Curb cuts for such shared parking shall be limited to one 20-foot wide access. Liner buildings or landscaping shall be used to screen parking from view from the street.

e. Screening. All service and loading areas shall be entirely screened from off-site view.

f. Scale. Buildings shall be designed in proportions to reflect human pedestrian scale and movement, and to encourage interest at the street level, which is best achieved when the ratio of street (not right-of-way) width to building height is between 1:2 and 1:3.

g. Outdoor dining . Outdoor dining areas shall be appropriately separated from public walkways and streets using railings, wrought iron fences, landscaping, or other suitable materials such that a minimum unobstructed pedestrian path at least six feet wide is allowed along public rights-of-way.

(4) Within WMU area. The following requirements apply within the waterfront mixed-use (WMU) area:

a. Structure height. A maximum structure height of 100 feet above highest adjacent grade.

b. Structure setbacks. For all principal structures, minimum setbacks of ten feet on each side, including any group of attached townhouses. For structures exceeding 35 feet above highest adjacent grade, an additional two feet for each additional 10 feet in height.

Front porches, stoops, and balconies that extend beyond the primary building plane may encroach to within five feet of the property line. Steps leading to a front porch or stoop may encroach further, but not beyond the property line or onto public sidewalks.

Front and side setback lines should be consistent with adjacent structures. Where setback lines are not clearly established, buildings shall be built to within 10 feet of property lines.

c. Building orientation. 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.

d. Entry. Walkways separate from driveways shall lead to front doors where practical.

e. Parking. Parking and other non-habitable areas may comprise the first two floors of a mixed-use structure. Off-street parking areas shall be connected by walkways to the buildings they serve and comply with the following:

1. **Residential.** Parking for residential uses shall be located in the rear yard or within a garage. Any front facing attached garage shall be set back at least 10 feet from the primary front facade and not exceed 25 percent of that façade if the lot width is greater than 40 feet.
2. **Parking structures.** Access to parking structures shall be limited to the side or rear of the structures and their street facades shall be concealed by liner buildings or be screened so as to provide the appearance of being an occupied use; i.e., with articulated building fronts, windows, etc.

f. Screening. All service and loading areas and outdoor storage shall be entirely screened from off-site view by opaque fencing consisting of chain link fence with slats or privacy fence of wood, PVC, or vinyl, or by concrete or stucco walls.

g. Signs. Site signage is limited to one freestanding monument sign per development parcel, scaled primarily for pedestrians, and not to exceed 100 square feet in area and 12 feet in height, except for multi-tenant development where the sign may be up to 300 square feet. Sign colors, materials, and lighting shall avoid adverse visual impacts on surrounding properties. Wall signs shall not obstruct design details, windows, or cornices of the buildings to which they are attached. For individual tenants in a multi-tenant development, wall signs shall not exceed 20 square feet per sign.

(Ord. No. 2015-20, § 1, 7-7-15)

h. Resource protection.

1. **Natural features.** Natural features shall be protected and integrated into site design and development where possible.
2. **Shorelines.** Natural vegetated shoreline erosion control solutions shall be implemented where there is a high likelihood of success and effectiveness. County evaluation of shoreline protection shall consider bathymetry, wave climate, sediment quality, and adjacent and surrounding shorelines.
3. **Septic tanks.** If septic tanks are permitted they shall be located at least 100 feet from the mean high water line (MHWL) of the bayou.

i. Dock materials. All docks, bulkheads, and seawalls constructed of treated wood products should use 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.

Sec. 3-3.4 Brownsville Overlay (Brn-OL).

(a) Purpose. The Brownsville Overlay (Brn-OL) district establishes supplemental land use regulations to support the objectives of the adopted Brownsville area community redevelopment plan. The intent of the additional land use controls is to enhance the character of an area undergoing revitalization, support existing commercial corridors, and protect the unique and historic character of the Brownsville community.

(b) Permitted uses. Within the Brn-OL district, for any mix of permitted residential and non-residential uses within the same building, the non-residential uses shall occupy

the first or bottom floors and the residential uses shall occupy the second or upper floors.

(c) Conditional uses. The Brn-OL district does not modify the conditional uses of any underlying zoning districts except for those uses prohibited by the overlay.

(d) Prohibited uses. The following uses are prohibited in the Brn-OL district regardless of their status in the underlying zoning district:

(1) Billboards.

(2) Manufactured (mobile) homes, and manufactured home subdivisions and parks.

(e) Site and building requirements. The following site and building requirements apply only to non-residential uses within the Brn-OL district:

(1) Structure height.. No structure height shall exceed 45 feet above highest adjacent grade. Any lower height required by use or underlying zoning district shall govern.

(2) Materials and detailing. New structures, additions, and renovations shall use materials and detailing that maintain the distinct character and harmony of the redevelopment district. Vinyl or metal siding is prohibited on the primary facades of buildings adjacent to public rights-of-way. Accessory structures shall use the same or similar materials, color, and style of the primary structure's façade if visible from a public way.

(3) Setbacks. New construction along Mobile Highway or Cervantes Street shall be set back a distance similar to that of adjacent buildings unless customer parking is provided adjacent to the street in support of CPTED principles. Exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape.

(4) Facades.

a. Front facades. Front building facades more than 80 feet in width shall be divided into increments by changes in materials, bay windows, wall offsets, or similar methods.

b. Rear façade. A minimum of 15 feet of a building's rear façade facing a public right of way, parking area, or open space shall consist of transparent materials, not including reflective glass.

(5) Natural features. Natural features shall be protected and integrated into site design and development where possible.

(6) Signs. Site signage is limited to one freestanding monument sign per development parcel, scaled primarily for pedestrians, and not to exceed 100 square feet in area and 12 feet in height, except for multi-tenant development where the sign may be up to 300 square feet. Sign colors, materials, and lighting shall avoid adverse visual impacts on surrounding properties. Wall signs shall not obstruct design details, windows, or cornices of the buildings to which they are attached. For individual tenants in a multi-tenant development, wall signs shall not exceed 20 square feet per sign.

(7) Lighting. Lighting 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 hidden from direct pedestrian and motorist view.

(8) Parking. Off-street parking shall be located in the rear. If the lot orientation cannot accommodate adequate rear parking, parking may be located on the side.

(9) Buffers and screening of outdoor storage. All outside storage shall be screened from public view. The screening shall use the same materials, color, and style as the primary building for architectural compatibility with the primary building. If the outside storage area is separate from the building it serves the following shall apply:

a. Type. Only fences constructed of legitimate fencing materials (may or may not be opaque) or masonry, concrete or stucco walls may supplement buffers. Specifically, garage doors and sheets of roofing material do not qualify for fencing or wall materials.

b. 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.

Sec. 3-3.5 Englewood Overlay (Eng-OL).

(a) Purpose. The Englewood Overlay (Eng-OL) district establishes supplemental land use regulations to support the objectives of the adopted Englewood area community redevelopment plan. The intent of the additional land use controls is to enhance the character of an area undergoing revitalization, support existing commercial areas, and protect the unique and historic character of the Englewood neighborhood.

(b) Permitted uses. Within the Eng-OL district, for any mix of permitted residential and non-residential uses within the same building, the non-residential uses shall occupy the first or bottom floors and the residential uses shall occupy the second or upper floors.

(c) Conditional uses. The Eng-OL district does not modify the conditional uses of any underlying zoning districts.

(d) Prohibited uses. The following uses are prohibited in the Eng-OL district regardless of their status in any underlying zoning district:

(1) Billboards.

(2) Manufactured (mobile) homes, and manufactured home subdivisions and parks.

(e) Non-residential site and building requirements. The following non-residential site and building requirements apply within the Eng-OL district.

(1) Structure height. New or redeveloped buildings, or building additions, shall complement the existing pattern of building heights. No structure shall exceed 45 feet in height and any lower height required by the underlying zoning district shall govern.

(2) Materials and detailing. New 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. Vinyl or metal siding is prohibited on the primary facades of buildings adjacent to public rights-of-way. All accessory structures shall use the same materials, color, and/or style of the primary façade if visible from a public way.

(3) **Setbacks.** New construction shall be set back a distance similar to that of adjacent buildings unless customer parking is provided adjacent to the street in support of CPTED principles. Exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the streetscape.

(4) **Facades.**

a. **Front facades.** A front building facade more than 80 feet in width shall be divided into increments by changes in materials, bay windows, wall offsets, or similar methods.

b. **Rear façades.** A minimum of 15 feet of a building's rear façade facing a public right of way, parking area, or open space shall consist of transparent materials, not including reflective glass.

(5) **Natural features.** Natural features shall be protected and integrated into site design and development where possible. The applicant shall demonstrate how the development protects and incorporates existing vegetation.

(6) **Landscaping.** Water conservation is encouraged through proper landscape plant selection, installation and maintenance practices. Native plant species are required. All non-residential development applications shall include a landscape plan as part of compliance review. The plan shall include the areas of natural vegetation to be protected, location and species of all plants to be installed, and an irrigation plan

(7) **Signs.** Site signage is limited to one freestanding monument sign per development parcel, scaled primarily for pedestrians, and not to exceed 100 square feet in area and 12 feet in height, except for multi-tenant development where the sign may be up to 300 square feet. Sign colors, materials, and lighting shall avoid adverse visual impacts on surrounding properties. Wall signs shall not obstruct design details, windows, or cornices of the buildings to which they are attached. For individual tenants in a multi-tenant development, wall signs shall not exceed 20 square feet per sign.

(8) **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 hidden from direct pedestrian and motorist view.

(9) **Parking.** Parking in the overlay district must adequately serve the users without detracting from the compact design that makes it a successful commercial center. Off-street parking must be located in the rear. If the lot orientation cannot accommodate adequate rear parking, parking on the side may be permitted.

(10) **Buffers and screening of outdoor storage.** All outside storage must be screened from public view. The screening must use the same materials, color, and/or style as the primary building for architectural compatibility with the primary

building and the building it is adjacent to. If the outside storage area is separate from the building it serves the following shall apply:

a. **Type.** Only fences constructed of legitimate fencing materials (may or may not be opaque) or masonry, concrete or stucco walls may supplement buffers. Specifically, garage doors and sheets of roofing material do not qualify for fencing or wall materials.

b. **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.

Sec. 3-3.6 Palafox Overlay (Pfox-OL).

(a) Purpose. The Palafox Overlay (Pfox-OL) district establishes supplemental land use regulations to support the objectives of the adopted Palafox area community redevelopment plan. The intent of the additional land use controls is to enhance the character of an area undergoing revitalization and support a mix of commercial, industrial, and residential uses within the Palafox area.

(b) Permitted uses. Within the Pfox-OL district, for any mix of permitted residential and non-residential uses within the same building, the non-residential uses shall occupy the first or bottom floor and the residential uses shall occupy the second or upper floors.

(c) Conditional uses. The Pfox-OL district does not modify the conditional uses of any underlying zoning districts.

(d) Prohibited uses. The following uses are prohibited in the Pfox-OL district regardless of their status in any underlying zoning district:

(1) Manufactured (mobile) homes. The construction of modular homes is not prohibited.

(2) Manufactured (mobile) home subdivisions and parks.

(e) Non-residential site and building requirements. The following non-residential site and building requirements apply within the Pfox-OL district

(1) Structure height. New or redeveloped buildings, or building additions, shall complement the existing pattern of building heights. No structure shall exceed 45 feet in height and any lower height required by the underlying zoning district shall govern.

(2) Materials and detailing. New 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. Vinyl or metal siding is prohibited on the primary facades of buildings adjacent to public rights-of-way. All accessory structures shall use the same materials, color, and/or style of the primary façade if visible from a public way.

(3) Setbacks. New construction shall be set back a distance similar to that of adjacent buildings unless customer parking is provided adjacent to the street in support of CPTED principles. Exceptions may be granted if the setback is

pedestrian oriented and contributes to the quality and character of the streetscape.

(4) Facades.

a. Front facades. A front building facade more than 80 feet in width shall be divided into increments by changes in materials, bay windows, wall offsets, or similar methods.

b. Rear façade. A minimum of 15 feet of a building's rear façade facing a public right of way, parking area, or open space shall consist of transparent materials, not including reflective glass.

(5) Natural features. Natural features shall be protected and integrated into site design and development where possible. The applicant shall demonstrate how the development protects and incorporates existing vegetation.

(6) Landscaping. Water conservation is encouraged through proper landscape plant selection, installation and maintenance practices. Native plant species are required. All non-residential development applications shall include a landscape plan as part of compliance review. The plan shall include the areas of natural vegetation to be protected, location and species of all plants to be installed, and an irrigation plan.

(7) Signs. Site signage is limited to one freestanding monument sign per development parcel, scaled primarily for pedestrians, and not to exceed 100 square feet in area and 12 feet in height, except for multi-tenant development where the sign may be up to 300 square feet. Sign colors, materials, and lighting shall avoid adverse visual impacts on surrounding properties. Wall signs shall not obstruct design details, windows, or cornices of the buildings to which they are attached. For individual tenants in a multi-tenant development, wall signs shall not exceed 20 square feet per sign.

(8) 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 hidden from direct pedestrian and motorist view.

(9) Parking. Parking in the overlay district must adequately serve the users without detracting from the compact design that makes it a successful commercial center. 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) Buffers and screening of outdoor storage. All outside storage must be screened from public view. The screening must use the same materials, color, and/or style as the primary building for architectural compatibility with the primary building and the building it is adjacent to. If the outside storage area is separate from the building it serves the following shall apply:

a. **Type.** Only fences constructed of legitimate fencing materials (may or may not be opaque) or masonry, concrete or stucco walls may supplement buffers. Specifically, garage doors and sheets of roofing material do not qualify for fencing or wall materials.

b. **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.

Sec. 3-3.7 Scenic Highway Overlay (SH-OL).

(a) Purpose. The Scenic Highway Overlay (SH-OL) district establishes supplemental land use regulations to support the Pensacola Scenic Bluffs Highway Master Plan. The intent of the additional land use controls is to further the objectives of the plan, especially its protection of the unique scenic vista and environmental resources of the U.S. Highway 90 corridor and adjacent Escambia Bay shoreline. Controls established by the overlay work to alleviate the harmful effects of erosion and runoff caused by clearing natural vegetation and changing existing contours within the corridor, and to preserve the bluffs, wetland areas and scenic views along the bay for continued public access to and enjoyment of those views.

(b) Boundary. The Scenic Highway Overlay district includes all parcels adjoining the west side of the Pensacola Scenic Bluffs Highway (U.S. Highway 90 or Scenic Highway) and all property between the highway and Escambia Bay on the east side of the highway, north from the Pensacola city limit along the highway for approximately five miles to the county line at Escambia River.

(c) Permitted uses. All of the uses permitted within the underlying zoning districts are permitted, subject to the site and building requirements of the overlay district.

(d) Site and building requirements.

(1) Structure height. Structures between Scenic Highway and Escambia Bay shall have a maximum height of 35 feet as measured from the highest adjacent grade. Non-residential uses may exceed the height limit if granted 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, and 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.

(2) Lot coverage. Maximum land area coverage by all structures, parking areas, driveways and other impervious surfaces shall not exceed 50 percent of the gross site area.

(3) 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.

(4) Building separation. The minimum distance between structures shall be 15 feet, and there shall be at least 100 feet between single-family dwellings and multi-family dwellings, residential group living, or public lodging.

(5) **Multi-use path.** Based on the corridor management plan, a multi-use path on the east side of Scenic Highway is intended to run the full length of the corridor within the right-of-way, but at the maximum distance possible from the roadway pavement. Developers of property within the overlay are encouraged to maximize the innovative integration of a path extension into their development, but outside of the right-of-way on public property or on easements donated by private property owners.

(6) **Tree protection**.

a. A canopy tree protection zone is hereby established for all land within 20 feet of the right of way of Scenic Highway and Highway 90 from the Pensacola city limit to the Santa Rosa County line. No person or agency shall cut, remove, trim or in any way damage any tree in the canopy tree protection zone without a permit. Except in unique cases, permitted 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.

b. Heritage Oak trees shall be preserved.

c. Clearing of natural vegetation within the corridor shall require a land disturbance permit and is generally prohibited except for the minimum area needed for construction of allowable structures or view enhancement.

(7) **Landscaping.** For developments otherwise subject to LDC landscaping requirements, a minimum 10-foot wide landscaped strip shall be required along any Scenic Highway frontage, and shall contain one tree for every 35 linear feet of frontage. The trees shall be of sufficient height at planting such that a six-foot view shed exists at planting. Preservation of existing plant communities within the required landscaped areas can be used to satisfy these requirements.

(8) **Orientation of non-residential buildings.** Orientation of non-residential 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.

(9) **Fences.** No fence within the overlay 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.

(10) **Structure location.** All structures will be reviewed to assure conformance with the following criteria:

a. The location shall afford maximum views of the bay from the street right-of-way.

b. The location shall minimize impact on the natural bluff and plant material (other than pruning to enhance views).

c. Provide underground utilities.

Sec. 3-3.8 Warrington Overlay (Warr-OL).

(a) Purpose. The Warrington Overlay (Warr-OL) district establishes supplemental land use regulations to support the objectives of the adopted Warrington area community redevelopment plan. The intent of the additional land use controls is to enhance the character of an area undergoing revitalization, especially along those commercial corridors that provide primary access or gateways to the adjoining military installations within the Warrington area.

(b) Permitted uses. Within the Warr-OL district, the permitted uses of the underlying zoning districts are limited by the following:

(1) Mix of uses. For any mix of residential and non-residential uses within the same building, the non-residential uses shall occupy the first or bottom floor and the residential uses shall occupy the second or upper floors.

(2) Separation of same uses. Any two locations of the same use shall be separated by at least 2500 feet as measured between the closest points of the two property boundaries for the following uses:

a. Bars and nightclubs.

b. Check cashing services.

c. Convenience stores.

d. Pawnshops.

e. Retail sales of alcohol for off-premises consumption.

f. Tattoo parlors.

(c) Conditional uses. The Warr-OL district does not modify the conditional uses of any underlying zoning districts except for those uses prohibited by the overlay and the requirement that uses be separated as required for permitted uses within the overlay.

(d) Prohibited uses. The following uses are prohibited in the Warr-OL district regardless of their status in any underlying zoning district:

(1) Manufactured (mobile) homes. The construction of modular homes is not prohibited.

(2) Manufactured (mobile) home subdivisions or parks.

(Ord. No. 2015-21, § 1, 7-7-15)

(e) Non-residential site and building requirements. The site and building requirements of non-residential uses within the Warr-OL are modified as follows:

(1) Structure height. New buildings, additions and redeveloped buildings shall complement the existing pattern of building heights. No structure shall exceed

45 feet in height and any lower height required by the underlying zoning district shall govern.

(2) **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.

(3) **Materials and detailing.** New 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 Warrington Community Redevelopment District. Vinyl or metal siding is prohibited on the primary facades of buildings adjacent to public rights-of-way. All accessory structures shall use the same materials, color, and/or style of the primary façade if visible from a public way.

(4) **Facades.**

a. **Front façade.** A front building facade more than 80 feet in width shall be divided into increments by changes in materials, bay windows, wall offsets, or similar methods.

b. **Rear façades.** A minimum of 15 feet of a building's rear façade facing a public right of way, parking area, or open space shall consist of transparent materials, not including reflective glass.

(5) **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.

(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) **Landscaping.** Water conservation is encouraged through proper landscape plant selection, installation and maintenance practices. Native plant species are required. All non-residential development applications shall include a landscape plan as part of compliance review. The plan shall include the areas of natural vegetation to be protected, location and species of all plants to be installed, and an irrigation plan.

(8) **Buffers and screening of outdoor storage.** All outside storage must be screened from public view. The screening must use the same materials, color, and/or style as the primary building for architectural compatibility with the primary building and the building it is adjacent to. If the outside storage area is separate from the building it serves the following shall apply:

1. **Type.** Only fences constructed of legitimate fencing materials (may or may not be opaque) or masonry, concrete or stucco walls may supplement buffers. Specifically, garage doors and sheets of roofing material do not qualify for fencing or wall materials.

2. **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.

(9) **Signs.** Site signage is limited to one freestanding monument sign per development parcel, scaled primarily for pedestrians, and not to exceed 100 square feet in area and 12 feet in height, except for multi-tenant development where the sign may be up to 300 square feet. Sign colors, materials, and lighting shall avoid adverse visual impacts on surrounding properties. Wall signs shall not obstruct design details, windows, or cornices of the buildings to which they are attached. For individual tenants in a multi-tenant development, wall signs shall not exceed 20 square feet per sign.

(10) **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.

(11) **Parking.** Parking in the overlay district must adequately serve the users without detracting from the compact design that makes it a successful commercial center. Off-street parking must be located in the rear. If the lot orientation cannot accommodate adequate rear parking, parking on the side will be permitted.

(12) **If within HC/LI zoning.** Development within the HC/LI zoning district is subject to the following design standards.

a. **Landscaping.** A minimum 10-foot wide landscaped strip is required on all roadway frontages. The strip shall contain one tree and 10 shrubs for every 35 linear feet of frontage. Preservation of existing plants 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 length.

b. **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 minimum five-foot wide landscaped strip from any boundary of the property on which the vehicular use area is located. The strip shall contain 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 mature size.

c. **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.

d. **Irrigation system.** An irrigation system shall be installed for all landscaped areas of the site. All systems shall include rain sensors and all system materials used shall be ASTM approved.

e. **Existing development.** Any change of use to a HC/LI use within the overlay district must meet the above standards.

(f) **Rezonings.** Rezoning of Commercial zoned property to a more intense zoning district is prohibited if located on an arterial roadway.

Sec. 3-3.9 Perdido Key Towncenter Overlay (PK-OL)

(a) Purpose. The Perdido Key Towncenter Overlay (PK-OL) district establishes supplemental development regulations to support the objectives of the adopted Perdido Key Master Plan. The intent of the additional regulations is to:

(1) Enhance the character of the compact urban area undergoing revitalization into a walkable, attractive urban place that supports a mix of uses,

(2) Provide for walkable streetscapes where active building frontages address sidewalks.

(3) Provide for efficient vehicle and service access without undermining walkability.

(4) Enhance the existing development fabric and provide an improved public realm.

(5) Promote small-scale, incremental development, alongside larger development.

(6) Discourage commercial strip development that breaks the urban street fabric and negatively impacts the pedestrian environment.

(b) Permitted uses. The following uses are modified as noted throughout the PK-OL district:

(1) Sidewalk retail sales and displays as special events regulated by the temporary use provisions in Chapter 4, Article 7 are allowed only if accessory to the permitted retail use within PK-OL and conducted immediately adjacent to the principal business for no-more than 60 days within a calendar year.

(c) Conditional uses. The following uses, if allowed as conditional use by the underlying zoning district, are modified as noted throughout the PK-OL district:

(1) Motor vehicle service and repair is prohibited.

(d) Block configurations. To develop the PK-OL district as an urban pedestrian-oriented area that facilitates pedestrian movement and ensures the accommodation of different types of uses, new blocks shall be human-scaled and comply with the following:

(1) Blocks shall have a maximum perimeter of 2,000 feet as measured along the public street right-of-way perimeter. Any deviation from this standard shall require the approval of the Planning Official, but block perimeters that include civic space or environmental challenges (e.g., wetlands, Habitat Conservation Plan area) may be exempted.

(2) Where mid-block pedestrian passages are provided that are continually open to the public and connect two public streets, the block perimeter shall be measured from public rights-of-way to the mid-block pedestrian connections.

(3) Mid-block pedestrian passages in mixed-use and commercial areas shall be a minimum of 12 feet wide. They may be hardscaped or softscaped and shall be well lit for security and comfort purposes.

(e) Lot standards. The following lot standards shall apply to new lots created within PK-OL and shall supersede the underlying zoning district:

(1) Minimum lot widths are reduced for residential uses as follows:

a. Single-family detached lots: 30 feet.

b. Townhouse lots: 16 feet.

c. Multi-family lots: 72 feet.

(2) Lots shall front on a minimum of one public right-of-way (vehicular or pedestrian) or civic space.

(f) Building requirements. The following building requirements apply within PK-OL and shall supersede the underlying zoning district:

(1) Setbacks.

a. A minimum front setback of five feet is permitted for all retail uses, live-works and townhouses. A minimum front setback of ten feet is permitted for all other uses. However, where buildings exist on adjacent lots, the Planning Official may require that a proposed building match one or the other of the adjacent setbacks if those setbacks establish a dominant pattern.

b. Front porches, stoops, bay windows and balconies are permitted to extend beyond the structure setback line and may encroach to within five feet of the property line. Steps leading to a front porch or stoop may encroach further, but not beyond the property line or onto public sidewalks. Galleries and arcades may encroach into the public sidewalk, in coordination with, and upon approval from the Department of Public Works.

(2) Frontages. Maintaining a consistent street-wall is a fundamental component for a vibrant and interesting pedestrian life and a coordinated public realm. Retail buildings closely aligned to the street edge, with consistent setbacks, provide a clear sense of enclosure to streets, enabling them to function as human-scaled, outdoor rooms. The placement of the building and design of the facade along the street edge should be given particular attention, as it is that portion of a building that is the primary contributor to pedestrian activity.

a. Buildings shall be oriented so that the principal façade is parallel or nearly parallel to the primary street it faces for the minimum building frontage requirements.

b. Minimum building frontage requirements shall be as follows.

(1). MDR-PK & HDR-PK: 50 percent at front setback line

(2). Com-PK: 60 percent at front setback line

(3). CC-PK: 70 percent at front setback line

(4). Rec-PK: none

c. Forecourts, courtyards and other such defined open spaces shall count towards minimum frontage build-out requirements.

d. Building projections, such as arcades, galleries, terraces, porches and balconies shall count towards the minimum frontage buildout requirements.

f. Exceptions to minimum frontage requirements may be permitted for lots that are constrained due to environmental conditions but shall require approval by the Planning Official. Permitted exceptions shall include:

(1). Streetscreen: a maximum of six feet high with a minimum 50% open above three feet.

g. Landscape buffers: a minimum of three feet high at planting.

h. Stoops shall be a minimum of five feet wide.

i. Awnings on storefronts shall be a minimum of four feet deep. Adjustable roll-up awnings are encouraged.

j. Porches shall be a minimum of six feet deep.

k. Upon development or redevelopment of a lot, the property owner shall coordinate private frontage improvements with the public frontage as needed to conform to the Perdido Key Master Plan.

(4) Building orientation and entries.

a. Building orientation shall match the building it faces across a street, or open space such that the front of a building faces the front or side of buildings, except in instances when it faces existing buildings. Avoid facing building fronts to the rear of other buildings.

b. Buildings shall have their principal pedestrian entrance along a street, pedestrian passage or open space with the exception of entrances off a courtyard, visible from public right-of-ways.

c. All buildings with residential uses at grade shall be raised above the level of the sidewalk by a minimum of two feet, as measured from the average sidewalk elevation.

d. Residential buildings with ground-floor units shall provide landscaping, walls, fences, stoops or similar elements to provide an attractive and private frontage to the building.

e. Multi-family buildings shall provide protection from the elements with canopies, marquees, recesses or roof overhangs.

f. All service and loading areas shall be entirely screened from public right-of-ways.

g. Townhouses shall distinguish each unit entry with changes in plane, color, materials, front porches or front stoops and railings.

h. Walls, landscaping, hedging, or fencing, when used in front yards shall not exceed three feet in height.

i. Front yards of single-family dwellings may be unified into one common yard and treated as a single yard for the entire building.

(5) Building massing, materials and details. Buildings should be designed in proportions to reflect human pedestrian-scale and movement, and to encourage interest at the street level. The following standards apply to all buildings:

a. Buildings over 100 feet long shall be broken down to a scale comparable to adjoining properties, by articulating the building in plan or elevation. Varied pattern of window openings shall be encouraged for larger buildings.

b. HVAC and mechanical equipment shall be integrated into the overall building design and not be visible from adjoining streets or open spaces. Through-wall units or vents are prohibited along street frontages and open spaces unless recessed within a balcony.

c. Rooftop equipment shall be concealed by a parapet or screened architecturally with materials or elements consistent with the building design and designed to minimize its overall impact.

d. The facades of mixed-use buildings shall differentiate commercial uses from residential uses with distinguishing elements and expression lines, architectural projections, changes in windows or materials.

e. Vinyl or metal siding is prohibited on the primary facades of buildings adjacent to public rights-of-way.

f. Buildings should shade fenestration facing south and west by means of elements such as roof overhangs, arcades, porches, awnings, loggias, or balconies.

g. Accessory structures shall use the same or similar materials, color and style of the primary structure's façade if the accessory structure is visible from a public right-of-way.

h. Window openings in masonry or stone walls shall recess into the thickness of the building wall.

i. All outdoor storage and building utility equipment must be screened from public view. The screening must use the same materials, color and style as the primary building for architectural compatibility with the primary building and the building it is adjacent to. If the outdoor storage area is separate from the building it serves, the fence materials are limited to masonry, concrete, stucco, wood, PVC, and metal, excluding chain link.

(6) Storefronts and dining establishments. Retail storefronts should be architecturally articulated through the varied use of high-quality durable materials, colors, display windows, entrances, awnings, and building signs; and their glazing, doors, and signage should be conceived as a unified design. Outdoor dining areas for food and beverage establishments are encouraged, with the tables, chairs, planters, trash receptacles and other elements of street furniture compatible with the architectural character of the building. The following standards apply to storefronts and outdoor dining:

a. Retail shops shall provide a minimum of 16 feet of height from floor to floor.

b. Retail shops shall provide a minimum of 70% glazing (void to solid ratio of surface area along primary facades at the ground level. Exceptions based on architectural merit may be granted by the Planning Official.

c. Scale and configuration of large format retail buildings shall be compatible with the massing and urban character of adjacent buildings.

d. Opaque, smoked, and reflective glass on storefront windows is prohibited unless limited to use as accent materials.

e. Retail storefront materials at ground level shall be stone, brick, concrete, metal, glass, and/or wood.

f. Awnings and canopies shall have a minimum depth of three feet and provide at least eight feet of clearance above the sidewalk.

g. Outdoor dining areas on sidewalks, including within courtyards and public right-of-ways are allowed subject to the following standards and guidelines:

(1). Outdoor dining areas shall be separated from public walkways and streets using railings, wrought-iron fences, planters, landscaping and other suitable materials such that a minimum unobstructed pedestrian path of at least six feet wide is allowed along public right-of-ways.

(2). Access to store entrances shall not be impaired.

(g) Parking. The needs of pedestrians, cyclists, and transit users shall be balanced with necessary parking. Parking should accommodate the minimum number of spaces necessary to support the uses it serves to support active and walkable transit-oriented development, not degrade the public realm, and remain compatible with surrounding neighborhoods. The following parking requirements apply within PK-OL and shall supersede the underlying zoning district:

(1) Spaces required. Required off-street parking shall comply with the following requirements:

a. The number of parking spaces for residential, government, and public utility uses shall be as per their underlying zoning district.

b. Retail sales and services shall be permitted up to a 20% reduction in parking requirements in order to encourage redevelopment. Where permitted, on-street parking along all property lines shall count towards this parking requirement.

c. Liner uses that line parking structures or lots with a depth of 30 feet or less shall be exempt from parking requirements.

d. A minimum of one bicycle rack for bicycle parking shall be required for every 20 vehicular spaces.

(2) Single-family detached and two-family. Residential parking location for single-family detached and two-family dwellings shall comply with the following:

a. Parking for residential uses shall be located in the rear or side of the lot, or within a garage.

b. Front-facing attached garages shall be set back at least twenty feet from the primary front façade and not exceed 40 percent of the width of that façade.

c. Lots greater than 60 feet may be exempt from this requirement.

d. If the lot orientation or the location of critical habitat cannot accommodate rear or side parking, parking in the front may be permitted.

e. If the floodplain elevation requires raising the townhouse a minimum of six feet, up to 50% of the townhouse frontage may be used for parking purposes.

(3) Townhouses and multi-family. Residential parking location for townhouses and multi-family shall comply with the following:

a. Where alleys are provided, parking shall be accessed from the alleys. Where alleys are not provided, parking may be provided in shared parking courts in the rear yards or side yards if adequately screened or landscaped from view from the street. Parking for properties abutting the CCL shall be permitted to provide parking in the front if adequately screened or landscaped from view from the street.

b. Shared parking through an easement or common ownership among contiguous properties is encouraged. Curb cuts for such shared parking shall be limited to one 20-foot wide access.

c. If the lot orientation or the location of critical habitat cannot accommodate rear or front parking, parking in the front may be permitted.

d. If the food plain elevation requires raising the townhouse a minimum of six feet, up to 50% of the townhouse frontage may be used for parking purposes.

e. If parking is provided in the front for multi-family buildings only, liner buildings or landscaping shall be used to screen parking from view from the street.

(4) Non-residential. Non-residential parking location shall comply with the following requirements:

a. Where alleys are provided, parking shall be accessed from the alleys. Where alleys are not provided, parking may be provided in shared parking courts in the rear yards or side yards if adequately screened or landscaped from view from the street.

b. Shared parking through an easement or common ownership among contiguous properties is encouraged, but curb cuts for such parking shall be limited to one 20-foot wide access.

c. If the lot orientation or the location of critical habitat cannot accommodate rear parking, parking on the side may be permitted.

d. If parking can only be provided in the front, liner buildings or landscaping shall be used to screen parking from view from the street.

(5) Above-grade structures. Above-grade parking structures, or portions of underground parking that protrude above grade shall comply with the following requirements:

a. Street-facing facades of parking structures shall be concealed by liner buildings with a minimum depth of 20 feet or be screened on all levels so as to provide the appearance of an occupied use.

b. Internal elements of parking structures such as pipes, fans and lights shall be concealed from public view.

c. Pedestrian access into above-grade parking structures shall be directly from a street or public frontage for non-residential uses.

d. In order to enhance and protect environmental sensitive lands and protected species, the Planning Official can incentivize development of above-grade structures within the HDR-PK zoning district, only if the following conditions exist:

1. Parcels are under single ownership.
2. Structure is part of a Master Plan.
3. Structure is an amenity to commercial development.

(6) Access and design. Shared access driveways are encouraged and access to and design of parking shall comply with the following requirements:

a. Access to parking structures shall be limited to the side or rear of the structures where possible.

b. Parking entrances shall not face common open spaces.

c. Driveways for access to LDR-PK and MDR-PK lots shall be a maximum of 10 feet wide. Driveways for access to all other lots shall be a maximum of 20 feet wide.

d. In addition to other landscaping requirements, a minimum of 5 percent of the surface parking area shall be landscaped area within the parking and a minimum of one shade tree must be provided for every 20 vehicular parking spaces.

(h) Common open space. As an important component of the public realm, common open spaces ranging in size and character will positively contribute to the vitality of the urban environment, enrich the civic spirit of a community and reinforce the area's habitat biodiversity and ecology. Common open space requirements for PK-OL shall be as follows:

(1) Common open spaces shall be visible with a minimum of one side bordering a street unless constrained by natural conditions. Open spaces shall be entered directly from a street.

(2) Paving within common open spaces should consist of pervious or impervious materials such as scored concrete, concrete pavers, stone, brick or gravel.

(3) Common open space shall contain benches, trash receptacles and bike racks, in keeping with the scale of the space. All furnishings shall meet applicable county standards.

(4) Landscaping within common open space shall comply with the standards of the LDC. Plants within common open spaces should require minimal maintenance and be horticulturally acclimatized to the region.

(i) **Landscaping**. The general landscaping standards Chapter 5, Article 7 of apply within PK-OL. However, natural features within the overlay shall be protected and integrated into site development where possible, and water conservation is encouraged through proper landscape plant selection, installation and maintenance practices.

(j) **Lighting**. Exterior lighting should serve to illuminate facades, entrances, and signage, and provide an adequate level of personal safety while enhancing the aesthetic appeal of buildings. The following lighting requirements within PK-OL supplement the general lighting standards in Chapter 5, Article 9 and supersede those standards where more restrictive:

(1) Building and signage lighting shall be indirect, with the light source hidden from direct pedestrian view.

(2) Street lights shall be designed to minimize light spillover.

(3) Where located along or next to residential buildings, street lights shall have a maximum height of 12 feet and have shields to prevent upward cast lighting.

(4) High pressure sodium and metal halide lamps are prohibited.

(k) **Signage**. The intent of regulating signs that are visible from the public frontage is to ensure proper dimensional and placement with respect to the aesthetic character of the place or building in which they are located, to maintain or improve public safety, and to provide legible information for pedestrian, not just drivers. The following requirements within PK-OL supplement the general sign standards in Chapter 5, Article 8 and supersede those standards where more restrictive:

(1) Street lights shall be designed to minimize light spillover. Where located next to residential uses, streetlights shall include shields as needed to prevent lighting from directly entering residential windows. Upward cast stray lights shall also be excluded or significantly limited through fixture reflection/refraction or shielding.

(2) Street lights shall be placed to avoid conflict with street trees and sidewalks, and shall be placed to be convenient to service.

(3) Signs with the following features shall be prohibited:

a. Animated signs
b. Moving or flashing signs, including, but not limited to search lights, streamers and spinners.
c. Inflatable signs, such as but not limited to balloons and gas-inflated signs.
d. Portable signs, except for sidewalk signs.
e. Other signs prohibited in Chapter 5, Article 8.

(4) Permitted signs shall be restricted according to Table PK-OL-1 for:

a. The number of signs / sign type
b. The area of the sign
c. The text height of sign

(5) Signs are subject to removal in accordance with Table PK-OL-1, and as follows:

a. Signs permitted for a permanent period (P) are not subject to removal on the basis of a permitted period.
   Signs permitted for a period of occupancy (O) shall be removed within 14 days of the end of occupancy.
b. Signs permitted during business hours (B) shall be removed during all hours the establishment is not in operation.
c. Any moveable signs should be removed from outdoor spaces during high winds or other weather conditions that might pose a hazard to public safety.

(6) All signs shall provide the following clearances except where specified otherwise:

a. Eight feet over pedestrian ways
b. 13.5 feet over vehicular ways and parking aisles.

(7) Illuminated signs are permitted as follows:

a. Fixtures shall be shielded to prevent glare.
b. All signs must be illuminated by a light source external to the sign.
c. Internal sign illumination is limited to window and wall signs within storefronts.
d. Neon may be used on storefronts, on canopy signs and wall signs.

(8) Specific to address signs:

a. Address signs shall be constructed of durable materials.
b. Address signs shall be attached to the front of the building, in proximity to the principal entrance or mailbox.
c. Address signs shall be easily visible by using colors or materials that contrast with their background.

(9) Specific to wall signs:

a. All business shall be permitted one wall sign for each first story façade.
b. Wall signs shall include only letters, background, lighting and an optional logo. They shall not list products, sales or other promotional messages.
c. Wall signs shall not be wider than 90% of the width of the building façade or tenant space. They should be vertically aligned with the center of an architectural feature such as a storefront window, entry portal or width of a retail bay.
d. Wall signs shall not obstruct design details, windows or cornices of the buildings to which they are attached. For individual tenants in a multi-tenant development, wall signs should not exceed 20 square feet per sign.
e. Wall signs shall not project vertically above the roof line.
f. Wall signs may be illuminated from dusk to dawn or during hours permitted by the lighting ordinance.
g. If cut-out letters are used, they shall be individually attached to the wall or on a separate background panel, and shall be externally illuminated.
h. Electrical raceways, conduits and wiring shall not be exposed, but be contained completely within the sign assembly.

i. Where multiple band signs are present on a single building (i.e.: separate retail tenants), signage shall be coordinated in terms of scale, placement, color and materials.

(10) Specific to marquee signs:
a. Marquee signs are only permitted for civic and assembly uses.
b. Marquee signs may project to within three feet of curbs.
c. No portion of a marquee shall be lower than 10 feet clear.

(11) Specific to projecting signs:
a. Projecting signs may be double-sided.
b. Projecting signs may project up to four feet from facades.
c. Text and graphics on the projecting sign shall be limited to the name and/or logo of the business.
d. Projecting signs shall not encroach above the roof line.
e. For buildings with multiple signs, mounting hardware and sign shapes, sizes and colors shall be coordinated.

(12) Specific to sidewalk signs:
a. Sidewalk signs shall not exceed 42 inches in height and 30 inches in width.
b. Sidewalk signs shall not be located within three feet of a curb.

(13) Specific to window signs:
a. Letters may be painted directly on the window.
b. Neon or hanging signs may be hung behind the glass.
c. Vinyl applique letters applied to windows are permitted. Appliques shall consist of individual letters or graphics with no visible background.
d. Window signs shall not interfere with the primary function of windows which is to enable passersby to see through windows into premises and view product displays.

(14) Specific to corner signs:
a. Corner signs are only permitted at building corners where each façade abuts a frontage.
b. Corner signs may extend up to six feet above eaves or parapets.

(l) Sidewalks & Crossings: The design of the public realm, including sidewalks, crossings and other pedestrian amenities is intended to provide opportunities for a comfortable pedestrian circulation and an enhanced visual interest.

(1) Pedestrian crossings shall be at a maximum 600 feet spacing along commercial areas and a maximum ¼ mile spacing within the PK-OL.

(2) Sidewalks shall be provided on each block and shall be continuous on each side of the street, which has adjacent development.

(3) Sidewalks shall align with one another and connect to open space trails and paths, providing an unbroken circulation system.

(4) Except in open spaces, sidewalks shall be placed adjacent to the street with openings in the sidewalk to accommodate tree wells and/or landscape strips. Pedestrian paths through open spaces and mid-block passages shall serve as extensions to the street sidewalk system.

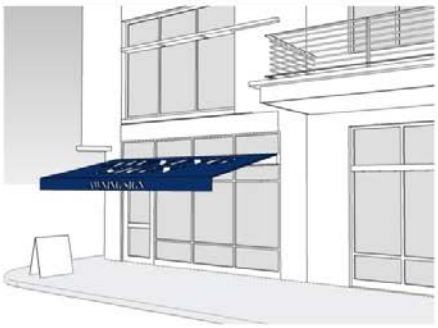
(5) New sidewalks shall be a minimum width of six feet clear. Greater sidewalk widths shall be provided where retail is located.

Table PK-OL-1 General Signage Restrictions

SIGN	Period	Number	Max. SIGN Area	Max. Text Height
Address	P	1 per tenant	1 sf.	8 in.
Awning	O	1 valence per awning	75% area of awning valence	8 in. on valence
Banner	T	1 per tenant	3 sf. per 1 linear ft.	18 in.
Canopy	P	1 per canopy	2 sf per linear foot of shopfront	30 in.
Corner	P	1 per building	40 sf.	n/a
Marquee	P	1 per entry	n/a	n/a
Projecting	P	1 per tenant	6 sf. each side	8 in.
Sidewalk	B	1 per tenant	9 sf. each side	n/a
Wall Sign	O	1 per frontage	90% of width of building facade	18 in.
Painted Wall Sign	O	1 per frontage	n/a	n/a
Window	O	1 per window	25% of glazed area	12 in.

Period:	Permitted period
n/a	not required
P	permanent
O	period of occupation
B	during business hours
T	temporary (restricted period)

Table PK-OL-2 Sign Types Illustrated

AWNING SIGN	CANOPY SIGN
	

CORNER SIGN	MARQUEE SIGN

PROJECTING SIGN	SIDEWALK SIGN

Table PK-OL-2 Sign Types Illustrated

WALL SIGN	PAINTED WALL SIGN

WINDOW SIGN

Article 4 Perdido Key districts.

Sec. 3-4.1 Purpose of article.

This article establishes the zoning districts that apply to all areas of Perdido Key under the jurisdiction of the BCC. Each district establishes its own permitted and conditional land uses, site and building requirements, and other provisions consistent with the stated purposes of the district, the adopted Perdido Key Master Plan and the Mixed-Use Perdido Key (MU-PK) future land use category. In addition to the dwelling and lodging unit density limits of MU-PK, district provisions are subject to all other applicable provisions of the LDC and may be modified by the requirements of the Perdido Key Towncenter Overlay (PK-OL) district as prescribed in Article 3.

Sec. 3-4.2 Low Density Residential district, Perdido Key (LDR-PK).

(a) Purpose. The Low Density Residential (LDR-PK) district establishes appropriate areas and land use regulations for residential uses at low densities and limited non-residential uses that are compatible with the residential neighborhoods and natural resources of the island.

(b) Permitted uses. Permitted uses within the LDR-PK district are limited to the following:

(1) Residential.

a. Single-family detached dwellings, excluding manufactured (mobile) homes.

b. Two-family dwellings.

(2) Retail sales. No retail sales.

(3) Retail services. No retail services.

(4) Public and civic.

a. Places of worship.
b. Public utility structures, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment. Marinas, private only. See also conditional uses in this district.

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

(1) Residential. Home occupations with non-resident employees.

(2) Public and civic.

a. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

b. Public utility structures exceeding the district structure height limit, excluding telecommunications towers.

(3) Recreation and entertainment.

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

b. Parks, public.

c. Recreational facilities, public.

(d) Site and building requirements. The following site and building requirements apply to uses within the LDR-PK district:

(1) Density. A maximum density of two dwelling units per acre.

(2) Floor area ratio. A maximum floor area ratio of 1.0 for all uses.

(3) Structure height. A maximum building height of 35 feet above the habitable first floor. However, the roof of an accessory boathouse shall not exceed 20 feet above mean sea level.

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

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

a. Single-family detached. Forty feet at the street right-of-way for single-family detached dwellings.

b. Two-family. Fifty feet at the street right-of-way for two-family dwellings.

(6) Lot coverage. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all uses, and minimum open space of 35 percent of total parcel area.

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

a. Front and rear. Twenty-five feet in the front. Ten percent of the lot depth in the rear, but not required to exceed 25 feet.

b. Sides. On each side, ten feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards.

Sec. 3-4.3 Medium Density Residential district, Perdido Key (MDR-PK).

(a) Purpose. The Medium Density Residential (MDR-PK) district establishes appropriate areas and land use regulations for residential uses at medium densities and non-residential uses that are compatible with the residential neighborhoods and natural resources of the island.

(b) Permitted uses. Permitted uses within the MDR-PK district are limited to the following:

(1) Residential.

a. Single-family dwellings, attached or detached, including townhouses but excluding manufactured (mobile) homes.

b. Two-family and multi-family dwellings.

(2) Retail sales. No retail sales.

(3) Retail services. Child care facilities.

(4) Public and civic.

a. Kindergartens.

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

c. Places of worship.

d. Public utility structures, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment. Marinas, private only. See also conditional uses in this district.

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

(1) Residential. Home occupations with non-resident employees

(2) Public and civic.

a. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

b. Public utility structures exceeding the district structure height limit, excluding telecommunications towers.

(3) Recreation and entertainment.

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

b. Parks, public.

c. Recreation facilities, public.

(d) Site and building requirements. The following site and building requirements apply to uses within the MDR-PK district:

(1) Density. A maximum density of 4.5 dwelling units per acre.

(2) Floor area ratio. A maximum floor area ratio of 1.0 for all uses.

(3) Structure height. A maximum building height of four stories. However, an additional story may be utilized for parking in areas that clustering of development is necessary for permitting through the Perdido Key Habitat Conservation Plan.

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

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

a. Single-family detached. Forty feet at the street right-of-way for single-family detached dwellings.

b. Two-family. Fifty feet at the street right-of-way for two-family dwellings.

c. Townhouses and Multi-family. Twenty feet at the street right-of-way for townhouses and one hundred feet at the street right-of-way for multi-family dwellings. No minimum lot width required by zoning for other uses.

(6) Lot coverage. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all uses, and minimum open space of 35 percent of total parcel area.

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

a. Front and rear. Twenty-five feet in the front for single and two-family dwellings, and fifteen feet for all other structures. Ten percent of the lot depth in the rear, but not required to exceed 25 feet.

b. Sides. Ten feet at each end unit of a townhouse group. On each side of all other structures, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards.

Sec. 3-4.4 High Density Residential district, Perdido Key (HDR-PK).

(a) Purpose. The High Density Residential (HDR-PK) district establishes appropriate areas and land use regulations for residential uses at high densities with compatible low intensity office and other retail service facilities.

(b) Permitted uses. Permitted uses within the HDR-PK district are limited to the following:

(1) Residential.

a. Single-family dwellings, attached or detached, including townhouses but excluding manufactured (mobile) homes.

b. Two-family and multi-family dwellings.

(2) Retail sales. No retail sales.

(3) Retail services. Small scale (gross floor area 6000 sq.ft. or less per lot) retail services limited to the following:

a. Child care facilities.

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

c. Restaurants, including on-premises consumption of alcoholic beverages, if part of a condominium development offering resort-style amenities (e.g., swimming pools, spa, fitness center, salon, retail shops, clubhouse, water sports, tennis, golf).

(4) Public and civic.

a. Kindergartens.

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

c. Places of worship.

d. Public utility structures, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment. Marinas, private only. See also conditional uses in this district.

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

(1) Residential. Home occupations with non-resident employees.

(2) Public and civic.

a. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

b. Public utility structures exceeding the district structure height limit, excluding telecommunications towers.

(3) Recreation and entertainment.

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

b. Parks, public.

c. Recreation facilities, public.

(d) Site and building requirements. The following site and building requirements apply to uses within the HDR-PK district:

(1) Density. A maximum density of 12 dwelling units per acre.

(2) Floor area ratio. A maximum floor area ratio of 1.0 for all uses.

(3) Structure height. A maximum building height of eight stories. However, two additional stories may be utilized for parking in areas that clustering of development is necessary for permitting through the Perdido Key Habitat Conservation Plan.

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

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

a. **Single-family detached.** Forty feet at the street right-of-way for single-family detached dwellings.

b. **Two-family.** Fifty feet at the street right-of-way for two-family dwellings.

c. **Townhouses and multi-family.** Twenty feet at the street right-of-way for townhouses. One hundred feet at the street right-of-way for multi-family dwellings. No minimum lot width required by zoning for other uses.

(6) Lot coverage. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all uses, and minimum open space of 35 percent of total parcel area.

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

a. **Front and rear.** Twenty feet in the front for single and two-family dwellings, and ten feet for all other structures. Ten percent of the lot depth in the rear, but not required to exceed 25 feet.

b. **Sides.** Ten feet at each end unit of a townhouse group. On each side of all other structures, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards.

Sec. 3-4.5 Commercial district, Perdido Key (Com-PK).

(a) Purpose. The Commercial district (Com-PK) establishes appropriate areas and land use regulations primarily for the retailing of commodities and selected services. The regulations are intended to permit and encourage essential neighborhood commercial uses while protecting nearby residential properties from adverse impacts of commercial activity.

(b) Permitted uses. Permitted uses within the Com-PK district are limited to the following:

(1) Residential.

a. Single-family dwellings, attached or detached, including townhouses but excluding manufactured (mobile) homes.

b. Two-family and multi-family dwellings.

(2) Retail sales. Retail sales, including Low-THC marijuana dispensing facilities, excluding outdoor display or sales. Sales of alcoholic beverages shall be at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) as measured between the exterior wall of the store and the boundary of the residential zoning.

(3) Retail services.

a. Bed and breakfast inns.

b. Child care facilities.

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

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

e. Restaurants. Those selling alcoholic beverages for on-premise consumption shall be at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) as measured between the exterior wall of the restaurant and the boundary of the residential zoning.

(4) Public and civic.

a. Educational facilities, including K-12.

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

c. Kindergartens.

d. Places of worship.

e. Public utility structures, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Bars and night clubs at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) as measured between the exterior wall of the business and the boundary of the residential zoning.

b. Marinas, private and commercial.

See also conditional uses in this district.

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

(1) Retail sales. Outdoor retail displays and sales not otherwise allowed by the supplementary use provisions in Chapter 4, Article 7.

(2) Retail services. Motor vehicle service and repair, including fuel sales, but excluding paint and body work and any outdoor work or storage.

(3) Public and civic. Warehousing or maintenance facilities for government agencies or for public utilities.

(4) Recreation and entertainment.

a. Campgrounds and recreational vehicle parks on lots five acres or larger.

b. Other commercial recreation, entertainment, or amusement facilities not among the permitted uses of the district, including those for tennis, golf and miniature golf, pinball and other arcade amusements, bingo, waterslides, and amusement rides, but excluding off-highway vehicle uses, outdoor shooting ranges, and motorsports facilities. Carnival-type amusements shall be at least 500 feet from any residential district.

(d) Site and building requirements. The following site and building requirements apply to uses within the Com-PK district:

(1) Density. A maximum density of three dwelling units per acre. Density may be increased or decreased by density transfer to or from other commercially zoned Perdido Key lands (Com-PK, CC-PK, CG-PK, or PR-PK). Transfers are limited to contiguous land (exclusive of public streets) under unified control and may occur across public streets, excluding transfers to any parcels south of Perdido Key Drive.

(2) Floor area ratio. A maximum floor area ratio of 1.0 for all uses.

(3) Structure height. A maximum building height of four stories. However, an additional story may be utilized for parking in areas that clustering of development is necessary for permitting through the Perdido Key Habitat Conservation Plan.

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

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

a. Single-family detached. Forty feet at the street right-of-way for single-family detached dwellings.

b. Two-family. Fifty feet at the street right-of-way for two-family dwellings.

c. Townhouse and multi-family. Twenty feet at the street right-of-way for townhouses. One hundred feet at the street right-of-way for multi-family dwellings. No minimum lot width required by zoning for non-residential uses.

(6) Lot coverage. Minimum pervious lot coverage of 25 percent (75 percent maximum semi-impervious and impervious cover) for all uses.

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

a. Front and rear. Twenty feet in the front for all single-family, two-family, three-family (triplex), and four-family (quadruplex) dwellings, but ten feet for all other dwellings, any non-residential, or mixed uses. Fifteen feet in the rear for all uses.

b. Sides. Ten feet at each end unit of a townhouse group and 10 feet on any side of a structure abutting a residential district if that side is not separated from the residential district by a public street, body of water, or similar manmade or natural buffer. Five feet on all other sides and for all other structures.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards. (Ord. No. 2017-5, §, 3, 1-5-2017)

Sec. 3-4.6 Commercial Core district, Perdido Key (CC-PK).

(a) Purpose. The Commercial Core (CC-PK) district establishes appropriate areas and land use regulations 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 residential and lodging uses at high densities, and commercial uses associated with resort areas.

(b) Permitted uses. Permitted uses within the CC-PK district are limited to the following:

(1) Residential.

a. Single-family dwellings, attached or detached, including townhouses but excluding manufactured (mobile) homes.

b. Two-family and multi-family dwellings.

(2) Retail sales. Retail sales, including Low-THC marijuana dispensing facilities, excluding outdoor display or sales. Sales of alcoholic beverages shall be at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) measured as the shortest distance between any exterior wall of the store and the boundary line of the residential zoning.

(3) Retail services.

a. Bed and breakfast inns.

b. Child care facilities.

c. Hotels and motels, including condo-hotels, at a maximum density of 25 units per acre.

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

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

f. Restaurants. Those selling alcoholic beverages shall be at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) measured as the shortest distance between any exterior wall of the restaurant and the boundary line of the residential zoning.

(4) Public and civic.

a. Educational facilities, including K-12.

b. Offices for government agencies or public utilities, small scale (gross floor area ≤ 6000 sq. ft. per lot).

c. Kindergartens.

d. Places of worship.

e. Public utility structures, excluding telecommunications towers.

(5) Recreation and entertainment.

a. Bars and night clubs at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) as measured between the exterior wall of the business and the boundary of the residential zoning.

b. Campgrounds and recreational vehicle parks on lots five acres or larger.

c. Marinas, private and commercial.

d. Other commercial recreation, entertainment, or amusement facilities, including those for tennis, golf and miniature golf, pinball and other arcade amusements, bingo, waterslides, and amusement rides, but excluding off-highway vehicle uses, outdoor shooting ranges, and motorsports facilities. Carnival-type amusements shall be at least 500 feet from any residential district.

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

(1) Retail sales. Outdoor retail displays and sales not otherwise allowed by the supplementary use provisions in Chapter 4, Article 7.

(2) Retail Services. Motor vehicle service and repair, including fuel sales, but excluding paint and body work and any outdoor work or storage.

(3) Public and civic. Warehousing or maintenance facilities for government agencies or for public utilities.

(d) Site and building requirements. The following site and building requirements apply to uses within the CC-PK district:

(1) Density. A maximum density of 13 dwelling units per acre or 25 lodging units per acre, or any combination of dwelling and lodging such that one dwelling unit equals 25/13 lodging units.

Density may be increased or decreased by density transfer to or from other commercially zoned Perdido Key lands (Com-PK, CC-PK, CG-PK, or PR-PK). Transfers are limited to contiguous land (exclusive of public streets) under unified control and may occur across public streets, excluding transfers to any parcels south of Perdido Key Drive.

(2) Floor area ratio. A maximum floor area ratio of 6.0 for all uses.

(3) Structure height. A maximum building height of 30 stories for hotels and 20 stories for all other buildings. However, additional stories may be utilized for parking in areas that clustering of development is necessary for permitting through the Perdido Key Habitat Conservation Plan. The number of additional stories that may be utilized for parking shall be determined by the Planning Official in conjunction with the Habitat Conservation Plan Manager.

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

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

a. Single-family detached. Forty feet at the street right-of-way for single-family detached dwellings.

b. Two-family. Fifty feet at the street right-of-way for two-family dwellings.

c. **Townhouses and multi-family.** Twenty feet at the street right-of-way for townhouses. No minimum lot width required by zoning for multi-family dwellings or other uses.

(6) Lot coverage.

Pervious area. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all single-family (attached or detached), two-family, and triplex and quadruplex forms of multi-family dwellings. For all other uses, minimum pervious lot coverage of 20 percent (80 percent maximum semi-impervious and impervious cover)

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

a. **Front and rear.** Ten feet in the front and 15 feet in the rear.

b. **Sides.** Ten feet at each end unit of a townhouse group and 10 feet on any side of a structure abutting a residential district if that side is not separated from the residential district by a public street, body of water, or similar manmade or natural buffer. On all other sides and for all other structures under 10 stories, ten feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet. Fifteen feet on the sides of structures 10 stories or more.

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

Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards. (Ord. No. 2017-5, §, 3, 1-5-2017)

Sec. 3-4.7 Commercial Gateway district, Perdido Key (CG-PK).

(a) Purpose. The Commercial Gateway (CG-PK) district establishes appropriate areas and lands use regulations for gateways into Perdido Key. The intent is to provide an identity to the 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.

(b) Permitted uses. Permitted uses within the CG-PK district are limited to the following:

(1) Residential.

a. Single-family dwellings, attached or detached, including townhouses but excluding manufactured (mobile) homes.

b. Two-family and multi-family dwellings.

(2) Retail sales. Retail sales, including Low-THC marijuana dispensing facilities, excluding outdoor display or sales. Sales of alcoholic beverages shall be at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) measured as the shortest distance between any exterior wall of the store and the boundary line of the residential zoning.

(3) Retail services.

a. Bed and breakfast inns.

b. Child care facilities.

c. Hotels and motels, including condo-hotels, at a maximum density of 25 units per acre.

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

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

f. Restaurants. Those selling alcoholic beverages shall be at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) measured as the shortest distance between any exterior wall of the restaurant and the boundary line of the residential zoning.

(4) Public and civic.

a. Educational facilities, including K-12.

b. Offices for government agencies or public utilities, small scale (gross floor area ≤ 6000 sq. ft. per lot).

c. Kindergartens.

d. Places of worship.

e. Public utility structures, excluding telecommunications towers.

(5) Recreation and entertainment.

a. Bars and night clubs at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) as measured between the exterior wall of the business and the boundary of the residential zoning.

b. Campgrounds and recreational vehicle parks on lots five acres or larger.

c. Marinas, private and commercial.

d. Other commercial recreation, entertainment, or amusement facilities, including those for tennis, golf and miniature golf, pinball and other arcade amusements, bingo, waterslides, and amusement rides, but excluding off-highway vehicle uses, outdoor shooting ranges, and motorsports facilities. Carnival-type amusements shall be at least 500 feet from any residential district.

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

(1)Retail services. Motor vehicle service and repair, including fuel sales, but excluding paint and body work and any outdoor work or storage.

(2) Public and civic. Warehousing or maintenance facilities for government agencies or for public utilities.

(d) Site and building requirements. The following site and building requirements apply to uses within the CG-PK district:

(1) Density. A maximum density of 12.5 dwelling units per acre or 25 lodging units per acre, or any combination of dwelling and lodging such that one dwelling unit equals two lodging units.

Density may be increased or decreased by density transfer to or from other commercially zoned Perdido Key lands (Com-PK, CC-PK, CG-PK, or PR-PK). Transfers are limited to contiguous land (exclusive of public streets) under unified control and may occur across public streets, excluding transfers to any parcels south of Perdido Key Drive.

(2) Floor area ratio. A maximum floor area ratio of 6.0 for all uses.

(3) Structure height. A maximum building height of 10 stories. However, two additional stories may be utilized for parking in areas that clustering of development is necessary for permitting through the Perdido Key Habitat Conservation Plan.

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

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

a. Single-family detached. Forty feet at the street right-of-way for single-family detached dwellings.

b. Two-family. Fifty feet at the street right-of-way for two-family dwellings.

c. Townhouses and multi-family. Twenty feet at the street right-of-way for townhouses. No minimum lot width required by zoning for multi-family dwellings or other uses.

(6) Lot coverage.

a. Pervious area. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all single-family, two-family (duplex), three-family (triplex), and four-family (quadruplex) dwellings, and minimum pervious lot coverage of 15 percent for all other uses.

b. Building area. The maximum area of a development parcel occupied by all principal and accessory buildings is limited to 25 percent if the tallest building on the parcel is at least three stories, but less than five stories. If the tallest building is five stories or greater, the maximum building coverage is 20 percent of the parcel area.

The area applicable to these building coverage limits cannot be divided by any public street or right-of-way except one that creates public access to a waterway. If otherwise divided, the limits apply to each portion of the divided parcel as if separate parcels.

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

a. Front and rear. Ten feet in the front and 15 feet in the rear.

b. Sides. Ten feet on any side of a structure abutting a residential district if that side is not separated from the residential district by a public street, body of

water, or similar manmade or natural buffer. Five feet on all other sides and for all structures equal to or less than three stories. Ten feet on all other sides on structures more than three stories.

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

(8) Other requirements. Refer to chapters 4 and 5 for additional development regulations and standards. (Ord. No. 2017-5 §, 3, 1-5-2017)

Sec. 3-4.8 Planned Resort district, Perdido Key (PR-PK).

(a) Purpose. The Planned Resort (PR-PK) district establishes appropriate areas and land use regulations for large-scale planned resorts. The district allows for destination-type mixed uses that include residential and hotel development and supporting recreational and commercial facilities, all developed within a master planned area that includes extensive open space, adequate internal pedestrian and bicycle circulation, creative design, resort-related amenities, and adequate buffering.

(b) Permitted uses. Permitted uses within the PR-PK district are limited to the following:

(1) Residential.

a. Single-family dwellings, attached or detached, including townhouses and zero lot line development, but excluding manufactured (mobile) homes.

b. Two-family and multi-family dwellings.

(2) Retail sales. Retail sales, excluding outdoor display or sales. Sales of alcoholic beverages shall be at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) measured as the shortest distance between any exterior wall of the store and the boundary line of the residential zoning.

(3) Retail service.

a. Bed and breakfast inns.

b. Child care facilities.

c. Hotels and motels, including condo-hotels, at a maximum density of 25 units per acre.

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

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

f. Restaurants. Those selling alcoholic beverages shall be at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) measured as the shortest distance between any exterior wall of the restaurant and the boundary line of the residential zoning.

(4) Public and civic.

a. Educational facilities, including K-12.

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

c. Kindergartens.

d. Places of worship.

e. Public utility structures, excluding telecommunications towers.

(5) Recreation and entertainment.

a. Bars and night clubs at least 100 feet from any residential zoning district (LDR-PK, MDR-PK, and HDR-PK) as measured between the exterior wall of the business and the boundary of the residential zoning.

b. Campgrounds and recreational vehicle parks on lots five acres or larger.

c. Marinas, private and commercial.

d. Other commercial recreation, entertainment, or amusement facilities, including those for tennis, golf and miniature golf, pinball and other arcade amusements, bingo, waterslides, and amusement rides, but excluding off-highway vehicle uses, outdoor shooting ranges, and motorsports facilities. Carnival-type amusements shall be at least 500 feet from any residential district.

(6) Other uses. Storage areas for personal use only by residents and guests of the planned resort. Such areas shall be screened by opaque fencing a minimum of six feet in height and supplemented with landscape material.

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

(1) Motor vehicle service and repair, including fuel sales, but excluding paint and body work and any outdoor work or storage.

(d) Site and building requirements. The following site and building requirements apply to uses within the PR-PK district:

(1) Density. A maximum density of 5 units per acre or 25 lodging units per acre, or any combination of dwelling and lodging such that one dwelling unit equals five lodging units.

Density may be increased or decreased by density transfer to or from other commercially zoned Perdido Key lands (Com-PK, CC-PK, CG-PK, or PR-PK). Transfers are limited to contiguous land (exclusive of public streets) under unified control and may occur across public streets, excluding transfers to any parcels south of Perdido Key Drive.

Building allocation, provision of open spaces, and preservation areas 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.

(2) Floor area ratio. A maximum floor area ratio of 6.0 for all uses.

(3) Structure height. A maximum building height of 10 stories. However, two additional stories may be utilized for parking in areas that clustering of development is necessary for permitting through the Perdido Key Habitat Conservation Plan.

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

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

a. Single-family detached. Forty feet at both the street right-of-way for single-family detached dwellings.

b. Two-family. Fifty feet at the street right-of-way for two-family dwellings.

c. Townhouses and multi-family. Twenty feet at the street right-of-way for townhouses. No minimum lot width required by zoning for multi-family dwellings or other uses.

(6) Lot coverage. A maximum 40 percent of development parcel area occupied by all principal and accessory buildings. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all single-family, two-family (duplex), three-family (triplex), and four-family (quadruplex) dwellings, and minimum pervious lot coverage of 15 percent for all other uses.

(7) Structure setbacks. All structures a minimum 25 feet from any publicly dedicated right-of-way. For all principal structures, additional minimum setbacks are:

a. Front and rear. Twenty feet in the front and 15 feet in the rear.

b. Sides. Ten feet on each side for buildings taller than three stories, five feet on each side for buildings equal to or less than three stories.

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

(8) Other requirements.

a. Master plan. A master plan of the entire development site for any resort development.

b. Development area. A minimum 10 acres for any resort development.

c. Open space. A minimum 30 percent of total site area as open space, and at least 50 percent of the front yard remaining as open space.

d. Building separation.

1. A minimum 10 feet between structures, excluding zero lot-line development. For structures over three stories, for every additional story from highest adjacent grade, an additional five feet of separation at the ground level.

2. A minimum 50 feet between multi-family, hotel, or motel structures and any area designated for single-family dwellings.

e. Sidewalks. Sidewalks providing pedestrian linkages to residential areas, recreational areas, commercial areas, and any locations where there is the potential conflict between pedestrian and vehicular traffic. Such conflict areas shall be marked with appropriate pavement markings to clearly indicate pedestrian crossings.

f. Protection of residential uses. Orientation of commercial buildings away from adjacent residential uses. Layout of parking and service areas, access, landscape areas, courts, walls, signs, and lighting, and the control of noise and other potential adverse impacts, shall promote protection of residential uses and include adequate buffering.

g. Site plan approval. Unified control of the entire area proposed for development and substantial conformance to the master plan for that area. The site plan shall include documentation of maximum project density, overall requirements for open space and preservation areas, building coverage, and allocation for incidental commercial uses. Development successors in title shall be bound by the approved site plan. Revision to an approved site plan shall remain in conformance with the master plan.

Sec. 3-4.9 Recreation district, Perdido Key (Rec-PK).

(a) Purpose. The Recreation (Rec) district establishes appropriate areas and land use regulations to preserve and maintain land for outdoor recreational uses and open space.

(b) Permitted uses. Permitted uses within the Recreation district are limited to the following:

(1) Residential. No new residential uses, including accessory dwelling units, except vested single-family dwellings.

(2) Retail sales. Retail sales customarily incidental to permitted recreational uses.

(3) Retail services. Retail services customarily incidental to permitted recreational uses.

(4) Public and civic.

a. Bird and wildlife sanctuaries.

b. Parks and greenbelt areas.

c. Public utility structures, excluding telecommunication towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

a. Recreation facilities, outdoor, including parks, playgrounds, walking and hiking trails, campgrounds, off-highway vehicle trails, swimming pools,

baseball fields, tennis courts, and golf courses, but excluding shooting ranges.

b. Marinas, commercial only.

See also conditional uses in this district.

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

(7) Agricultural and related. No agricultural or related uses.

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA may conditionally allow emergency service facilities, including law enforcement, fire fighting, and medical assistance within the Recreation district.

(d) Site and building requirements.

1. **Density.** Dwelling unit density limited to vested development.
2. **Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.
3. **Structure height.** Two stories.
4. **Lot area.** No minimum lot area unless prescribed by use.
5. **Lot width.** No minimum lot width prescribed by zoning.
6. **Lot coverage.** Minimum pervious lot coverage of 80 percent (20 percent maximum semi-impervious and impervious cover) for all uses.
7. **Structure setbacks.** For all principal structures, minimum setbacks are:
   - **a. Front and rear.** Twenty-five feet in front and rear.
   - **b. Sides.** On each side, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.
   - **c. Corner lots.** Will have one front setback and one side setback.
8. **Other requirements.** Refer to chapters 4 and 5 for additional development regulations and standards.

(Ord. No. 2016-42, § 1, 12-8-16)

Article 5 Pensacola Beach districts.

Sec. 3-5.1 Building heights.

(a) Low and medium density districts. In the following zoning districts 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.5, p.75) to Avenida 10 (the commercial core).

(d) Vested properties. 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.
(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.

Sec. 3-5.2 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.

(1) Site and building requirements.

TABLE LDR-PB

Minimum Size Lot	Building Height	Building Setbacks[1, 2]	Parking	Special Requirements
Minimum lot size is 10,000 sq. ft.	See Article 5, Sec. 3-5.1	Front - 30 feet[3, 4] Side - 15 feet*[4, 5] Rear - 20 feet*[3, 6, 7] *See list for existing subdivisions	Minimum 2 spaces off street	Subdivision plat required. Landscaping requirements per Chapter 5

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 front or rear setback shall be 50 feet for lots larger than 10,000 sq. ft.
4. If sound front lot, building front setback may be reduced to a minimum of 20 feet, only if erosion on Soundside has placed rear platted lot line in the Sound.
5. Corner lot (street side) setbacks shall be 25 feet. For irregular shaped lots the side setback 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.
6. If Gulf front lot, rear building line shall be 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 lot (Villa Primera and Villa Segunda subdivisions) building setbacks shall be 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; this relief is for lots whose platted rear line is in the Sound. All other structures shall maintain a building setback of 50 feet upland of the mean high water line.

Setbacks. Listed below are required setbacks for the existing single-family detached subdivisions located on Pensacola Beach.

Name of Subdivision	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	23 feet	7.5 feet per lease	10 feet per lease

Santa Rosa Villas 1st Addition	30 feet	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
Tristan Villas	plat	plat	plat
Villa Primera	30 feet	15 feet [2]	20 feet [3, 4]
Villa Sabine	30 feet	15 feet	Plat [4]
Villa Segunda	30 feet	15 feet [2]	20 feet [3, 4]
White Sands Cottages	30 feet	5 feet	20 feet

(Ord. No. 2015-55, § 1, 12-10-2015)

Sec. 3-5.3 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.

(a) Permitted uses. The following types of uses are permitted under MDR-PB:

(1) Duplexes.
(2) Triplexes.
(3) Multiple Dwellings.

(b) Site and building requirements.

TABLE MDR-PB

Minimum Lot Size	Building Setbacks[1, 2]	Parking	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	Front 30 feet [2, 3,6] Side 15 feet [4] Rear 30 feet [5]	See Chapter 5	Subdivision plat required. All multiple owner projects to have approved maintenance association. Landscaping requirements per Chapter 5.

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 front or rear setback shall be 50 feet, for lots larger than 10,000 sq ft.
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 lot, 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. If sound front, building front setback line may be reduced to a minimum of 20 feet, only if erosion on the Soundside has placed the rear platted lot line in the Sound.

(Ord. No. 2015-55, § 2, 12-10-2015)

Sec. 3-5.4 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.

(a) Permitted uses. The following types of uses are permitted under MDR/C-PB:

(1) Duplexes.
(2) Triplexes.
(3) Multiple dwellings.
(4) Motel and hotels.
(5) Restaurants.
(6) Tourist related retail goods.
(7) Marinas, etc.
(8) Cocktail lounges and package stores.
(9) Miscellaneous convenience goods stores.
(10) Professional offices.
(11) Realty and property rental offices.
(12) Personal service establishments.

(b) Conditional uses. The following types of use are conditional uses under MDR/C-PB:

Temporary structures.

(c) Site and building requirements.

TABLE MDR/C-PB

Minimum Lot Size	Building Setbacks	Project Access Points	Special Requirements
For residential, same as MDR-PB	For residential, same as MDR-PB	For residential, same as MDR-PB	For residential, same as MDR-PB
Tourist oriented, service oriented, & local service, commercial uses, &	For Commercial Front 50 feet [2] Side 50 feet Rear 40 feet [3]	Access points from service roads limited to 1 every 400 feet unless otherwise	1. Landscaped separate strips shall be provided and maintained along all property lines &streets.

governmental uses.		specifically approved by the county	2. Parking in accordance with Chapter 5

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).

(Ord. No. 2015-55, § 3, 12-10-2015)

Sec. 3-5.5 High density residential (HDR-PB). Areas delineated for high density residential shall be developed for multiple dwelling development s in the range of 16 to 30 units per acre.

(a) Permitted uses. The following types of use are permitted in HDR-PB:

Multiple dwelling.

(b) Site and building requirements.

TABLE HDR-PB

Minimum Building Setbacks[1, 2, 3]	Maximum Coverage*	Parking	Special Requirements
Front 60 feet[2] Side [4] 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 Chapter 5	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 per Chapter 5

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.

(Ord. No. 2015-55, § 4, 12-10-2015)

Sec. 3-5.6 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 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 SRIA may, but shall not be obligated to, recommend conditional use approval to the BOA 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.

(a) Permitted uses. The following types of use are permitted under HDR/C-PB:

(1) Condominiums.
(2) Motels and hotels.
(3) Restaurants.
(4) Tourist related retail goods.
(5) Marinas, etc.
(6) Cocktail lounges and package stores.
(7) Miscellaneous convenience goods stores.
(8) Professional offices.
(9) Realty and property rental offices.
(10) Personal service establishments.

(b) Conditional uses. The following types of use are conditional uses in HDR/C-PB:

Temporary structures.

(c) Site and building requirements.

TABLE HDR/C-PB

Minimum Building Setbacks[1, 2, 3] Types of Commercial Uses	Maximum Coverage*	Parking Project Access Points	Special Requirements
For Commercial Tourist oriented, service oriented, & local service commercial uses, & governmental uses Front 50 feet[2] Side 50 Rear 40 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 Chapter 5. Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county.	1. Minimum floor area 500 sq.ft. per unit for 1 bedroom apts. For 2 bedroom a minimum of 850 sq.ft. per unit. 2. All multiple owner projects to have appropriate maintenance associations. 3. Landscaping requirements per Chapter 5

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.

(Ord. No. 2015-55, § 5, 12-10-2015)

Sec. 3-5.7 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.

(a) Permitted uses. The following types of uses are permitted in GR-PB:

(1) Motels and hotels.
(2) Restaurants, indoor and drive-in.
(3) Grocery stores.
(4) Miscellaneous convenience goods stores.
(5) Professional offices.
(6) Realty and property rental offices.
(7) Personal service establishments.
(8) Convenience goods stores.
(9) Professional offices.
(10) Personal service establishments.
(11) Realty and property rental offices.
(12) Marinas.
(13) Temporary structures with a limited use permit.

(b) Site and building requirements.

TABLE GR-PB

Minimum Lot Size	Building Setbacks[1, 2]	Project Access Points	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses.	Front 50 feet [2] Side 50 feet Rear 40 feet	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county	1. Landscaped separate strips shall be provided and maintained along all property lines & streets. 2. Parking requirements shall be in accordance with Chapter 5

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).

(Ord. No. 2015-55, § 6, 12-10-2015)

Sec. 3-5.8 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 county.

(a) Permitted uses. The following types of uses are permitted in Rec/R-PB:

(1) Restaurants, indoor and drive-in.
(2) Convenience goods stores.
(3) Tourist related retail goods.
(4) Tourist related personal and professional services.
(5) Temporary structures with a limited use permit.

(b) Site and building requirements.

TABLE REC/R-PB

Minimum Lot Size	Building Setbacks	Project Access Points	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet [2] Side 50 feet Rear 40 feet	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county	1. Landscaped separate strips shall be provided and maintained along all property lines & streets 2. Parking requirements shall be in accordance with Chapter 5.

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).

(Ord. No. 2015-55, § 7, 12-10-2015)

Sec. 3-5.9 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.

(a) Permitted uses. The following types of uses are permitted in CH-PB:

(1) Motels and hotels.
(2) Restaurants.
(3) Tourist related retail goods.
(4) Marinas, etc.
(5) Cocktail lounges and package stores.
(6) Miscellaneous convenience goods stores.
(7) Professional offices.
(8) Realty and property rental offices.
(9) Personal service establishments.
(10) Temporary structures with limited use permit.

(b) Site and building Requirements.

TABLE CH-PB

Types of Commercial Uses	Minimum Building Setbacks	Project Access Points	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet [2] Side 50 feet Rear 40 feet[3]	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county.	1. Landscaped separate strips shall be provided and maintained along all property lines & streets 2. Parking requirements shall be in accordance with Chapter 5

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.

(Ord. No. 2015-55, § 8, 12-10-2015)

Sec. 3-5.10 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 SRIA Board.

(a) Permitted uses. The following types of uses are permitted in PR-PB:

(1) Areas permanently set aside for preservation in natural state.
(2) Areas temporarily set aside for natural revegetation.

Sec. 3-5.11 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 county 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.

(a) Permitted uses. The following types of uses are permitted in Con/Rec-PB:

(1) Picnic shelters and related facilities.
(2) Service concessions.
(3) Public beaches.
(4) Public safety facilities.
(5) Public rest shelters and restrooms.
(6) Open parks and play areas.
(7) Public parking areas.
(8) Boat launching facilities.
(9) Lifeguard facilities.
(10) Nature trials.
(11) Conservation areas.
(12) Walkways to preserve dunes.
(13) Small concession limited to food and drinks.

Sec. 3-5.12 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 county.

(a) Permitted uses. The following types of uses are permitted under G/C-PB:

(1) Santa Rosa Island Authority uses.
(2) Law enforcement uses.
(3) Public safety uses.
(4) Public utility and service structures.
(5) Schools.
(6) Places of worship.

Chapter 4
LOCATION AND USE REGULATIONS

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Article 1 General Provisions

Sec.4-1.1 Purpose of chapter.

(a)General. This chapter establishes county land use regulations necessary to implement Comprehensive Plan policies requiring the management of specific uses and locations. Location-based regulations additionally limit the uses allowed by zoning regulations and prescribe conditions for those uses when in proximity to essential resources, recognized hazards, and other constraints. Use-based regulations establish additional requirements to assure that specific uses will be compatible with surrounding uses. Compliance with the provisions of this chapter is evaluated by the administrative authorities described in Chapter 1 according to the compliance review processes prescribed in Chapter 2. More specifically, this chapter is intended to:

(1) Protect navigable airspace and aviation facilities, wetlands, groundwater and surface waters, beaches and shorelines, critical habitat area, historical and archaeological resources, and other community resources.

(2) Protect and conserve property values and property rights, balancing individual rights with the interests of the community to create a healthy, safe and orderly living environment.

(3) Provide for adequate light, air, and privacy, and protect life and property in areas subject to natural or manmade hazards.

Sec. 4-1.2 Purpose of article.

This article establishes general provisions that apply broadly to all location-based and use-based regulations within the chapter. The regulations applicable to specific locations and uses are prescribed in the remaining articles of this chapter.

Sec. 4-1.3 General conditions.

(a) Applicability. The standards of this chapter apply to all land uses and development activities as established within each article and are independent of the review processes used to determine compliance with them.

(1) **New uses and structures.** Any new use that is established, including a change of use, or any building or other structure that is constructed, or tract of land developed, for any principal or accessory use allowed by the Land Development Code (LDC), is subject to the standards of this chapter.

(2) **Existing uses and structures.** Any existing use of land that is extended, enlarged or moved, or any existing building or other structure that is extended, enlarged, moved, structurally altered or reconstructed, is subject to the standards of this chapter with respect to such changes and any existing nonconformity.

(b) Nonconformance with chapter regulations. Lawfully established and maintained uses, structures, lots, and site conditions that no longer comply with one or more of the regulations established in this chapter may continue in productive use, subject to the nonconformance provisions of the regulations and Chapter 1.

(c) Relief from standards. Modification of the land use regulations of this chapter is generally contrary to good development practices. However, the county recognizes that land is not uniform and the same regulation may not affect all sites equally. Accordingly, regulations allow variances for limited site-specific relief through the approval of the Planning Official or the Board of Adjustment (BOA), or the Santa Rosa Island Authority (SRIA) for Pensacola Beach properties. However, the regulation must be specifically identified as eligible and the variance must be within the limits prescribed. No provisions of the chapter preclude the establishment of variance limits or conditions by the approving authority.

Article 2 Floodplain Management

Sec. 4-2.1 Administration

(a) General. These regulations shall be known as the *Floodplain Management Ordinance* of **Escambia County**, hereinafter referred to as "this article."

(b) Scope. The provisions of this article 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.

Sec. 4-2.2 General provisions

(a) The purposes of this article 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:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) 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;

(4) 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;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;

(8) 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.

(b) Coordination with the *Florida Building Code*. This article 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.*

(c) Warning. The degree of flood protection required by this article 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 article 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 article.

(d) Disclaimer of Liability. This article 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 article or any administrative decision lawfully made thereunder.

Sec 4-2.3 APPLICABILITY

(a) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Areas to which this article applies. This article shall apply to all flood hazard areas within Escambia County, as established in Section 4-2.3(c) of this article.

(c) 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 article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the **Escambia County Building Inspections Department, 3363 West Park Place, Pensacola, Florida 32505**.

(d) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and base flood elevations, pursuant to Section 4-2.6 of this article 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 article 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.

(e) Other laws. The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

(f) Abrogation and greater restrictions. This article 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 these regulations and any other regulation, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

(g) Interpretation. In the interpretation and application of this article, 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.

Sec 4-2.4 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

(a) Designation. The **County Administrator** is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

(b) General. The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article 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 article without the granting of a variance pursuant to Section 4-2.8 of this article.

(c) 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 article;

(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 article 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 article.

(d) 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 article is required.

(e) Modifications of the strict application of the requirement*s 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 4-2.8 of this article.

(f) 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 article.

(g) Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 4-2.7 of this article 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.

(h) 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 4-2.4(d) of this article;

(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 article 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."

(i) 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 article 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 specified by the *Florida Building Code* and this article; 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 article and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at Escambia County Development Services**.**

Sec 4-2.5 PERMITS

(a) Permits required. Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, 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 article and all other applicable codes and regulations has been satisfied.

(b) Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this article 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.

(c) 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 article:

(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.

(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.

(d) 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 4-2.6 of this article.

(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.

(e) Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, 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.

(f) 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.

(g) 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 article or any other ordinance, regulation or requirement of this community.

(h) 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.

(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.

Sec 4-2.6 SITE PLANS AND CONSTRUCTION DOCUMENTS

(a) Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this article 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 4-2.6(b)(2)or (3) of this article.

(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 4-2.6(b)(1) of this article.

(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 article 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 article.

(b) 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, advice 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.

(c) 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 Section 4-2.6(d) of this article 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 manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 4-2.6(d) of this article.

(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.

(d) 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.

Sec 4-2.7 INSPECTIONS

(a) General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

(b) Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(c) 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 article and the conditions of issued floodplain development permits or approvals.

(d) 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 4-2.6(b)(3)(b) of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(e) 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 4-2.7(d) of this article.

(f) 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 article 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.**

Sec 4-2.8 VARIANCES AND APPEALS

(a) 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 article. 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.*

(b) 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 article. Any person aggrieved by the decision of **BOA** may appeal such decision to the Circuit Court, as provided by Florida Statutes.

(c) 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 4-2.8(g) of this article, the conditions of issuance set forth in Section 4-2.8(h) of this article, 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 article.

(d) 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 4-2.6(c) of this article.

(e) 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*.

(f) 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 article, provided the variance meets the requirements of Section 4-2.8(d), 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.

(g) 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 article, 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 is 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.

(h) 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 article 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 article; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

d. 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

e. 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 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.

Sec 4-2.9 VIOLATIONS

(a) Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. 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 article or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

(b) Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this article 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.

(c) 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**.**

Sec 4-2.10 DEFINITIONS

(a) General. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings shown in this section.

(b) Terms defined in the *Florida Building Code*. Where terms are not defined in this article and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

(c) Terms not defined. Where terms are not defined in this article 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 article.

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.

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.

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.

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 article (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 article.

Floodplain management regulations*.* This article and other zoning articles, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion 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.

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.

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 article, 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 article 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 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 article, 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 article 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 4-2.8.

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.

Sec 4-2.11 FLOOD RESISTANT DEVELOPMENT

(a) Buildings and Structures. Pursuant to Section 4-2.5(c) of this article, 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 4-2.17 of this article.

(b) 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 article and ASCE 24.

Sec 4-2.12 SUBDIVISIONS

(a) 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.

(b) 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 4-2.6(b)(1) of this article; and

(3) Compliance with the site improvement and utility requirements of Section 4-2.13 of this article.

Sec 4-2.13 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

(a) 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 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

(b) 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.

(c) 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.

(d) 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 4-2.6(c)(1) of this article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(e) Limitations on placement of fill. Subject to the limitations of this article, 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*.

(f) 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 4-2.6(c)(4) of this article 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 4-2.18(h)(3) of this article.

Sec 4-2.14 MANUFACTURED HOMES

(a) 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 article. If located seaward of the Coastal Construction Control Line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(b) 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 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.

(c) 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.

(d) Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 4-2.146(e) or (f) of this article, as applicable.

(e) General elevation requirement. Unless subject to the requirements of Section 4-2.14(f) of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located:

(1) outside of a manufactured home park or subdivision;

(2) in a new manufactured home park or subdivision;

(3) in an expansion to an existing manufactured home park or subdivision; or

(4) 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).

(f) Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 4-2.14(e) of this article, 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 60 inches in height above grade.

(g) 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.

(h) 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.

Sec 4-2.15 RECREATIONAL VEHICLES AND PARK TRAILERS

(a) 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.

(b) Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 4-2.15(a) of this article for temporary placement shall meet the requirements of Section 4-2.14 of this article for manufactured homes.

Sec 4-2.16 TANKS

(a) 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.

(b) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Section 4-2.16(c) of this article 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).

(c) 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.

(d) 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.

Sec 4-2.17 OTHER DEVELOPMENT

(a) 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 article or the *Florida Building Code*, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of Section 4-2.13(d) of this article 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.

(b) 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 Section 4-2.13(d) of this article.

(c) 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 4-2.13(d) of this article.

(d) 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 4-2.13(d) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 4-2.6(c)(3) of this article.

(e) 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.

(f) 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 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.

(g) 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.

(h) 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.

(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. 2016-10, § 2, 1-21-2016)

Article 3 Santa Rosa Island Authority Floodplain Management

Sec. 4-3.1 Floodplain management on Pensacola Beach under the control of the Santa Rosa Island Authority

(a) GENERAL. These regulations shall be known as the *Floodplain Management Ordinance* of the Santa Rosa Island Authority, hereinafter referred to as "this article."

(b) Scope. These provisions shall apply to all development or redevelopment of property within the jurisdiction of the Santa Rosa Island Authority (SRIA), 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 buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

Sec. 4-3.2 General provisions.

(a) The purposes of this article 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 to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) 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;

(4) 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;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) 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.

(b) Coordination with the *Florida Building Code*. This article 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.*

(c) Warning. The degree of flood protection required by this article and the *Florida Building Code*, as amended by the SRIA, 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 article does not imply that uses permitted 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 the SRIA 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 code.

(d) Disclaimer of Liability. The provisions of this article shall not create liability on the part of the Escambia County Board of County Commissioners or by any officer or employee thereof, or the Santa Rosa Island Authority or by any officer or employee thereof, for any flood damage that results from reliance on these provisions or any administrative decision lawfully made thereunder.

4-3.3 APPLICABILITY.

(a) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Areas to which these regulations apply. These regulations shall apply to all land within the jurisdiction of the Santa Rosa Island Authority.

(c) Basis for establishing flood hazard data. The Flood Insurance Study for Escambia County, Florida and Incorporated Areas dated September 29, 2006, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard data. Studies and maps that establish flood hazard data are on file at the SRIA Department of Environmental and Developmental Services.

(d) Other laws. The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

(e) Abrogation and greater restrictions. The provisions of this article supersedes any ordinance in effect for management of development within the jurisdiction of the Santa Rosa Island Authority. However, it is not intended to repeal or abrogate any 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 these regulations and any other regulation, the more restrictive shall govern. These regulations shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

(f) Interpretation. In the interpretation and application of the provisions of this article, 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.

4-3.4 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR.

(a) Designation. The Director of Developmental Services is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.

(b) General. The Floodplain Administrator is authorized and directed to administer and enforce the floodplain management provisions of this article. The Floodplain Administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article 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 article without the granting of a variance pursuant to Section 4-3.8 of this article. The Floodplain Administrator shall have the authority to approve all applications for development under the jurisdiction of the Santa Rosa Island Authority. Building permits and certificates of occupancy issued by Escambia County shall be consistent with the Floodplain Administrator's approvals and denials of approvals.

(c) Applications, approvals, and permits. The Floodplain Administrator, in coordination with other pertinent offices of the SRIA and the County, shall:

(1) Review applications for modification of any existing development for compliance with the requirements of this article;

(2) Provide available flood elevation and flood hazard information;

(3) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(4) Review applications to determine whether proposed development will be reasonably safe from flooding;

(5) Issue floodplain development 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 the provisions of this article is demonstrated, or disapprove the same in the event of noncompliance; and

(6) Coordinate with and provide comments to the Escambia County Building Officials to assure that applications, plan reviews, County permits, and inspections for buildings and structures comply with the applicable provisions of this article.

(d) Substantial improvement and substantial damage determinations. For applications for approvals and 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 Escambia County Building Officials, shall:

(1) Obtain the estimated building value from the Escambia County Property Appraiser to estimate the market value, or allow 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; for proposed work to improve, modify, or add to an existing building, the determination requires evaluation of previous permits as specified in the definition of "substantial improvement"; and

(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 article is required.

(e) Modifications of the strict application of the requirements of the *Florida Building Code*. The Floodplain Administrator shall review requests submitted to the Escambia County 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 4-3.8 of this article.

(f) 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 article.

(g) Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 4-3.7 of this article 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 areas to determine if development is undertaken without issuance of an approval or County permit.

(h) Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the Escambia County Building Official, procedures

for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 4-3.4(d) of this article;

(2) 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);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support approval and 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 or flood hazard area boundaries, such submissions shall be made within 6 months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this article and the *Florida Building Code* to determine that such certifications and documentations are complete and correct;

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Santa Rosa Island Authority are modified; 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.”

(i) 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 article and the flood resistant construction requirements of the *Florida Building Code*, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of approvals and denial of approvals; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the *Florida Building Code* and this article; 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 the provisions of this article and the flood resistant construction requirements of the *Florida Building Code*. These records shall be available for public inspection at the SRIA Department of Environmental and Developmental Services**.**

4-3.5 APPROVALS AND PERMITS.

(a) Approvals and 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 the jurisdictional limits of the SRIA shall first make application to the Floodplain Administrator for approval, and shall obtain the required approval(s) and County permit(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

(b) Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to this article 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 approval is required in addition to a building permit.

(c) 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 article.

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in section 604.50, Fla. Stat.

(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, Fla. Stat., 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 an 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.

(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), Fla. Stat., are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps.

(d) Application for approval. To obtain a floodplain development approval the applicant shall first file an application in writing on a form furnished by the SRIA

Department of Environmental and Developmental Services. The information provided shall:

(1) Identify and describe the development to be covered by the 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 4-3.6 of this article.

(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.

(8) For projects that include enclosed areas under elevated buildings, include a signed nonconversion lease amendment as described in Section 4-3.5.

(e) Nonconversion lease amendment. Where an enclosed area below the design flood elevation exceeds four feet in height, measured from floor of the enclosure to the underside of the floor system above, the applicant shall sign a nonconversion lease amendment acknowledging that the conversion of the area below the lowest floor to a use or dimension contrary to the building's originally approved design is prohibited.

(1) The nonconversion lease amendment shall authorize the Floodplain Administrator to conduct inspections of the enclosed area in accordance with the lease amendment’s authorization to make future inspections of the leasehold upon reasonable notice to the Lessee.

(2) The applicant shall provide a copy that documents that the nonconversion lease amendment has been 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 property.

(3) A copy of the recorded nonconversion lease amendment shall be presented as a condition of issuance of the final certificate of occupancy.

(f) Certificate of occupancy. The Escambia County Building Official shall not issue a certificate of occupancy until:

(1) The permit applicant has provided the Floodplain Administrator with a copy of the following, where applicable:
- **a.** The building permit,
- **b.** The “Final Construction” Elevation Certificate,
- **c.** The as-built site survey, and
- **d.** The recorded nonconversion lease amendment; and

(2) The Floodplain Administrator has notified the Escambia County Building Inspections Division that the project has been completed and is in compliance with the provisions of this article.

(g) Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this article 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 SRIA or Escambia County. 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.

(h) 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.

(i) Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development approval if the approval or permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of the SRIA.

(j) Other permits required. Floodplain development approvals and permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The Northwest Florida Water Management District; section 373.036, Fla. Stat.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, Fla. Stat. and Chapter 64E-6, F.A.C.

(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, Fla. Stat.

(4) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, Fla. Stat.

(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.

4-3.6 SITE PLANS AND CONSTRUCTION DOCUMENTS.

(a) Information for development. The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of Flood Insurance Rate Map zones, base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

(3) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(4) 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.

(5) Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.

(6) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article 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 article.

(b) Additional analyses and certifications. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas, the applicant shall submit an engineering analysis, signed and sealed by a Florida licensed engineer, that demonstrates the proposed alteration will not increase the potential for flood damage.

4-3.7 INSPECTIONS.

(a) General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

(b) Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(c) 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 article and the conditions of issued floodplain development permits or approvals.

(d) 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 the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor.

(e) Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owners' authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor; such certifications shall be prepared as specified in Section 4-3.7(d) of this article.

4-3.8 VARIANCES AND APPEALS.

(a) Appeals. The SRIA Board shall hear 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. The SRIA Board shall make final decisions on appeals to the actions of SRIA staff. Any person aggrieved by the decision of the SRIA Board may appeal such decision to the Escambia County Board of County Commissioners.

(b) Variances. Pursuant to section 553.73(5), Fla. Stat., the SRIA Board shall hear requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code* and recommend their resolution to the Escambia County Board of Adjustment which shall make final decisions. Any person aggrieved by the decision of the Escambia County Board of Adjustment may appeal such decision to the Escambia County Board of County Commissioners. This section does not apply to Section 3109 of the *Florida Building Code, Building.*

(c)Limitations on authority to grant variances. The SRIA Board and the Escambia County Board of Adjustment shall base their recommendations and decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 4-3.8 of this article, the conditions of issuance set forth in Section 4-3.9 of this article, and the comments and recommendations of the Floodplain Administrator and the Escambia County Building Official. The SRIA Board and the Escambia County Board of Adjustment have the right to recommend and subsequently to attach such conditions deemed necessary to further the purposes and objectives of this article.

(d)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*.

(e) 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 article, provided the variance 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.

(f) Considerations for issuance of variances. In reviewing requests for variances, the SRIA Board and the Escambia County Board of Adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this article, 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.

4-3.9 CONDITIONS FOR ISSUANCE OF VARIANCES.

Variances shall be issued only upon:

(a) 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;

(b) Determination by the SRIA Board and the Escambia County Board of Adjustment that:

(1) 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;

(2) 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

(3) The variance is the minimum necessary, considering the flood hazard, to afford relief;

(c) 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

(d) 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 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 (up to amounts as high as $25 for $100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

4-3.10 VIOLATIONS.

(a) Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this article that is performed without the Administrator's approval or an issued permit, that is in conflict with an issued approval or permit, or that does not fully comply with the provisions of this article, shall be deemed a violation of this article. 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 article or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

(b) Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this article 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.

(c) 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**.**

4-3.11 DEFINITIONS

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article , have the meanings shown in this section.

(a) 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.

(b) Terms not defined. Where terms are not defined in this ordinance or the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this article.

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.

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). For an area where no base flood elevation is shown on the FIRM, the base flood elevation shall be the highest base flood elevation specified on the FIRM adjacent to that area.

Basement. The portion of a building having its floor subgrade (below ground level) on all sides.

Building Official. The Building Official for Escambia County.

Coastal construction control line. The line established by the State of Florida pursuant to section 161.053, Fla. Stat., and recorded in the official records of Escambia County, 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. The 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." The entire area of the Santa Rosa Island Authority is considered a coastal high hazard area for the purposes of this ordinance and the *Florida Building Code*.

Nonconversion Lease Amendment. A form provided by the Floodplain Administrator to be signed by the owner and recorded in Official Records of the Clerk of Courts in a manner to appear in the chain of title, for the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the building permit and these regulations any enclosures below elevated buildings, and to authorize in accordance with the lease amendment, the Floodplain Administrator to conduct inspections of any enclosures upon reasonable notice to the Lessee.

Design flood. The flood associated with the greater of the following two areas:

(3) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

(4) 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.

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.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before September 28, 1973.

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:

(1) The overflow of inland or tidal waters.

(2) 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. For the purposes of this ordinance and the *Florida Building Code*, all lands within the jurisdiction of the Santa Rosa Island Authority are considered to be a flood hazard area.

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 ("flood 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.

Floodplain development approval. A written approval issued by the Floodplain Administrator which notifies the Escambia County Building Official that the requested development activity is determined to be compliant with this ordinance.

Floodplain development permit. An official document or certificate issued by the Escambia County Building Official, or other evidence of approval or concurrence, which authorizes performance of specific development activities and that are determined to be compliant with this ordinance.

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*.

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.

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.

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. Such amendments or revisions generally only affect the insurance aspects of the National Flood Insurance Program and do not alter the fact that the entire jurisdictional area of the Santa Rosa Island Authority is considered a coastal high hazard area and subject to this ordinance and the *Florida Building Code*. 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 SRIA'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:

(4) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(5) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(6) 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 requirements 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."

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 a building or structure, excluding the land and other improvements on the parcel. Market value is established as specified in Section4-3.4(d).

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 28, 1973 and includes any subsequent improvements to such structures.

Nonconforming structure. A building or structure legally constructed in accordance with the applicable building laws in effect at the time of construction that does not meet current building or flood hazard regulations. A structure can become "nonconforming" due to revisions to the building code or the flood hazard regulations or a revision to the Flood Insurance Rate Map that increases the base flood elevation.

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.

Recreational vehicle. A vehicle, including a park trailer, which is:

(5) Built on a single chassis;

(6) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(7) Designed to be self-propelled or permanently towable by a light-duty truck; and

(8) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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 of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or 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 pilings, 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 combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 10-year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. For each building or structure, the 10-year period begins on the date of the first improvement or repair of that building or structure subsequent to the effective date of this ordinance. If the structure has sustained "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

(3) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Escambia County Building Official and that are the minimum necessary to assure safe living conditions.

(4) 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 article or the *Florida Building Code*.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

4-3.12 BUILDINGS AND STRUCTURES.

(a) Design and construction of buildings, structures and facilities exempt from the *Florida Building Code*. Pursuant to Section 4-3.5(c) of this article, 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 4-3.18 of this article.

(b) Standards for buildings and structures within the jurisdiction of the SRIA.

(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, applicable to coastal high hazard areas.

(2) Nonconforming buildings and structures shall not be extended, expanded, or enlarged unless the entire nonconforming structure is brought into conformance with the flood hazard area requirements of the *Florida Building Code* and this article.

(3) Minor structures and non-habitable major structures as defined in section 161.54, Fla. Stat. shall be designed and constructed to comply with the intent and applicable provisions of this article and ASCE 24.

4-3.13 SUBDIVISIONS.

(a) Minimum requirements. Subdivision proposals 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 and adequate drainage paths shall be provided to guide floodwaters around and away from existing and proposed structures.

(b) Subdivision plats. The following shall be required for each subdivision plat:

(1) Delineation of flood zones and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Compliance with the site improvement and utilities requirements of Section 4-3.14 of this article.

4-3.14 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS.

(a) 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 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 and adequate drainage paths shall be provided to guide floodwaters around and away from existing and proposed structures.

(b) Sanitary sewage facilities. All new and replacement sanitary sewage facilities (including all pumping stations and collector 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.

(c) Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(d) 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. Fill shall not be permitted to support buildings and structures.

(e) Limitations on site improvements. 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 4-3.6(b) of this article 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 4-3.18(e) of this article.

4-3.15 MANUFACTURED HOMES.

Manufactured home prohibition. Manufactured homes are not permitted within the jurisdiction of the SRIA.

4-3.16 RECREATIONAL VEHICLES AND PARK TRAILERS.

(a) Temporary placement. Recreational vehicles and park trailers placed temporarily shall:

(1) Be on the site for fewer than 180 consecutive days; or

(2) 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.

(b) Permanent placement prohibited. Permanent placement of recreational vehicles and park trailers is not permitted within the jurisdiction of the SRIA.

4-3.17 TANKS.

(a) Underground tanks. Underground tanks 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.

(b) Above-ground tanks, not elevated. Above-ground tanks that do not meet the elevation requirements of Article 2, Section 4-2.4 of the LDC shall not be permitted.

(c) Above-ground tanks, elevated. Above-ground tanks 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 for coastal high hazard areas.

(d) 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.

4-3.18 OTHER DEVELOPMENT.

(a) 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 article or the *Florida Building Code*, shall:

(1) Be located and constructed to minimize flood damage;

(2) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(3) Be constructed of flood damage-resistant materials; and

(4) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address 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.

(b) Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses. 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.

(c) Decks and patios. In addition to the requirements of the *Florida Building Code*, 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 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.

(d) Other development. 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; and

(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.

(e) Nonstructural fill. 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.

(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. 2015-43, § 1, 10-8-2015)

Article 4 Airport and Airfield Environs

Sec. 4-4.1 Purpose of article.

This article establishes land use regulations that implement Comprehensive Plan policies requiring the prevention of airport and airfield hazards and incompatible land uses around those facilities. It is the intent of these regulations to ensure the continued safe and efficient use of navigable airspace and operation of airports, airfields and other air navigation or communication facilities within the county. Airport and airfield hazards effectively reduce the size of areas available for the landing, taking off and maneuvering of aircraft, tending to destroy or impair both the present and future utility of aviation facilities and any public investment in them. Incompatible uses and activities have the potential for being hazardous to persons and property on the ground as well as aircraft operations.

Sec. 4-4.2 General provisions.

(a) Approval required. All land uses and development activities in proximity to airports and airfields require county review and approval for compliance with the regulations of this article unless the use or activity is specifically identified in the LDC as exempt from these regulations. The regulations include both obstruction limitations for flight safety and land use restrictions for areas exposed to noise and accident risk.

(b) Modification of regulations. Variances to the strict application of the regulations of this article may only be granted as specifically allowed by the variance provisions of this article and the compliance review processes of Chapter 2.

(c) Applicable airports and airfields. The following facilities, each with an established elevation of the highest point above mean sea level of its runways or landing areas, are protected by the provisions of this article:

Pensacola International Airport: 121 feet

Ferguson Airport: 27 feet

Naval Air Station (NAS) Pensacola, Sherman Field: 28feet

Navy Outlying Landing Field (NOLF) Site 8: 110 feet

(d) Source standards. The obstruction provisions of this article are derived from federal obstruction standards in *Safe, Efficient Use, and Preservation of the Navigable Airspace*, 14 CFR pt. 77, and Unified Facilities Criteria (UFC) 3-260-01, Airfield and Heliport Planning and Design. The land use compatibility provisions are derived from *Airport Noise Compatibility Planning*, 14 CFR pt. 150, and the Air Installations Compatible Use Zones (AICUZ) program as described in OPNAV Instruction 11010.36C. However, whenever the provisions of this section reference federal standards or recommendations, the latest version is intended unless the context clearly indicates otherwise.

(e) Notifications.

(1) Federal Aviation Administration. Any person proposing any construction or alteration requiring notice to the Federal Aviation Administration (FAA) shall file such notice according to the applicability, form and time of notice requirements established in federal "preservation of navigable airspace" regulations. Subsequently, the FAA will make a determination of any hazard to air navigation and the appropriateness of any obstruction marking and lighting or other measures necessary for the continued safety of air navigation. However, FAA determinations are not approvals or permits for any construction or development. Approval and permitting remain responsibilities of the state and county which have authority to require the air safety measures recommended by the FAA and to deny a construction or alteration permit regardless of FAA determinations.

(2) State of Florida. All variances to airport or airfield provisions of the LDC, or any amendments to them, shall be filed with the State of Florida in compliance with the provisions of this article. Any state permits required for structures exceeding federal standards for obstructions to air navigation shall be obtained according to Florida Statutes.

(3) Airport and airfield officials. Notification to airport or airfield officials is required for any property that is within a designated airport or airfield height limitation zone or planning district and is the subject of an application for rezoning, all site development, subdivision or Board or Adjustment (BOA) approval, or as otherwise determined appropriate by the Planning Official. Those officials identified in the interlocal agreement between Escambia County and the U.S. Navy shall be notified regarding military airfields, and the director of the Pensacola International Airport shall be notified regarding that facility. Notification shall include access to application documents, a request to review and comment on proposed actions, and a request for recommendations to the county regarding application approval.

(f) Interior noise reduction. In areas of high noise exposure from normal airport and airfield operations, interior noise reduction methods are required to maintain compatibility for some uses. Anticipated high noise exposure is represented by noise zones according to a FAA standard measure of the 24-hour day-night average sound level (L_{dn}). Noise reduction required by the applicable noise zone shall be identified on building construction plans and accomplished according to nationally accepted sound attenuation methods. For the habitable space within any new building or building addition, the following noise reductions are required by exposure:

(1) Below 65 L_{dn}. For noise exposures less than 65 L_{dn}, no interior noise reduction is required.

(2) Between 65 and 70 L_{dn}. For noise exposures between 65 and 70 L_{dn}, an interior noise level reduction of at least 25 decibels (dB) is required for residential uses or educational facilities, and is recommended for other noise sensitive uses.

(3) Between 70 and 75 L_{dn}. For noise exposures between 70 and 75 L_{dn}, an interior noise level reduction of at least 30 dB is required for residential, educational, public assembly or reception, office, and other noise sensitive uses.

(4) Above 75 L_{dn}. For noise exposures above 75 L_{dn}, residential and educational uses are prohibited regardless of noise reduction measures, but an interior noise level reduction of at least 35 dB is required for public assembly or reception, office, and other noise sensitive uses.

(g) Divided parcels and buildings. Generally, when a parcel is divided by an airport or airfield planning district boundary, only that portion of the parcel within the district is subject to district requirements. Requirements of the areas or zones that make up a planning district are similarly limited. However, when any part of a parcel is within an airfield planning district, the avigation easement provisions apply to the entire parcel. For any new building or addition proposed within more than one noise zone, the more stringent sound reduction requirements apply to the entire building or addition.

(h) Transfer of development rights. At such time as the county may establish a comprehensive program for transfer of development rights, parcels within the airport and airfield planning districts shall be eligible as sending parcels, but shall not be included in that program as receiving parcels.

Sec. 4-4.3 Hazards to air navigation.

(a) Hazards prohibited. No permit or other approval to construct a new structure or establish a new use shall be granted that would allow the establishment or creation of an airport or airfield hazard. Additionally, no approval shall be granted that would allow a nonconforming use, structure or site condition to become a higher obstruction or greater hazard to air navigation.

(b) Obstruction hazards. A hazard to air navigation is presumed to exist when an object of natural growth or terrain, or of permanent or temporary construction or alteration, including mobile objects and equipment or materials used, exceeds any federally established standards for identifying obstructions to air navigation or navigational aids or facilities. Those standards apply regardless of other LDC height limits. An object is not considered an obstruction hazard by the FAA or the county if an aeronautical study by the FAA concludes that the object is not a hazard to air navigation.

(1) Height limit maps. An object is or would be an obstruction to air navigation if it is of greater height than any of the federally established limits for airports and airfields. Those limits are mapped for each of the airports and airfields identified in this article and are specifically adopted here by reference as the *Airport and Airfield Height Limitation Zone Maps* of Escambia County. The maps are declared to be part of the LDC, with the information shown on them having the same force and effect as the text of the LDC. The height limitation zone maps represent the primary, clear zone, approach, horizontal, conical, transitional and other imaginary surfaces applicable to the takeoff and landing areas of each

airport or airfield. The maps are maintained digitally in the county's "Geographic Information System" (GIS).

(2) Other height limits. In addition to the established height limit surfaces for each airport and airfield, an object is or would be an obstruction to air navigation if it is of greater height than any of the following federally established height limits related to airports and airfields:

a. Site of object. A height of 499 feet above ground level at the site of the object.

b. From airport/airfield. A height that is 200 feet above ground level or above the established airport/airfield elevation, whichever is higher, within three nautical miles of the established reference point (approximate geometric center of runways) of Pensacola International Airport, NAS Pensacola Sherman Field and that height increasing at the rate of 100 feet for each additional nautical mile from the airport or airfield, up to a maximum of 499 feet.

c. Other heights. Other established heights, including those relating to the traverse ways of vehicles and other mobile objects, and airport and airfield approach, departure, takeoff and landing areas.

(3) Exceeding height limits. Except as otherwise provided, no object shall be constructed or altered in such a way as to exceed the height limitations established here unless a variance is first obtained according to the provisions of this article.

(4) Obstruction marking and lighting. Any permit granted for an obstruction to air navigation shall, as a condition of approval, require the owner to install, operate, and maintain at their expense any marking or lighting of the obstruction that has been recommended in a FAA aeronautical study determination, or as otherwise required by Florida Statutes. The county may also condition permit approval on any other obstruction marking and lighting recommendations provided by the operators of airports or airfields within the county.

(c) Non-obstruction hazards. The use or development of land shall not create or contribute to interference with the operation of aircraft, including the following non-obstruction hazards to air navigation:

(1) Dangerous lighting. No lights or illumination, whether for streets, parking, signs or other structures, shall be arranged and operated in a manner that is misleading or dangerous to aircraft operating from or in the vicinity of an airport or airfield, as determined by the operator of the airport or airfield.

(2) Smoke or glare. No operations of any type shall produce smoke, glare or other visual hazards within three statute miles of any designated airport or airfield, or any usable runway, with the exception of permitted projects or activities.

(3) Electronic interference. No operations of any type shall produce electronic interference with navigation signals or radio communication between an airport or airfield and any aircraft.

(4) Landfills. No sanitary landfill shall be operated with**in 10,000 feet of any run**way used or planned to be used by turbojet or turboprop aircraft, or within 5,000 feet of any runway used only by piston engine aircraft. Additionally, no land**f**ill of any type shall be located so that it attracts or sustains hazardous bird movements from feeding, water or roosting areas into or across the runways or approach and departure patterns of aircraft. County approval of proposed landfill locations meeting these restrictions remains subject to conditions recommended by the operators of any affected airports or airfields.

Sec. 4-4.4 Airport and airfield planning districts.

(a) Pensacola International Airport Planning District. The Pensacola International Airport Planning District (PNSPD) is established to provide enhanced protection in support of the continued operation of the Pensacola International Airport for areas that are close enough to the airport to influence or be influenced by its activities. The PNSPD imposes additional restrictions on surrounding development that primarily address noise and safety concerns created by flight operations and potential interferences with those operations.

(1) Establishment. The PNSPD is established through its definition and adoption within the LDC. The Pensacola International Airport Influence Planning District Overlay maps for noise zones and educational facility restrictions are specifically adopted here by reference and declared to be part of the LDC, with the information shown on the maps having the same force and effect as the text of the LDC. The PNSPD maps are maintained digitally in the county's "Geographic Information System" (GIS).

(2) Real estate disclosure. All real estate transactions for property within the *Pensacola International Airport Real Estate Disclosure Area* shall include a form disclosing the proximity of the site to the airport. The disclosure is intended to inform a potential property owner or occupant of the nearby airport and alert them to possible incompatibilities of the intended property use with airport operations. The disclosure form shall be attached to all listing agreements, sales and rental contracts, subdivision plats, and marketing materials provided to prospective buyers, renters and lessees. The form need not be included in advertisements directed to the public at large. Disclosure is required as soon as practicable, but shall occur before the making or acceptance of an offer to buy, rent or lease.

(b) Military airfield Influence planning districts. Airfield influence planning districts (AIPDs) are established to provide enhanced protection in support of the continued operation of military airfields for areas that are close enough to those airfields to influence or be influenced by their activities. AIPDs impose additional restrictions on surrounding development that primarily address noise and safety concerns created by flight operations and potential interferences with those operations. If military operations permanently cease at an airfield, the supplemental requirements of its AIPDs will no longer apply to surrounding lands.

(1) General characteristics. Airfield influence planning districts are combinations of noise zones, clear zones, accident potential zones, and other areas of influence that overlap and combine to define a broad range of airfield influences on surrounding land use. The range of influences is divided between two planning districts: AIPD-1 composed of areas closest to an airfield and, therefore, with highest noise exposure and accident risk; and AIPD-2 composed of areas further from the airfield than AIPD-1, but that still may influence or be influenced by airfield operations.

(2) Clear zones and accident potential zones. Clear zones and accident potential zones identify areas near airfield runways where aircraft accidents are most likely, if they do occur. The zones are defined by the type of aircraft for which the runway is primarily used. Clear zones extend immediately beyond the ends of runways and designate areas of high accident potential. Accident potential zones (APZs) generally extend beyond clear zones and designate areas that remain impacted by accident potential. APZ-1 identifies areas that retain a significant potential for accidents. APZ-2 identifies areas beyond APZ-1 that retain lower but measurable potential for accidents.

(3) Establishment. AIPDs and their constituent zones and areas are established through their definition and adoption within the LDC. The Airfield Influence Planning District Overlay maps for NAS Pensacola and NOLF 8 are specifically adopted here by reference and declared to be part of the LDC, with the information shown on the maps having the same force and effect as the text of the LDC. The AIPD maps are maintained digitally in the county's "Geographic Information System" (GIS).

(4) General AIPD requirements.

a. Real estate disclosure. All real estate transactions for property within an AIPD shall include a form disclosing the proximity of the site to the military airfield. The disclosure is intended to inform a potential property owner or occupant of the nearby airfield and alert them to possible incompatibilities of the intended property use with airfield operations. The disclosure form shall be attached to all listing agreements, sales and rental contracts, subdivision plats, and marketing materials provided to prospective buyers, renters and lessees. The form need not be included in advertisements directed to the public at large. Disclosure is required as soon as practicable, but shall occur before the making or acceptance of an offer to buy, rent or lease.

b. Avigation easement. For any parcel within an AIPD where subdivision or any site plan approval is requested, the application shall include an executed avigation easement or proof of the public recording of an executed easement. The purpose of the easement is to grant a clear property right to maintain flight operations in the airspace above the property. The easement shall be in a form approved by the County Attorney and recorded with the property deed to run in perpetuity with the land.

c. **Rezoning.** Rezoning is allowed within AIPDs, but density remains limited to the maximum density allowed by the AIPD, regardless of the zoning. The AIPD density limits shall govern.

(5) **AIPD-1 requirements.** Airfield Influence Planning District 1 (AIPD-1) defines areas of greatest protection for an airfield. AIPD-1 lies within a boundary connecting the outermost limits of an installation's clear zones, accident potential zones, or other areas necessary to achieve adequate protections. The following requirements apply to all lands within an AIPD-1 district:

a. **Prohibited concentrations of population.** Any use at such a scale that gatherings concentrating more than 25 people per acre and within a structure would be expected on a regular basis is prohibited. Such uses include sports stadiums, amphitheaters, auditoriums, clubhouses, churches, schools, hospitals, assisted living facilities, hotels and motels, restaurants, nightclubs and other establishments.

b. **Residential density.** Residential density is limited by the applicable zone or area with the AIPD according to the following:

1. **Clear zones.** Areas designated as "Clear Zone" are allowed no residential density except vested single-family dwellings on existing lots of record.

2. **Area A.** Areas designated as "Area A" are allowed no residential density except vested single-family dwellings on existing lots of record.

3. **APZ-1.** Areas designated as "Accident Potential Zone 1" (APZ-1) and aligned with airfield runways are allowed no residential density except vested single-family dwellings on existing lots of record. All other APZ-1 areas are limited to one dwelling unit per 2.5 acres.

4. **APZ-2.** Areas designated as "Accident Potential Zone 2" (APZ-2) and aligned with airfield runways are limited to two dwelling units per acre. All other APZ-2 areas are limited to three dwelling units per acre.

5. **Area B.** Areas designated as "Area B" are limited to three dwelling units per acre and only subject to the minimum lot area of the applicable zoning district.

c. **Dwellings.** Residential development is limited to detached single-family dwellings, including manufactured (mobile) homes if allowed by applicable zoning district. No single-family attached or multifamily dwellings are permitted. The planning district also prohibits the clustering of dwellings, including mobile home parks, whether by density transfers, planned unit development or other means.

d. **Minimum lot area.** The required minimum lot area shall be the inverse of the established maximum density except where noted. For example, a maximum density of three dwelling units per acre inversely requires at least one acre per three dwelling units, so the minimum lot size for one dwelling unit is one-third acre.

e. **Parks and recreational facilities.** Outdoor sports facilities, parks and recreation areas are permitted, but all their structures are restricted to those that are accessory to the outdoor use, such as bleachers, backstops, picnic tables, public restrooms, concession stands, etc.

f. **Conditional uses.** The following uses require conditional use approval by the Board of Adjustment (BOA), regardless of whether they are permitted within the applicable zoning district:

1. Borrow pits and borrow pit reclamation.
2. Solid waste collection points, transfer stations, or processing facilities.
3. Salvage yards.

g. **Prohibited uses.** The following uses are prohibited:

1. Animal feedlots and similar facilities that concentrate animal feed and waste.
2. Electrical transmission lines above ground.
3. Stables designed to house more than four horses or other domesticated equine.
4. Telecommunications towers.
5. Outdoor storage if permanent, excluding farm equipment.
6. Motor vehicle sales, new or used.

(6) AIPD-2 requirements. AIPD-2 is additional areas extended beyond AIPD-1 that is sufficiently close to the airfield to require some protections. AIPD-2 requirements are the same for all airfields. Densities and minimum lot sizes of the underlying zoning districts are not modified by AIPD-2.

Sec. 4-4.5 Variances.

(a) General eligibility. A variance to the airport and airfield regulations of the LDC is generally contrary to the safe and efficient use of navigable airspace and the operation of airports and airfields. However, where compliance with the requirements creates an exceptional hardship on an applicant for development approval, the Board of Adjustment (BOA) may, in compliance with Florida Statutes and the quasi-judicial variance process prescribed in Chapter 2, approve or deny a request for a site-specific modification to the air navigation obstruction standards of this article for the erection, alteration, or modification of any structure that would cause those standards to be exceeded. Additionally, a variance to the educational facility construction prohibition associated with the Pensacola International Airport may be requested. No other variances, however, are applicable to the requirements of the airport and airfield environs.

(b) Specific limitations. In addition to the general variance review and approval requirements prescribed in Chapter 2, available variances to airport and airfield environs provisions shall comply with all of the following conditions:

(1) State review. As required by state regulations, the applicant shall provide a copy of the variance application to the Florida Department of Transportation (FDOT) by certified mail to allow a 45-day opportunity for department comment. The county may proceed with consideration of the application in a public hearing only upon receipt of FDOT review comments or a waiving of that right.

(2) Required findings. A variance may only be granted where the applicant demonstrates, and the BOA establishes in its findings, all of the following conditions as applicable:

a. No hazard. For an obstruction to air navigation, a valid aeronautical study by the FAA has concluded that the object is not a hazard to air navigation.

b. Public policy. For a prohibited educational facility, the public policy reasons for allowing the construction outweigh the health and safety concerns prohibiting such a location.

c. No objections. U.S. Navy officials, the director of the Pensacola International Airport, or other operators of airports or airfields within the county have no substantial objections to the variance, or their objections will be addressed through conditions of the variance approval.

d. Hardship. A literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship.

e. Public interest. The relief granted would not be contrary to the public interest.

f. Intent. The relief granted would do substantial justice and be in accordance with the intent of county and state regulations.

(3) Conditions of approval. Any variance granted by the BOA is subject to the following conditions:

a. Any reasonable conditions that the BOA finds necessary to accomplish the purposes of county and state regulations.

b. A variance granted for an obstruction to air navigation shall require the owner to install, operate and maintain at his expense any marking or lighting of the obstruction that has been recommended in a FAA aeronautical study determination, or as otherwise required by Florida Statutes. The BOA may also condition approval on any other obstruction marking and lighting recommendations provided by the operators of airports or airfields within the county.

c. The applicant shall provide FDOT a copy of the county decision on an obstruction variance application within ten days of issuance of the decision.

Article 5 Natural Resources

Sec. 4-5.1 Purpose of article.

This article establishes land use regulations that implement Comprehensive Plan policies requiring the protection, conservation, and appropriate use of natural resources.

Sec. 4-5.2 General provisions.

(a) Approval required . All land uses and development activities which impact environmentally sensitive lands require prior county review and approval for compliance with the regulations of this article unless the use or activity is specifically identified in the Land Development Code (LDC) as exempt from these regulations. The Board of County Commissioners (BCC) has determined the following land and water resources to be environmentally sensitive lands:

(1) Wetlands as defined by the State of Florida.

(2) Shoreline protection zones as defined in this article.

(3) Aquatic preserves and the Escambia River Wildlife Management Area as defined or authorized by Florida Statutes.

(4) Outstanding Florida Waters as listed in the rules of Florida Administrative Code (Ch. 62-302.700).

(5) Habitats of threatened and endangered species as defined by the U.S. Fish and Wildlife Service (FWS), the Florida Fish and Wildlife Conservation Commission (FWC), or other state or federal agencies.

(6) Essential fish habitat, including seagrasses, defined as 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)).

(7) Floodplain areas identified on the Federal Emergency Management Agency's Flood Insurance Rate Map as areas of special flood hazard subject to a one percent or greater annual chance of flooding.

(8) Wellhead protection areas as defined in this article, including potable water wells, cones of influence, and potable water well fields.

(9) Surface waters identified as impaired under Section 303(d) of the Clean Water Act

(b) Modification of regulations. Variances to the strict application of the regulations of this article may only be granted according to the compliance review processes of Chapter 2, and only if such modifications maintain the stated purposes of this article, are specifically allowed by its provisions, and comply with all stated conditions.

(c) Environmental trust fund. The Escambia County Environmental Lands Trust Fund (ECELTF) is established for use in managing wetlands and other environmentally sensitive lands in the county. The county is authorized and directed here to establish the fund and to receive and disburse all monies according to the following provisions:

(1) Fund sources. The ECELTF shall receive monies from the following sources:

a. All revenues collected pursuant to mitigation and enforcement of this article.

b. 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 environmentally sensitive lands.

c. All interest generated from the deposit or investment of ECELTF monies.

(2) Fund maintenance and disbursements. The ECELTF shall be maintained in trust by the county solely for the purposes prescribed here, in a separate and segregated fund of the county that shall not be commingled with other county funds until disbursed, and only disbursed for the following purposes:

a. Acquisition (including by eminent domain), restoration, enhancement, management, mapping, and/or monitoring of environmentally sensitive lands and conservation easements within Escambia County.

b. All costs associated with acquisitions, including appraisals, surveys, title search work, real property taxes, documentary stamps, surtax fees, and other transaction costs.

c. Costs of administering the activities enumerated in this section.

(d) Resource identification. Where the potential for on-site wetlands or the habitat of threatened or endangered species is indicated, a site-specific survey shall be conducted and shall include the delineation of all such lands on the subject parcel. The survey shall be evaluated for the protection of significant resources prior to clearing, grading or other alterations, and the delineations shall be used in the determination of buildable area on the lot or parcel.

(e) Avoidance, minimization, and mitigation. If a proposed land use or development activity includes impacts to protected natural resources, the application for county compliance review and approval shall include written documentation that adverse impacts to those resources have been avoided to the maximum extent practicable. For unavoidable adverse impacts, the application shall demonstrate that the impacts have been minimized to the greatest extent practicable. Only with such demonstration will the county review and consider a mitigation plan for those impacts.

(1) Clustering. Where lands proposed for development contain wetlands or the habitat of threatened or endangered species, development may be clustered within non-environmentally sensitive areas to avoid adverse impacts and promote full utilization of property rights. This provision overrides any provision in Chapter 3- zoning regulations - that would otherwise prohibit clustering, with the exclusion of any AIPD areas.

(2) Mitigation. A land use or development activity shall not cause a net adverse impact on resource functions that is not offset by mitigation. Methods to compensate for adverse direct or indirect impacts are required when uses or activities degrade estuaries, wetlands, surface waters, submerged aquatic

vegetation, threatened and endangered species habitat and other protected natural resources.

(3) Mitigation plans. A mitigation plan shall be submitted to the County and include provisions for the replacement of the predominant functional values of the lost resources, specify the criteria by which success will be measured, and specify any necessary maintenance entity and its responsibilities.

Sec. 4-5.3 Wetlands. (Reference DSM Chapter 2-Wetlands)

Protection required. Wetlands as defined in Florida Administrative Code (Ch. 62-340) shall be protected from draining, dredging, filling, excavating, building, pollution, and other alterations or acts that will reduce or otherwise adversely impact their ecological functions and public benefits.

Upland buffers with a minimum width of 15-ft and an average width of 25-ft shall be provided abutting those wetlands under the regulatory jurisdiction of the State of Florida under 62-340, F.A.C. (Director)

A 10-ft average upland buffer shall be required for development activities that avoid impacts to wetlands.

(a) Conditional exemptions.

(1) Single-family dwelling. When insufficient uplands exist for construction of one single-family dwelling on a lot of record less than five acres in size, application for the construction is exempt from the regulations of this section if the total area of dredging or filling in wetlands for the dwelling and its associated improvements does not exceed 4000 square feet, and if the total area of clearing in wetlands (including the area of dredging and filling for the dwelling and associated improvements) does not exceed 6000 square feet on the contiguous property owned by the applicant.

(2) Agriculture and silviculture. Bona fide agricultural or silvicultural operations on land classified by the Escambia County Property Appraiser as “agricultural” for ad valorem tax purposes are exempt from the regulations of this section.

(3) Utility activities. Utility company activities that provide service to an individual single-family dwelling, or their activities that take place within existing utility easements or public street rights-of-way containing existing utility lines, or within easements or rights-of-way otherwise approved for utility use by the county, are exempt from the regulations of this section.

(b) Mitigation for impacts. Mitigation for adverse impacts to wetlands shall be based on the *Uniform Mitigation Assessment Method* (UMAM) prescribed by Florida Administrative Code (Ch. 62-345).

(c) Enforcement. In addition to the general LDC compliance enforcement provisions of Chapter 1, for any violations of LDC erosion control provisions impacting wetlands, violators shall begin remedial action immediately and have seven calendar days to complete restoration of the impacted area to pre-impact conditions or better. For other violations of the wetland protection provisions of this article, violators shall

begin remedial action planning immediately and have 21 calendar days to complete restoration of the impacted area to pre-impact conditions or better. With documented evidence of good faith restoration efforts the Planning Official may authorize an extension to the time period for completion of the required action for extenuating circumstances.

Sec. 4-5.4 Threatened and endangered species habitat.

(Reference DSM Chapter 2, Clustering density – Wetlands, Endangered Species Habitat, and Rural Districts)

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

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

(c) Perdido Key beach mouse.

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

(2) Special assessment. For properties involved in mitigation for Perdido Key Beach Mouse habitat impacts and those electing to provide in-lieu fee mitigation, a mechanism is established for imposition and collection of a recurring annual assessment. 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. Those properties responsible for the annual assessments derive a benefit from the improvements and services provided from the conservation and natural resource protection.

a. Per unit. New developments or redevelopments on Perdido Key within the designated PKBM habitat that have elected mitigation for habitat impacts shall be assessed an annual, recurring special assessment of $201.00 per dwelling unit on the subject site. Lodging and commercial assessments shall be based on an equivalent rate not to exceed the maximum residential density allowed for the subject parcel.

b. Procedure. Upon issuance of a certificate of occupancy for any unit subject to this assessment, the subject parcel identification number(s) shall be

reported to the Escambia County Office of Management and Budget to process for collections.

1. **Method of collection.** Collection shall be by the uniform method of collection provided for by Florida Statutes (§197.3632).
2. **Duration.** Recurring annual collections shall continue until such time as these assessment provisions are repealed by the BCC.
3. **Appeal.** Any property owner who asserts his assessment is in error may appeal in writing to the Escambia County Office of Management and Budget.

Sec. 4-5.5 Marine, estuarine and riverine shorelines (MERS).

(a) Dune protection and restoration. Adverse impacts to the primary dune system on Santa Rosa Island and Perdido Key shall be avoided to the greatest extent practical, and minimized and mitigated when unavoidable.

(b) Beach renourishment. Beach renourishment may be used to stabilize erosion prone areas. All renourishment activities shall be performed in accordance with accepted engineering and environmental practices.

(c) Protection required. Land uses and development activities along marine, estuarine and riverine shorelines shall avoid construction that can jeopardize the stability of the beach-dune system, accelerate erosion, inadequately protect upland structures, endanger adjacent properties, and interfere with public beach access.

(a) Marine shorelines

(1) Marine shoreline protection zone. A marine shoreline protection zone is established along the shorelines of Santa Rosa Island and Perdido Key, extending from the mean high water line (MHWL) of the Gulf of Mexico landward to the 1975 Coastal Construction Control Line (CCCL) as recorded the official records of Escambia County (Plat Book 9, Page 72 A-P). No construction is authorized within the Marine shoreline protection zone with the following exceptions:

(2) Dune walkovers. Elevated pile-supported dune and beach walkover structures may be permitted within the shoreline protection zone provided the existing dune system is enhanced or re-vegetated if adversely impacted during construction.

(3) Beach and dune preservation and enhancement. Sand fencing and other beach restoration and dune protection methods approved by the county may be permitted within the shoreline protection zone in accordance with accepted engineering and environmental practice. Beach restoration and dune protection methods shall not be interpreted to allow armoring of the marine shoreline.

(4) Sundecks, patios, walkways. Sundecks, patios, walkways, etc. may be constructed within the shoreline protection zone on Santa Rosa Island on a case by case basis consistent with the SRIA board policy manual.

(5) Vegetation. Except as otherwise allowed by these marine shoreline provisions, the removal or destruction of native vegetation within the shoreline protection zone is prohibited.

(6) Reconstruction and redevelopment. Only to prevent a taking, a variance to allow construction of a replacement structure within the previous footprint may be requested from the BOA for Pensacola Beach Gulf-front properties that have an insufficient building area to rebuild or redevelop, provided that intrusion into the shoreline protection zone is reduced to the maximum extent practical.

(7) Variances. No variances are otherwise available to authorize the prohibited construction:

(8) New Construction. For new construction and substantial improvement to a Gulf front development, the minimum dune mitigation shall include a dune walkover**.**

(b) Estuarine shorelines.

(1) Applicability. The estuarine shoreline provisions of this section apply to all shorelines of subtidal habitats and adjacent tidal wetlands of brackish waterbodies. These estuarine systems include bays, sounds, lagoons, bayous, rivers mouths, saltwater marshes and canals.

(2) Estuarine shoreline protection zone. An estuarine shoreline protection zone is established along the estuarine shorelines extending 15 feet landward of the mean high water line (MHWL).

(3) Natural shoreline stabilization. The shorelines of estuarine systems shall be retained in their natural state to the extent possible. Because natural methods of shoreline protection (i.e. living shorelines) provide an opportunity for natural recovery, erosion prone areas shall be stabilized with appropriate native vegetation in accordance with accepted engineering and environmental practices and/or criteria set forth in 62-346.051(14), F.A.C. wherever practical.

(4) Construction Setbacks. No new construction is allowed along an estuarine shoreline within the established shoreline protection zone, except the following:

a. Structures. Walkways, boardwalks, gazebos, docks, piers, boathouses, seawalls, bulkheads, or other retaining walls, and structures necessary for permitted water dependent and water related uses may be permitted within the shoreline protection zone.

b. Armored shorelines. Because the use of rigid shore protection structures, including riprap and rock revetments, may cause significant environmental impacts, and erosion of neighboring properties such structures

may only be permitted within the shoreline protection zone where vegetative or other natural methods of shoreline stabilization have been determined by the county to not be practical. Prior to the construction of any significant rigid shore protection structure the applicant shall submit the following to the county for review and approval:

1. **Shoreline erosion statement.** A description of the features of the site and adjacent area, and the proposed measures to be implemented for prevention of erosion and other adverse impacts to adjacent properties from the construction shall be provided.

2. **Hold harmless agreement.** An executed agreement, in a form approved by the County Attorney, to hold the county, its officers and employees harmless from any damages to persons or property that may result from authorized construction.

(c) Riverine shorelines.

(1) Applicability. The riverine shoreline provisions of this section apply to all shorelines of surface water habitats that periodically or continuously contain flowing water and their associated wetlands. These riverine systems include rivers, tributaries, perennial streams and intermittent streams, but do not include ditches, swales, or other manmade features created for stormwater control.

(2) Riverine shoreline protection zone. A riverine shoreline protection zone is established along riverine shorelines, extending 30 feet landward from the ordinary high water line.

(3) Natural shoreline stabilization. The shorelines of riverine systems shall be retained in their natural state to the extent possible. Because natural methods of shoreline protection provide an opportunity for natural recovery, erosion prone areas shall be stabilized with appropriate native vegetation in accordance with accepted engineering and environmental practice wherever practical. The removal or destruction of existing native submergent and emergent vegetation in and along the littoral zone shall be prohibited, unless determined by the county to be necessary for the protection of life and property.

(4) Construction Setbacks. No new construction is allowed along a riverine shoreline within the established shoreline protection zone, except the following:

a. **Structures.** Walkways, boardwalks, gazebos, docks, piers, boathouses, seawalls, bulkheads, or other retaining walls, and structures necessary for permitted water dependent and water related uses may be permitted within the shoreline protection zone.

b. **Road Crossings.** To allow access to developable uplands, roads may be permitted to cross riverine systems if the proposed crossing complies with all other requirements of the LDC.

c. **Armored shorelines.** Rigid shoreline protection structures may be allowed within the riverine shoreline protection zone (extending 15-ft landward of the

ordinary high water line) according to the same limitations required for estuarine shorelines.

Sec. 4-5.6 Coastal high-hazard areas. (Reference DSM Chapter 2- Coastal High Hazard Areas)

(a) Protection required. To reduce the exposure of people and property to natural hazards, population concentrations shall be directed away from coastal high-hazard areas, and development and any public expenditure that subsidizes development there shall be limited. For the purposes of this section, the coastal high-hazard area (CHHA) is the area below the elevation of the Category 1 storm (hurricane) surge line as established by the state's Sea, Lake, and Overland Surges from Hurricanes (SLOSH) computerized storm surge model. The county-adopted *Coastal High-Hazard Area Map* is the delineation of the CHHA.

(b) Hazard reduction.

(1) Hurricane evacuation. The county shall review development and maintain information regarding the impact of development on hurricane evacuation times established by the Comprehensive Plan. When it is demonstrated that the roadways affected by proposed development have sufficient capacity at their adopted levels of service (i.e., the development passes the test for transportation concurrency), the impact on evacuation times is acceptable.

(2) Prohibited uses. Group homes, nursing homes, or other uses that have special evacuation requirements; manufactured (mobile) home developments; and schools are all prohibited as new uses within the CHHA.

Sec. 4-5.7 Barrier island sand.

(a) Protection required. The county recognizes that the white sands of Perdido Key and Pensacola Beach promote tourism and enhance the quality of life of the residents of the county, and that the permanent discoloration, darkening or staining of the sands would harm the public welfare. To maintain, preserve and protect the natural function and color of these fine to medium grained white sands, the importation, use, and relocation of red clay and other materials that tend to discolor, darken or stain the natural white sands of Perdido Key and Santa Rosa Island is prohibited. Additionally, transportation of prohibited materials when exposed to wind or water shall be prevented on the islands by containment and removal. Approved and prohibited material specifications are provided in Chapter 2 - Barrier island sand section of the Design Standards Manual (DSM).

(b) Applicability. There shall be no distinction made regarding the applicability of the provisions of this section between Perdido Key and Santa Rosa Island soil material. However, the county may, upon specific consideration, differentiate between the allowable soil material of the Gulf front beach, Gulf front (primary) dunes, sound side beach, interior (secondary) dunes and forested ecosystems.

(c) Permit Required. All projects involving the placement of sand or other construction or landscaping materials on Santa Rosa Island or Perdido Key shall require county

approval of a representative sample of the materials according to the compliance review processes of Chapter 2 prior to transport on the barrier islands.

(d) Prohibited importation, transfer and use. The following prohibitions on the importation, transfer and use of some materials on barrier islands are based on approved and prohibited materials as prescribed in this section:

(1) No person may import or cause to be imported onto Santa Rosa Island or Perdido Key any construction or landscaping material which is not an approved material.

(2) 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 Santa Rosa Island, whether leased or not.

(3) 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 Perdido Key or Santa Rosa Island, whether leased or not.

(e) Removal of prohibited materials.

(1) General. Any time reconstruction, redevelopment, improvement or use of a site on Santa Rosa Island or Perdido Key uncovers or exposes "prohibited materials" as defined in DSM Chapter 2 - Barrier Island Sand section those materials must be immediately removed from the site and relocated off the barrier island.

(2) Utilities. Any time a 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 to provide services to consumers, shall uncover or expose any prohibited material during the installation, maintenance, repair or removal of its system on Santa Rosa Island or Perdido Key, it shall remove from the barrier island the prohibited material disturbed by the work and replace it with approved materials. The prohibited materials shall be removed in such a manner as to avoid their release by wind, water, or other means onto adjacent lands or waters.

(3) BCC approved exemption. The BCC may exempt the application of these removal provisions for particular projects or parts of projects upon determination by a four-fifths vote of the board that an emergency exists and that an immediate exemption is required to protect the public health, safety or welfare.

(4) Removal time. The requirement for immediate removal of prohibited materials may be relaxed if the materials are confirmed to be contained in such a way as to preclude their transfer by wind, water or other means within the parcel or onto adjacent parcels or waters, and if the delay is otherwise consistent with the purpose and intent of this section. However, prohibited materials may remain on the site where exposed or on the barrier island for no more than 48 hours. The county shall promulgate approved methods of containing and transporting prohibited materials required to be removed.

Sec. 4-5.8 Barrier Island lighting (Pensacola Beach)
(Reference DSM, Chapter 2- Barrier Island Lighting (Pensacola Beach).

(a) General. Marine shorelines shall be protected from all artificial (manmade) light sources and the adverse impacts of such lighting on nesting sea turtles, their hatchlings, and other endangered coastal wildlife shall be minimized. For the purposes of these lighting regulations, "within line-of-sight from the beach" means directly visible from a height of two feet or less above the beach along the mean high water line.

(1) Exemptions. The following lights are exempt from beachfront lighting regulations under the conditions noted:

a. Navigation. Lights mandated by federal regulations for illuminating obstructions in navigable airspace and lights required by the U.S. Coast Guard for boat navigation, provided they have been reviewed and approved in conformance with requirements of the federal Endangered Species Act.

b. U.S. flag. Lighting fixtures that are directed upward onto the flag of the United States if the flag is not within line-of-sight from the beach.

c. Holidays. Traditional holiday lights used outside the sea turtle nesting season which begins May 1 and continues through October 31 each year.

(2) New construction. All non-exempt lighting for new coastal construction on Escambia County barrier islands, including redevelopment and substantial improvements, shall comply with the following standards:

a. Wildlife lighting. Any exterior lighting on Pensacola Beach within line-of-sight from a marine beach, shall be consistent with Florida Fish and Wildlife Conservation Commission (FWC) standards for wildlife lighting to minimize the potential for adverse affects on the nocturnal behaviors of nesting and hatchling sea turtles and other wildlife.

b. Dune walkovers. Lighting of dune walkovers and elevated crossovers to the beach is prohibited seaward of the crest of the primary dune.

c. Tinted glass. The glass in all exterior windows and glass doors shall be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less.

d. Interior lights. Interior stairwells, elevators and enclosed parking garages that allow light to pass through windows or other openings shall utilize wildlife lighting or tinted glass as described in this section**.**

e. Lighting plan. Before granting any building permit, the county shall determine that all proposed construction complies in all respects with the lighting standards of this section. Detailed project lighting plans shall be submitted to the county showing the type and location of all exterior light sources. The plans shall identify the location, number and type of all lighting fixtures to be used. A letter from the FWC documenting approval of the lighting plan may be submitted to the county in lieu of the county lighting plan

if FWC approval is required by the state for site development for Pensacola Beach.

f. Review. Before granting any building permit, the Santa Rosa Island Authority 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 showing the location of all exterior light sources. The plans must identify the location, number and type of lighting to be used for all fixtures.

g. Inspection. Prior to final site inspection approval for any new development within direct line-of-sight from the beach, the site inspection to confirm compliance with these beachfront lighting standards shall include a night survey with all beachfront lighting turned on. A written inspection report shall identify the date and time of inspection, extent of compliance with lighting standards, areas of observed noncompliance, and actions taken to remedy noncompliance.

(3) Nonconforming lighting. All existing artificial light sources on Pensacola Beach, including utility owned outdoor lighting, shall comply with the standards for new construction by January 1, 2018, unless identified in this section as exempt.

Sec. 4-5.9 Wellhead protection. (Reference DSM Chapter 2- Specifications of Groundwater/Wellhead Impact Report)

(a) Protection required. For the protection of public health, safety and welfare the use, handling, production and storage of certain deleterious substances and contaminants which may impair present and future public potable water supply wells and well fields shall be limited in proximity to wellheads.

(b) Wellhead protection areas.

(1) 7-Year time of travel contours. The 7-year time of travel contour is a continuous line of points from which water takes up to 7 years to reach the wellhead point of withdrawal. The contour is based on the composite vertical and horizontal travel time analysis of the well.

(2) 20-Year time of travel contours. The 20-year time of travel contour is a continuous line of points from which water takes up to 20 years to reach the wellhead point of withdrawal. The contour is based on the composite vertical and horizontal travel time analysis of the well.

(3) Radius. Any wells north of Barrineau Park Road (County Road 196) that do not have the benefit of a 7-year time of travel model shall have a 500-foot radius zone.

(c) Restrictions on development.

(1) 200-foot radius. Within 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.

(2)Seven-year time of travel area. The following land uses are prohibited within the established 7-year travel time contour, or within the 500-foot radius of any well north of County Road 196.

a. Sanitary landfills or construction and debris pits.

b. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List as per Florida Statutes.

c. 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.

d. Feedlots or other concentrated animal facilities.

e. Wastewater treatment plants, and related percolation ponds; septic tank or other on-site treatment facilities for commercial and industrial uses.

f. Mines, borrow pits and other mineral resource extraction.

g. Excavation of waterways or drainage facilities which intersect the water table.

h. Drainage wells or other facilities which provide for the disposal of stormwater directly into the aquifer absent normal percolation.

i. Discharges to ground water of industrial wastewater.

j. Phosphogypsum stacks and lateral expansions of phosphogypsum stack systems.

k. Class I and Class III underground injection control wells.

l. Class V underground injection control wells.

m. Aboveground and underground tank storage of hazardous wastes.

(3) Twenty-year time of travel area. Within the 20-year time of travel area, all site plans or change of use applications involving the land uses listed in #2 above, shall be subject to review by one representative each of the water provider and county technical staff to evaluate risk to the public water supply.

(d) Development standards.

(1) 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 NWFWMD and the public supply systems.

(2) Groundwater/wellhead impact report. For all proposed development within a 7-year or 20-year time of travel contour, except a single-family dwelling, a

groundwater/wellhead impact report shall be prepared and submitted to the county (DSM Chapter 2 -Specifications of Groundwater/Wellhead Impact Report). The water provider may waive this reporting requirement with record of that decision provided to the county.

(3) **Abandoned wells.** Where wells have been abandoned or no longer function, they shall be sealed and plugged in compliance with the requirements of the Northwest Florida Water Management District (NWFWMD) and Florida Administrative Code (Ch. 17.28).

(e) **New public water supply 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 required, the applicant shall demonstrate that:

(1) There will be no significant adverse impact on minimum groundwater levels at the protected wellhead; and

(2) There will be no significant adverse impact from saltwater intrusion at the protected wellhead.

(3) The applicant shall provide notice to all non-residential zoned landowners within 500 feet or within a proposed 7-year time of travel, whichever is greater, protection area as to potential limitations regarding the use of their property due to the new potable well prior to the County approval process.

(f) **Area of water resources concern.** Whenever adverse groundwater withdrawal impacts have been identified through water quality monitoring activities, all development approvals that may contribute to increasing the use of impaired groundwater wells shall be coordinated with the NWFWMD and the ECUA 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 § 40A-2.801 et seq. may be employed to regulate, control or restrict water resource withdrawal activities.

Sec. 4-5.10 Docks, Piers, and Marinas (Reference DSM Chapter 2-Docks, Piers, and Marinas)

Setbacks required. Piers, docks, and marinas setback lines shall be ten percent of the waterfront at MHWL, but not less than five feet from a property boundary. Specific construction standards and additional setbacks are located in Chapter 2 Article 3 of DSM

Article 6 Historical and Archeological Resources.

Sec. 4-6.1 Purpose of article.

This article establishes land use regulations that implement Comprehensive Plan policies requiring the identification and preservation of significant archeological and historic sites and structures.

Sec. 4-6.2 General provisions.

(a) Identification of resources. The potential for on-site historical and archeological sites shall be determined through review of the Florida Master Site File, Florida's official inventory of historical and cultural resources maintained by the Florida Department of State, and probability maps found in the technical manual.

(b) Protection required. To protect historical and archeological sites, land uses and development activities require prior county review and approval for compliance with the regulations of this article unless the use or activity is specifically identified in the LDC as exempt from these regulations. Additionally, these regulations apply to any historical or archeological artifact discovered during any phase of construction until such time as the artifact has been protected or proven insignificant.

(c) Cessation of activities. 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 immediately cease until such time as a determination of significance has been provided.

(1) Partial cessation. If the location of the artifact or resource is such that the area can be protected while construction or development activities continue 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.

(2) Extension of approval time. If the cessation of construction or development activities goes beyond the time limits established by development orders, building permits or any other county approvals issued according to the provisions of the LDC, then the time for completion of such activities shall be extended to allow for the successful completion of the development or construction.

(d) Determination of significance.

(1) Artifacts. The determination of whether or not an artifact is of significant importance and afforded protection by federal or state regulation shall be concluded no later than ten business days after discovery and notification to the county.

(2) State approved. 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 Florida Department of State, Division of Historical Resources.

(e) Available resources. The county shall use any available resources of the Florida Department 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 to insure protection of identified historic structures, sites and areas. Additionally, the county will utilize state assistance together with the assistance of the University of West Florida and others in identifying newly discovered historic or archeological resources. The identification will include an analysis to determine the significance of the resource.

(f) Clustering provisions found in Article 5 may be utilized for this resource.

Article 7 Supplemental Use Regulations.

Sec. 4-7.1 Purpose of article.

This article establishes land use regulations that implement Comprehensive Plan policies requiring the compatibility of adjacent uses. It is the intent of these regulations to ensure compatibility between uses that are not ensured by zoning district regulations alone. Unlike zoning and other location-based regulations, the requirements of this article regulate certain uses based on their characteristics and potential conflicts with other uses. These use-based regulations supplement and sometimes modify the provisions of the applicable zoning district. They are intended to objectively address the unique compatibility challenges of specific uses, allowing those uses by right and avoiding case-by-case discretionary conditional use approval.

Sec. 4-7.2 General provisions.

(a) Approval required. All land uses and development activities specifically identified within this article require county review and approval for compliance with the regulations of this article unless the use or activity is specifically identified in the LDC as exempt from these regulations.

(b) Modification of regulations. Variances to the strict application of the regulations of this article may only be granted according to compliance review processes of Chapter 2, and only if such modifications maintain the stated purposes of this article, are specifically allowed by its provisions, and comply with all stated conditions.

Sec. 4-7.3 Accessory uses and structures.

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

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

a. Area. The area devoted to the use in relation to the principal use. However, the fact that a use occupies less area does not necessarily make the use accessory.

b. Time. The time devoted to the use in relation to the principal use. For example, a seasonal activity may be accessory in relation to a year-round primary use, but a year-round use would not be subordinate to a seasonal primary use.

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

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

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

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

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

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

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

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

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

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

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

g. Automated vending. Automated vending structures may be located within the front yard of a conforming non-residential use if the vending structures are at least 20 feet from any street right-of-way and in compliance with the sight visibility and sign standards prescribed in Chapter 5. Such structures shall also be freestanding, self-contained, and unattended; have separately metered

utilities; and be limited to on-demand self-service commercial activities such as the retail sale of ice or the provision of banking services.

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

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

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

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

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

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

a. The design of the structure is compatible with the design of the residence.

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

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

d. No variance to established structure setback lines is necessary.

e. No wall of the structure is closer than six feet to any wall of the residence, and no part of the structure is closer than four feet to any part of the residence.

f. If the structure includes a walkway cover between the residence and the structure, the cover is no more than six feet wide.

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

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

(b) Specific uses and structures.

(1) Accessory dwelling units. Accessory dwelling units are allowed on the lots of single-family dwellings, but a second dwelling unit on a lot is not subject to the limitations of accessory structures if the lot area and applicable zoning district

would otherwise allow the additional dwelling. Accessory dwelling units shall comply with the following conditions:

a. The applicable zoning is a mainland district, but is not Industrial (Ind), Recreation (Rec), Conservation (Con), or Public (Pub).

b. The principal dwelling and accessory dwelling unit are the only dwellings on the lot and the lot provides the minimum area required by the applicable zoning.

c. The resulting residential density on the lot may exceed the gross density limit of the applicable zoning, but complies with all other applicable density limits (e.g., airfield environs).

d. The form of accessory dwelling (e.g., manufactured home) is an allowed use of the applicable zoning.

e. The accessory dwelling complies with the setbacks applicable to the principal dwelling unless otherwise allowed by the LDC.

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

a. The structure setbacks of the applicable zoning district are not exceeded, except that a carport may encroach into the required front yard provided it is not less than ten feet from the front property line.

b. The carport is not prohibited by private deed restrictions.

c. Minor site development approval is obtained for the structure and it complies with applicable building codes.

d. A building permit is obtained for the structure unless it is a portable carport covering less than 400 square feet.

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

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

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

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

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

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

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

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

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

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

a. **Licenses.** All required business, professional, or occupational licenses are obtained prior to commencement of the occupation or business and are maintained for the duration of the activity.

b. **Exterior evidence.** For home occupations, there is no evidence visible from outside of the dwelling or accessory building that any part of a building is utilized for an occupation. For home-based businesses, any evidence visible from outside of the dwelling or accessory building that any part of a building is utilized for a business is minimal. Such exterior evidence includes any storage, display, or signage associated with the occupation or business. Signage is limited for both uses according to the signage provisions of Chapter 5.

c. **Off-site impacts.** Occupations or business activities shall not create nuisances or adverse off-site impacts, including but not limited to noise, vibration, smoke, dust or other particulates, odors, heat, light or glare, or electromagnetic interference. In a residential neighborhood, no activities are allowed to alter the character of the neighborhood.

d. **Structural alterations.** No structural alterations are made that would be inconsistent with the use of the dwelling exclusively as a residence or that would not customarily be associated with dwellings or their accessory buildings.

e. **Employees.** Employment in a home occupation is limited to residents of the dwelling unit unless the applicable zoning district allows BOA conditional use

approval of non-resident employees. Employment in a home-based business may include no more than two non-resident employees.

f. **Customers.** No customers shall visit the house and there shall not be any additional traffic or an increase in demand for parking due to trucks or other service vehicles coming to the house.

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

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

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

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

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

d. **Setback.** The center of the system tower base is 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 the system structure, including any guy wires or anchors, is closer than five feet to the property boundary of the installation parcel.

e. **Appearance.**

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

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

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

(9) Swimming pool enclosures. 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 grantee of the easement through an encroachment agreement.

(Ord. No. 2015-49,§ 1, 11-5-2015)

Sec. 4-7.4 Adult entertainment.

(a) General. All adult entertainment, including adult theaters, adult bookstores, adult performance establishments, and other uses or activities regulated by the adult entertainment provisions of Chapter 18, *Businesses*, Part I, Escambia County Code of Ordinances, shall be located:

(1) No less than 1000 feet from any existing adult entertainment facility.

(2) No less than 300 feet from any existing commercial establishment that sells or dispenses alcoholic beverages in any manner for on-premises consumption.

(3) No less than 1000 feet from any existing place of worship, child care facility, K-12 educational facility, park or playground.

(4) No less than 500 feet from any existing residential use or residential zoning district (RR, LDR, MDR, and HDR).

Sec. 4-7.5 Alcoholic beverage sales.

(a) Zoning compliance. Regardless of the sale of liquor, beer or wine as may be permitted by the applicable zoning district, no vendor shall sell alcoholic beverages, whether for on-premises or off-premises consumption, within 1000 feet of a place of worship, child care facility or K-12 educational facility, except as may be allowed by the provisions of this section. This prohibition does not apply to 1APS (beer only) or 2APS (beer and wine only) licenses, or to ODP (one, two or three-day) temporary permits, as described in Florida Statutes.

(b) Measurement. The distance required between the place of business selling alcoholic beverages and a place of worship, child care facility, or K-12 educational facility shall be measured along the shortest route of ordinary pedestrian travel within public rights-of-way, from the main entrance of the place of business to the main entrance of the place of worship or child care facility; or for an educational facility, to the nearest point of the grounds in use as part of the facility.

(c) License transfer. If the county has issued alcoholic beverage zoning compliance confirmation for a specific location as prescribed in Chapter 2, it shall not thereafter be denied to the transferee of a license holder operating a business at the same location if the transferee applies to the county for zoning compliance confirmation within 60 days of the last day of business of the transferring license holder.

(d) Establishment of new conflicting uses. Whenever a licensee has obtained a state license permitting the sale of alcoholic beverages on premises, the subsequent establishment of a place of worship, child care facility or educational facility within a distance otherwise prohibited by this section shall not be cause for the revocation of the license nor prevent the subsequent renewal or transfer of the license, or upgrade to a consumption-on-premises (COP) license.

(e) Conditional use. The Board of Adjustment (BOA) may approve a conditional use for the sale of alcohol within 1000 feet of a place of worship or child care facility if it finds that all of the conditions prescribed in Chapter 2 for conditional use approval

have been established. With regard to the condition of general compatibility, the BOA shall consider the extent to which:

(1) The existing times of use of the places of worship or child care facilities coincide with the hours of operation of the subject business.

(2) The 1000-foot minimum distance is not achieved.
(3) The conflicting uses are visible to each other.

(4) Any on-premises consumption is outdoors.
(5) Any conditions or circumstances mitigate any incompatibility.

Sec. 4-7.6 Borrow pits and reclamation..

(a) Standards regulating conditional uses. In addition to the general provisions regulating conditional uses, 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:

1. Borrow pits and land clearing debris disposal sites.

a. 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**.**

b. 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.

c. 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:

1. Proposed practices to protect adjacent land and water resources, minimize erosion, and treat stormwater runoff.
2. Safety features of the development plan.
3. Landscaped areas, particularly treatment of property lines in the proximity of residential uses.
4. The applicant's reclamation plan.
5. Time schedule that meets the requirements of the permitting agency.
6. Method, manner, and type of revegetation of affected areas.

d. Minimum parcel size is 20 acres.

e. Conditional use approval pursuant to this subsection does not waive an applicant’s duty to meet any other county, state, or federal permitting requirements or performance standards.

f. Notwithstanding the uses listed for any zoning district, the conditional use approval process shall be waived for any borrow pit or reclamation activity

that is located 1000 feet on all sides from any residential use or zoning district and is serviced by an adjacent arterial or collector road.

(b) Standards regulating adverse off-site impacts

(1) *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 in any county ordinance regulating noise. The Escambia County Code of Ordinances 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:

Sound level limits

Use Occupancy	Time	Sound Level Limit dB
Commercial/ tourist	7:00 a.m.—10:00 p.m. 10:00 p.m.— 7:00 a.m.	75 70
Manufacturing ID-P	At all times	60
ID-1 or ID-2	6:00 a.m.—10:00 p.m. 10:00 p.m.— 6:00 a.m.	95 85

(2) *Hours of operation*

(a) Mining, borrow pit, resource extraction, and reclamation activities, including land clearing debris and construction and demolition 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. Operations that occur entirely on-site

and do not require traffic or access to roadways are permitted on Sunday during daylight hours.

(b) Mining, borrow pit, resource extraction, and reclamation activities, including land clearing debris and construction and demolition debris disposal that access their operations without traversing through residential areas are limited to the hours between 6:00 a.m. and 6:00 p.m. Monday through Saturday. Operations that occur entirely on-site and do not require traffic or access to roadways are permitted on Sunday during daylight hours.

(3) 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.

(a) *Exemptions.* The following uses or activities are exempt from the noise level regulations as noted above and in 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 feet of an occupied residence; and

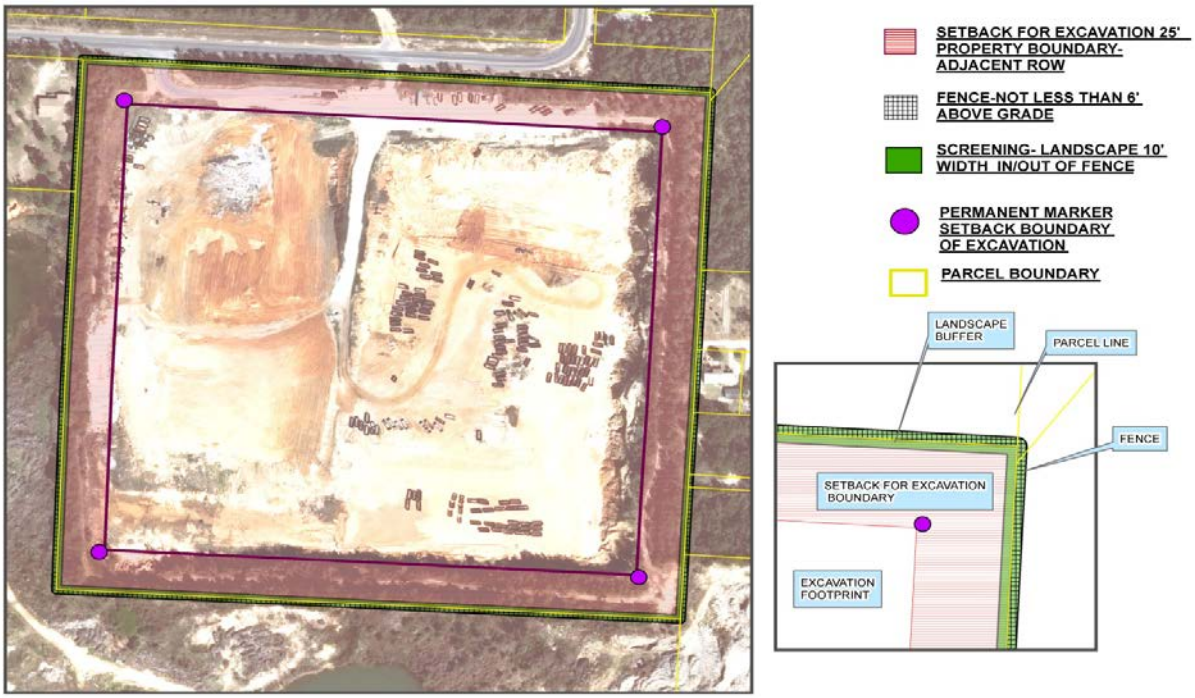
   b. Owner-occupied single-family detached houses are exempt from the above restriction.
2. Safety signals, warning devices, bells and chimes of churches;
3. Noise from emergency vehicles, or noises resulting from emergency works;
4. All noises coming from the normal operation of trains, aircraft (not 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 vehicles.

(c) ***Borrow pits (includes mining and resource extraction) and reclamation activities thereof***

(1) *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); however, minimum excavation setbacks shall be consistent with the setbacks to be applied in the applicant's reclamation plan. Setback provisions established herein include the required width for landscape screening and buffers subsequently noted herein. The following exceptions may apply:

(a) *Back to back pits.* The setback for slope commencement excludes property boundary lines between active pits using the same excavation area.

(b) *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.



(2) *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.

(3) *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.

(4) *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.

(5) *Hours of operation.* Limited for pits and reclamation activities as indicated above.

(6) Fences and gates. A 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 permitted. Gates for access shall be locked at all times during non-operating hours. Fences and gates shall be maintained in a reasonable condition to remain an effective barrier.

(7) 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 ~~.~~ 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.

(8) 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) 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.

(9) 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.

(10) Reclamation activities. Active reclamation activities shall be governed by any performance standards applicable to the reclamation occurring on site, in accordance with all federal, state, and local regulations and as approved pursuant to the Escambia County Code of Ordinances. 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.

(11) Existing permitted and unpermitted activities. Borrow pits, and resource extraction activities existing and in operation prior to August 22, 2014, or permitted prior to that date shall be grandfathering (or vested) in accordance with the following regulations:

(a) *Lawful nonconforming activities existing prior to June 2, 2005*. Ordinance 2005-18 was adopted on June 2, 2005. Borrow pits and resource extraction activities existing and in operation prior to June 2, 2005 became lawful nonconforming land uses on June 2, 2005. Such

land use activities were and are subject to the provisions of Chapter 1, Article 2 of the Land Development Code. Local permits are required and to the extent these facilities and land use activities are not grandfathered and do not already comply with applicable regulations, they shall have 180 days from the date this ordinance is approved to comply. Extensions for extenuating circumstances may be approved by the County Administrator or the County Administrator's designee on a case-by-case basis.

(b) Unpermitted existing activities. Borrow pit and resource extraction activities created on or after June 2, 2005 that were otherwise in a zoning district that authorized the land use activity as either a permitted or conditional use, and which made application for either permitting or a development order prior to August 22, 2014, shall obtain and will be considered for a local permit to operate consistent with their current and historical use of the property. The technical conditions of the permit shall be addressed on a case-by-case basis, which will include consideration of the nature and history of the activity to be permitted and the length of time the activity has been ongoing; however, the permit conditions will include compliance with this article to the extent feasible. Facilities qualifying to request treatment pursuant to either section 5.a or 5.b may choose either.

(c) *Permitted existing activities*. The grandfathered status and vested rights of operators and owners of borrow pits and resource extraction activities that held a current and active development order or other permit issued by the County prior to August 22, 2014, are to obtain local permits upon approval of this section and are to be addressed on a case-by-case basis that will include consideration of the specific wording of the previously approved development order, permit and any other land use approval issued by the County relating to the operation of the borrow pit or resource extraction activity. Previously permitted or approved performance standards remain in effect, except where the County determines the public health, safety and welfare dictates the current standard apply.

(d) *Inordinate burden.* In no event shall the application of any revision to the Land Development Code relating to an activity that falls within the coverage of subsection 5 be so severe as to make the permitted activity either economically infeasible or to impose an inordinate burden on the land use activity, as such inordinate burden is defined in Section 70.001, Fla. Statute.

Sec. 4-7.7 Condo-hotels.

General. A hotel or motel under a condominium form of ownership (condo-hotel or condotel) shall contain only individual lodging units permanently dedicated to full-time public rental for transient occupancy and be entirely under the control, management and operation of a single entity. The management may, however, permit the owner of an individual unit to occupy the unit without rental charge for up to 12 weeks in any calendar year, provided that when not owner-occupied the unit is made available to the public by the operator for short-term transient rentals of less than 30 days. A condo-hotel shall also satisfy the following requirements:

(1) The facility is advertised and appropriately marked with signage identifying the condo-hotel as a hotel or motel.

(2) The facility is served by singly metered utility services and has central telephone and television systems serving all individual units.

(3) 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 authorized agents, officers and employees of the county to verify compliance.

(4) 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 authorized agents, officers and employees of the county to verify compliance with the requirements of this provision.

(5) 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.

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

Sec. 4-7.8 Manufactured (mobile) homes.

(a) General. When a manufactured (mobile) home is permitted for use in any district, it shall meet all minimum requirements for a detached single-family dwelling in the district. A manufactured home shall not be used for any purpose other than a single-family dwelling and shall not be stored or parked on any public right-of-way. Except for nonconforming uses, and emergency conditions as determined by the SIRA or BCC, manufactured homes are not permitted on Pensacola Beach or Perdido Key.

(b) As nonconforming use. Any manufactured home as a nonconforming use may be replaced by another manufactured home of any size without being considered an increase in the extent of nonconformity if the replacement complies with all of the following conditions:

(1) Age. Manufactured after July 13, 1994, and no older than the unit being replaced.

(2) HUD compliance. Constructed according to U.S Department of Housing and Urban Development (HUD) standards as documented by an attached HUD certification seal.

(3) Setbacks. Placed according to the setback requirements of the applicable zoning district and, if within a manufactured home park, at least ten feet from any other dwelling unit.

(c) Setback modification. Within an existing manufactured home park or subdivision the front and rear setbacks may be modified by the Planning Official to accommodate manufactured homes larger than those for which the development was originally designed if smaller units are no longer reasonably available.

(d) Manufactured home parks. A manufactured home park shall have a minimum of five manufactured home spaces, and no space may be occupied until at least five spaces are completed and ready for occupancy. Additionally, a park shall comply with all applicable state statutes and administrative rules.

(e) Manufactured home subdivisions. A manufactured home subdivision shall comply with all subdivision regulations of the LDC and all site and building requirements of the applicable zoning district, except the minimum lot area may be 4000 square feet if the subdivision provides sanitary sewer.

Sec. 4-7.9 Outdoor Storage.

General. Where the LDC allows any outdoor storage of equipment, goods, junk, material, or merchandise, the storage shall comply with the regulations of this section unless specifically identified in the LDC as exempt from these regulations. The regulations are intended to allow outdoor storage, including retail display, while assuring it is not a hazard to public health and safety, does not have a depreciating effect on adjacent property values, and does not create nuisance conditions. Unless specifically identified as a principal use, outdoor storage in all zoning districts is limited to items accessory (subordinate and incidental) to a permitted principal use on the same parcel, and complying with the provisions of this section.

(a) Exemptions. The following storage is exempt from the regulations of this section:

Construction and landscaping. Construction and landscaping materials and equipment incidental to ongoing construction or landscaping activities within the parcel on which the materials and equipment are stored.

(b) Residential uses. Outdoor storage for all residential uses is limited to items accessory to the use of a dwelling, on the lot occupied by the dwelling, and complying with the following conditions:

(1) Rear or side yard storage of firewood for the purpose of consumption only by those residing on the premises.

(2) Recreational vehicle storage if the vehicle is the property of a person residing on the premises, is licensed and operable, and is stored no closer than five feet from a side or rear lot line. Additionally, such stored vehicles shall not encroach on a public right-of-way or public sidewalk.

(3) Items not intended for outdoor use or storage shall not be stored outdoors regardless of resistance to deterioration by the elements.

(c) Retail display. Outdoor retail display shall comply with the following standards:

(1) Accessory. The display shall be accessory to a permitted retail use on the same parcel.

(2) Access. The display shall not be located where it will interfere with any required vehicular or pedestrian access, including access to public rights-of-way, parking stalls, loading zones, driveways, drive aisles, fire lanes, hydrants, alarms, emergency exits, or sidewalks. Additionally, displays shall not interfere with any sight visibility triangles prescribed in Chapter 5, or any utilities, services or drainage systems.

(3) Order. Items displayed shall be maintained in a neat and orderly manner.

(4) Height. The height of items displayed shall not exceed the height of any required screening.

(5) Condition of approval. The location of permissible display area shall be established as a condition of any applicable county approval for a retail use.

To regulate outdoor storage and determine the proper screening requirements for such storage, the following storage categories and standards are established:

Class	**Description for Outdoor Storage**
Class 1	• Construction materials on active construction sites.
Class 2	• Live plants not displayed for sale. • Goods incidental to agriculture or the provision of agricultural services.
Class 3	• Vehicles, including recreational, trailers, construction, and watercraft, at dealerships or a mini-warehouse. • Retail funerary sales.
Class 4	• Items outdoors during business hours.
Class 5	• 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.					
Rear yard unless the area is screened in accordance with LDC Section 7.01.06.E.					
Standard A-2 buffer is required where abutting any residential district.					
Screened in accordance with LDC Section 7.01.06.E.					

Sec. 4-7.10 Recreational vehicles.

Recreational vehicle are designed primarily as temporary living quarters for recreational, camping, or travel use. Except under the disaster recovery temporary use provisions of this chapter, the use of a recreational vehicle 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.

Sec. 4-7.11 Recycling and waste diversion facilities.

Recovered materials processing facilities, recycling facilities and operations, resource recovery facilities and operations, and volume reduction plants shall conform to all performance standards governing the containment, collection, and treatment of leachate pursuant to Chapter 403, Florida Statutes, and any other applicable regulations promulgated by the Florida Department of Environmental Protection. The violation of any such statute or rule governing leachate under Chapter 403, Florida Statutes, shall also constitute a violation of the LDC.

Standards for Conditions Use

Sec. 4-7.12 Telecommunications towers.

(a)General. In zoning districts where telecommunications towers are allowed, either generally as a "public utility structure" or specifically as a telecommunications tower, most require conditional use approval by the BOA to exceed the district or other height limit. Such approval is required of all towers in some districts. For the purposes of this section, a telecommunications tower is a pole or similar structure designed to support one or more antennas in a fixed location for transmitting or receiving commercial wireless communications signals. Towers limited to amateur radio, VHF marine, or similar non-commercial operations are not included.

(1) **Antennas.** A commercial communication antenna may be located on an existing nonresidential structure without conditional use approval if the antenna and its supporting structure does not extend more than 50 feet above the existing structure and does not exceed the structure height allowed by the applicable zoning district.

(2) **Collocation.** To provide marketable services while limiting unnecessary telecommunication towers, approvals for all new towers are conditioned on the applicant providing for collocation. Specifically, if the telecommunication tower is 150 feet or lower, collocation shall be provided for at least one other communication service provider; and if greater than 150 feet, collocation shall be provided for two or more additional providers. Additionally, all applicants for telecommunications towers shall submit evidence that reasonable efforts to collocate their equipment on existing structures have been made.

(3) **Setback from residential zoning.** No commercial communication tower shall be located closer than the height of the tower to a residential zoning district line. Additionally, in districts where commercial communications towers are allowed, all such towers that will exceed 150 feet in height and/or are located within 500 feet of a residential use require conditional use approval by the BOA.

(4) **Lighting.** Ground or security lighting for commercial communication towers shall be shielded to prevent direct visibility from nearby residences.

(5) **Color.** Commercial communication towers not requiring FAA marking otherwise shall have either a galvanized finish or be painted gray or black.

(6) **Standards.** Commercial communication towers shall be designed and constructed in compliance with the latest revision of the telecommunication and electronic industries standards (TIA/EIA 222) representing the accepted industry practices in the design of antenna supporting structures.

(7) **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.

(8) **Screening.** Landscaping and buffering shall be provided as required by the LDC.

(9) **Emissions***.* No location of a commercial communication tower or communication antenna shall be regulated on the basis of the environmental effects of radio frequency emissions, except to the extent that such towers and antennas comply with the FCC regulations concerning those emissions.

(10) **Abandonment.** The county shall consider any commercial communication tower whose use has been discontinued for a period of 12 months 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.

(11) **Existing towers.** Existing lawfully erected towers may continue in use, including their routine maintenance. Additional antennas and other communication devices may be co-located on existing towers if the towers are structurally designed to accommodate them and the new combined height does not exceed district height allowed. If an existing tower is a nonconforming use, it can be replaced with a new tower of equal or lesser height on the site of the existing tower or on an alternative site within the same parcel. However, a replacement tower placed on an alternative site within the same parcel shall comply with the standards prescribed in this section. If the tower is nonconforming with regard to height, the requirements of the airport and airfield environs shall apply.

(12) **Airport/airfield environs.** Any tower located within the airport and airfield environs prescribed by the LDC shall be reviewed for compliance with the standards for those environs.

(13) **Conditional use.** Conditional use approval to allow a telecommunications tower of greater height does not additionally require a height variance. Where a tower requires conditional use approval, the reviewing board may only grant a conditional use upon a finding by the board that, in addition to the standard conditions, the tower complies with following conditions:

a. **Siting alternatives.** All other reasonable siting alternatives have been explored and the conditional use 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 adjoining uses or with the general character of the area.

b. Environmentally sensitive land. The proposed site of the tower avoids wetlands, habitat of threatened or endangered species, and historical sites to the greatest extent practical. Where adverse impacts have not been avoided they will be mitigated as required by the LDC or as may additionally be required by the approving board.

(14) Application requirements. Application for LDC compliance review of proposed telecommunication towers shall include the following completed documents for use in evaluating compliance, but applications for conditional use approval need not include the geotechnical report or environmental compliance checklist.

a. A geotechnical exploration report.
b. An FCC/NEPA environmental compliance checklist.
c. Letters indicating no objection to the tower from the Federal Communications Commission, Federal Aviation Administration, Florida Department of Transportation, and Escambia County Emergency Management.
d. Coverage maps for this tower.
e. Collocation information.

Sec. 4-7.13 Temporary uses and structures.

(a) General limitations. Where authorized by the parcel owner and applicable permits, uses and structures are allowed temporarily according to the provisions of this section.

(1) Time of use. Except as may otherwise be provided for specific uses and structures, the temporary establishment of a use, or the temporary placement of one or more structures, on the same parcel for more than 30 days shall require county land use approval. Establishment or placement for more than 180 days shall require LDC compliance review and approval as prescribed in Chapter 2 for permanent development. Prior to the expiration of their authorized time of use on a parcel, all temporary uses shall be discontinued on the parcel and all temporary structures shall be removed from the parcel unless authorized for permanent use. Unless authorized by a separate land use permit, the time limit for all temporary uses and structures is measured from the time any temporary use is established or any temporary structure is placed on the parcel until all the uses are discontinued and all structures are removed.

(2) Temporary uses. A temporary use may be established outdoors on a parcel or within an authorized permanent or temporary structure on the parcel, provided the use is a permitted use within the applicable zoning district or is otherwise authorized. Minor alterations in a temporary use (e.g., changing items offered at a sales event) do not modify the permitted duration of the use and are not considered discontinuation of the use.

(3) Temporary structures. A temporary structure may be erected on a parcel for an authorized use for a limited time provided the structure complies with the requirements of the applicable zoning district or is otherwise authorized as a

specific structure. A temporary structure may be the principal structure on a parcel and a permanent structure is not required to be on the same parcel as the temporary structure. Change of use or occupancy, including periods of disuse or vacancy, does not modify the permitted time of placement for a temporary structure, and relocation within the same parcel is not considered removal of the structure or discontinuation of its use.

(b) Specific uses and structures. The following uses and structures are allowed temporarily under the conditions prescribed for each:

(1) Construction sites. Real estate sales and construction management may be carried out within separate or combined temporary construction site offices when in compliance with the applicable provisions for each use.

a. **Construction offices.** A construction office is allowed by land use permit as a temporary use and structure on a construction site, or on an adjoining parcel, during authorized site construction. The temporary office shall be set back a minimum of five feet from any property line of the host parcel, be a State of Florida approved modular building, and be removed no later than 90 days from the date of issuance of a certificate of occupancy or other applicable final county approval of the site construction.

b. **Sales offices.** A real estate sales office is allowed by land use permit as a temporary use and structure on a construction site, or on an adjoining parcel, and can be authorized prior to the start of construction if a pre-application review of the proposed development has been completed by the county. The setback and building type shall be that required for a construction office, but removal of a temporary sales office shall be within 24 months of the issuance of pre-application review comments if construction has not begun. Extension of the time may only be authorized as prescribed in Article 6 of Chapter 2. These provisions do not apply to real estate sales offices authorized within model homes by other provisions of this section.

(2) Disaster recovery housing. A temporary structure or recreational vehicle is allowed by land use permit to provide disaster recovery housing when a fire, flood, windstorm, or other natural or man-made disaster requires the temporary housing of a single-family residential use or a non-residential use to facilitate repair or replacement of a damaged structure. The following provisions apply to such housing:

a. Permit conditions. As a condition of its land use permit, a temporary structure providing disaster recovery housing shall be removed from the property within ten days after a certificate of occupancy is issued for the new or rehabilitated structure, or upon the expiration of the permit, whichever occurs first. Failure to remove the temporary structure shall authorize the county to remove it without further notice and at the expense of the permit holder or property owner. After a recreational vehicle is no longer authorized to be used for disaster recovery housing, the vehicle becomes subject to the normal use provisions of the LDC.

b. **Date of disaster.** If an official disaster declaration is issued, the date of the declaration shall be the date of the disaster for the purpose of permitting.

c. **Utilities required.** Electrical power, potable water, and sanitary sewer connections complying with the Florida Building Code shall be provided to the temporary structure.

d. **Flood considerations.** Placement of the temporary structure shall comply with all floodplain management regulations.

e. **Single-family dwelling.** During post-disaster rehabilitation or reconstruction of a single-family dwelling made unfit for human habitation, the Building Official may permit the use of a manufactured (mobile) home or recreational vehicle as temporary living quarters on the lot of the damaged dwelling, regardless of zoning district requirements. However, no more than one such temporary structure or vehicle may be permitted per lot, and the resident of the damaged dwelling must occupy it. Additionally, the applicant must apply for such permit within six months of the date of the disaster and the maximum length of the temporary use shall be 18 months after the date of the disaster. [

f. **Alternate residential sites.** When the lot of a damaged single family dwelling is not suitable for placement of a manufactured (mobile) home or recreational vehicle as temporary living quarters, the applicant for the temporary quarters may designate an alternate site for either type of quarters. However, a manufactured home must be a permitted use under the zoning of the alternate site and shall comply with the setback requirements for an accessory dwelling. When an alternate site is designated, both the person whose home has been made uninhabitable and the owner of the alternate site shall join in the application for the permit and be responsible for the timely removal of the temporary housing.

g. **Non-residential use.** During post-disaster rehabilitation or reconstruction of commercial or industrial use structures made unfit for business activities, the Building Official may permit the use of a State of Florida approved modular building as a temporary structure to carry out business activities on the lot of the damaged building. However, such temporary structures may be permitted only for use on the site of the damaged structure and only if there remains adequate parking (including handicap) based on the temporary structure. Additionally, the applicant must apply for such permit within six months of the date of the disaster and the maximum length of the temporary use shall be nine months after the date of the disaster.

h. **Permit extension.** When any temporary use structure or vehicle permitted under these disaster recovery provisions is replaced due to damage from a subsequent disaster, the duration of the original temporary use permit shall not be extended unless the Building Official determines the subsequent disaster caused sufficient damage to the permanent structure to require additional repairs that will slow the rehabilitation or reconstruction process.

(3) Medical hardship temporary living quarters. A manufactured (mobile) home or park trailer is allowed as a temporary use within any mainland zoning district that does not otherwise allow such living quarters if approved by the Board of Adjustment (BOA) for use due to medical hardship as prescribed in Article 6 of Chapter 2. The following standards apply to the temporary living quarters:

a. Maximum structure size. The temporary quarters shall not exceed 1280 square feet in gross floor area.

b. Minimum lot size. The lot where the temporary quarters will be located shall be at least one-quarter acre if served by public sewer. If a septic tank is used, the lot shall be at least one-half acre. Additionally, the lot shall be sufficient in size to allow compliance with all zoning district lot coverage and setback requirements.

c. Location. The temporary quarters shall be located on the same parcel (same property identification number) as the primary residence.

d. Limited occupancy. Only the caregiver and their immediate family, or the person in need of medical care and their immediate family, shall occupy the temporary quarters.

e. Indemnification. Prior to placement of the temporary quarters on the approved parcel, the landowner shall execute an agreement with the county (in a form acceptable to the County Attorney) providing for indemnification from all claims arising in connection with the temporary quarters and acknowledging the county's right to remove the temporary use at the owner's expense if the owner, or his heirs and assigns, fails to remove it within 60 days after the expiration of the temporary use approval granted by the BOA.

f. Building code compliance. The installation of the temporary quarters shall comply fully with the Florida Building Code and is subject to all associated compliance inspections.

g. Temporary status maintained. The wheels and axles of the temporary quarters shall not be removed, and no additions shall be constructed except that handicap access ramps may be provided.

(4) Mobile vending units. A mobile vending unit is allowed as a temporary use in the Com, HC/LI, Ind, Com-PK, CC-PK, CG-PK, and PR-PK zoning districts, The following additional restrictions apply to any use of mobile vending units:

a. License. The operator of the mobile vending unit must obtain any applicable 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. The operator is additionally responsible for obtaining all other applicable authorizations required to store, prepare, serve, distribute, or sell by mobile vending.

b. Nuisance conditions. The mobile vending unit shall be designed, placed, maintained, and operated so as to prevent the creation of nuisance conditions, including surface discharges of waste water, oil, or grease. Solid

waste receptacles of adequate capacity and convenience shall be provided to prevent the scattering of beverage containers, paper products, and other vending related debris.

c. Placement. The mobile vending unit shall not be placed within a parking lot drive aisle or required landscape area of a developed site used by another active use; within any active driveway or sidewalk, or within any public right-of-way; in any location obstructing the line of sight for traffic; or in any location otherwise presenting a safety hazard.

(5) Model homes. Within any residential subdivision for which a preliminary plat has been approved by the county, the construction of no more than two principal dwellings for temporary use as model homes or real estate offices for the promotion and sale of lots or houses within the subdivision may be authorized prior to final plat approval. For the annual "Parade of Homes" event or other special circumstances the Board of County Commissioners (BCC) may authorize at a public hearing the issuance of additional model home permits if additional assurances of infrastructure completion are provided. However, issuance of a model home permit does not authorize issuance of a certificate of occupancy, and no permanent certificate of occupancy may be issued for any dwellings until the final plat is approved by the BCC and recorded as prescribed in Article 5 of Chapter 2. Additionally, the dwellings cannot be permanently occupied as residences until certificates of occupancy are issued. Any office use of a model home shall cease when sales within the subdivision have been completed.

(6) Portable storage containers. On a lot where a portable storage container is not allowed as outdoor storage by the applicable zoning, the container may be allowed as a temporary use according to the following provisions:

a. The on-site use of a container for 30 days or less only requires notification to the Planning Official of the placement by the provider of the container, and tracking by the official for enforcement purposes.

b. The on-site use of a container for more than 30 days requires issuance of a 90-day permit by the Planning Official after a reasonable demonstration by the applicant of temporary circumstances that make the additional on-site storage time necessary. Such circumstances may include damage to or destruction of the principle structure, remodeling, renovation, construction, or relocation. A weatherproof copy of the permit indicating the date of issuance, date of expiration, and address of the approved placement shall be attached to the container.

c. Prior to expiration of the original permit and upon additional demonstration by the applicant of unforeseen circumstances, the Planning Official may grant not more than one 90-day extension to the permit for good cause shown. If granted, a weatherproof copy of the extension shall be attached with the initial permit.

d. Applicants are generally limited to one portable storage container per principal use. For residential uses the limit is one container per dwelling unit.

The use of more than one storage container per principal use may be approved by the Planning Official upon a demonstration of need, such as the scope of work or extent of construction.

e. The exterior dimensions of a container shall not exceed nine feet in height, 20 feet in length, and eight feet in width.

f. The container shall not obstruct the line of sight for traffic or otherwise present a safety hazard. The placement of containers in fire lanes or public rights-of-way is prohibited.

g. Front yard placement of a container may only be permitted where no alternative location on the parcel exists, or if placement at an alternative location would create an unreasonable hardship on the owner or occupant.

h. The provider of a container shall be responsible to ensure that it is in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, rips, tears or other holes or breaks.

(7) Special events. For the purposes of this section, a special event is an infrequent short-term outdoor use or activity not specifically identified as allowed by the applicable zoning district, but not otherwise prohibited by law or ordinance. Special event uses and activities include art shows, garage and yard sales, estate sales, sidewalk sales, festivals, school carnivals, church bazaars, classic car shows, tournaments, concerts, fairs and circuses, haunted houses, pumpkin and Christmas tree sales, grand openings, and similar temporary events likely to attract crowds.

a. **Limitations.** A special event is allowed as a temporary use without a land use permit for up to 30 days, but on any parcel used as or zoned residential a special event is limited to no more than 14 days in a calendar year. No special event or associated temporary structure on any parcel shall endanger public health, safety, or welfare, particularly in consideration of nuisance or other adverse impacts from the scale, extent, intensity, time, or duration of the event.

b. **Associated structures.** Temporary structures may be placed on special event parcels for the duration of the associated event according to the provisions of this article and the conditions of any applicable permits. Nothing in this section shall be construed to prohibit temporary structures associated with civic, community, or religious events, including authorized events on public lands, social and religious activities on parcels occupied by places of worship, and events on private lands developed to include special events (e.g. Pensacola Interstate Fairgrounds).

(8) Temporary shelters. The use or placement of one or more temporary structures, shelters, or any other accommodations on a parcel for the residence, dwelling, or habitation of any person(s) on that parcel is allowed as a temporary use on the parcel for no more than 14 days in any calendar year outside of a duly licensed campground or recreational vehicle park, except as may be authorized through the disaster recovery housing or medical hardship provisions of this

section. See also the additional provisions of this article regarding the use of manufactured (mobile) homes and recreational vehicles.

(Ord. No. 2015-54, § 2, 12-10-2015)

Sec. 4-7.14 Zero lot line subdivisions.

(a) General. Regardless of the applicable zoning district, zero lot line subdivision shall comply with the following standards:

(1) Minimum project area. No minimum project area is required.

(2) Minimum lot area. Minimum lot area for each lot is 2000 square feet.

(3) Structure setbacks. Minimum setbacks for all dwelling units are 20 feet in front and 15 feet in rear. Each dwelling unit shall be placed on one interior side property line with no setback (the zero lot line), and with the side yard setback on the opposite side a minimum of ten feet. In no case shall a zero lot line dwelling be built closer than 15 feet of the lot line of a contiguous parcel that is zoned LDR or MDR, and is not within the zero lot line lot development.

(4) Minimum lot width. The minimum lot width for all lots within a zero lot line development shall be 35 feet.

(5) Maximum lot building coverage. The total lot coverage permitted for all buildings on each lot shall not exceed 80 percent.

(6) Building height. The maximum building height shall not exceed 2 1/2 stories or 35 feet above the habitable first floor.

(7) Platting requirements. Each dwelling shall be located on its own individual platted lot. The plat shall indicate the zero lot lines and appurtenant easements.

(8) 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.

(9) 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.

(10) 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 at least eight feet high and constructed of the same material as exterior walls of the unit is provided on the zero lot line.

(11) Maintenance and drainage easements. A perpetual four-foot wide wall maintenance and drainage easement shall be provided on the lot adjacent to the zero lot line property line, which, with the exceptions of walls and fences, shall be kept clear of structures. The easement shall be shown on the plat and 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.

(12) Parking. A minimum of one off-street parking space shall be provided on each platted lot.

Sec. 4-7.15 Cinerators

(a) General. Conditional Use and Performance Standards for Location of Direct Disposal Establishments and Funeral Establishments with Cinerators.

(b) P**urpose.** The purpose of this section is to restrict the location of the land uses of "funeral establishment with cinerators" or "direct disposal establishment."

(1) Prohibition. Notwithstanding any provision found in Article 3 of this Code, the issuance of permits is prohibited for the installation of a cinerators, as defined in Article 6, in either a funeral establishment or a direct disposal establishment within 500 feet of an existing residence, an apartment, a restaurant or other commercial eating establishment, a motel, a hotel, a private or public school (including day care centers)" a nursing home, an assisted living facility, or any other place designed and intended for the temporary or permanent overnight accommodation of human beings. In addition to the above stated prohibition that applies to the existing described land uses, the prohibition extends to issuance of permits for the installation of a cinerators in either a funeral establishment or a direct disposal establishment within 500 feet of vacant property that is zoned LDR, MDR,HDR.

(2) Measurement. The distance from a proposed facility that would include a cinerator shall be measured by drawing a straight line between the closest property lines of the proposed cinerator location and the property containing the existing land uses or existing zoning described in (1) above.

(3) Establishment of new land uses or zoning changes. Neither the establishment of new land uses nor the modification of existing zoning of property within the prohibited distances described in (1) above shall convert a previously approved permit authorizing the installation of a cinerator into a nonconforming use. For the purpose of this section only, the issuance of either a development order or a building permit establishes a new land use, until such date as the development order or building permit expires.

(4) Existing cinerators shall be grandfathered.

Sec. 4-7.16 Recreational amenities

In cases where a subdivision or other residential development where a recreational amenity including but not limited to a golf course, swimming pool, club house our tennis courts, was anticipated as part of the subdivision or development regardless of whether the amenity was included in the subdivision plat, and that amenity abuts or is otherwise located adjacent to any portion of the subdivision, then should that amenity cease to be

used for recreational purposes, it cannot be developed or used in a manner that is more intense than the most intense residential use in the subdivision.

(Ord. 2016-10, § 2, 1-21-16)

Chapter 5
GENERAL DEVELOPMENT STANDARDS

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Article 1 General Provisions

Sec. 5-1.1 Purpose of chapter.

(a) General This chapter establishes general county development standards necessary to implement Comprehensive Plan policies. Most chapter standards apply without regard to zoning district or location, but all require coordination with the site and building requirements of the applicable zoning district and additional location-based and use-based regulations as referenced in the Land Development Code (LDC). Compliance with the provisions of this chapter is evaluated by the administrative authorities described in Chapter 1 and is according to the compliance review processes prescribed in Chapter 2. More specifically, this chapter is intended to:

(1) Protect existing users of the essential public infrastructure and services by ensuring that adequate facilities are available when needed to support new land uses and development activities.

(2) Promote sound communities and healthful living environments through appropriate regulation of the division of land.

(3) Avoid congestion on public streets and reduce conflicts among motor vehicles, bicycles, and pedestrians through appropriate management of streets, site access, on-site circulation, and parking.

(4) Appropriately manage stormwater runoff to minimize damage from erosion and flooding and prevent adverse impacts to adjoining property and receiving waters.

(5) Recognize that a healthy, diverse, and well-managed urban forest is an important public asset, enhancing community character and providing substantial proven economic, environmental, and aesthetic benefits.

(6) Preserve the county as a desirable community in which to live, vacation, and conduct business through the regulation of signs, lighting, and adverse offsite impacts.

(7) Require the correction of the nonconformity to the extent that sufficient land is available within parcels to make the corrections.

Sec. 5-1.2 Purpose of article.

This article establishes general provisions that apply broadly to all development standards within the chapter. The regulation of specific components or elements of land uses and development activities is determined by the applicable development standards prescribed in the remaining articles of this chapter.

Sec. 5-1.3 General conditions.

(a) Applicability. The standards of this chapter apply to all land uses and development activities as established within each article and are independent of the review processes used to determine compliance with them.

(1) New uses and structures. Any new use that is established, including a change of use, or any building or other structure that is constructed, or a tract

of land developed, for any principal or accessory use allowed by the LDC, is subject to the standards of this chapter.

(2) Existing uses and structures. Any existing use of land that is extended, enlarged, or moved or any existing building or other structure that is extended, enlarged, moved, structurally altered, or reconstructed, is subject to the standards of this chapter with respect to such changes and any existing nonconformity.

(b) Nonconformance with standards. Lawfully established and maintained uses, structures, lots, and site conditions that no longer comply with one or more of the standards established in this chapter may continue in productive use, subject to the nonconforming provisions of the standards and Chapter 3.

(c) Relief from standards. Modification of the land use standards of this chapter is contrary to good development practices. The county recognizes that land is not uniform, and the same standard may not affect all sites equally. Accordingly, the chapter allows variances for a limited site-specific relief from some of the standards of this chapter through the planning official or the Board of Adjustment (BOA), or the Santa Rosa Island Authority (SRIA) for Pensacola Beach properties. The standard must be specifically identified as eligible, and the variance within the limits prescribed.

For technical standards (such as those found in the Design Standards Manual (DSM)) not otherwise eligible for variances, chapter provisions will give the County Engineer discretion within accepted standards of engineering practice to allow modifications that maintain the stated purposes of the standards. No provisions of the chapter preclude the establishment of limits or conditions of approval for variances or other eligible modifications.

Article 2 Adequate Public Facilities (Concurrency)

Sec. 5-2.1 Purpose of article.

This article establishes land development standards for public facilities that implement Comprehensive Plan policies requiring wastewater, solid waste, stormwater, and potable water, to be available when needed by proposed development. It is the intent of these standards that new development bears its fair share of the costs of providing adequate public facilities. The adequacy of these essential facilities shall be demonstrated in the ability to maintain their adopted levels of service concurrent with all existing and additionally proposed demands.

Sec. 5-2.2 Evaluation of facility adequacy.

(a) Approval required. All land uses and development activities that place demands on public facilities require prior county review and approval for compliance with the standards of this article unless the use or activity is specifically identified in the LDC as exempt from these standards. All affected public facilities shall have sufficient

capacity at their adopted levels of service (LOS) within their respective service areas. No concurrency determination of adequate public facilities shall be issued without this demonstration of capacity. Public facility capacity shall be provided in coordination with the infrastructure standards of this chapter and the related provisions of county ordinances.

(b) Exemptions. Land uses and development activities exempt from concurrency review include the following:

Non-development. Activities that do not constitute "development" as defined in Chapter 6 or are not regulated by the LDC.

(1) Interior renovations. Interior renovations to a building or structure when made to accommodate the same general use.

(2) Single-family homes. Except for the demand on hurricane evacuation routes, the construction of a single-family home on a lot of records, including the placement of a manufactured (mobile) home.

(3) Facility-specific exemptions. Other exemptions identified within this article specific to individual facilities.

(c) Modification of standards. Variances to the strict application of the concurrency management standards of this article are not available from the Planning Official, BOA, or SRIA. Where the provisions of this article specifically allow for some facilities, the County Engineer has discretion within the accepted standards of the engineering practice to apply standards in a manner that maintains the stated purposes of the article.

(d) LOS and service areas. The level of service standard defines the capacity in a public facility per unit of demand on that facility. It is an indicator of the extent or degree of service provided by the facility based upon the facility's operational characteristics. A service area represents the geographical limits of demand on a facility. In the quantitative evaluation of public facility adequacy to serve the proposed land use or development activity, the demand for a facility shall be compared to its capacity within the prescribed service area.

(e) Service demands. Service demands imposed on public facilities from proposed uses or activities, in addition to demands from existing development and the completion of previously approved development, shall be documented for the facilities as prescribed below:

(1) *De minimis*. When the demand on the facility is sufficiently minor as to be negligible, for most facilities, it may be considered a *de minimis* demand, which is concurrent with facility capacity. If a proposed land use or development activity is demonstrated under the provisions of this article to be *de minimis* for stormwater management facilities, it is considered to be *de minimis* for all facilities and, therefore, concurrent for all facilities.

(2) Substantial. Review of development proposing substantial demands on facilities, such as developments of regional impact, shall be coordinated with the

Florida Department of Transportation (FDOT), the West Florida Regional Planning Council (WFRPC), and other agencies as appropriate.

(3) Available capacity. Public facility capacity shall be determined according to the methods prescribed in this article. Capacity may only be credited for facilities that are in place at the time of development approval or that, as a binding condition of the approval, will be in place when the demands of the development occur. If a redevelopment is proposed, facility capacity may be credited for a demonstrated reduction in demand created by the redevelopment. Even where credits are allowed, they shall only be based upon use or conditions of the redevelopment site within the 12 months preceding the capacity evaluation for the redevelopment.

(f) Capacity allocation period. Public facility capacities shall be allocated upon final development plan approval according to the compliance review process of Chapter 2 and subject to the following sunset provisions:

(1) Preliminary plats. Capacities for a preliminary plat and construction plan shall remain allocated for a period of two years from the date of approval unless the approval is lawfully voided or extended.

(2) Site plans. Capacities for a site development plan shall remain allocated for a period of one year from the date of minor site plan approval and two years from the date of major site plan approval unless the approval is lawfully voided or extended.

(3) Development agreements. Capacities for longer-term projects or developments of regional impact (DRI) will remain allocated for the periods established in their enforceable development agreements.

(4) Discontinuation. If construction activity on an approved development ceases or does not continue in good faith, or if phased development falls behind any pre-established schedules for a period of one year, the county shall withdraw those allocated capacities and make them available to other developments. It shall be the responsibility of the applicant to reapply for necessary capacity allocations if continuation of development is desired.

(g) Deficient capacity options. When it cannot be demonstrated that all public facilities affected by the proposed use or activity have sufficient capacity at their adopted levels of service, a decrease in demand and/or an increase in capacity is necessary to maintain LOS standards. Demand reductions include the scope or scale of the proposed use or activity or phasing its construction to coincide with the phased construction of the required facilities. Capacity increases include construction of the necessary facilities such that their completion is a condition of development approval.Other facility-specific demand and capacity options available to applicants are addressed by the facility in this article.

(h) Technical guidance. To provide appropriate technical guidance to applicants in their demonstration of adequate public facility capacity, the county shall maintain and make available a concurrency management system (CMS) procedural manual.

The CMS manual shall contain any procedures and supplemental information necessary to implement the provisions of this article.

Sec. 5-2.3 Roadways.

General. Escambia County does not require roadway concurrency for development; however, the county monitors and requires intersection analysis (see Concurrency Manual for additional information).

Sec. 5-2.4 Mass transit.

(a) General. The provisions of this section address concurrency for development that places the demand of additional ridership on mass transit.

(b) Level of service. The LOS standard established in the Comprehensive Plan for the evaluation of mass transit facility capacities is a 60-minute maximum period of wait throughout the current Escambia County Area Transit (ECAT) service area and during the hours of service.

(c) Area of service. The concurrency service area for mass transit facilities shall be those lands located along the fixed routes of the ECAT system, as they may be established or revised.

(d) Capacity and demand. Quantitative methods shall be used to evaluate and determine if mass transit facilities have the available capacity at their adopted levels of service to accommodate the demands generated by proposed uses or activities. If total ridership is not greater than the service capacity, the development is concurrent for mass transit impacts, and no further analysis is necessary. The applicant shall rely on the Comprehensive Plan Annual Implementation Report or the annual report establishing projected available capacity as prepared by the director of ECAT.

Sec. 5-2.5 Wastewater.

(a) General. The provisions of this section address concurrency for development that places a demand of additional wastewater generation on sanitary sewage collection, treatment, and disposal facilities. Where a use or activity requires sewer service, but the means is unknown, the applicant shall contact the central sewer provider to determine and document the availability of the service. An existing or proposed septic tank or another on-site sewage treatment and disposal system requires evaluation by the Escambia County Health Department.

(b) Level of service. The LOS standard established in the Comprehensive Plan for the evaluation of wastewater system capacities is an average of 210 gallons per residential connection per day and a peak of 350 gallons per residential connection per day. For nonresidential uses, the LOS requirements shall be based upon an Equivalent Residential Connection (ERC), as may be recalculated by the service provider from time to time, and on the size of the nonresidential water meter. .

(c) Area of service. The concurrency service area for wastewater shall be the service area of the franchised provider, Emerald Coast Utilities Authority (ECUA), or any other sanitary sewer provider that may be franchised by Escambia County. All new structures intended for human occupancy located south of Well Line Road shall connect to the ECUA sanitary sewer system unless ECUA has determined that it is not feasible to provide sanitary sewer service to the proposed structures. This does not apply to the ECUA retrofit mandatory connection program...

(d) Capacity and demand. Quantitative methods shall be used to evaluate and determine if wastewater facilities have the available capacity at their adopted levels of service to accommodate the demands generated by proposed uses or activities. If total wastewater generation is not greater than the service capacity, then the development is concurrent for wastewater impacts, and no further analysis is necessary. The applicant shall obtain certification of service availability and facility capacity from the provider of wastewater services to the subject parcel in a form acceptable to the County (see CMS manual). If the project is not within the service area of a central sewer system or will not otherwise be served by such a system, the applicant shall submit to the County a valid permit for a septic tank, package plant, or another sewage treatment and disposal system. The permit shall be authorized by the Health Department or Florida Department of Environmental Protection (FDEP).

Sec. 5-2.6 Solid waste.

(a) General. The provisions of this section address concurrency for development that places a demand of additional waste generation on solid waste disposal facilities.

(b) Level of service. The LOS standard established in the Comprehensive Plan for the evaluation of solid waste disposal capacities is six pounds per capita per day.

(c) Area of service. The concurrency service area for solid waste disposal shall be county wide.

(d) Capacity and demand. Quantitative methods shall be used to evaluate and determine if solid waste facilities have the available capacity at their adopted levels of service to accommodate the demands generated by proposed uses or activities. If total waste generation is not greater than the service capacity, the development is concurrent for solid waste impacts, and no further analysis is necessary. The applicant shall rely on the Comprehensive Plan Annual Implementation Report or the annual report establishing the projected available capacity as prepared by the county official responsible for solid waste management.

Sec. 5-2.7 Stormwater management.

(a) General. The provisions of this section address concurrency for development that places a demand of additional stormwater runoff on stormwater management facilities.

(b) Level of service. The LOS standards established in the Comprehensive Plan for the evaluation of stormwater management facility capacities are the following:

(1) Run-off rates. See DSM Chapter 1, Stormwater Quantity section

(2) Compliance. See DSM Chapter 1, Stormwater Management Systems section for details.

(3) Area-wide systems. The contribution of the new development (or redevel~~o~~pment) to any existing, functioning, area-wide drainage system shall not degrade the ability of the area-wide system to adequately retain/detain/store and control stormwater run-off.

(4) Channels under roads. See DSM Chapter 1, Stormwater Management Systems section for details.

(c) Area of service. The concurrency service area for stormwater management shall be a parcel or site where the proposed land use or development activity is located, unless it is connected to a larger, area-wide drainage system. When connected to an area-wide system, the service area shall be that of the larger system. For the purposes of this provision, "site" includes any area within an approved or proposed subdivision or any area within two or more parcels subject to a joint-use agreement or shared-facilities agreements.

(d) Capacity and demand.

Methodology. Quantitative methods shall be used to evaluate and determine that stormwater management facilities have the available capacity at their adopted levels of service to accommodate the demands generated by proposed uses or activities. If a Florida registered professional engineer develops the stormwater management plan and detailed construction plans and certifies that the design and methods of construction are in accordance with accepted standards of practice and comply with the stormwater LOS standards, and, if the plan is reviewed and inspected by the County, then the development is concurrent for stormwater impacts, and no further analysis is necessary.

(e) *De minimis* determinations. See DSM Chapter 1, Stormwater Management Systems section.

(f) *Additional* standards. The provision of storm water management facilities shall be consistent with the stormwater management standards of Article 4 of this chapter.

Sec. 5-2.8 Potable water.

(a) General. The provisions of this section address concurrency for development that places a demand of additional consumption on potable water procurement, treatment, and distribution facilities.

(b) Level of service. The LOS standard established in the Comprehensive Plan for the evaluation of potable water system capacities is 250 gallons per residential connection per day. For non-residential uses, the LOS requirement is based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of service application. Although not addressed by the LOS standard, fire safety codes and other considerations may require flow rates, pressure, and other attributes of potable water service to be addressed by proposed development.

(c) Area of Service. The service area for potable water shall be the service area of the franchised provider - Cottage Hill Water Works, Peoples Water Service Co., Farm Hill Utilities, Central Water Works, Molino Utilities, Gonzales Utilities Assoc., Escambia River Electric Coop., BratDavis Ville Water Works, Emerald Coast Utilities Authority (ECUA), or any other potable water provider that may be franchised by Escambia County.

(d) Capacity and demand. Quantitative methods shall be used to evaluate and determine if potable water facilities have available capacity at their adopted levels of service to accommodate the demands generated by proposed uses or activities. If total water consumption is not greater than the service capacity, the development is concurrent for potable water impacts, and no further analysis is necessary. The applicant shall obtain certification of service availability and facility capacity from the provider of potable water services to the subject parcel in a form acceptable to the County (see CMS manual). If the project is not within the service area of a central water system or will not otherwise be served by such a system, the applicant shall submit to the County a valid well permit (extraction or consumptive use) issued by the Northwest Florida Water Management District or another state regulatory agency.

Article 3 Division of Land

Sec. 5-3.1 Purpose of article.

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

Sec. 5-3.2 General provisions.

(a) Approval required. The division of land requires County review and approval for compliance with the standards of this article unless the division is specifically identified in the LDC as exempt from these standards.

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

(c) Creation of new lots. No lot shall be created which requires a variance or another exception to the requirements of the LDC to provide sufficient buildable area or other conditions necessary to use a lot for its intended purposes. Additionally, unless established through the family conveyance exception of this section, the creation of any new lot shall comply with the following:

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

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

(3) Subdivision review. The creation of lots by the division of a parcel into three or more contiguous lots shall comply with the subdivision standards of this article and shall be reviewed for compliance as prescribed in Chapter 2.

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

(Ord. No. 2015-19, § 1, 6-25-15)

Sec. 5-3.3 Subdivision design and maintenance.

(a) Professional design. A subdivision developer shall retain the services of a Florida-registered professional engineer to prepare construction plans and specifications in compliance with the subdivision design standards in this article and as it relates in the DSM, other applicable provisions of the LDC, and the *General Paving and Drainage Technical Specifications* of the county. All construction plans shall include applicable details taken from the county's standard detail sheets available from the County Engineer.

(b) Improvements and facilities. A subdivision developer shall ensure the installation of the improvements and the facilities remain at or are constructed to the prescribed standards and at no expense to the county; paved roads, stormwater management, and other necessary improvements and facilities

(c) Public access. A subdivision 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. The access shall lead to an established and publicly maintained street. The developer shal**l prepare the** necessary deeds, agreements, and easements for the access and shall attempt to acquire such rights of easements. At the option of the applicant, the county may assist in the acquisition of such easements when the 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 an action.

(d) Innovations. Innovations in the design and construction of subdivision improvements are encouraged. Such innovations shall be approved by the county if determined by the County Engineer to achieve the relevant and appropriate criteria or standards for subdivision improvements and if the deve**l**oper warrants the improvements as required by the LDC. The developer may also be required to post additional negotiated financial surety based on the estimated costs of the total project improvements.

(e) Lots and blocks. The lots of a subdivision shall comply with the requirements of the applicable zoning district. Lots and blocks shall comply as per the Chapter 3 of the LDC.

(f) Subdivision name. The proposed name of a subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the county except when the subdivision is an additional unit or section of another subdivision by the same applicant or his successors in title.

(g) Monuments. The subdivision developer shall place Permanent Reference Monuments (PRMs) and Permanent Control Points (PCPs) as required by Florida Statutes (Ch. 177).

Medians and entrance signs. Medians within subdivision streets shall be privately owned and maintained. Signs may be installed at subdivisions' entrances in compliance with the standards of Article 8 of this chapter if placed within medians or other privately owned land platted within the subdivision. Where medians or other entrance sign parcels are platted, the plat shall provide that each person ultimately owning land in the subdivision shall own an undivided part interest in the median and sign parcels, whether or not the interest is noted in the instrument conveying ownership of the subdivision. This requirement shall be included in any restrictive covenants of the subdivision.

The developer shall note on the plat that ownership of entrance signs and medians and other entrance sign parcels is vested in a homeowner's association having the obligation to assess fees for the maintenance of the signs and land as well as for payment of property taxes pertaining to the land. Each person owning land within the subdivision shall be deemed to agree that the failure of the homeowner's association to maintain the signs or land or to pay taxes on the land shall cause the signs and land to revert to the undivided ownership of the persons owning land within the subdivision, whether or not a reversionary clause is noted in the instrument conveying ownership of subdivision land.

(h) Areas with high water tables. Development of residential subdivisions in areas with high water tables shall comply with the requirements provided in the DSM Chapter 1 Roadway Design section.

(i) Infrastructure.

(1) Stormwater management. For any subdivision, the developer shall provide an adequate stormwater management system, including for erosion control, in compliance with the concurrency management stormwater management standards of this chapter and DSM Chapter 1, Stormwater Article.

(2) Streets and access. For any subdivision, the developer shall provide an adequate street network, including access, in compliance with the monitoring management and street and access standards of this chapter and DSM Chapter 1, Transportation Article.

(3) Underground utilities. The developer is encouraged to place all subdivision utilities underground. In the event that underground utilities are provided, a gross density bonus of 10% (if allowed by the density limit of the applicable FLU) or a reduction in the minimum lot width of 10% shall be granted by the Planning Official upon the developer's request.

(4) Utility street crossings. See DSM Chapter 1, Street Layout section for details regarding utility street crossings.

(5) Street lights. The developer is encouraged to install street lights. A street lighting district may be established through the BCC for the installation, operation, and/or maintenance of lights according to the street lighting municipal services benefits units (MSBU) provisions of Chapter 70, *Local Public Improvements,* Part I, Escambia County Code of Ordinances.

(6) Easements. Drainage easements and rights-of-way shall comply with the stormwater management provisions of this chapter and DSM, Chapter 1, Stormwater Management Systems - Conveyance Systems section and Chapter 2, Roadway Design - Minimum Right-of-way widths section.

(7) Water supply and sewerage. The subdivision developer shall maintain a valid, unexpired reservation of capacity for water and/or sewer service from the provider whose franchise area serves the subject property. Letters of capacity executed by the service provider shall be provided, and such letters or forms shall constitute documentation of reservation of capacity. No central private wastewater collection systems shall be proposed or expanded. All proposed sewer collection systems will require approval and acceptance by the local utility authority. If a low pressure sewer system is proposed, all items relating to the system, excluding the collector force main, shall be located on private property. Anything located within a public or private right of way shall be owned and maintained by the local utility authority (consistent with the provider's appurtenance ownership limitations).

(8) Provisions shall be made for the installation of fire hydrants and comply with the following:

a. No residence in any subdivision shall be more than 500 feet from a fire hydrant on a six-inch water line. Locations of fire hydrants shall be noted on the subdivision construction plans; or

b. Where a four-inch water line is located at the entrance to a new subdivision, the developer shall be required to install a six-inch waterline within the new subdivision with flush hydrants so that they can be replaced with fire hydrants when service at the entrance becomes adequate.

c. If public or community water systems service is not available or the existing water line is less than four inches, the developer shall install a six-inch waterline with stub-outs for fire hydrants unless the engineer of record finds the larger main size to be detrimental to the water quality in the development.

(j) Public dedication. The county encourages developers of residential subdivisions to request the dedication of subdivision streets and stormwater management systems to the county, but those facilities may alternatively be dedicated to one or more owners of property within the subdivision. If the dedication of subdivision streets and stormwater management systems for public ownership and maintenance is proposed, the following conditions apply:

(1) Compliance. The facilities shall be designed and constructed in compliance with the standards of this chapter.

(2) All facilities. The streets will not be accepted without the stormwater management system or the stormwater management system without the streets. The facilities shall be dedicated in their entirety to the county.

(3) Permitting. The facilities will not be accepted without appropriate permitting of those facilities from all applicable local, state, and federal agencies, or proof of exemption.

(k) Private ownership.

(1) Maintenance and taxes. If the streets and stormwater management system of a subdivision will remain in private ownership, the county shall not be responsible for the maintenance of those facilities or be the owner of an easement upon them. The subdivision developer shall create a homeowner's association or an alternative organization of owners of property within the subdivision and assign it the responsibility for maintaining the streets and stormwater management system and any other privately owned improvements as well as for paying the property taxes due on those lands.

(2) County authority. Any agreements establishing the persons responsible for maintaining the streets, stormwater management system, and other privately owned subdivision improvements, and for paying property taxes on the lands of those improvements, shall vest in Escambia County the authority to assess reasonable fees upon those persons for the payment of maintenance costs and property taxes for those lands in the event that the improvements and their lands are not maintained or that the taxes on the lands are not paid. These provisions shall also be in any restrictive covenants binding the property.

(3) Covenants and restrictions. Subdivision covenants and restrictions shall include the documents of the homeowner's association or an alternative organization of owners of property within the subdivision, identifying specific operation and maintenance responsibilities of the organization for streets, the stormwater management system, and all other privately owned improvements, including entrance signs and private recreation areas.

(Ord. No. 2016-30, §1, 8-4-2016)

Article 4 Stormwater Management

Sec 5-4.1 Purpose of article.

This article establishes land development standards for stormwater management that implement level-of-service and other Comprehensive Plan policies requiring development to properly manage any stormwater runoff it generates. It is the intent of these standards to allow landowners reasonable use of their property while protecting adjoining lands and resources from any detrimental impacts of stormwater produced by land uses and development activities. More specifically, this article is intended to:

(a) Prevent untreated stormwater runoff from adversely impacting receiving water bodies.

(b) Minimize the loss of valuable topsoil by erosion and prevent the sedimentation of streets and surface water bodies.

(c) Facilitate groundwater recharge.

(d) Protect and maintain the natural habitats of fish and wildlife and prevent damage to wetlands.

(e) Reduce capital expenditures for flood-proofing 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.

(f) Require the approval and implementation of stormwater management plans for proposed development as necessary to achieve the purposes of this article.

Sec. 5-4.2 Stormwater impact review.

(a) Approval required. No land use or development activity may alter or disrupt existing stormwater runoff patterns or conditions without prior county review and approval for compliance with the standards of this article unless the use or activity is specifically identified in the LDC as exempt from these standards. Uses or activities that may alter or disrupt existing stormwater runoff sufficiently to require a stormwater management plan include the following:

(1) Land disturbance. Grading, digging, cutting, scraping, or excavating of soil; placement of fill materials; substantial removal of vegetation; the drainage of land; and any other forms of land disturbance that would significantly change stormwater runoff.

(2) Lot coverage. Construction of a structure or the non-*de minimis* alteration of the size of one or more structures; placement of aggregate and paving; and other constructed changes in the proportions of pervious, impervious, and semi-impervious lot coverage.

(3) Alterations. Alteration of the shoreline or bank of any watercourse or surface waterbody; or alteration of any ditches, dikes, terraces, berms, swales, piping, inlets, ponds, or other natural or manmade elements affecting the control or management of stormwater.

(4) Subdivision. The subdivision of land, including the replatting of a recorded subdivision.

(b) Exemptions.

(1) Stormwater management plan exempt. A stormwater management plan need not be provided for the uses and activities listed in the *DSM Chapter* 1, Stormwater Management Systems - Exemptions section. In areas with documented drainage problems, the county may request a reduction in the proposed impervious lot cover or other on-site stormwater impact-reduction measures:

a. New single-family dwellings. Construction of a single-family dwelling on either a lot of record, a lot created in compliance with the family conveyance provisions of the LDC, or a lot verified as functionally conforming according to the provisions of Chapter 2. The construction shall comply with a county-approved lot grading plan, which provides the same lot information required by this article for subdivision grading and erosion control plans. Additionally, lots relying on conformance verification for stormwater plan exemption shall comply with the individual lot limits prescribed in this part for subdivision along existing streets.

b. Subdivision along existing streets. See DSM Chapter 1Stormwater Management Systems - Exemptions section for details.

c. Maintenance. Maintenance of an existing stormwater structure, which will not change the discharge rate, volume, or treatment method of the structure or the stormwater runoff from the site on which the structure is located.

d. *De minimis* additions. See *DSM Chapter 1, Stormwater Management Systems - Exemptions section* for details.

e. Emergencies. 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. The emergency action shall be reported to the county as soon as practical, and any permanent changes from the action may require the subsequent development and approval of a stormwater management plan to document any impacts from the changes.

f. Other exemptions. Stormwater plan exemptions for other structures, uses, or activities as may be determined by the County Engineer to be appropriate and consistent with accepted standards of engineering practice and the purposes of this article.

(2) Stormwater Exempt Activities. The following activities are exempt from all stormwater management standards of this article:

a. Agriculture and silviculture. Bona fide agricultural or silvicultural operations on land classified by the Escambia County Property Appraiser as “agricultural,” according to Florida Statutes, for ad valorem tax purposes, it is recommended that the Local offices of the Natural Resources Conservation

Service and the Florida Forest Service be consulted regarding appropriate stormwater management for agricultural and silvicultural operations.

b. **Mosquito drainage structures.** Maintenance work on existing mosquito and arthropod drainage structures for public health and welfare purposes.

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

Sec. 5-4.3 Control of erosion and sediment.

Sediment shall be retained on the site of development. Erosion and sedimentation control measures shall be applied to stabilize barren areas and other unvegetated areas during and after construction. No clearing of land or other land-disturbing activity shall begin until the appropriate erosion and sedimentation control devices have been installed between the areas to be disturbed and adjacent lands, including waterbodies, watercourses, and wetlands. Such erosion and sediment control shall comply with the best management practices listed in the *DSM Chapter* 1, Stormwater Management Plans - Content section.

Sec. 5-4.4 Stormwater management plans.

(a) General. Where a stormwater management plan is required, it is the responsibility of the applicant to include sufficient information in the plan for the county to evaluate the physical characteristics of the affected areas as required in the *DSM Chapter* 1, Stormwater Management Plans section.

(b) Preparation. The stormwater management plan shall be developed and/or reviewed as indicated in the *DSM* Chapter 1. Chapter 1 of the *DSM* contains the provisions for the content of the plan. The *DSM* also contains information regarding the existing conditions, proposed changes, and supporting documentation.

(c) Supporting information is regarded as other information that the applicant or the county believes is reasonably necessary for LDC compliance evaluation of the proposed stormwater management plan. :

(d) Plan adherence. The applicant shall adhere to the stormwater management plan as approved and permitted. Any changes or amendments to the plan must be approved by the original approving authority. After completion of the subject development, the engineer of record shall certify that the completed development complies with the approved plan and its specifications.

Sec. 5-4.5 Stormwater management systems.

(a) General design and construction. The installation of all stormwater management facilities made necessary by new development, according to the provisions of this article, is the responsibility of the developer, including all necessary ditches, canals, greenbelts, outfalls, bridges, retention or detention structures, flow attenuation

devices, etc. The general design and construction of all stormwater management systems shall be as indicated in the *DSM* Chapter 1, Stormwater Article and achieve the following objectives:

(1) Comply with regulations.

(2) Protect adjacent property.

(3) Incorporate upland runoff.

(4) Reduce pollution.

(5) Prevent hazards.

(6) Encourage regional stormwater management system.

(b) Resource protection. All stormwater management systems shall be designed and constructed to protect natural resources as per State requirements.

(c) System maintenance.

(1) General. All stormwater management facilities shall be designed for a minimum 50-year life (where standards are available) have low maintenance costs, and have easy legal access for periodic maintenance.

(2) Maintenance entity. Stormwater management systems shall be maintained by the owner, except where the county selects certain systems for county maintenance. 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 BCC. Systems to be maintained by the owner shall have adequate easements to permit the county right-of-entry to inspect and, if necessary, take corrective action if the owner fails to maintain the system. In addition, the owner shall submit a copy of any outside agency inspections and/or reports for the County to evaluate in accordance with the County's MS4. If the owner fails to maintain his system, the county 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 county may take the necessary corrective action, including placement of a lien on all property of the owner to recover the costs thereof.

(d) Inspections. The owner shall initiate scheduling with the county for the following inspections:

(1) Erosion control. An erosion and sediment control inspection prior to any construction or other land disturbance, as may be required by county development approval, to ensure effective controls are in place according to the provisions of this article.

(2) Underground. An inspection prior to the burial of any underground drainage structure to ensure appropriate materials and installation.

(3) Final. A final inspection after all work has been completed, including installation of all stormwater management system facilities, to ensure compliance with the

county's approved plan. After inspecting the work, a county representative shall approve it or notify the applicant in writing of any failure to comply with requirements of the approved plan. Any portion of the work which does not comply shall be corrected by the applicant before final county authorization for use is issued. Failure to complete or correct the work as notified is subject to the penalty provisions of the LDC. (Ord. No. 2016-30, §1, 8-4-2016)

Sec 5-4.6 Additional requirements for subdivisions.

(a) General. Stormwater management plans for subdivisions shall be developed in compliance with the additional subdivision requirements of this section and the DSM Chapter 1, Stormwater Article.

(b) Outfall. The developer shall prepare any necessary agreements or easements for disposition of stormwater beyond the limits of the subdivision and shall attempt to acquire necessary rights of easements. The county may assist in the acquisition of such easements when it is in the public interest and where governmental action is necessary for the proper disposition of water, and the developer advances all costs and expenses incurred by the county.

(c) Detention/retention without positive outfall. See DSM Chapter 1,Stormwater Quantity (attenuation) section.

(d) Subdrains, subsoil drains, and trench drains. Subdrains, subsoil drains, and trench drains shall be required where soil and water conditions warrant.

(e) Public dedication. Consistent with the provisions of Article 3 of this chapter, a subdivision's stormwater management system cannot be dedicated for county ownership and maintenance without the concurrent public dedication of the subdivision streets. Additionally, a subdivision stormwater management system constructed for public ownership and maintenance shall comply with the following:

(1) Completed permitting. All required permitting of the system from applicable local, state, and federal agencies shall be complete and documented with the county, or proof of exemption shall be provided.

(2) Detention/retention structures. The system detention and retention/detention structures shall provide side slopes, stabilization, and access as per the *DSM*.

Screening. Ponds shall be screened from view from the right-of-way with shrubs and/or other natural barriers within a minimum 10-foot-wide strip between the right-of-way and the pond. The County Engineer may reduce the width if it is not feasible to provide in a sound engineering design. The screening may be eliminated if the pond is designed with specific amenity characteristics to be viewed.

(3) Plat or deed. The stormwater system lands shall be dedicated to the county, or the county shall be provided with a warranty deed to the parcels involved. The plat or deed shall be approved for recording by the BCC prior to the acceptance of the stormwater management system for county maintenance.

(4) Municipal services benefit unit. An ordinance creating a municipal services benefit unit (MSBU) to fund future county maintenance and operational expenses for the stormwater pond and related improvements shall be enacted by the BCC according to the stormwater pond MSBU provisions of Chapter 70, *Local Public Improvements*, Part I, Escambia County Code of Ordinances.

(f) Hold harmless agreement. If the stormwater management system (and streets) will remain in private ownership the developer shall execute, on his behalf and on behalf of any landowners within the subdivision who are ultimately to have ownership of the stormwater management system, a hold harmless agreement that holds the landowners harmless from the effects of any waters that may flow into or about the system, and such other provisions as the county may require.

Sec. 5-4.7 Additional requirements for lakes, ponds and canals.

(a) Artificial lakes and ponds. Artificial (manmade) lakes and ponds constructed for recreational, aesthetic or other purposes not primarily for stormwater management shall nevertheless comply with all applicable standards for wet detention structures. Additionally, the following standards apply:

(1) Side slopes. The bank slopes of artificial lakes and ponds shall be constructed according to the following standards:

a. Low slopes. For bank slopes of 6:1 (horizontal to vertical) or flatter, permanent slope protection or seawalls are not required. All disturbed areas must be stabilized with sod.

b. Moderate slopes. For bank slopes steeper than 6:1 but flatter than 2:1, the entire bank slope from the design water surface to a point that is three feet beyond the berm line shall be sodded in a manner to guarantee a healthy growth of pangola, bahia, bermuda, centipede, or other suitable grasses. Slopes steeper than 2:1 shall not be permitted.

(2) Dammed watercourse. The damming of a watercourse shall not be permitted if the Planning Official, in consultation with the County Engineer, determines that the volume of water in the impoundment area would be such that a breach of the control structure would pose a serious threat to life or property downstream. Any proposal to dam a watercourse shall include the following documentation for county review, certified by a Florida-registered professional engineer in accordance with standard engineering practice:

a. Site plan. A site plan showing the area, depth, and volume of maximum impoundment.

b. Construction drawings. Construction drawings of the control structure indicating the maximum load specifications.

c. Operational plan. A plan for regulating the control structure such that the maximum area of impoundment and other design specifications are not exceeded. The plan shall also provide for restoring and maintaining the stream's flow at preconstruction rates.

d. **Capacity maintenance.** A hydrologic and hydraulic analysis assuring maintenance of flood-carrying capacity within the altered watercourse and compliance with all other applicable floodplain management provisions in Chapter 4.

(3) Excavated soil. Soil may be excavated and exported from the construction site of a lake or pond in compliance with the conditions of county approval, but any soil retained on site shall be graded and stabilized according to the erosion and sediment control provisions of this article.

(4) Construction traffic. Construction traffic shall access the site by collector or arterial streets, but where such streets are not available; the county shall approve other routes for use during the period of the permit. All public streets shall be kept free of dirt, dust, and damage from construction vehicles.

(5) Construction time. Construction time shall be limited by the conditions of county approval, but in no case shall it be longer than 180 days from the date of approval.

(6) Management and care. Upon completion of construction, the property owner shall be responsible for the care and management of the lake or pond consistent with best practices. Piers, docks, and other structures in, on, or over the water shall be permitted as required by the Florida Building Code.

(b) Canals. 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. Canal bank slopes shall comply with the slope requirements for lakes and ponds.

Article 5 Streets and Access

Sec. 5-5.1 Purpose of article.

This article establishes land development standards for streets as well as access to and from streets that implement level-of-service and other Comprehensive Plan policies requiring development to properly address its transportation impacts. It is the intent of these standards to provide safe, convenient, efficient, and cost-effective travel ways for motor vehicles, bicycles, and pedestrians for the movement of people, goods, and services.

Sec. 5-5.2 General provisions.

(a) Approval required. The design and construction of streets and driveways requires prior county review and approval for compliance with the standards of this article, unless such travel and access ways are specifically identified in the LDC as exempt from these standards.

(b) Minimum design standards. All streets and driveways shall be designed and constructed according to the design standards in the most recent edition of *A Policy on Geometric Design of Highways and Streets*, American Association of State Highway Transportation Officials (AASHTO), the *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways* ("Florida Greenbook"), Florida Department of Transportation (FDOT), Public Rights-of-Way Accessibility Guidelines, United States Access Board; Florida Accessibility Code for Building Construction; and the *General Paving and Drainage Technical Specifications* of Escambia County. All traffic control devices shall be designed and installed according to the most recent editions of the *Manual on Uniform Traffic Control Devices*, U.S. Department of Transportation, and *Roadway and Traffic Design Standards*, FDOT. Where any of these standards are in conflict, the more restrictive requirement or the one imposing the higher standard shall prevail unless otherwise specifically allowed by the County Engineer.

(c) Modification of standards. Variances to the strict application of the standards of this article are not available from the Planning Official, BOA or SRIA. Where the provisions of this article specifically allow, the County Engineer has discretion within the accepted standards of engineering practice to allow modifications that maintain the stated purposes of the article. (Ord. No. 2016-30, §1, 8-4-2016)

Sec. 5-5.3 Street design.

(a) General layout. The layout of streets, including private streets, shall be in general conformance with a plan that is most advantageous for the development of adjoining lands. See *DSM* for details.

(b) Connectivity.

(1) Extension to boundary. See *DSM Chapter* 1, Roadway Design - Street Layout section for details.

(2) Large-scale development. Developments with a proposed density of 3 or more dwelling units per developable acre and over 300 lots shall provide a highly interconnected system of complete streets/pathways (for pedestrians(sidewalks), bicycles, and motor vehicles) to promote the reduction of automobile use, trips, and trip lengths.

(3) Subdivisions.

Connection to undeveloped property. See DSM Chapter 1, Roadway Design - Street Layout section.

(c) Ingress and egress. See *DSM* Chapter 1, Transportation article for details.

(d) Cul-de-sacs. See *DSM Chapter1, Roadway Design - Street Layout section* for details.

(e) Right-of-way widths. Right-of-way widths shall be provided as indicated in the *DSM Chapter1, Roadway Design- Minimum Right-of-way widths section*. The *DSM* shall detail right-of-way widths as it relates to arterials, collectors, local streets, turning circles, alleys, and partial widths

(1) Programmed widening. If a tract to be subdivided abuts any part of an arterial or collector street and the street is contained in an adopted capital improvement plan of the state or county and has a programmed widening by the state or county, the part of the public right-of-way necessary to comply with that programmed plan shall be set aside by the developer for dedication, unless the county chooses to negotiate mitigation measures, as requested by the developer. .

(2) Non-Standard right-of-way donation. If a tract to be developed abuts any part of an arterial collector or local street (not meeting section 7 criteria) that does not meet the minimum ROW requirements, the developer shall set aside 50% of right-of-way necessary to comply with county ROW requirements.

(f) Pavement widths. Details regarding pavements widths as it relates to local streets, turning circles, and alleys are provided in the *DSM Chapter 1, Roadway Design - Minimum pavement widths section*.

(g) Intersections. The *DSM* provides criteria for intersection design, which contains specific requirements for angles, radii, visual clearance, and offsets. See DSM Chapter*, Roadway Design –Intersections section.*

(h) Design speed. Local streets shall be designed with a minimum design speed of 15 miles per hour (mph). Residential subdivision streets that service the cumulative development of 100 lots or more shall be designed with a minimum design speed of 20 mph.

(i) Crown elevation.-See *DSM Chapter* 1, Roadway Design - Roadway Elevations section for details.

(j) Bridges.

(1) Design and construction. Bridges shall be designed and constructed according to the latest editions and revisions of *AASHTO LRFD Bridge Design*

Specifications (load-and-resistance factor design), FDOT *Structures Design Guidelines* and any approved interim specifications, and the FDOT "Florida Greenbook."

(2) Public. All public bridges shall be built with a minimum of 20 feet between abutments.

(3) Inspection. Each bridge dedicated to the public shall be inspected by the FDOT, according to the *National Bridge Inspection Standards* (NBIS), 23 U.S.C. 151, and Florida Statutes (§ 335.074).

(k) Dedication. Consistent with the provisions of Article 3 of this chapter, subdivision streets cannot be dedicated for county ownership and maintenance without the concurrent public dedication of the subdivision stormwater management system. .

Sec. 5-5.4 Site access.

(a) General. Vehicular access to an adjoining public street shall be accomplished by means of an improved access facility, such as a driveway or private street, designed and controlled to provide safe and convenient access to the street. Neither unimproved nor unrestricted access is permitted. Site access shall comply with the standards of this section to accommodate vehicles and pedestrians as well as to provide traffic control. Unless otherwise specifically provided, the standards of this section do not apply to driveways for single-family dwellings.

(b) County requirements. There is no intent to conflict with or duplicate state highway access permitting, but connections to the state highway system will be evaluated during LDC compliance review for consistency with county requirements.

(c) Visual clearance. See *DSM Chapter 1, Roadway Design –Intersections section* for details.

(d) Access Location. Driveways proposed to access a street shall either be aligned with, or offset from, existing and planned driveways, median openings, and streets on the same and/or opposite sides of the street to be accessed. See DSM Chapter 1, Roadway Design – Access Location for more details. .

(e) Driveway paving. Driveways that connect to a paved street shall be paved to the right-of-way.

(f) Internal access. Proposed development along arterial or collector streets shall provide access routes within the development for all uses such that a return to the arterial or collector street is not necessary to access another use within the development.

(g) Multiple street frontages. When a lot or parcel is located at a street intersection or otherwise fronts more than one street, vehicle access for all uses on the lot, including single-family dwellings, may be limited to the roadway with the lowest traffic volume, least operational impact, or lowest functional classification, provided that the restriction is consistent with existing FDOT standards. Potential traffic impacts to residential neighborhoods shall be considered when applying this

restriction. Non-access easements may be required on site plans and plats to implement this restriction.

(h) Modification of existing access.

(1) Unused access. See *DSM Chapter 1, Access Management - Modification of Existing access section* for details.

(2) Additions. See *DSM Chapter1, Access Management - Modification of Existing access section f*or details.

(3) Change of use. See *DSM Chapter 1, Access Management - Modification of Existing access section* for details

(i) Commercial traffic in residential areas. See *DSM Chapter* 1, Access Management - Commercial Traffic in Residential Areas section for details regarding proposed zoning districts.

(j) Fire department access. Fire department access shall be provided and maintained for every use according to the current standards of the National Fire Protection Association (NFPA) as administered by the Escambia County Fire Marshal.

(k) Cross access easements. All new commercial developments along roadways with an approved access management plan shall provide cross-access easements and connections to adjoining commercial properties.

Sec. 5-5.5 Traffic Control.

(a) Controls required. Site plans, subdivision construction plans, and other development approvals shall require the reasonable placement of traffic control signs, pavement markings, traffic signals, and other traffic control devices along any street, at any driveway, or within any development, as detailed by the *DSM*.

(b) Traffic signals. *DSM Chapter 1, Access Management - Traffic Control section* contains information regarding the assignment of responsibility for traffic signals. The *DSM* also contains including provisions for signal study, construction costs' responsibility, and optional signal criteria.

(c) Turn restrictions. See *DSM Chapter 1, Access Management - Traffic Control section* for details.

(d) Median openings. See *DSM Chapter 1, Access Management - Traffic Control section* for details.

(e) Turn lanes The developer shall perform a turn lane analysis on a county roadway to serve a development that generates 50 vehicle trips or greater during any peak hour. Trip Generation figures for the development shall be determined by the Institute for Transportation Engineers Trip Generation Manual (ITE-TGM). Turn lanes and required supporting right-of-way shall be provided by the developer at no cost to the county and meet all county standards. Turn lane criteria is in DSM Chapter 1, Article 2-2.3. If a county roadway, serving a development, is included in the county's Capital Improvement Program or the Florida-Alabama Transportation Planning

Organization Corridor Management Plans, the improvements indicated in such plans shall be provided by the developer.

(Ord. No. 2016-30, §1, 8-4-2016)

Sec. 5-5.6 Sidewalks and bikeways.

Sidewalks and bikeways will be installed in conformance with current ADA standards and all applicable guidelines (to include but not be limited to the latest editions of the FDOT Transit Facilities Guidelines and FDOT Roadway Standard Specifications). This is to support adopted bicycle and pedestrian plan routes and/or applicable grant programs to provide connectivity with existing sidewalks or as required by Florida Department of Transportation (FDOT).

(1) Sidewalks

a. **Site Frontage.** Sidewalks along the site frontage of a development site parcel are required as indicated in the DSM for all applicable commercial and residential developments. Sidewalks will be installed in conformance with current ADA standards and all applicable guidelines (to include but not be limited to the latest editions of the FDOT Transit Facilities Guidelines and FDOT Roadway Standard Specifications) and shall be constructed according to conditions specified in the *DSM Chapter 1, Access Management - Pedestrian Access section*. The developer has the option to either build the required sidewalk along the affected parcel frontage or contribute funds to the county for construction at a later date at the county's discretion (at the developer's request). Contributed funds shall be based on the county's latest pricing agreement.

b. **Transit Stop**. For any development with an entrance located 200 feet (immediately adjacent) of an existing and fixed transit stop, a sidewalk must be constructed (within the existing ROW) from the entrance of the development to the existing and fixed transit stop. The newly constructed sidewalk will be installed in conformance with current ADA standards and all applicable guidelines (to include but not be limited to the latest editions of the FDOT Transit Facilities Guidelines and FDOT Roadway Standard Specifications). In addition, to meet ADA standards, the sidewalk must be connected to any existing/planned sidewalks within the development.

(a) Bikeways. See DSM Chapter 1, Access Management - Pedestrian Access section for details.

(b) Repair. See *DSM* Chapter 1, Access Management - Pedestrian Access section for details.

Article 6 Parking and Loading

Sec. 5-6.1 Purpose of article.

This article establishes land development standards for off-street vehicle parking and loading that implement Comprehensive Plan policies requiring development to provide safe and convenient on-site vehicle circulation and sufficient parking to accommodate the demand that it creates. It is the intent of these standards to avoid congestion on surrounding streets and promote the safety and mobility of pedestrians, bicycles, and motor vehicles.

Sec. 5-6.2 General provisions.

(a) Approval required. Any land use or development activity that establishes or increases a variable that is determinative of vehicle parking demand (e.g., floor area, dwelling units, seats, etc.) requires prior county review and approval for compliance with the standards of this article unless the use or activity is specifically identified in the LDC as exempt from these standards. The standards apply to both ground-level parking and multi-level parking structures.

(b) Minimum design standards. All parking and loading shall be designed and constructed according to the design standards in the most recent editions of *A Policy on Geometric Design of Highways and Streets*, American Association of State Highway Transportation Officials (AASHTO); the *Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways* ("Florida Greenbook"), Florida Department of Transportation (FDOT); *Public Rights-of-Way Accessibility Guidelines*, United States Access Board; *Florida Accessibility Code for Building Construction*; and the *General Paving and Drainage Technical Specifications* of Escambia County. All traffic control devices shall be designed and installed according to the most recent editions of the *Manual on Uniform Traffic Control Devices*, U.S. Department of Transportation, and *Roadway and Traffic Design Standards*, FDOT. Where any of these standards are in conflict, the more restrictive requirement or the one imposing the higher standard shall prevail unless otherwise specifically allowed by the County Engineer.

(c) Variances. Variances to the strict application of the parking and loading standards of this article are not available from the Planning Official, BOA, or SRIA. Minor variances that are of mutual benefit to the public and the applicant and are within accepted standards of engineering practice are evaluated by the County Engineer to allow modifications that maintain the stated purpose of the article

(d) Handicap spaces. Handicap parking spaces shall be provided for uses as part of the total number of off-street spaces required by this article according to the latest edition of the *Florida Accessibility Code for Building Construction*. Handicap parking is not eligible for any modifications that are not otherwise allowed in the prevailing accessibility standards.

(e) Use of required areas. Required off-street parking and loading areas are to be used solely for the parking of licensed motor vehicles in operating condition. Only

spaces in excess of the spaces required by this article may be used for display or storage and only in compliance with the provisions of Chapter 4.

(f) Tree preservation. The number of required parking spaces may be reduced as necessary to more effectively preserve protected trees.

Sec. 5-6.3 Parking demand.

See *DSM Chapter* 1, Parking and Loading - Parking Demand section for details regarding the determination of the number of parking spaces for development. Other details regarding parking include computation of parking spaces, information regarding increase and reduction of parking spaces, and computation of parking spaces for unlisted uses. Furthermore, ineligible spaces details are also provided in the *DSM*.

Sec. 5-6.4 Stall and aisle design.

General. The design and arrangement of parking stalls and drive aisles shall comply with the standards provided in the DSM, except that parking for single-family and two-family dwellings need only comply with the minimum stall dimensions. In addition, criteria and guidelines regarding turnarounds, encroachment, delineation, traffic control, pedestrian entrances, surface materials, and drive-through stacking will be provided in the DSM**.**

Sec. 5-6.5 Off-site and joint use parking. Items regarding off-site and joint-use parking are contained with the DSM Chapter 1, Off-Site and Joint Use Parking section.

Sec. 5-6.6 Loading and unloading. See *DSM Chapter* 1, Parking and Loading-Loading and Unloading section for details.

Article 7 Landscaping

Sec. 5-7.1 Purpose of article.

This article establishes land development standards for landscaping that implement Comprehensive Plan policies requiring development to apply professional practices for landscaping and tree protection. It is the intent of these standards to promote the environmental and community benefits of a healthy, diverse, and well managed urban forest. More specifically, this article is intended to accomplish the following:

(1) Improve the appearance, character, and value of developed lands through landscaping that enhances, shades, screens, and buffers the built elements and that appropriately includes and preserves existing trees.

(2) Require that the type, quality, and installation of trees and other vegetation planted to fulfill county landscaping requirements prevent the unnatural decline of trees by requiring effective measures to protect them from damaging acts or practices, especially during site development, and establishing penalties to discourage violations.

(3) Allow and encourage the appropriate removal of trees through an objective criterion-based review but compensate for the lost benefits of removed healthy trees by requiring sufficient replacement planting of quality trees.

(4) Emphasize the use of native species for reduced irrigation needs and improved plant establishment, survival, and vitality.

(5) Increase the diversity of age and species among trees for long-term urban forest health and stability and increase the proportion of wind-resistant trees to make future storms less devastating.

Sec. 5-7.2 General provisions.

(a) Approval required. All land uses and development activities require prior county review and approval for compliance with the standards of this article, unless the use or activity is specifically identified in the LDC as exempt from these standards. These standards are in addition to any required vegetative control of erosion and sediment from land disturbance or landscaping required by any other conditions of county approval.

(b) Exemptions The following uses are exempt from the general landscaping provisions of this article, but in no case do the exemptions apply to any required vegetative control of erosion and sediment, required tree replacement, or landscaping required by any special condition of county approval:

(1) **Residential lots.** The improvements in a single-family residential subdivision and any lot of a single-family or two-family dwelling. Developers of residential subdivisions, in coordination with homebuilders, are nonetheless encouraged to provide shade trees along streets and elsewhere within subdivisions consistent with the plant selection and installation standards of this article for the benefit of residents. Except as described in DSM Chapter 2, Section 2-1(e) Protected Trees.

(2) **Agriculture and silviculture.** Bona fide agricultural or silvicultural operations on land classified by the Escambia County Property Appraiser as “agricultural” for ad valorem tax purposes.

(3) **State or federal conflicts.** Any use for which county landscaping requirements conflict with the requirements of state or federal authorizations, except that the exemption shall only be for those modifications of county requirements necessary to eliminate the conflict.

(4) **Temporary uses.** Any temporary use as defined in LDC Chapter

(5) **Playing fields.** Areas authorized through county approval for public or private parks, playgrounds, playing fields, or golf courses that will be retained in pervious ground cover. The sites of parking lots, community centers, clubhouses and other structures or uses accessory to such parks, grounds, fields, or courses remain subject to applicable landscape requirements.

(c) Disclaimer. Nothing in this article shall be understood to impose any liability for

damages or a duty of care or maintenance upon the county or any of its officers or employees, nor to relieve the owner of any private property from the duty to keep any tree, shrub, or other plant on his property or under his control in such a condition as to prevent it from constituting a hazard or an impediment to travel or vision along any street or public place.

(d) Landscape plans. Prior to any county authorization of land development requiring site landscaping, a landscape plan shall adequately document compliance with all applicable landscaping standards of this article and the *DSM* Chapter 2, Landscaping Article. The plan shall include all calculations, dimensions, notes, and details necessary to describe the landscape elements and their relation to the site boundary and site improvements. Any landscaping proposed solely at the owner's discretion shall be distinguished from that required by the county. Additionally, the plan shall include owner notification of the responsibility for the establishment of newly planted trees and shrubs and the continuing obligation of maintenance of all landscape elements.

(e) Landscape design. Site landscape design shall evidence consideration of existing protected trees, site soils, including plants adaptable to site conditions and practical use of turf grass. Established trees and other areas of vegetation shall be incorporated where it is practical to lower the adverse impacts of development, including the need for irrigation. If adequate on-site vegetation does not exist or cannot be preserved to meet minimum landscape requirements, plants shall be selected and installed according to the provisions of this article. The assistance of a landscape professional in planning and design is encouraged.

(f) Tree types. The *DSM* Chapter 2, Tree Removal and Replacement section establishes the standards for a tree determination, including the criteria for the understory, canopy, evergreen trees, and deciduous plants.

Sec. 5-7.3 Landscape areas and quantities. See *DSM Chapter* 2, Landscape Areas and Quantities section for details regarding landscape areas and quantities.

Sec. 5-7.4 Tree protection and preservation.

(a) General. Tree protection and preservation requires reasonable assurance through the application of professional arboriculture standards that a healthy tree will remain so. Adverse changes in natural site conditions are often unavoidable, but the provisions of this section consolidate and simplify standards needed to achieve meaningful tree protection and preservation within the development. The *DSM* Chapter 2, Tree Protection and Preservation section establishes the provisions for the tree approval, prohibited acts, tree preservation, and tree protection areas.

(b) Violations. All applicable tree protection and preservation standards of this article shall be documented on county-approved development plans. Failure to comply with such standards will subject the development to site inspection failures, code enforcement citations and penalties. All penalties resulting from the enforcement of the provisions of this article shall be deposited in the Tree Restoration Fund in the same manner and for the same purposes prescribed for unplanted mitigation.

Regardless of the association with any proposed or approved development, complaints of violation of the standards of this article will be investigated by county Code Enforcement officials who have the authority and responsibility to enforce the provisions of the LDC through the issuance of written citations according to the provisions of Chapter 30, *Code Enforcement,* Part I, Escambia County Code of Ordinances.

(1) Tree removal. The penalty for the unauthorized removal of a protected tree, including its effective removal by irreparable injury causing an unnatural decline, shall be the cost necessary to replace the total tree trunk diameter (DBH) inches removed with the same total caliper inches of standard replacement trees according to the current adopted fee schedule. Where the actual DBH of the removed tree cannot be directly measured, county officials may estimate the size from any tree remains, photographs, or other reliable evidence. Additionally, if a standard arboricultural assessment of the pre-removal tree conditions warrants, county officials may reduce the penalty accordingly but to no less than the fee schedule cost of one standard replacement tree.

(2) Tree damage. If a protected tree has sustained irreparable damage to its normal growth character by topping, "hat racking," or other pruning exceeding 30% of total canopy, the fine may be based on the total caliper inches of limbs removed, up to the trunk diameter (DBH) and full tree replacement may be required. If a standard arboricultural assessment of the pre-damage tree conditions warrants, county officials may reduce the penalty accordingly.

(3) Protection barriers. The penalty for the failure to install or maintain one or more tree protection barriers required by county development approval shall be the cost of one standard replacement tree according to the current adopted fee schedule. Subsequent citations on the same site for failure to install or maintain the required barriers shall be the cost of a standard replacement tree for each uninstalled or unmaintained barrier.

Sec. 5-7.5 Tree inventory and assessment. The *DSM* Chapter 2, Tree Inventory and assessment section contains provisions for any land use or development activity application required to inventory on-site protected trees. If no protected trees exist on the site, that condition shall be identified in the application documents.

Sec. 5-7.6 Tree removal and replacement.

General. Existing healthy trees shall be preserved to the greatest extent practical to sustain an age-diverse urban forest and to minimize tree canopy cover losses. Removal of protected trees shall be avoided when possible and shall be minimized and mitigated when unavoidable. The provisions for the removal criteria are provided in the *DSM Chapter 2, Tree Removal and Replacement- Removal Criteria section*.

Sec. 5-7.7 Plant selection, installation, and irrigation.

(a) Appropriate selection of landscaping plants is essential for long-term survival and allows their buffering, aesthetic, erosion control, mitigation, and other benefits to be

realized as early as practical. Planting a variety of trees and shrubs helps maintain a diverse urban forest. The *DSM Chapter* 2, Plant Selection, Installation, and Irrigation section containing provisions in the selection criteria for the provisions of quality, species, trees, and other landscape vegetation.

Irrigation systems are encouraged, as they are reliable components of plant maintenance, especially during critical periods of establishment after planting.

Article 8 Signs.

Sec. 5-8.1 General. 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.

Sec. 5-8.2 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:

(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.

GRAPHIC LINK: SIGN TYPES

Sec. 5-8.3 Sign permits.

(a) Permit required. Except as provided for in 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 having first obtained a land use certificate and/or a building permit issued by department of growth management (department).

(b) 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 in accordance with Florida Statue. 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 this Code. An applicant who is denied a permit may seek prompt judicial determination of such denial.

(c) 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:

(1) All signs in the center are changed to conform to the new approved criteria; and

(2) 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.

(d) 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.

(e) 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.

(f) 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 permit, sent to the premises, that the sign permit will lapse if such activity is not renewed.

(g) 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.

(h) 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.

(i) 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.

(j) Identification of signs*.*

(1) 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.

(2) 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.

(k) 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 inspections 5-8.5 and 5-8.7 of this article.

(l) Permitting of billboards*.* On new roadways which meet the criteria of section 5-8.6, 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.

Sec. 5-8.4 Exempt and prohibited signs.

(a) Exempt signs*.* The following signs are exempt from the permitting requirements of this article. Exempt signs shall be safely constructed, situated and maintained in such manner as to not create a hazard or nuisance to the public.

(1) "No Trespassing" or "No Dumping" signs of three square feet or less.

(2) Identification signs of three square feet or less.

(3) 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.

(4) 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.

(5) Holiday or special event decorations, incidental to a business and/or residence and customarily associated with a holiday or a special event.

(6) Credit card window signs of three square feet or less, one for each business.

(7) 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.

(8) Graphics and trademarks on vending machines, gas pumps and other machinery customarily used for sales outside of a building.

(9) Signs required or authorized by federal, state, or county law, including official highway beautification signs.

(10) House address numbers and family name signs of two square feet or less in residential districts.

(11) 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.

(12) Window signs.

(13) Special event banner sign for businesses.

(14) 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.

(15) Political signs subject to the restrictions of section5-8.6.

(16) Community Redevelopment Area gateway signs.

(b) Prohibited signs*.* It shall be unlawful to erect or maintain any sign described as follows:

(1) 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:

a. Animated or moving sign structures, flashing signs, or stroboscopic lights, except electronic message centers that meet the provisions of section 5-8.9.

b. Bare bulbs, defined as clear or fully transparent enclosure of the bulb filament; and

c. Words and traffic control so as to interfere with, mislead, or confuse traffic, such as "stop," "look," "caution," "danger" or "slow."

(2) 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.

(3) Abandoned signs.

(4) Portable signs except when authorized as a temporary sign.

(5) Signs made of combustible materials that are attached to or in close proximity to fire escapes or firefighting equipment.

(6) Handbills, posters and commercial or non-commercial notices that are attached in any way upon telephone poles, utility poles, fences (except as allowed in this article), bridges, sidewalks, trees or other natural objects.

(7) 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.

(8) Signs that are in violation of the building code or electrical code.

(9) Blank temporary signs.

(10) Any other signs that are not specifically permitted or exempted by this article.

Sec. 5-8.5 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.

(1) 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.

(2) Banners. A maximum of two banner signs are allowed per business at any time, without permit. The maximum size allowed is 60 square feet.

(3) Real estate and construction signs. Real estate and construction signs are allowed without permit under the following conditions:

a. One non-illuminated 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:

	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.

(4) Political signs. Temporary political campaign signs are allowed without permit in all zoning districts subject to the following restrictions: 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.

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:

Withdrawal of candidacy;
Having been eliminated as a candidate; or
Being elected to office.

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.

Sec. 5-8.6 Off-premises signs.

(a) 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:

(1) They are only placed at bus stops along the route of the Escambia County Transit System.

(2) A maximum of one bench sign or shelter may be placed at each stop.

(3) 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.

(4) All nonconforming bench signs or shelters shall be removed within 90 calendar days after the effective date of this article.

(b) 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 5-8.11.

(c) Billboards.

(1) Cap and replace restrictions.

a. 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 item c below.

b. 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.

c. 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.

(2) Billboard inventory.

a. Inventory. The building inspections department will maintain an inventory of billboards within the county.

b. 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.

(3) Dimensions and location. Freestanding off-premises signs are permitted in HDMU, Com, HC/LI and Ind zoning 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.
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.

(4) Spacing.

a. Placement: No sign shall be located within 100 feet of any residentially zoned property as measured along the right-of-way. Setback is 15 feet.

b. 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.

c. 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.

d. 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.

(5) 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. Applications for permits received after such date must comply with the requirements of section 2 of this ordinance or the permit will be denied.

(d) 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 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.

(1) Size. The rental/sale space for individual businesses or developments shall not exceed three square feet per sign. Lease/sale agreements for more than one sign location are permitted.

(2) 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.

(3) Location. The locations are limited to one sign at each county road intersecting Perdido Key Drive.

Sec. 5-8.7 On-premises signs.

(a) Single-family zones. The following permanent on-premises signs shall be allowed, with permits, in residential zones LDR, LDR-PK, MDR-PK, MDR, RR, and in RMU and Agr. One sign per zone lot, such a sign may be a ground or wall sign.

(1) 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.

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.

(2) Identification signs: Two identification signs per residential subdivision or development entrance.

Area maximum . . . 32 sq. ft.

Height maximum . . . 6 ft. From grade

Setback minimum . . . 10 ft.

(b) Multifamily zones. The following permanent on-premises signs shall be allowed, with permits in residential zones, including HDR-PK, HDR, HDMU, and LDR:

(1) 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.

(2) 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.

(3) **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.

(c) Commercial and industrial zones*.* The following permanent on-premises signs shall be permitted in commercial and industrial zones including Com, C-1PK, HC/LI, Ind, and in HDMU for commercial establishments only:

(1) **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.

(2) **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.

a. 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

b. 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.

c. Freestanding sign height maximum:

TABLE INSET:

Vicinity of the interstate	50 ft.
Arterial	35 ft.
Collector	25 ft.
Other	20 ft.

d. Number of signs permitted:

1. Two acres and smaller--One freestanding sign only per street frontage.

2. 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.

(3) **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:

a. **Collector/collector**--Allowed to increase the freestanding sign by one-third of the secondary street frontage.

b. **Arterial/collector**--Allowed to increase the freestanding sign by one-third of the secondary street frontage.

c. **Arterial/arterial intersections**--Allowed to increase the freestanding sign by two-thirds of the secondary street frontage (see example below).

GRAPHIC LINK: Arterial/Arterial Intersections

(d) Corner lot signage.

(1) Footage allowed:

Collector/collector frontage or arterial/collector frontage:

150' + 1/3(75') = 175' 175' × 1.5 = 262.5'

Arterial/arterial frontage:

150' + 2/3(75) = 200' 200' × 1.5 = 350'

(2) 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.

(3) Two banner signs are allowed per business. The maximum size allowed is 60 square feet and the banners are exempt from permitting.

(4) 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

(5) 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:

a. Indemnification of the county from all claims arising in connection with the sign;

b. Agreement that all existing signs on the zone lot have been brought into agreement with this article; and

c. Forfeiture of rights to compensation for removal necessitated by government action.

OR

d. 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.

e. 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

(e) 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.

(1) **New commercial businesses.** The square footage of wall signs are deducted from the total allowable square footage permitted for the zone lot (see section 5.8-9).

(2) **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.

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

(3) **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.

(4) **Architectural accents, murals, roof signs and historic signs**: Such signs shall be permitted only as a conditional use.

(f) Conditional use.

(1) **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.

(2) **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.

(3) **Architectural accents**: Must conform to the scale and architecture of the building plus the urban design character of the immediate area.

(4) **Murals:** Sign must be professionally painted and conform to the urban design character of the immediate area.

(5) **Roof sign:** Sign must conform to the scale and architecture of the building plus the urban design character of the immediate area.

(6) **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 BOA.

Sec. 5-8.8 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.

(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.

(d) Maintenance.

(1) **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.

(2) **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.

(e) 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.

(f) Enforcement and penalties. This article may be enforced in any manner, allowed, authorized or provided by law or ordinance, and as otherwise provided herein.

Violations of this article shall be subject to the penalties provided by applicable law or ordinance.

Sec. 5-8.9 Nonconforming signs.

(a) Replacement. When any sign is substantially damaged, destroyed or removed, it must be replaced or rebuilt in accordance with this article.

(b) 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.

(c) 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.

(d) 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.

(e) 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. 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.

(f) 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.

(g) 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.

(h) Amortization. Any nonconforming sign existing on the date of adoption of this sign code may continue to exist for periods specified below by type.

(1) On-premises signs . . . 10 years
(2) Portable signs . . . 5 years

Sec. 5-8.10 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.

Sec. 5-8.11 SRIA - Regulation of signs and outdoor displays

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.

(a) Standards and guidelines for design, erection and maintenance of signs.

(1) Design guidelines for signs and outdoor displays.

a. 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

b. 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.

c. Up to one-third of the sign area may include the logo, which may include the name, or special color scheme of that business.

d. 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.

e. Signs may not be illuminated utilizing up-lighting.

f. 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.

g. 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.

h. Signs for any establishment may be freestanding or attached or a combination of both.

i. Free-standing signs are defined as those located on the leasehold premises, but not a part of the main building structure.

(1) 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.

(2) 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.

(3) 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.

(4) Businesses that are 750 feet or more from the road right-of-way may have freestanding signs that do not exceed 18 feet above the crown of the road.

k. Attached signs are defined as those which are attached to or incorporated into a building.

1. Attached signs may not extend above the facade of a building (which may include mansards).

2. 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.

l. Where several businesses are incorporated into an identifiable entity operating under a master lease and a tenant's association, the following regulations will apply:

(1) The main freestanding sign identifying the complex shall not exceed 65 square feet and shall comply with other sign regulations.

(2) Informational or directory signs are limited to 16 square feet.

(3) 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 in size.

(4) 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 3, above.

m. 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.

n. 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.

(b) 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.

(1) 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.

(2) 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.

(3) Memorial signs. Memorial signs or tablets, names or buildings, and dates of erection 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.

(4) Occupant signs. Signs limited in content to name of occupant, address of premises, and signs of danger or a caution nature which are limited:

a. Wall and ground signs;
b. No more than two per street front;
c. No more than three square feet per sign in area;
d. No more than ten feet in height above grade;
e. Signs which may be illuminated only from a concealed light source which does not flash, blink, or fluctuate; and
f. Signs which are not animated.

(5) 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.

(6) 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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.

(11) Information signs.

a. Signs not exceeding two square feet that contain only non-commercial messages including designation of rest room, telephone locations, restrictions on smoking, door openings and private traffic control and parking signs.

b. 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.

c. 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.

(12) 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 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.

(c) **Prohibited signs**. The following signs, street graphics and/or sign structures are prohibited:

(1) Signs or sign structures which, by coloring, wording or location resemble or conflict with a traffic control sign or device.

(2) Signs or lights that rotate, move, glare, flash, change, reflect, blink or appear to do any of these things.

(3) Signs that create a safety hazard by obstructing clear view of pedestrians or vehicular traffic.

(4) Roof signs erected, constructed, or maintained above the fascia or eave line of the roof.

(5) All forms of poster-type signs and notices (except yard sale signs).

(6) Signs that identify or advertise a product or business no longer located at a premise.

(7) Bench signs.

(8) Billboards.

(9) Signs that display a message or graphic representation that are lewd, indecent or otherwise offensive to public morals.

(10) Signs on public property or designated easements and rights-of-way.

(11) Signs painted directly on a fence or any part of a building's exterior.

(12) Flagging and pennants, except when approved by SRIA.

(13) Devices which produce movement achieved by normal wind currents, or which give appearance of movement.

(14) 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.

(15) Bare bulb illumination around the perimeter of a sign.

(16) All forms of advertising statuary.

(17) Off-premise signs except as specifically approved by the SRIA on a temporary basis.

(18) Free standing "A" frame signs of any type.

(19) 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.

(20) Back lighted or plastic signs.

(21) 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.

(d) Other provisions.

(1) Conformance generally All signs at Pensacola Beach must conform to these regulations.

(2) Existing signs

a. All signs as described in items 5-8.12 C (1,2 and 3) must be removed not later than 30 days after notification by SRIA.

b. If lease agreement is modified for any reason, the lessee shall comply with requirements of the current sign regulations.

c. Sign and sign structures will be removed within thirty (30) days after a business closes permanently or changes hands, if it is a non-conforming sign.

(3) 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.

(4) Sign inspection. All signs may be inspected by the SRIA staff as deemed necessary.

(5) 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.

(6) 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 therefore. A sign shall not be attached in any form, shape or manner to a fire escape, nor be placed in such manner as to interfere with any opening required for legal ventilation.

(7) 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.

(8) 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.

(9) Freestanding signs. Every freestanding sign shall provide rigid construction to withstand wind action from any direction.

(10) Anchors or supports. Wherever anchors or supports consist of wood embedded in the soil, the wood shall be pressure treated with an approved preservative.

(11) 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.

(12) Requirements/procedures for obtaining SRIA development approval.

a. 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.

1. If proposal conforms to SRIA regulations in all respects, development approval may be approved and issued at staff level.
2. 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.
3. 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.

b. Drawings and information submitted must include:

1. Detailed face view.
2. Detailed section view (including foundation details if a free-standing sign).
3. Full color rendering of a copy of the three submitted.
4. Description of all materials used.
5. Method of lighting, if any.
6. Dimensions of sign and reader board, if any.
7. Height of top of sign above crown of nearest street, if freestanding.
8. Height of bottom of sign above crown of nearest street, if freestanding and elevated.
9. Size of sign in square feet.
10. If double-faced, indicate if both sides are identical.
11. If attached sign, show calculations for computing size.
12. 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.
13. If freestanding sign, show dimensions of proposed landscaped area. NOTE: The full color rendering drawing submitted will be retained by SRIA and becomes its property.

Article 9 Miscellaneous standards.

Sec.5-9.1 Purpose of article.

This article establishes additional land development standards that implement Comprehensive Plan policies for minimizing the adverse impacts of development on adjoining uses and resources, and various implementing standards not otherwise provided in this chapter.

Sec. 5-9.2 Adverse off-site impacts.

Noise.

(1) 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 within the Code of Ordinances.

(2) 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:

Sound Level Limits

Use Occupancy	Time	Sound Level Limit dB
Commercial/ tourist	7:00 a.m.--10:00 p.m. 10:00 p.m.-- 7:00 a.m.	75 70
Manufacturing ID-P	At all times	60
ID-1 or ID-2	6:00 a.m.--10:00 p.m. 10:00 p.m.-- 6:00 a.m.	95 85

(3) Hours of operation.

a. 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.

b. 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.

c. 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.

(4) Exemptions. The following uses or activities are exempt from the noise level regulations noted above, and chapter 1-20.3:

(5)

a. 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:

1. No outside construction may begin before 6:30 a.m., if within 200 ft of an occupied residence; and

2. Owner-occupied single-family detached houses are exempt from the above restriction.

b. Safety signals, warning devices, bells and chimes of churches.

c. Noise from emergency vehicles, or noises resulting from emergency works.

d. All noises coming from the normal operation of trains, aircraft, or vessels operated upon the waters within or adjacent to Escambia County.

e. Activities at Five Flags Speedway and/or other legally constructed and operated tracks or courses for competitive motor sports.

(a) 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.

(b) Air pollutants.

(1) 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."

(2) 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."

(3) 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."

(c) Fire and explosive hazards. All operations, activities and uses shall be conducted so as to 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. In no case shall hazardous or potentially hazardous materials be stored or located in residential zones or within 500 feet of any residential zone.

(d) Glare. No operation or activity shall be conducted so as to cause or create glare in excess of 0.5 foot-candles 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 or simulation of 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. Tri-changing signs and electronic message centers are allowed provided such signs comply with the standards of Article.

(e) Solid waste. 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 Planning Official shall be authorized to require appropriate vegetative or structural screen to shield an unsightly condition.

(f) Nuisances. The following conditions, existing, permitted, maintained, or caused 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.

(1) The creation or maintenance of any condition capable of breeding flies, mosquitoes, or other arthropods capable of transmitting diseases directly or indirectly to humans.

(2) The accumulation of rubbish, trash, garbage, or solid waste materials in violation of any state law, regulation or ordinance of Escambia County.

(3) The existence of any building or other structure or real property, or premises on which a 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.

(4) The accumulation of in excess of one inoperable vehicle on an individual lot or parcel at any one time. 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.

Sec. 5-9.3 Exterior lighting.

General. 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 as per the *LDC Chapter 4, Article 5, Barrier Island Lighting.*

Sec. 5-9.4 Fences.

(a) Fence heights in residential districts. Maximum heights for fences constructed in residential districts, except those on Pensacola Beach, shall be:

	Opaque Materials	Transparent Materials Which Do Not Obstruct Light, Air and Visibility
Front yard	3 feet	4 feet
Side yard	8 feet	8 feet
Rear yard	8 feet	8 feet

Barbed wire and electrified fences are permitted in A RR and RMU rural 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.

Height shall be measured and averaged at regular intervals along the property line. The final height shall be determined by averaging the dimensions obtained at 8-foot intervals along the property line. Height includes height of the berm and sloping grounds.

(b) Fence setbacks. Fences shall be permitted to the street right-of-way or marine/ estuarine/riverine setback (MERS) line and common property lines. No fence shall be permitted to obstruct visual clearance along a right-of-way. See "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.

(c) Permitted fence materials. Suitable fence materials are as follows: masonry, chain link, chain link with slatting, wood, cast iron, aluminum, plastic, and precast concrete.

(d) Fence heights in commercial and industrial districts. There is 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 borders a residential district, a fence may be constructed to a maximum height of eight feet on the property line contiguous to the residential district. The method of measurement shall be the same as for residential district fences.

(e) Fences on Pensacola Beach.

(1) Responsibility. Lessee assumes full responsibility for all fences and walls erected on leasehold property.

(2) 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.

(3) 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.

a. Front yard - three feet.

b. Side yard - six feet.

c. Rear yard - six feet.

(4) 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.

(5) Design. All such structures shall be in harmony with surrounding property.

(6) Standards for solid wooden fences.

a. Palings to be not less than three-quarter-inch actual thickness and attached with two galvanized nails per connection (no staples).

b. Stringers to be No. 2 grade or better; two by four inch nominal size pressure treated pine; and three stringers to be used with fences more than three feet in height.

c. 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; spaced not more than eight feet apart; and not less than four-foot penetration, or 2.5 feet penetration below grade if set in concrete.

(7) Approval.

a. Applications for fence approvals shall include fence details showing cross sections, elevations and materials to be used.

b. If survey by registered Florida surveyor is not furnished to the county, such fence is erected at lessee's own risk.

c. Fence construction shall require a final inspection by SRIA staff.

(Ord. No 2016-21, §, 1, 5-5-2016)

Sec. 5-9.5 Corridor Preservation.

(a) Standard Right-of-way. Within any Project Development and Environmental Impact study for a capacity improvement project, standard right- of-way shall be considered as follows:

Major Collectors	80’
Major Arterials	125’
Beltways	300’

(b) Setback Regulation. Escambia County shall, through zoning district provisions in the CPA 2007-02D Transportation Corridor Preservation Ordinance, apply setbacks that will aid in the protection of existing and future rights-of-way, including transportation corridors, from building encroachments.

(c) Density and Intensity Regulation. Escambia County shall regulate density and intensity within the existing or designated transportation corridor areas that may interfere with right-of-way needs.

(d) Right-of-way Set Aside. Escambia County may require the set aside of right-of-way necessary to comply with programmed roadway widening or, as necessary, for proposed transportation corridors.

(e) Scenic Roadway Designation. Because of the unique scenic character and related historic and tourist significance, Scenic Highway (SR-10A) and Perdido Key Drive(SR 292)are designated “scenic roadways.”Parcels adjacent to these rights-of-way shall be the subject of specific sign controls in the CPA 2007-02D Transportation Corridor Preservation Ordinance.

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Chapter 6
DEFINITIONS

Sec. 6-0.1 Purpose of chapter.
Sec. 6-0.2 Definitions established.
Sec. 6-0.3 Terms defined.

Sec. 6-0.1 Purpose of chapter.

This chapter establishes the definitions of selected terms used within the Land Development Code (LDC) necessary for the intended and consistent application of its provisions to all land uses and development activities within Escambia County. The definitions correspond to those of related regulations where possible, but they are established only for the purposes of the LDC and are not necessarily the same as definitions established for the purposes of building codes, state licensing, or other regulations.

Sec. 6-0.2 Definitions established.

(a) Generally. The definitions of terms established within the LDC are typically in general use for the practice of growth management, land use planning, zoning, engineering, environmental science, and related professional practices. Sources for these definitions include Florida Statutes, Florida Administrative Code, the Escambia County Comprehensive Plan, publications of the American Planning Association, and model ordinances.

Once defined in the LDC a term's use shall be consistent with that definition throughout the code. Terms not defined in the LDC, or not having acquired a meaning by other applicable regulatory definition or judicial construction, shall be understood according to their usual, ordinary, and customary meanings.

(b) Amending definitions. The addition, modification, or deletion of definitions within the LDC shall be according to the text amendment process prescribed in Chapter 2 and the following guidelines:

(1) When to define. A term intended to be understood according to its usual, ordinary, and customary meaning needs no further definition within the LDC.

(2) Where to define. A term used once or only in one section of the LDC should be defined in context where used, but if used in several sections or throughout the LDC it should be defined within this chapter.

(3) Different meanings. The definition of a term should include all intended meanings and distinguish them as needed with such phrases as "for the purposes of . . ," and "as used in this section . . ."

(4) No regulation. A definition should only explain the meaning of a term. Regulations regarding the term are established separately within the LDC.

Sec. 6-0.3 Terms defined.

As used within the LDC, the following terms have the meanings established here:

- A -

Abandoned sign. 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.

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.

Any previously permitted portable or temporary sign for which the permit has expired.

Accessory structure. A building or other structure that is subordinate in extent and purpose and customarily incidental to the principal structure on the same lot, and is typically detached from it.

***Accessory dwelling unit*.** A dwelling unit that is an accessory structure to a single-family dwelling.

Accessory use. A use of land or structure that is subordinate in extent and purpose, and is customarily incidental to the principal use on the same lot. The term “accessory use” includes support services and functions for employees, customers, tenants and visitors customarily associated with the principal use.

Act of God. An act caused by the direct, immediate, and exclusive operation of the forces of nature, uncontrolled and uninfluenced by the power of man, without human intervention, and of a character that it could not have been prevented or escaped from by any amount of foresight or reasonable degree of care or diligence.

Addition. As applicable to building construction, any walled and roofed expansion of a building that increases the existing building height, length, width, floor area, or site coverage. 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 and not an addition.

Adult day care center. A state licensed facility, whether operated for profit or not, which provides basic services for part of a day to three or more persons who are 18 years of age or older, who are not related to the facility owner or operator, and who require such services. As used here, basic services include providing a protective setting that is as non-institutional as possible, therapeutic programs of social and health activities and services, leisure activities, self-care training, rest, nutritional services, and respite care.

Adult entertainment establishment. An adult theater, adult bookstore, adult performance establishment, or other adult use or activity as defined in the *Adult Entertainment Code* of Chapter 18, *Businesses*, Part I, Escambia County Code of Ordinances.

***Adult family-care home*.** A state licensed, full-time, family-type living arrangement in a private home under which a person who owns or rents the home provides room, board, and personal care on a 24-hour basis for no more than five disabled adults or frail elders who are not relatives. An adult family-care home is a form of household living.

Affordable housing. Housing with monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, that do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income established by the state for extremely-low-income, very-low-income, low-income, and moderate-income households as applicable.

Agent. A person authorized by contract or other valid authority to act for and under the direction of another person, the agent's principal, when dealing with third parties, and who can enter into binding agreements on the principal's behalf.

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

Agricultural processing, major. Activities involving a variety of processing operations on crops after harvest, or on livestock, which typically generate dust, noise, odors, pollutants, or visual impacts that can adversely affect adjacent properties. Such activities include feedlots, slaughterhouses, rendering plants, large-scale mills, refineries, canneries, and milk processing plants.

***Agricultural processing, minor*.** Activities involving a variety of processing operations on crops after harvest to prepare them for market, or for further processing or packaging out of the agricultural area, and which cannot be characterized as major agricultural processing. Such activities include cleaning, sorting, drying, roasting, hulling, shelling, baling, custom milling, cotton ginning, packing and storing.

Agriculture or agricultural use. The active production of plants, animals or their products through cultivation of soil, growing and harvesting of crops, or raising of livestock. Agricultural crops include grains, legumes, oil seeds, roots and tubers, fibers, fruits, nuts, vegetables and forages. Agricultural livestock includes dairy and beef cattle, sheep, goats, pigs, poultry and horses. The terms "agriculture" or "agricultural use" also include bees and apiary products, plant nursery and greenhouse products, the breeding of animals, the storage of harvested products, and land devoted to soil conservation. However, the terms do not include agricultural processing or packaging, waste composting, silviculture or timber harvesting, aquiculture, or farm worker housing.

Airfield. Any area of land or water that is designed and set aside for the landing and taking off of military aircraft.

Airport. Any area of land or water that is designed and set aside for the landing and taking off of civilian aircraft.

Airport or airfield hazard. Any structure, object of natural growth, or use of land which would exceed federal obstruction standards, which obstructs the airspace required for

the flight of aircraft in taking off, maneuvering, or landing, and for which no person has previously obtained a permit or variance according to Florida Statutes.

Alcoholic beverage. Any liquor, beer, wine, or other distilled spirits or beverages containing one-half of one percent or more alcohol by volume.

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

All-weather surface. A hard driving surface (e.g., asphalt, concrete, compacted gravel or shell) designed and constructed to ensure adequate runoff of stormwater under normal rainfall conditions and capable of withstanding normal weather conditions during ordinary use without substantial deterioration.

Alteration. For the purpose of regulating structures, any change or modification that would result in a change in height or lateral dimensions of an existing structure, including cosmetic improvements, repairs, remodeling, and structural support changes.

Amusement, commercial. Any facility that is maintained or operated for the provision of amusement, entertainment or recreation to the general public for a fee. Indoor amusements include pinball machines, video games, and other games of skill or scoring such as billiards. Outdoor amusements include miniature golf, automobile race tracks, waterslides and amusement rides.

Amusement arcade. A business establishment open to the public and offering games, rides, shows, or similar facilities and devices, typically operated by coin or token, for entertainment or amusement purposes only. Such facilities and devices do not include bingo games, gambling devices, or any devices prohibited by law.

Animal grooming service. A business providing bathing, clipping, combing or similar grooming services to enhance the appearance or health of domestic animals, but not including any overnight boarding of animals.

Animal shelter. A facility used to house or board stray, homeless, abandoned or unwanted animals and that is operated by a public agency or a recognized non-profit organization devoted to the welfare, protection, and humane treatment of animals.

Applicant. Any person, including the person's agent, who submits an application to the county requesting development approval or other consideration according to any of the compliance review processes prescribed by the LDC.

Aquaculture. *The* growing and harvesting of freshwater and saltwater populations of aquatic organisms such as fish, crustaceans, mollusks, and aquatic plants under controlled conditions.

Aquifer. A groundwater bearing geologic formation that contains enough saturated permeable material to yield significant quantities of water.

Arcade amusement center. A place of business operating as an arcade amusement center in compliance with Florida Statutes and any county ordinances that define or regulate such businesses.

Area of special flood hazard. The land within a floodplain subject to a one percent or greater chance of flooding in any given year (the base flood), designated on the community's Flood Insurance Rate Map (FIRM) as zone A, AE, AO, AH, V, or VE.

Assisted living facility. Any state licensed private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which provides 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 used here, personal services means direct physical assistance with or supervision of the activities of daily living, the self-administration of medication and other services which the state may define, but not the provision of medical, nursing, dental, or mental health services. An assisted living facility may be either household living or group living, according to the type of facility and form of residential occupancy and may also be known as personal care or residential care.

Automobile rental. The renting or leasing of passenger cars, vans, or light trucks (gross vehicle weight rating no more than 8500 lbs), without drivers, for purposes of routine conveyance of passengers, generally for short periods of time. Rental facilities may include incidental storage or parking, and washing and servicing of vehicles for rent or lease.

Automobile sales. The use of any building or land for the display and sale of new or used passenger cars, vans, or light trucks (gross vehicle weight rating no more than 8500 lbs). Sales facilities may include vehicle preparation, repair work, rental, or leasing conducted as an accessory use.

Avigation easement**.** An easement that gives a clear property right to maintain aircraft flight operations in the airspace above the property.

Awning. A roof-like structure that projects from the wall of a building, cantilevered or otherwise entirely supported from the building, and composed of a lightweight rigid or retractable skeleton over which a cover is attached, typically to protect a doorway or window from the elements.

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.

- B -

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.

Bar. An establishment or part of an establishment whose primary activity is the sale or dispensing of alcoholic beverages by the drink to be consumed on the premises, but where food or packaged liquors may also be sold or served. Bars may include the on-premises production of alcoholic beverages and their distribution for off-site sales. The term “bar” includes tavern, cocktail lounge, nightclub, and bottle club.

Base flood. A flood having a one-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the 100-year flood, the one-percent annual chance flood, or the regulatory 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).

Batch plant. An industrial facility which produces or processes asphalt or concrete, or asphalt or concrete products, for use in construction. Batch plants include facilities and areas for the stockpiling of bulk materials used in production, or of finished products, but not the retail sale of those products.

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 “beach” is limited to gulf, bay, sound, and 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 transient public lodging establishment, which provides accommodations and only morning meal service to overnight guests, which is typically the residence of the owner, and which is recognized as a bed and breakfast inn by the hospitality industry.

Billboard. See "Off-premises sign."

Bingo facility. A facility where participants engage in lawful games of bingo in compliance with Florida Statutes and any county ordinances that define or regulate such games and facilities.

Board of Adjustment (BOA). The administrative board appointed by the Board of County Commissioners to conduct quasi-judicial public hearings for LDC compliance review of applications asserting special conditions or circumstances as prescribed in the LDC; to make findings based on the evidence presented at those hearings; and to approve, approve with conditions, or deny the applications.

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

Boarding house or rooming house. A public lodging establishment which provides rooms to guests by prearrangement for definite periods, but not open to overnight guests and not considered any other type of public lodging defined by the LDC. A boarding house provides meals and rooms, as distinguished from a rooming house that provides only rooms.

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

Bond. Any form of security, such as a cash deposit, surety bond, or instrument of credit, in an amount and form satisfactory to the Board of County Commissioners.

Borrow pit. A site or parcel of property where soils, clays, gravel or other natural deposits on or in the earth are removed, or have been removed, for use by the property owner or another entity, typically with no processing except for screening to remove debris. A borrow pit may also be referred to as a mining site or a mineral or resource excavation or extraction site.

***Brewpub*.** A restaurant that brews beer primarily for sale and consumption on-site at the restaurant as a secondary use. A brewpub may also sell beer "to go" or sell to a distributor or off-site accounts for off-site sales.

Bridge. A structure, including supports, erected over a depression or an obstruction such as water or a highway or railway; having a track or roadway for carrying traffic or other moving loads; and having an opening, measured along the center of the roadway, of more than 20 feet between under copings of abutments, spring lines of arches, or extreme ends of openings of multiple boxes or pipes (culverts) where the clear distance between contiguous openings is less than half of the interior width or diameter of the smallest of such contiguous openings.

Broadcast station. A facility for over-the-air, cable, or satellite transmission of radio or television programs to the public and which may include studios, offices, and related broadcast equipment.

Buffer. A designated area with natural or manmade features functioning to minimize or eliminate adverse impacts on adjoining land uses, including environmentally sensitive lands.

Buildable area. The portion of a lot, exclusive of required yards, setbacks, buffers, open space, or other regulatory limits, within which a structure may be placed.

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

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

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

Building Official. The representative of the county appointed by the Board of County Commissioners to administer applicable building codes.

Building permit. A document issued by the Building Official authorizing the erection, construction, reconstruction, restoration, alteration, repair, conversion, or maintenance of any building or other structure in compliance with applicable building codes.

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

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.

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

Business. Any commercial endeavor engaged in the production, purchase, sale, lease, or exchange of goods, wares, or merchandise or the provisions of services.

Business day. Any calendar day, not including Saturdays, Sundays, or legal holidays observed by the county, on which the offices of Escambia County are open for regular business. A business day may also be referred to as a work day or working day.

- C -

***Caliper*.** A standard measure of tree trunk diameter in inches applicable only to newly planted trees and nursery stock. Trunk caliper is measured six inches above the ground on trees four inches in diameter and smaller, and 12 inches from the ground for larger trees. See "*Diameter at breast height (DBH)"* for the appropriate measure of established trees.

Campground. A place where one or more tents, cabins, or other structures, recreational vehicles, or any other accommodations are established, operated, used or offered as temporary living quarters or sites for resident members of the public for more than 14 days in any calendar year. See also "*Recreational vehicle park*."

Canopy. A fixed roof-like structure typically constructed to provide protection from the elements, but not retractable like an awning, and which may be cantilevered from a building, partially self-supporting, or completely freestanding. A treecanopy is the structure of branches and leaves that spread out at the top of a tree to form a cover that intercepts sunlight and rainfall.

Capital improvement. Physical assets constructed or purchased to provide, improve, or replace a public facility and which are typically large scale and high in cost. The costs are generally nonrecurring and may require multiyear financing. Physical assets that have been identified within the Comprehensive Plan as existing or projected needs shall be considered capital improvements.

Capital improvement program or plan. A proposed schedule of future capital improvement projects listed in order of construction priority, together with cost estimates and anticipated means of financing for each project where appropriate, promulgated by local, regional, state, or federal agencies with operational or maintenance responsibilities within Escambia County.

Caretaker residence. A dwelling unit located on the premises of and accessory to a non-residential principal use, and occupied as a residence by a caretaker or security guard employed on the premises. The residence may be within a building housing the non-residential use or separate from it.

Carnival-type amusement. One or more devices or elements which carry, convey, or direct passengers along, around, over, or through a fixed or restricted course or in a defined area for the primary purpose of giving the passengers amusement or entertainment. The term "carnival-type amusement" includes carousels, bumper cars, go-carts, roller coasters, and Ferris wheels; and water slides and inflatable attractions exceeding 15 feet in height. The term does not include unpowered playground equipment.

Carport. An accessory structure providing limited protection from the elements for motor vehicles, boats, recreational vehicles, etc. The structure can be either

freestanding or attached to the principal structure as allowed by applicable building codes.

Cemetery. A place dedicated to and used or intended to be used for the permanent interment of human remains or cremated remains. A cemetery may contain earth interment; mausoleum, vault, or crypt interment; a columbarium, scattering garden, or other structure or place used or intended to be used for the interment or disposition of cremated remains; or any combination of such structures or places. The term "cemetery" includes incidental management and maintenance facilities, but does not include funeral establishments or cinerators.

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.

Certificate of Concurrency. A formal certification by the county that a development plan complies with all level of service standards for the provision of adequate public facilities concurrent with the proposed demands on those facilities.

Certification. A written statement by an agency or individual which provides reasonable assurance of the existence of some fact or circumstance, but is not a warranty or guarantee of performance, expressed or implied.

Certification, as built. Certification that post-construction conditions as of the date of certification conform to the approved plans, and that the "as built" documents convey all revisions and represent the actual construction site conditions.

Change of use. Any use of a structure or land that substantially differs from the previous use, regardless of any change of ownership or tenancy.

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.

Child care facility. Any state licensed child care center or child care arrangement which provides child care for more than five children unrelated to the facility operator and which receives a payment, fee, or grant for any of the children receiving care, whether operated for profit or not. As used here, child care means the care, protection, and supervision of a child for a period of less than 24 hours a day on a regular basis which supplements parental care, enrichment, and health supervision for the child. Child care facilities do not include summer camps, Bible schools conducted during vacation periods, and transient public lodging establishments providing child care services solely for their guests, and generally do not include public or nonpublic schools or their integral programs.

Cinerator. A facility where human remains are subjected to cremation. As used here, cremation means any mechanical or thermal process whereby such remains are reduced to ashes and bone fragments. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, recremated, or otherwise further reduced in size or quantity.

Club, civic or fraternal. A facility owned or operated by a group for social, cultural, religious, educational, or recreational purposes, and to which membership is required for participation, but not primarily operated for profit or to provide a service customarily provided by a business.

Clustering. The grouping of dwellings within a development, primarily to reduce its adverse impacts on the land and preserve additional open space.

Coastal construction control line (CCCL). The line established by the State of Florida according to Florida Statutes, and recorded in the official records of Escambia County, 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 (CHHA). 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. For the specific purposes of floodplain management, a coastal high-hazard area is 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. Such coastal high-hazard areas may also be referred to as velocity zones or high hazard areas subject to high velocity wave action and are designated on the Flood Insurance Rate Maps (FIRM) as flood zones V or VE.

Columbarium. A building or other structure that is substantially exposed above the ground and intended to be used for the inurnment of cremated remains.

Commercial use. Any non-residential use or activity that is typically carried out for the purpose of monetary gain, including any business use or activity at a scale greater than a home occupation. As a land use category, the term “commercial use” refers to land dedicated to non-industrial business uses, including retail sales, office, service, and entertainment facilities.

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

Community Redevelopment Area (CRA) Gateway Sign**.** A sign located within the right-of-way providing the name, location, and direction of the CRA.

Community residential home. A dwelling unit licensed by the state to serve elderly, disabled, juvenile or other state approved clients and which provides a living environment for seven to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents. A community residential home is a form of household living

Community service facility**.** A public or nonprofit facility generally open to the public for assembly and participation in community activities. Community service facilities include auditoriums, libraries, museums, senior centers, union halls and neighborhood centers, but do not include places of worship, for-profit clubs, sports complexes, parks, or offices other than those on-site for administration of the facility.

Compatible. A condition in which land uses, activities or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use, activity, or condition is unduly negatively impacted directly or indirectly by another use, activity, or condition.

Comprehensive Plan. The Comprehensive Plan of Escambia County (Part II, Escambia County Code of Ordinances) prepared by the local planning agency and adopted by the Board of County Commissioners according to Florida Statutes, and any subsequent amendments to that plan.

Concurrency. The condition or circumstance that, at the time new demands are placed on public facilities, facility capacities will meet or exceed the adopted level of service (LOS) standards.

Conditional Use. A use that, because of its special requirements or characteristics, may be allowed in a particular zoning district on a specific site only after the Board of Adjustment confirms compliance with all conditions prescribed by the LDC as necessary to ensure compatibility with surrounding existing or permitted uses.

Condominium. A form of ownership of real property, created according to Florida Statutes, 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.

Condo-hotel or condotel. A hotel or motel under a condominium form of ownership, containing only individual lodging units permanently and wholly dedicated to full-time public rental for transient occupancy, and permanently dedicated in its entirety, including all common elements, to the complete control, management, and operation of a single person or corporation. Such management may, however, permit the owner of an individual unit to occupy the unit without rental charge for limited periods within a calendar year.

Conforming use. Any use of land or structures that complies with all applicable 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, the term “construction” 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. Discarded materials regulated by the state as construction and demolition debris, generally considered to be nonhazardous and not water-soluble in nature, including steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum wallboard, and lumber from the construction or destruction of a structure; and rocks, soils, trees, and other vegetative matter that normally results from land clearing or land development operations. The term “construction and demolition debris” does not apply to any mixture of construction and demolition debris with other types of solid waste.

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.

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

Corner lots. A lot which abuts two or more streets at their point of intersection. 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 setback on any street.

Correctional facility. A public or privately operated facility for the detention or confinement of persons arrested or convicted for the violation of civil or criminal law. Correctional facilities include adult and juvenile detention centers, jails, and prisons.

Country club. A facility primarily for social and outdoor recreation purposes, usually restricted to members and their guests, and which typically includes a clubhouse, dining facilities, pro shop, locker rooms, and recreational facilities such as a golf course, swimming pool, and tennis courts.

County. Escambia County, Florida, excluding those areas within the county that are incorporated as the City of Pensacola or Town of Century, unless the context clearly indicates otherwise.

County Attorney. An attorney licensed to practice law in the State of Florida and appointed by the Board of County Commissioners to serve as the attorney for Escambia County.

Cul-de-sac. A local street with one end open to traffic and the other end terminated by a vehicular turnaround. For the purposes of determining required minimum lot width, the term “cul-de-sac” refers only to the vehicular turnaround at the closed end of the street.

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Day care. The provision of care, protection, and supervision for children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the day care facility may be open 24 hours each day. See "Adult day care center" and "Child care facility.”

dBA. The unit of filtered or corrected noise level measured in accordance with the a weighted scale to more closely replicate the sound frequency response of the human ear and measuring approximately the relative "noisiness" or "annoyance" of common sounds.

Decibel (dB). A standard unit for measuring the relative loudness of sound, or sound pressure, and approximately equal to the smallest degree of difference of that loudness or pressure ordinarily detectable by the human ear.

De minimis. A level of risk that is too small to be concerned with, or a difference that is too small to matter or be taken into consideration. For the purposes of services provided by public facilities having established level of service (LOS) standards, the term “*de minimis*” refers to a negligible or insignificant demand by a use on a level of service that generally allows the use to be considered concurrent for that facility.

Density. An objective measure of development used to quantify population per unit of land, such as people, dwelling units, or lodging units per acre. The term “density” refers to units per gross acre unless other measures or units are clearly indicated.

Developer. An applicant, builder, contractor, landowner, subdivider, or other person who undertakes development activities regulated by the LDC.

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 (subdivision). The term “development” does not involve the use of land for bona fide agricultural or silvicultural purposes, including growing crops, trees, and other agricultural or forestry products, or raising livestock. Other specific activities or uses involving or excluded from development are defined in Florida Statutes (Ch. 380). For the purposes of floodplain management, development means any man-made change to improved or unimproved real estate, including 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.

Development agreement. An agreement between a developer and the county for development approval or any other purpose according to Florida Statutes, the Comprehensive Plan, and the LDC, and in a form approved by the county.

Development approval. Written authorization from the county permitting development subsequent to a demonstration of compliance with the provisions of the LDC and the Comprehensive Plan by the applicant for development approval.

Development, multi-family**.** Development in which any combination of single-family, two-family, or multi-family dwellings provide three or more dwelling units on a single lot.

Development, single-family**.** Development in which only one single-family dwelling is allowed per lot, attached or detached, except where an accessory dwelling unit is allowed with the principal single-family dwelling.

Development, two-family**.** Development in which only two single-family dwellings or one two-family dwelling is allowed per lot.

Development order. Any order granting, denying, or granting with conditions an application for a building permit, site development, subdivision, rezoning, certification, variance, conditional use, or any other official action of the county having the effect of permitting the development of land.

Development parcel. A lot of record, or a conforming lot verified according to the lot conformance verification process of the LDC, or a lot created in compliance with the family conveyance provisions of the LDC, or any number of such lots, contiguous and in single ownership or under unified control for the purposes of development.

Diameter at breast height (DBH). A standard measure of tree trunk diameter in inches applicable to established trees and measured four and one-half feet above the surface of the ground at the base of the tree. For trees that lean, grow on slopes, fork at or below DBH height, are multi-trunked, or present other difficulties in measurement, DBH

shall be determined according to International Society of Arboriculture (ISA) standards. See "*Caliper"* for the appropriate measure of newly planted and nursery stock trees.

Dispensing organization. An organization approved by the State to cultivate, process, transport and dispense low-THC cannabis.

Direct disposition. The cremation of human remains without preparation of the remains by embalming and without any attendant services or rites such as funeral or graveside services or the making of arrangements for such final disposition.

Directional sign. See "Informational sign."

Disposal facility. A site where solid waste or debris is disposed of, whether by sanitary landfilling, incineration, treatment, recovery, or recycling, and as further defined by waste type in Chapter 82, *Solid Waste*, Part I, Escambia County Code of Ordinances.

Dock. A fixed or floating structure waterward of the mean high water line and used for water access or securing vessels. A dock may also be referred to as a wharf or pier and include moorings and boatlifts.

Dormitory. A residential building, but not a dwelling, used as group living quarters, typically with shared kitchen and bathroom facilities, for a student body or religious order and accessory to a college, university, boarding school, convent, monastery, or similar institutional use.

Drive-in or drive-through service. A form of customer service that by design, physical facilities, or operations of the providing establishment encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles. Such service may be in conjunction with or exclusive of any other form of service.

Drugstore. A retail establishment that primarily sells prescription and nonprescription drugs, medicines, and medical devices and supplies, but which may also sell nonmedical products such as cards, candy, and cosmetics.

Dry cleaner. A facility primarily for cleaning fabrics, textiles, wearing apparel, or other articles by immersion or agitation in volatile organic solvents.

Dune. A mound or ridge of loose sediments such as quartz sand, deposited by natural or artificial mechanisms on Santa Rosa Island or Perdido Key, and typically vegetated. The term "dune" does not include temporary stockpiles of materials.

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. A two-family dwelling.

Dwelling**.** A building that contains one or more dwelling units and may be characterized as one of the following:

Detached dwelling. A dwelling that does not have any roof, wall, or floor in common with, or is attached by any other means to, another dwelling.

Multi-family dwelling. A building that contains three or more dwelling units in any arrangement, including triplex and quadruplex building forms and apartment and condominium forms of tenancy and ownership.

Single-family dwelling. A building that exclusively contains one dwelling unit, in either detached or attached building form.

Single-family attached dwelling. A single-family dwelling that is attached to one or more other single-family dwellings by common vertical walls without openings, with property lines separating each unit, and with each unit extending from foundation to roof, having its own direct access to the outside, and having yards on at least two sides.

Single-family detached dwelling. A single-family dwelling that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Two-family dwelling (duplex). A building that exclusively contains two dwelling units in any arrangement.

Dwelling unit. One or more rooms used as a single unit within a building to provide complete independent living facilities for the exclusive use of a single household, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

- E -

Easement. A limited right to use the land of another for a specific purpose, typically granted to the benefit of adjoining landowners for public or private access, utilities, drainage, or similar use over an area of land whose title remains in the name of the landowner, subject to the designated right of use.

Educational facility. A public or private institution that provides academic instruction, from basic education to specialized study and training. Educational facilities include preschools and kindergartens, primary and secondary schools, colleges and universities, and trade and vocational schools.

Electronic message center sign. 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.

Elevation. A vertical distance above or below mean sea level (MSL) or other fixed reference level. For the purposes of building form, an elevation is a view of a building seen from one side, typically represented through a scaled drawing of the front, rear, or side facade and used to describe the external appearance of the building, including such features as windows, doors, and relationship of floor level to grade.

Emergency service. A service for the emergency protection of public health, safety, or general welfare, and the restoration of safe conditions, including law enforcement, fire fighting, medical assistance and transport, search and rescue, and hazardous material cleanup.

Emerald Coast Utilities Authority (ECUA). The independent special district created in the Laws of Florida for the purpose of operating and maintaining utilities within Escambia County and adjacent areas.

Encroachment. Any obstruction or intrusion beyond the plane of a property line, setback, right-of-way, height limit or other vertical or horizontal regulatory limit. For the purposes of floodplain management, an encroachment is 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.

Entertainment. Leisure time activity, indoor or outdoor, that is predominantly spectator oriented and typically provided on a regular schedule, such as the forms of activity provided by theatres, concert halls, nightclubs, sports stadiums, vehicle race tracks, and amusement parks.

Environmentally sensitive lands. Those areas of land or water determined by the Board of County Commissioners to be necessary to conserve or protect natural habitats and ecological systems. Those areas are specifically enumerated within the natural resources provisions of Chapter 4.

Erosion. The process by which rainfall, wind and water dislodges soil particles.

Escrow. A surety posted with the county or an escrow agent to secure the promise to perform required improvements.

Estuarine system. A semi-enclosed coastal body of water in which saltwater is naturally diluted by freshwater, including bays, mouths of rivers, salt marshes, lagoons, and sounds.

Exotic animal. Any member of a species of animal, reptile or bird, warm or cold blooded, that is not indigenous to the county or is not classified or considered as wildlife or a farm animal, including camels, emus, llamas, ostriches, and mink.

- F -

Facade sign. See "Wall sign."

Family day care home. A state licensed occupied residence 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 operated for profit or not. See “Child care facility.”

Family foster home. A state licensed private residence in which children who are unattended by a parent or legal guardian are provided 24-hour care. Family foster homes include emergency shelter family homes and specialized foster homes for children with special needs.

Farm animal. An animal that customarily is raised or kept in an agricultural rather than an urban environment and has the potential for causing a nuisance if not properly maintained, including poultry, dairy and beef cattle, bison, goats, horses, sheep, and swine.

***Farm equipment and supply store*.** A establishment selling, renting, or repairing agricultural machinery, equipment, and supplies for use in soil preparation and maintenance, the planting and harvesting of crops, and other operations and processes pertaining to farming and ranching.

Fence. A physical barrier constructed as a boundary for separation, confinement, protection, screening, access control, or similar purposes, but not including hedges, shrubs, or other natural growth.

Flashing sign. A sign exhibiting sudden or marked changes in lighting intensity lasting in duration for periods of less than five seconds

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 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.

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

***Florida Building Code*.** The family of codes adopted by the Florida Building Commission, applicable to all construction in Escambia County, and including the Building, Residential, Existing Building, Energy Conservation, Fuel Gas, Mechanical, Plumbing, Test Protocols, and Accessibility codes.

Footprint. The building area defined as the maximum combined area occupied by all principal and accessory buildings, including elevated above grade parking facilities, taken on a horizontal plane at the mean grade level, plus the outermost projections of any story or floor, but not including uncovered entrance platforms, terraces, steps or uncovered ground level parking lots.

Fraternity or sorority house. A residential building, but not a dwelling, used as the group living quarters of an officially recognized college, university or seminary fraternity or sorority and containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for members of the fraternity or sorority, and their guests or visitors.

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.

Funeral establishment. A state licensed facility where a funeral director or embalmer practices funeral directing or embalming. The facility may include a chapel for the conduct of funeral services and space for the display of caskets, urns, and related funeral supplies, but the term “funeral establishment” does not include cinerators or places for the permanent interment of human remains or cremated remains.

- G -

Garage. . A structure or part of a structure used or designed to be used for the parking and storage of vehicles, and limited to non-commercial use if a private garage.

Golf course. A facility providing a course with at least nine holes improved with tees, greens, fairways, and hazards for playing a game of golf. A golf course may include a club house, driving range, pro shop, restaurant, lounge, shelters, and similar customary and accessory uses to the play of golf.

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.

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

Grading. The act of changing the grade of land.

Greenbelt. An open area that may be cultivated or maintained in a natural state surrounding development or used as a buffer between land uses or to mark the edge of an urban or developed area.

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

Gross floor area (GFA). The sum of all horizontal areas of all enclosed floors of a building measured from the exterior face of exterior walls, or from the centerline of a common wall separating two buildings, including basement and attic floors, mezzanines, hallways, closets, stairwells, space devoted to mechanical equipment, and enclosed porches. Gross floor area excludes interior parking spaces and any space with a floor-to-ceiling height less than six feet.

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.

Groundwater. Water that fills all the unblocked voids of material below the ground surface to an upper limit of saturation, or water which is held in the unsaturated zone by capillarity.

Group home. A state licensed residential facility which provides a family living environment for at least four, but not more than 15 residents, including supervision and personal care necessary to meet the physical, emotional, and social needs of the residents.

Group living. Residential occupancy of a building other than a dwelling by a non-household group, with individual tenancy usually arranged on a monthly or longer basis.

Group living includes group occupancy of dormitories, fraternity or sorority houses, and facilities that provide special services, treatment, or supervision such as nursing homes, assisted living facilities, and residential substance abuse treatment and hospice facilities. Group living does not include any household living arrangement, any occupancy of a dwelling, or any public lodging.

Grubbing. The removal of vegetation by methods such as digging, raking, dragging or otherwise disturbing the roots of the understory vegetation.

- H -

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

Hardware store. A retail establishment primarily selling basic hardware lines, such as tools, fasteners, plumbing and electrical supplies, paint, housewares, household appliances, and garden supplies.

Hazardous material. A poison, corrosive agent, flammable substance, explosive, radioactive chemical, or any other material that can endanger human or animal health or well-being if handled improperly.

Hazardous waste. Solid waste, or a combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. The term “hazardous waste” does not include human remains that are disposed of by persons licensed under Florida Statutes.

Height. The overall vertical dimension of a structure or object as measured from the highest adjacent grade, unless an alternative reference surface or elevation is specifically prescribed by the LDC, such as base flood elevation plus freeboard, airport or airfield elevation, or mean high water to mean roof height or top of structure.

Height, Mean Roof. 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).

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/cultural resource. Any prehistoric or historic district, site, building, object, or other real or personal property of historical, architectural, or archaeological value, and folk life resources. These properties or resources may include monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned ships, engineering works, treasure trove, artifacts, or other objects with intrinsic historical or archaeological value, or any part thereof, relating to the history, government, and culture of the state.

Historic building or structure. A building or other structure that is any of the following: Individually listed in the National Register of Historic Places maintained by the U.S. Department of the Interior.

1. A contributing property in a National Register of Historic Places listed district.
2. Designated as historic property under an official municipal, county, special district, or state designation, law, ordinance or resolution either individually or as a contributing property in a district.
3. Determined eligible by the Florida State Historic Preservation Officer for listing in the National Register of Historic places, either individually or as a contributing property in a district.

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

***Home-based business*.** An activity carried out for the purpose of monetary gain by one or more residents of a single-family dwelling and conducted as an accessory use within the dwelling or its accessory structures at a greater scale or intensity than a home occupation according to the requirements of the LDC for such uses.

***Homeless shelter*.** A non-residential facility providing temporary housing and assistance on a nonprofit basis to indigent, needy, homeless, or transient persons. Assistance provided may include food, counseling, vocational training, and religious instruction.

Home occupation. An activity carried out for the purpose of monetary gain by one or more residents of a dwelling unit and conducted as an accessory use within the dwelling unit or its accessory structures according to the requirements of the LDC for such uses.

***Hospice facility*.** A state licensed facility operated by a hospice to provide a continuum of palliative and supportive care for terminally ill patients. Hospice facilities do not include long term care facilities, hospitals or other facilities licensed under other state statutes.

Hospital. An establishment that offers services more intensive than those required for room, board, personal services, and general nursing care; offers facilities and beds for use beyond 24 hours by individuals requiring diagnosis, treatment, or care for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy; and regularly makes available at least clinical laboratory services, diagnostic X-ray services, and treatment facilities for medical treatment as required by the state. The term “hospital” excludes medical clinics that only provide diagnostic and outpatient care.

Hotel. A public lodging establishment which contains sleeping room accommodations for 25 or more guests, has an interior lobby with specified hours of operation, offers daily or weekly rates, provides primary access to units from the building interior, provides customary lodging services such as daily room cleaning and linen changes, and is recognized by the hospitality industry as a hotel. Full service hotels may provide meeting rooms, restaurants and lounges, entertainment, personal services, swimming pools, retail shops, and other facilities and services incidental and subordinate to the principal public lodging use. Resort hotels catering to the tourist and vacation industry often provide a wider variety of recreational amenities. Extended stay hotels catering to

guests who need lodging for at least five nights offer more apartment-like accommodations and amenities.

Household. One or more individuals occupying a dwelling unit as a single housekeeping unit, with common access to and use of all areas for living, sleeping, eating, cooking and sanitation within the unit. A household does not include any society, club, fraternity, sorority, team, or similar association of individuals; or individuals in a group living arrangement; or any occupancy other than of a dwelling unit.

Household living. Residential occupancy of a dwelling unit by a household on a monthly or longer basis. Household living includes household occupancy of all forms of dwellings and households that provide special services, treatment, or supervision such as community residential homes, family foster homes, and adult family-care homes. Household living does not include any group living arrangement, any occupancy other than of a dwelling unit, or any public lodging.

Hunting club. An area of land reserved for public or private hunting of wildlife and accessory structures in support of those activities.

Hunting preserve. An area of land where captive-raised native and non-native game animals are released and hunted as authorized by state regulations.

(Ord. No. 2015-44, § 5, 10-8-2015)

- I -

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.

Impervious surface. Any surface that does not allow or only minimally allows the infiltration of water. Such highly impermeable surfaces include structure roofs, regular concrete and asphaltic pavements, and other surfaces for which runoff coefficients no less than 0.90 are typically used for stormwater management calculations.

Impervious surface ratio. An objective measure of the intensity of land use determined by dividing the total area of all impervious surfaces covering a lot by the total area of the lot.

Improvement. Any manmade permanent item, fixture, or facility that becomes part of, is placed upon, or is affixed to real property, including structures, street and alley pavements, curbs and gutters, walkway pavements, water supply mains, sanitary sewers, storm sewers or drains, permanent signs, landscaping, and permanent reference monuments and control points.

Industrial-related activity. An activity in support of or accessory to industry.

Industry or industrial use. A use in which the primary activity is the manufacture of materials or products, including their fabrication, assembly, rebuilding, treatment, processing, finishing, extraction, reduction, and bulk storage. Industry or industrial use may be further characterized as either of the following:

Heavy industry. An industry primarily engaged in the basic processing of materials or products predominantly from extracted or raw materials, or an industry otherwise having significant external effects or risks due to its scale of operations, processes or materials involved, or outdoor activity or storage required. Heavy industry includes salvage yards, solid waste transfer facilities, materials recovery facilities, recovered materials processing facilities, recycling facilities, resource recovery facilities, volume reduction plants, landfills, concrete and asphalt batch plants, mineral extraction, paper mills, power plants, chemical plants, refineries, slaughter houses, rendering plants, etc.

Light industry. An industry primarily engaged in the indoor fabrication, compounding, processing, assembly, or treatment of finished or semi-finished products from previously prepared materials or components in a manner which is unlikely to cause undesirable effects outside of the building enclosing the industrial activity. Light industry includes research and development activities, printing and binding, warehousing, and the manufacture of electrical appliances and electronic equipment, apparel, food products, beverages, tools and hardware, furniture, pharmaceuticals, etc.

Infill development. The development of new housing or other land uses on vacant or underutilized land in existing developed areas, focusing on the reuse and renovation of obsolete or underutilized buildings and sites.

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.

Infrastructure. Facilities and services needed to sustain land use activities, including streets, potable water service, wastewater service, solid waste facilities, stormwater management facilities, power grids, telecommunication facilities, and public schools.

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 use of or demand on natural resources; and the use of or demand on facilities or services.

Invasive species. A non-indigenous or exotic species that is not native to the ecosystem under consideration and that has the ability to establish self-sustaining, expanding, free-living populations that may cause economic and/or environmental harm, or harm to human health.

- J, K & L -

Junkyard. See “Salvage yard.”

Kennel. A facility in which domestic animals not owned by the owner or occupant of the facility are housed, boarded, or trained for a fee or compensation, or where domestic animals are bred or raised for sale. A kennel may include grooming incidental and subordinate to the principal use, but not activities accessory to agricultural use.

Kindergarten. An educational facility that provides academic instruction to children in preparation for admittance to elementary school first grade, and as further defined by Florida Statutes.

Laboratory. A facility for scientific research, analysis, investigation, testing or experimentation, but not for the manufacture or sale of products.

Land clearing. The act of removal or destruction of trees, brush, and other vegetative cover on a site, but not including normal cultivation associated with agricultural operations, or mowing, pruning, or other routine landscaping or lawn maintenance activities.

Land clearing debris. Rocks, soils, and trees and other vegetative matter that normally results from land clearing or site development operations, but not including waste from landscape maintenance, right-of-way or easement maintenance, farming operations, nursery operations, or any other sources not directly related to the land clearing or site development.

Land Development Code (LDC). The Land Development Code of Escambia County, Florida (Part III, Escambia County Code of Ordinances) as the assembled land development regulations of the county prepared by the local planning agency and adopted by the Board of County Commissioners according to Florida Statutes.

Land disturbance. Any activity involving the clearing, cutting, excavating, filling, or grading of land, or any other activity that alters land topography or vegetative cover.

Landfill. A disposal facility that requires state permitting and engineered environmental protection systems for the placement of wastes. Landfills do not include land-spreading sites, surface impoundment, injection wells, or construction and demolition debris or land clearing debris disposal facilities with separate permitting requirements.

Landscape area. Pervious areas of preserved or installed living plants, including trees, shrubs, ground cover, and turf grass that may be supplemented with mulch, bark, decorative rock, timbers, stepping stones, and similar customary and incidental non-living materials, excluding any area of vehicular use.

Land use. The development that has occurred on the land, the development that is proposed for the land, or the use that is permitted or permissible on the land under the Comprehensive Plan and LDC, as the context may indicate.

Level of service. An indicator of the extent or degree of service provided by, or proposed to be provided by, a public facility based on the operational characteristics of the facility and indicating a capacity per unit of demand for the facility.

Liner building. *A relatively shallow building specifically designed to conceal the side of a parking lot, parking garage, big-box retail, or other structure or area along a public frontage and create spaces occupied by restaurants, shops, and other uses more engaging to passersby.*

Lodging unit. One or more rooms used as a single unit of lodging space rented to the public in a public lodging establishment.

Long-term care facility. A nursing home facility, assisted living facility, adult family-care home, board and care facility, or any other similar residential adult care facility.

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 term "lot" shall include the words "plot", "parcel", or "tract".

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

Lot frontage. Those sides of a lot abutting a street right-of-way.

Lot line. A property line bounding a lot and separating it from another lot, street right-of-way, or any other public or private land. A lot line shall be one of the following:

Front lot line. A lot line separating a lot from a street right-of-way other than an alley or, in the absence of a right-of-way, the lot line designated by the county as forming the front of the lot and from which the front setback of the lot is measured.

Rear lot line. A lot line generally opposite and most distant from the front lot line, and from which the rear setback of the lot is measured.

Side lot line. Any lot line that is not a front or rear lot line.

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, and the description of which has been so recorded or accepted on or before February 8, 1996. A lot of record does not include contiguous multiple lots under single ownership.

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 easements, rights-of-way, and public shoreline access, but 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.

Low-Tetrahydrocannabinol or Low-THC cannabis. A plant of the genus Cannabis, the dried flower of which contain 0.8 percent or less tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only from a dispensing organization.

Low THC marijuana dispensing facility. Means any building or structure where low-THC is permitted to be dispensed at retail by an approved dispensing organization pursuant to Section 381.986, Florida Statutes (2014) and Florida Department of Health Rules.

- M -

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. Manufactured buildings include residential, commercial, institutional, storage or

industrial structures constructed according to state standards, but do not include manufactured (mobile) homes.

Manufactured (mobile) home. A complete, factory-built, single-family dwelling constructed in conformance with federal *Manufactured Housing Construction and Safety Standards* (the HUD Code) and transportable in one or more sections on a permanent chassis for site installation with or without a permanent foundation. The term "mobile home" refers to any manufactured home built prior to June 15, 1976 when the HUD Code became effective. Manufactured homes do not include manufactured buildings, modular homes or recreational vehicles.

Manufactured (mobile) home park. A multi-family residential use of an individually owned parcel of land within which lots or spaces are offered for rent or lease for the placement of five or more manufactured (mobile) homes. For the purposes of floodplain management, the term "manufactured home park" may apply to as few as two manufactured home lots for rent on a parcel.

Manufactured (mobile) home subdivision. A residential subdivision of individually owned lots created according to the provisions of the LDC for the exclusive use of manufactured (mobile) homes. For the purposes of floodplain management, the term "manufactured home subdivision" may apply to division into as few as two manufactured home lots.

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.

Marijuana. Marijuana shall mean cannabis as defined in Section 893.02(3), Florida Statutes. The term shall include "low-THC cannabis" as defined in Section 381.986, Florida Statutes (2014).

Marina. A facility for the mooring, berthing, storing, or securing of watercraft, and which may include other services such as sales of boat supplies and fuel, boat repair and rental, and other uses incidental to the primary use. A marina may be classified as one of the following:

Commercial marina. A public use marina which may include upland marina support facilities for the servicing or repairing of watercraft, but does not include the activities of industrial marinas.

Industrial marina. A marina which provides slips or moorings for major work on watercraft, such as construction or rebuilding of boats, installations of new bottoms, substantial structural additions, or alterations.

Private marina. A marina that is an amenity to a private residential development, such as a subdivision or multifamily dwelling, and not for public use.

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. For the purposes of the LDC, market value is limited to the value of buildings and other structures, excluding the land and other improvements on the parcel. Market value may be as 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.

Marquee. A permanent roofed structure attached to and supported by a building, and projecting into public right-of-way, typically above an entrance to provide protection from the elements.

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.

Mausoleum. A building or other structure that is substantially exposed above the ground and used for the entombment of human remains.

Mean high water (MHW). 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 sea level (MSL). The average height of the surface of the Gulf of Mexico 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 or office. A facility, other than a hospital, providing medical diagnostic and treatment services to patients not requiring an overnight stay. Such clinics and offices commonly have laboratory facilities and include doctor’s offices, diagnostic centers, treatment centers, rehabilitation centers, and establishments providing surgical and psychiatric services and emergency treatment.

Medical services. Professional services concerning human health maintenance and the diagnosis and treatment of disease, injury, pain, and other adverse health conditions. Medical services include the principal services provided by hospitals, clinics, doctor’s offices, diagnostic facilities, medical laboratories, blood donation centers, and other human health care facilities.

Medical use. Means the administration of the ordered amount of low-THC cannabis, as defined by Florida Statutes. Medical use does not include the: possession, use, or administration by smoking; or the transfer of low-THC cannabis to a person other than the qualified patient for whom it was ordered or the qualified patient’s legal representative authorized to receive it on the qualified patient’s behalf; or use or administration of low-THC cannabis on any form of public transportation, in any public place, in a qualified patient’s place of employment, if restricted by his or her employer, in a correctional institution, on the grounds of any child care facility, preschool, or school, or in any vehicle, aircraft, or motorboat.

Metes and bounds**.** A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting roads.

Microbrewery, microdistillery, microwinery. A facility in which beer, wine or other alcoholic beverages are brewed, fermented, or distilled for distribution. Tasting rooms

for the consumption of on-site produced beer, wine, or distilled products are permitted on the premises and must possess the appropriate license from the State of Florida.

Mineral extraction. Extraction of minerals from the earth, including rock, gravel, sand, clay, oil, and gas, and any overlying materials extracted for the purpose of reaching underlying minerals. The term includes all associated clearing, grading, construction, processing, transportation, and reclamation on the extraction property.

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

Mitigation. Methods used to alleviate, lessen, or compensate for adverse impacts.

Mixed-use development. The development of a tract of land or structure with a variety of complementary and integrated uses, including residential, office, retail, entertainment, recreation, and manufacturing, typically in a compact urban form.

Mobile home. See "Manufactured (mobile) home."

Mobile vending unit. A motorized or non-motorized vehicle or portable structure used to store, prepare, or serve food or beverages to the public, or to store, distribute, or sell merchandise, goods, or wares to the public.

Model home. A dwelling unit temporarily used for display purposes as an example of the homes available or to be available for sale in a specific subdivision or offered by a specific builder.

Modular home. A dwelling constructed on site in compliance with the *Florida 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 home may also be referred to as a manufactured residential building.

Motel. A public lodging establishment which offers at least six rental units and daily or weekly rates; has a central office on the property with specified hours of operation; provides each rental unit with a bathroom or connecting bathroom, an exit to the outside, and off-street parking; and is recognized as a motel by the hospitality industry. Motels may provide facilities and services incidental and subordinate to the principal public lodging use.

Motorsports facility. A closed-course speedway or racetrack designed and intended for motor vehicle competition, exhibitions of speed, or other forms of entertainment involving the use of motor vehicles, including motorcycles. For these purposes, a closed course is a prescribed and defined route of travel that is not available at any time for vehicular access by the general public and is closed to all motor vehicles other than those of participants.

Motor vehicle. Any self-propelled vehicle not operated upon rails or a guideway and designed primarily for the transportation of persons or property along public streets. Motor vehicles include automobiles, vans, motorcycles, buses, trucks, and recreational vehicles, but do not include bicycles, motorized scooters, mopeds, or farm and construction equipment.

Motor vehicle service and repair, major. General repair, rebuilding or reconditioning of motor vehicles, engines, or trailers, including body work, frame work, welding, and painting.

Motor vehicle service and repair, minor. The repair, servicing or replacement of any part of an automobile, van, light truck (gross vehicle weight rating no more than 8500 lbs), motorcycle, recreational vehicle or other consumer vehicle that does not require the removal of the engine, engine head or pan, transmission, or differential, and does not include painting and body work. Minor services and repairs include cooling, electrical, fuel and exhaust systems; suspensions, brakes, wheels and tires; oil and lubrication; and upholstery, trim and accessories.

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.

Multi-tenant development. Any shopping center, office complex, business park or other non-residential development in which two or more occupancies abut each other or share common parking facilities or driveways or are otherwise related on a development parcel.

Mural. A painting or other graphic art displayed on the facade of a building generally for the purposes of decoration or artistic expression.

- N -

Name plate sign. See "Identification sign."

Native vegetation. Indigenous, naturally occurring plants, adapted to county climate and soil conditions as determined through authoritative reference guides such as the *Florida-Friendly Plant List*, University of Florida, IFAS Extension.

Natural resources. Resources provided by the natural environment, including air, water, soils, wetlands, beaches, flood plains, forests, fisheries, wildlife, and any other such resource identified by Florida Statutes for conservation and protection.

New construction. Structures or improvements for which the start of construction commenced on or after the effective date of the LDC; except for the purposes of floodplain management, construction commenced on or after May 26, 1970, the effective date of the initial adoption of floodplain management regulations.

Nightclub. An establishment that allows or provides music, dancing, or entertainment in combination with the activities of a bar.

Noncommercial. Any activity not done for a commercial aim.

Nonconforming* or *nonconformance. The status of any use, structure, site condition, or lot that was lawfully established prior to the adoption or amendment of county land development regulations, and maintained since that establishment, but fails by reason of such adoption or amendment to comply with current land development regulations. Nonconformance may also be referred to as a “grandfathered” status, but such status does not signify unlimited continuation of nonconformance or protection of any unlawful noncompliance with regulations.

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.

Non-residential farm building. Any temporary or permanent building or support structure that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or land classified as agricultural land by the county property appraiser, and is not intended to be used as a residential dwelling. Nonresidential farm buildings include barns, greenhouses, shade houses, farm offices, storage buildings, and poultry houses.

Non-residential use. A use characterized by the absence of residences and the presence of principal land uses that include retail sales and service, office, commercial, industrial, civic, or recreation uses.

Nursery or garden center. An establishment for the growing, cultivation, storage, or sale of flowers, shrubs, trees, or other plants. Wholesale nurseries typically supply landscapers, builders and retail nurseries, but may include incidental retail sales. Retail nurseries may include sales of fertilizers, soils, garden tools, and similar accessory products.

Nursing home**.** A state licensed facility, including a private home, which provides nursing services for a period exceeding 24-hours for persons not related to the facility owner or manager, who by reason of illness, physical infirmity, or advanced age require such services. Skilled nurses and nursing aides are present 24 hours a day, but the term “nursing home” does not include any place providing care and treatment primarily for the acutely ill.

- O -

Off-highway vehicle. Any all-terrain vehicle, two-rider all-terrain vehicle, recreational off-highway vehicle, or off-highway motorcycle as defined by the state that is used off the roads or highways of the state and that is not registered and licensed for highway use under state statutes.

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.

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

Off-site parking. Parking provided for a specific use but located on a site other than the one on which the use is located, including parking located on the same lot or parcel but separated by a street or other physical barrier from the use it serves.

Off-street parking. Parking provided for a specific use, directly accessible from a drive aisle, and not located within a street right-of-way.

On-premises sign. A sign that identifies only goods, services, facilities, events or attractions available on the premises where the sign is located.

On-site sewage treatment and disposal (OSTD) system. A system that contains a standard subsurface, filled, or mound drainfield system; an aerobic treatment unit; a graywater system tank; a laundry wastewater system tank; a septic tank; a grease interceptor; a pump tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or a sanitary pit privy that is installed or proposed to be installed beyond the building sewer on land of the owner or on other land to which the owner has the legal right to install a system. OSTD systems do not include package sewage treatment facilities and other treatment works regulated separately under Florida Statutes

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. Open space includes required yards, developed recreation areas and improved recreation facilities, natural and landscaped areas, and common areas.

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

Owner. Any person having legal or equitable title to, or sufficient proprietary interest in, any property. For the purposes of the LDC, the term "owner" includes any agent authorized by the owner, unless the context clearly indicates otherwise.

- P -

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

Park. Any public or private land that is predominantly open space with natural vegetation and landscaping, and used primarily for active or passive not-for-profit recreational purposes.

Parking lot. An open area at ground level providing off-street parking spaces, excluding residential driveways.

Parking lot, commercial. A parking lot that is not an accessory use to any other use and provides parking for a fee.

Park trailer. A type of recreational vehicle constructed on a single chassis to American National Standards Institute (ANSI) or U.S. Department of Housing and Urban Development (HUD) standards, consisting of a transportable unit with body width not exceeding 14 feet, designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances, and as may otherwise be defined by Florida Statutes.

Pawnshop. Any location at which a pawnbroker conducts the business of making pawns; that is, providing any advancement of funds on the security of pledged goods on condition that the pledged goods are left in the possession of the pawnbroker for the duration of the pawn and may be redeemed by the pledgor on the terms and conditions of the pawn.

***Pensacola Beach*.** That part of Santa Rosa Island under the jurisdiction of the Board of County Commissioners of Escambia County, Florida.

***Perdido Key*.** The barrier island and coastal areas extending westward from Pensacola Pass to the Florida/Alabama state line.

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

Personal services. Non-medical retail services involving the care of a person or his personal goods or apparel, such as the services of a barber shop, beauty or tanning salon, health club or spa, pet groomer, laundromat or dry cleaner, tailor, psychic reader, or tattoo parlor, but not including repair services or professional services as defined in this chapter.

Pervious surface. Any surface that easily allows the infiltration of water. Such permeable or porous surfaces include natural or landscaped vegetation and other surfaces for which runoff coefficients no greater than 0.25 are typically used for stormwater management calculations.

Pier. See "Dock."

Place of worship. A building that is used primarily for worship or religious assembly on a regular basis and may include related facilities such as classrooms and administrative offices, but does not include facilities used exclusively for residences, schools, day care, shelter, recreation or other uses not normally associated with worship. Places of worship include churches, chapels, cathedrals, synagogues, temples, and mosques.

Planned unit development (PUD). An process for providing flexibility in LDC regulations governing the planning and design of subdivisions that permits and encourages greater creativity for the mutual benefit of developers and the public not anticipated by the strict application of those regulations.

Planning Board. The advisory authority appointed by the Board of County Commissioners to serve as the local planning agency (LPA) for Escambia County, and whose scope of authority and specific duties are established within the Comprehensive Plan and LDC.

Plat. A map or delineated representation of the subdivision of land, being a complete, exact representation of the subdivision and including other information in compliance with the requirements of the LDC and Florida Statutes (Chapter 177, Part I).

Political sign. A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

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

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.

Portable storage container. Any container, pod, trailer or other unit that is designed to temporarily store items and to be transported to and stored off site, typically by a private moving or storage company at a centralized warehouse. The term "portable storage container" does not include solid waste dumpsters or tool sheds.

Positive drainage outfall. A conveyance system with adequate capacity to contain, control, and transmit 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 having sufficient capacity.

Post-incarceration reentry facility. A facility providing assistance with substance abuse, mental and physical health issues, job training and placement, and other services to individuals reentering communities from correctional facilities.

Power plant. An electrical power generation facility operated by a public utility or independent power producer that converts one or more energy sources to provide electricity to the electrical transmission grid and distribution system. The term "power plant" refers to an industrial facility and does not include small-scale generation systems of customers that may sell surplus power back to the franchised power provider through their metered service.

Predominantly commercial development. Development for which more than two-thirds of the development parcel area and more than two-thirds of all gross floor area within the parcel is devoted to commercial use.

Predominantly residential development. Development for which more than two-thirds of the development parcel area and more than two-thirds of all gross floor area within the parcel is devoted to residential use.

Premises. Any parcel together with any improvements thereon.

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

Prime farmland. One of several classes of land defined in the *Soil Survey of Escambia County, Florida*, U.S. Department of Agriculture, as having the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops, and available as cultivated land, pastureland, forestland or other lands not built upon or urbanized.

Principal structure. The structure that is occupied by or otherwise defines the principal use of a parcel.

Principal use. The main or predominant purpose for which a structure or parcel of land is used, occupied, maintained, designed, arranged, or intended, as distinguished from an accessory use.

Processing. As applicable to solid waste, any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.

Professional services. Specialized work by members of recognized professions trained and engaged in such work for a career, typically requiring a license or other legal authorization to perform, and predominantly provided on the premises of an office or clinic. Professional services include the work of insurance agents, realtors, bankers, accountants, stock brokers, financial advisors, engineers, architects, land surveyors, dentists, physicians, therapists, attorneys, and other professionals, but do not include the provision of "personal services" as defined in this chapter.

Prohibited use. Any use not identified as a permitted or conditionally permitted use by the applicable zoning district, and not otherwise determined to be such a permitted use according to the use classification provisions of the LDC.

Property line. The recorded boundary of a lot or other tract of land.

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.

Protected tree. A living tree that, according to the provisions of the LDC, cannot be removed or otherwise willfully harmed without first obtaining appropriate authorization from the county.

Pruning. The act of removing tree branches, limbs, or roots to remedy a hazard or to maintain or improve the form or health of a tree, performed in a careful and systematic manner according to standard arboricultural practices so as not to damage other parts of the of the tree or other trees. Standard practices include those outlined in American National Standards Institute (ANSI) standard A300, Part 1-2001, *Tree Care Operations - Tree, Shrub and Other Woody Plant Maintenance - Standard Practices*.

Public facilities. Major capital improvements, including transportation, sanitary sewer, solid waste, stormwater management, potable water, educational, and recreational facilities.

Public lodging establishment. A unit, group of units, building, or group of buildings within the same complex which is rented to guests as a transient accommodation (more than three times in a calendar year for periods less than 30 days), rented as a non-transient accommodation (for periods of at least 30 days), or is advertised or offered to the public as a place regularly rented to guests for such accommodations. Public lodging establishments include hotels, motels, resort condominiums, bed and breakfast inns, and boarding or rooming houses, but do not include dormitories, campgrounds, or recreational vehicle parks.

Public utilities. See "Utilities, public."

- Q & R -

Quadruplex. A four-unit multi-family dwelling.

Quasi-judicial hearing. A public hearing before an administrative board or official held to obtain testimony or comment regarding the application of adopted policy to a specific development application or land use decision, and subject to specific due process procedural requirements to assure fact-based decisions by the board or official.

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.

Reclamation. The restoration or rehabilitation to useful purposes and safe and healthful conditions of lands adversely affected by mining, excavation, erosion, land clearing, or other processes. Reclamation may include filling, reshaping, revegetation and other activities to achieve the long-term stability of the affected lands and protection of surrounding uses and natural resources.

Record drawings. Construction drawings certified by the engineer of record and provided to the county for the purpose of documenting improvements as actually constructed.

Recovered materials. Metal, paper, glass, plastic, textile, or rubber materials that have known recycling potential, can be feasibly recycled, and have been diverted and source separated or have been removed from the solid waste stream for sale, use, or reuse as raw materials, whether or not the materials require subsequent processing or separation. Recovered materials as described here are not solid waste and does not include materials destined for any use that constitutes disposal.

Recovered materials processing facility (RMPF). A facility engaged solely in the storage, processing, resale, or reuse of recovered materials.

Recreation, active. Leisure time activity, indoor or outdoor, that usually requires some constructed facilities, is typically structured and organized to take place at prescribed places, and is usually performed with others. Active recreation uses include campgrounds, recreational vehicle parks, off-highway vehicle trails, shooting ranges, swimming pools, ice and roller skating rinks, baseball and other sport fields, skateboard parks, bowling lanes, tennis courts, golf courses, and playgrounds.

Recreation, passive. Leisure time activity that generally does not require a developed site, has minimal impact on the recreation site, typically involves existing natural resources or amenities, and has low potential for nuisance to adjacent properties. Passive recreation uses include walking, jogging, hiking, primitive camping, bird watching, bicycling, board and table games, and picnicking.

Recreational vehicle**.** A motor vehicle primarily designed as temporary living quarters for recreational, camping, or travel use and which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicles include travel trailers, camping trailers, truck campers, motor homes, private motor coaches, park trailers, and other vehicles as defined in Florida Statutes. For the purposes of floodplain management, a recreational vehicle additionally is one built on a single chassis, four

hundred square feet or less when measured at the largest horizontal projection, and designed to be self-propelled or permanently towable by a light-duty truck.

Recreational vehicle park. A place set aside and offered 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."

Recycling. Any process by which solid waste, or materials that would otherwise become solid waste, are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Redevelopment. The removal and replacement, rehabilitation, or adaptive reuse of an existing structure or structures, or the rehabilitation or adaptive reuse of land from which previous improvements have been removed.

Registered professional. A professional registered or licensed by and in the State of Florida and who possesses the expertise and experience necessary for the competent preparation, submittal and certification of documents and materials, and performing of other services required in support of permitting, constructing, altering, inspecting, and operating a proposed or existing regulated use. Registered professionals include engineers, architects, surveyors and mappers, and geologists.

Repair services. Services to mend or restore items after their extended use, decay, breakdown, damage, or partial destruction. Repair services include motor vehicle repair, bicycle repair, appliance and electronic device repair, gunsmiths, locksmiths, upholstery services, furniture refinishing and repair, small engine and motor repair, and watch, clock and jewelry repair, but do not include construction trades or building repair activities.

Research facility. A facility for the conduct of investigation, study, examination, development, testing, and similar inquiries in various fields of science and engineering.

Residential use. Any regular use of a building by its occupants as a permanent home or place of abode, whether for household living or group living. Residential uses include single-family detached or attached dwellings, two-family and multi-family dwellings, dormitories, and nursing homes, but do not include any public lodging, tents, tourist cabins, day care, hospitals, correctional facilities, homeless shelters, or recreational vehicles.

Resort. A facility for transient guests where the primary attractions are recreational features or activities.

Resource recovery. The process of recovering materials or energy from solid waste, excluding those materials or solid waste under the control of the Nuclear Regulatory Commission.

Restaurant. A retail establishment in which the principal use is the preparation and sale of food and beverages, typically served and consumed on the premises and within the principal building, but also including take-out, fast food, drive-in and other forms of service and consumption.

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

Retail sales. The direct selling or renting of new or used goods or merchandise primarily to the general public for personal or household use or consumption, but also to businesses and other end users, and the provision of services incidental to such sales or rentals. Retail trade is characterized by an establishment that is usually a place of business and engaged in activity to attract buyers, that buys and receives as well as sells merchandise, that sells to customers for their own use, and that may process or manufacture some products incidental or subordinate to the principal selling activities.

Retail services. Services provided directly and primarily to the general public for personal or household use, but also to business and industry, and including products that are incidental to the services and usually consumed on the premises. The term "retail services" includes restaurants, public lodging, personal services, professional services, and repair services.

Rezone* or *rezoning. An amendment to the Official Zoning Map of Escambia County to effect a change in the adopted zoning district of a designated parcel or land area.

Right-of-way. An area of land occupied or intended to be occupied by a street, walkway, railroad, utility, drainage facility, or similar use. For the purposes of platting, the term "right-of-way" refers to land that is separate and distinct from adjoining parcels. Most generally, the term refers to the specific right of a person to pass over the land of another.

Road or roadway. See "Street."

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.

Riverine system. A generally linear aquatic community of non-tidal waters with a discrete channel, including rivers, tributaries, creeks, and intermittent streams. The landward extent of a riverine system is defined by ordinary high water.

Runway. The defined area on an airport or airfield prepared for landing and takeoff of aircraft along its length.

Rural. A sparsely developed area where most land is undeveloped or primarily used for agricultural purposes.

- S -

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

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

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

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

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-storage facility. A building or group of buildings containing separate individual storage units available for lease or rent for varying periods of time for the self-service storage of goods. Self-service storage facilities may also be known as mini-warehouses.

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

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

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

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

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

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.

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

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

Solid waste. Materials regulated by the state as solid waste, 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 collection point. A site for the collection of non-hazardous solid waste from individual generators and transport to waste transfer, material recovery, waste disposal or other solid waste management facilities.

Solid waste disposal facility. See "Landfill."

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

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

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

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

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

Start of construction. 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 a 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 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 placement, accumulation, or keeping of things, or the condition of things placed, accumulated, or kept, in a specific location for preservation, future use, or disposal.

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

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

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

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

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

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

Detention pond. A 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.

Retention pond. A 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 by both evaporation and transpiration from plants)

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

Wet pond. A facility designed to collect and store stormwater runoff in a permanently wet impoundment 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.

Story. 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 shall be counted from the minimum required elevation established by FDEP or FEMA for the habitable first floor, whichever is higher.

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

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

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

Collector street. 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.

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

Private street. A privately owned and maintained street.

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

Structural alteration. 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 "structure" does not include unroofed paved surfaces, such as sidewalks, driveways, parking lots, or paved areas used for sports activities. For the purposes of floodplain management, "structure" means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

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. When appropriate to the context, the term "subdivision" refers to the process of subdividing or to the land subdivided.

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

Substance abuse treatment facility. A state licensed residential or inpatient facility which provides professionally planned and directed clinical treatment in a structured live-in environment within a nonhospital setting on a 24-hours-per-day, 7-days-per-week basis, designed to reduce or eliminate the misuse of drugs and alcohol and promote a healthy, drug-free lifestyle.

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

Substantial damage. 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. The "cost" of the restoration is the fair market value of the material and services necessary to accomplish the entire restoration and is unaffected by incremental restoration work.[MO 202]

***Substantial improvement*.** Any repair, reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the 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 of the following: [MO 202]

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 an historic structure provided the alteration will not preclude the structure's continued designation as a historic structure and the alteration is approved by variance issued according to the provisions of the LDC.

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

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

- T -

Taxi or limousine service. The provision of transportation in automobiles, limousines, vans or similar passenger vehicles with drivers, offered to the public at a fixed fee or

hourly rate. The term “taxi or limousine service” includes passenger vehicle servicing, repairing, and fueling facilities incidental or subordinate to the principal transportation use.

Telecommunications tower. A tower, pole or similar structure designed to support one or more antennas in a fixed location for transmitting or receiving commercial wireless communications signals. The term “telecommunications tower” excludes structures limited to amateur radio, VHF marine, or similar non-commercial operations.

Temporary structure. A structure that is authorized to be constructed or placed on a parcel for a limited period of time and required to be removed from that parcel upon the expiration of the permitted time.

Temporary use. A use that is authorized to be established on a parcel for a limited period of time and is required to be discontinued on that parcel upon the expiration of the permitted time.

Tourist-oriented* or *tourism-oriented. Businesses and commercial establishments catering primarily to transient visitors staying on Pensacola Beach or Perdido Key for two weeks or less, but including such businesses and establishments that could equally cater to either tourists or island residents.

Townhouse. A single-family dwelling constructed in a row of three or more attached dwelling units, with each unit extending from foundation to roof, separated by property lines, and having its own direct front and rear access to the outside.

Tree. A woody perennial plant having one generally 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).

Triplex. A three-unit multi-family dwelling.

Truck terminal. A transshipment facility where trucks load and unload cargo and freight, and where shipments may be broken down into smaller loads or aggregated into larger loads for transfer to other vehicles or modes of transportation. The term “truck terminal” includes areas for the parking of trucks awaiting loading or unloading, truck servicing or maintenance facilities, freight warehouses, and other such facilities incidental or subordinate to the principal transshipment use.

- U -

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

Urban forest. Collectively, the trees and other vegetation within and around the developed areas of the county, whether naturally occurring or manually planted.

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

Utilities. All lines and facilities related to the provision, distribution, collection, transmission, or treatment of potable water, stormwater, wastewater, electricity, gas,

petroleum, communication or similar services. The term “utilities” includes the use of land for customary and necessary utility operation and maintenance such as for wells, storage tanks, pumps, ponds, production and treatment plants, towers and antennas, and stations for switching, amplification and transmission. The term excludes the principal use of land for offices, warehousing or maintenance facilities.

***Utilities, public*.** All utilities whose services or products are provided to the public through governmental grant of authority, regardless of whether the utility is owned or operated by a public entity.

- V -

Variance. A grant of relief from certain requirements and provisions of the LDC as may be allowed by the LDC through discretionary review of administrative officials or boards. For the purposes of floodplain management, the term “variance” may include a grant of relief from the flood resistant construction requirements of the *Florida Building Code*, allowing construction in a manner that would not otherwise be permitted by the building code.

***Vehicle sales and services*.** Direct sales of and services to new or used passenger vehicles, light trucks and other consumer vehicles, including motorcycles, recreational vehicles, all terrain vehicles, golf carts, boats and manufactured (mobile) homes. The term “vehicle sales and services” includes rental and leasing of vehicles and their washing, detailing, maintenance, repair, parts replacement, overhaul, reconditioning, painting and bodywork.

Vested right. A right that has been legally established and cannot be canceled or changed by later conditions or changes in law or regulations without due process of law, but which for any development approval is subject to the effective period of the approval.

Veterinary clinic. An animal hospital or other medical facility for the use of a licensed veterinarian in the diagnosis, treatment, and prevention of animal diseases and injuries. A veterinary clinic may include boarding, grooming, and other animal services customarily incidental and subordinate to the principal medical use

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..

Volume reduction plant. Incinerators, pulverizers, compactors, shredding and baling plants, composting plants, and other plants that accept and process solid waste for recycling or disposal.

- W -

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 facia 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 facia surface.

***Wayfinding Signs*.** A sign located within the right-of-way providing the name, location, and direction to a public or private place.

Warehouse. An enclosed building used primarily for the storage of goods and materials, but which may also include incidental office and maintenance areas.

Warehouse, distribution. A warehouse providing generally short-term storage, where goods and materials are received, broken down into smaller quantities, often repackaged, and then distributed to customers at off-site locations. The term "distribution warehouse" does not include truck terminals, retail sales, or product assembly or processing.

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 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.

Wastewater treatment plant. A central facility for the collection, removal, treatment, and disposal of wastewater generated within a single development, community, or region. The term "wastewater treatment plant" and does not include a septic tank or similar on-site sewage treatment and disposal system.

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" water body" does not include stormwater detention or retention facilities.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Water-dependent uses. Uses that require access to water bodies, such as commercial boating or fishing operations.

Water-related uses. Uses that do not require a waterfront location to function, but are often essential to the efficient functioning of water-dependent uses and can be essential to their economic viability, such as shops, restaurants, parking, boat sales, or fish processing plants.

Wellhead protection area (WHPA). Land within an established protection boundary around a public potable water well, with the level of protection based upon the capacity of the well and an evaluation of the risk to human health and the environment.

Wetlands. Areas as defined by the State of Florida that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does 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.

Wholesale trade. An establishment primarily engaged in purchasing merchandise from producers and selling it, generally without transforming it, to industrial, institutional, commercial, or professional business users, to retailers, to other wholesalers, or to agents or brokers. Wholesale uses emphasize on-site sales or ordering and may or may not be open to the general public, but any sales to the general public are limited.

Wildlife habitat. An area that offers feeding, roosting, breeding, nesting, and refuge areas for a variety of existing and future native wildlife species.

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.

- X, Y & Z -

Yard. An open space at grade on a lot between a structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as may be otherwise allowed by the LDC. Yards may refer to the minimum open space required or the actual space provided, depending on the context of use.

Yard, front. A yard extending across the full width of a lot and having a depth measured as the minimum horizontal distance between the front lot line and the principal structure, excluding allowed encroachments.

Yard, rear. A yard extending across the rear of a lot, having the full width between side lot lines and a depth measured as the minimum horizontal distance between the rear lot line and the principal structure, excluding allowed encroachments. However, when a rear lot line separates the lot from an alley the depth of the yard (rear setback) may be measured from the centerline of the alley. For a lot with only one side lot line or with intersecting side lot lines, no rear yard is formed.

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

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

Zero lot line subdivision. A residential subdivision for detached single-family dwellings in which each dwelling that is not on a corner lot has one side wall located along a side lot line, and so provides zero setback or no side yard on that side.

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. 2015-54, § 3, 12-10-2015; Ord. No. 2016-02, § 4, 1-7-2016; Ord. No. 2016-42, § 2, 12-8-2016; Ord. No. 2017-5,§ 4, 1-5-2017)

Design Standards Manual

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Appendix A **Design Standards Manual –Professional Advisory Committee**

CHAPTER 1, Engineering

Article 1 - STORMWATER

1-1 Stormwater Management Systems

All projects requiring a Stormwater Management System (SMS) shall be designed to meet the following:

1-1.1. Stormwater Quality (treatment)

Projects that require a Stormwater Management System (SMS) shall at a minimum be **designed** to provide for the treatment of the first ½" of runoff which shall be recovered in 72 hours. The method of treatment shall comply with the design methods referenced in the latest edition of the Environmental Resources Permit Applicants Handbook Volume II.

1-1.2. Stormwater Quantity (attenuation)

Projects that require a Stormwater Management System (SMS) shall at a minimum be **designed** to provide for the following for the total contributing runoff area:

Provide attenuation of the runoff from a 100 year critical duration event, up to and including 24 hour duration, so that the post-development runoff rate does not exceed the pre-development runoff rate, when a positive discharge route is present.

or

Drainage systems in areas with no positive drainage outlet shall be designed to more stringent criteria to include retention up to and including twenty-four (24) hour, one hundred (100) year frequency storm with no offsite discharge. These systems shall remain private and will not be accepted by the county for ownership and maintenance.

or

For projects that abut the Gulf of Mexico, Escambia Bay, Pensacola Bay, Perdido Bay or their connected, tidally influenced bodies of water (i.e. Tarkiln Bayou, Chico Bayou, Bayou Texar, etc.) the County Engineer may reduce or waive the SMS from Stormwater Quantity requirements.

1-1.3 Stormwater Ponds and Impoundments

All stormwater ponds or impoundments shall comply with the design standards provided in the Environmental Resource Permitting Applicants Handbook, Volume II, Florida Department of Environmental Protection and Northwest Florida Water Management District.

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

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

(a) <u>Residential Subdivisions (private and public)</u>

(1) Side slopes

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

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

(3) Stabilization

- **a.** Wet ponds - Wet ponds shall be stabilized in solid sod above the permanent pool elevation, unless stabilization is obtained through incorporation of ~~a~~ littoral plantings.
- **b.** Dry Ponds - Side slopes shall be solid sod from the bottom to three (3) feet beyond the top of bank

(4) Maintenance access shall meet the following criteria:

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

(b) <u>Commercial and industrial sites and subdivisions</u>

(1) Private developments

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

(2) Public developments -

a. Side slopes

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

b. Fencing - The required fence shall be six (6) feet high chain link meeting County technical specifications[1] and be installed along the perimeter of the pond parcel. Privacy fencing, or other fencing, may be used to supplement screening to the chain link fence provided it is located within a private fence easement and offset by a minimum of five (5) feet from the chain link fence for maintenance.

c. Stabilization

1. Wet ponds - Wet ponds shall be stabilized in solid sod above the permanent pool elevation, unless stabilization is obtained through incorporation of littoral plantings.
2. Dry Ponds - Side slopes shall be solid sod from the bottom to three (3) feet beyond the top of bank.

a. Maintenance access - Required (See requirements for maintenance access, this section).

http://www.myescambia.com/sites/myescambia.com/files/Escambia%20County%20Technical%20Specifications_02-01-15.pdf

1-1.5 Conveyance Systems

All conveyance systems shall be **designed** to convey the runoff from a 25 year critical duration event.

(a) Curb & Gutter Systems

These systems shall be **designed** to convey runoff without exceeding the following:

1. For *Local Residential Roads,* the maximum allowable spread shall not overtop the top of curb and the flow spread should not exceed to the crown of the roadway.
2. For two lane *Collector Roads,* the maximum allowable spread shall not overtop the top of curb and the flow spread must leave one lane of free of water in one direction.
3. For *Arterial Roads*, the maximum allowable spread shall not overtop the top of curb and the flow spread must leave at least one lane free of water in both directions.

(b) Roadside swales and ditches

1. Shall be **designed** so that flow shall not extend over the property line, right-of-way line, or drainage/utility easement line.

2. All proposed swales and open ditches shall be **designed** to have a minimal longitudal slope of 0.30%.

3. Shall not have a depth of greater than 3 feet.

4. Shall be designed to have a minimum distance of 6 feet from the edge of the travel lane.

5. Shall not have a design velocity of greater than 3 feet per second unless the swale is lined and shall not have a design velocity of greater than 6 feet per second.

(c) Open Channels in drainage right of ways or easements

1. All ditches or swales shall be stabilized.

2. Bank slopes shall be 6:1 or flatter, unless permanent stabilization is provided.

3 Velocity of water shall not exceed three feet per second in grassed ditches or six feet per second in lined ditches.

4. Maximum allowable design depth of water in ditches shall be three feet during a 25-year storm.

5. Bottom of ditch or swale is two inches or more above the water table.

6. Any ditches with grades of five percent or greater shall be lined or otherwise improved so as to eliminate erosion and sedimentation buildup in the lower elevations of the ditch, as approved by the County Engineer.

7. Adequate access for maintenance equipment (15 feet wide minimum) must be provided as needed for maintenance equipment access.

8. Channels under ALL proposed roads shall be designed to convey the runoff from a 100 year critical duration event without overtopping the road

(d) Underground conveyance systems

1. Inlet/Junction Box spacing shall not exceed 400 linear feet.

2. Pipe diameters shall be equal to or larger than the adjoining upstream pipe diameter.

3. The minimum pipe size shall be 18” in diameter or its equivalent arch or elliptical pipe.

4. Only Reinforced Concrete Pipe (RCP) shall be constructed under all proposed or existing paved roadways.

5. Proposed drainage easements for underground conveyance systems shall have a minimum width of 15 feet for when the proposed depth is equal to or less than 5 feet from pipe invert to proposed finished grade. Conveyance systems greater than 5 feet in depth from pipe invert to proposed finished grade shall be located in a drainage easement. Drainage easements shall have a 20’ minimum width.

6. County Standard Inlet Capacities**.** Under normal flood conditions County standard inlets are designed to accept the following flowrates:

   Type “A” Inlet 7-10 cfs

Type "A-1" Inlet	7-10 cfs
Type Modified "A" Inlet	14-20 cfs
Double "A" Inlet	14-20 cfs

FDOT inlets may be used as a substitute for County Standard Inlets provided the inlet capacity is accommodated by the specified inlet type.

1-1.6 Exemptions

Projects that include the addition of 1000 sf or less of impervious surface which are not part of a large development plan shall be exempt from this chapter.

(a) Residential property improvements

Improvements such as driveways, buildings, pools, etc. and/or accessory structures that do not exceed 1500 sf shall be exempt from this chapter.

(b) Minor Subdivisions

Proposed subdivision of land into no more than five single-family lots, each fronting on and existing paved public or private streets, and complying with all of the following:

1. No adverse impacts. Impervious cover on the lots will not adversely impact wetlands or create adverse off-site impacts.
2. Impervious cover limits. Total lot impervious cover will not exceed 2000 square feet on lots less than one acre in size, or five percent of lot area on lots one acre or more.
3. Documented limits. Lot impervious cover limitations are permanently documented in the public records of the county, including the subdivision plat and any covenants and restrictions.
4. Positive outfall. Each lot has a positive drainage outfall

1-1.7. Other agency approvals

It is the responsibility of the applicant and the engineer of record to apply for and obtain all appropriate permits. Projects that are to be dedicated to the county for ownership and maintenance shall be required to provide all applicable permits prior to dedication.

1-2 Stormwater Management Plans

All projects requiring a Stormwater Management System (SMS) shall be required to submit a Stormwater Management Plan (SMP) which shall be prepared by, signed and sealed by a Professional Engineer actively registered to practice in the State of Florida. The PE shall certify that the SMS has been designed to meet the SMS requirements. The SMP shall include those items needed (i.e. maps, graphs, tables, calculations, photographs, narratives, explanations, etc.) which clearly demonstrate the intent of the Land Development Code and this Design Standards section have been met.

1-2.1 Methods

Innovative approaches to stormwater management are encouraged; however the SMP shall document compliance with the standards of this chapter and shall demonstrate control of erosion, sediment transport, stormwater quality, and stormwater quantity (flooding). Methods used for other than listed below shall require approval by the county engineer:

Urban Hydrology for Small Watersheds, Technical Release 55, US Department of Agriculture, Soil Conservation Service.

Environmental Resource Permit Applicants Handbook, Volumes I & II, Florida Department of Environmental Protection and Northwest Florida Water Management District.

Drainage Handbook: Drainage Connection Permits, Florida Department of Transportation.

Drainage Manual, Florida Department of Transportation.

1-2.2 Content

At a minimum, the SMP shall provide the following information:

(a) Existing Conditions

All existing conditions of the project site shall be detailed and include the following:

1. Stormwater flow - the direction, flow rate, and volume of runoff pre-development.
2. Offsite Contributing Area – the area, direction, flow rate, and volume of runoff impacting the project site pre-development.
3. Receiving area – define or describe the area runoff flows offsite pre-development. Define the positive discharge route if one exists.
4. Environmentally Sensitive Lands - Indicate the location, area and description of all jurisdictional wetlands and endangered species habitat.
5. Indicate and define special flood zone areas on the site in accordance with the FEMA Flood Insurance Rate Maps should they exist on the project site.
6. Vegetation – define the type and extent of existing vegetation on the project site pre-development.
7. Topography – Provide a topographic map of the site pre-development. The topographic survey shall be prepared by a Professional Surveyor actively registered in the State of Florida. The topographic survey shall include contours which extend outside the project site property lines when the line adjoins a right of way, jurisdictional wetlands or easements. The requirements of this section may be reduced or waived by the County Engineer.
8. Geotechnical Report –For projects proposing less than 9,000 sf of impervious area, the engineer of record (EOR) may use data obtained from the NRCS Soil Survey Map. For projects proposing 9,000 sf or more of impervious area, the geotechnical report shall meet the requirements of the Environmental Resource Permitting Applicants Handbook, Volume II.

9. 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 Improvements

All proposed alterations to the project site shall be detailed and include the following:

1. Topography – All proposed grades and contours.
2. Impervious Cover – The total areas and descriptions of proposed impervious surfaces, semi-impervious surfaces, and pervious surfaces.
3. Structures – The size, location, and description of all buildings or structures.
4. Vegetation – The amount of vegetative area to be cleared.
5. Stormwater Management – All components of the proposed SMS to provide for stormwater treatment and attenuation including the following:
   - A. Plans and Specifications
   - B. Calculations – showing all components of all proposed conveyance, attenuation, and treatment systems meet the intent of the Land Development Code and Design Standards.
   - C Erosion Control Plan – The control of erosion and sediment transport shall be implemented based on the Best Management Practices (BMP's) designated in the Environmental Resource Permitting Applicants Handbook, Volume II, Florida Department of Environmental Protection and Northwest Florida Water Management District.
   - E. Maintenance Plan
   - F. Overall lot grading plan for all proposed subdivisions in accordance with the Florida Building Code.

Article 2 – TRANSPORTATION

2-1 Roadway Design

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

2-1.1 Minimum right-of-way widths of streets, alleys and easements for utilities.

Beltways – Beltways as designated by the County shall not be less than 300 feet wide.

Arterials - State highways and county arterials as defined in the LDC shall not be less than 100 feet wide.

Collectors - Collector streets, as defined in the LDC shall not be less than 80 feet wide.

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.

Turning circles - Turning circles (permanent) at the end of cul-de-sacs or dead-end street shall have a right-of-way 100 feet in diameter.

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.

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 or more than 30 feet.

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 County Engineer.

Drainage right-of-ways - 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 County Engineer.

2-1.2 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 developer 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

1. All proposed collector roads shall be 24 feet wide as measured from edge of pavement to edge of pavement.
2. All proposed residential roads will be 24 feet in clearance:

a. With curb and gutter – as measured from gutterline.
b. With ribbon curb – as measured from back edge of ribbon curb.
c. Or as measured from edge of asphalt to edge of asphalt.

3. 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 County Engineer. 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 curb face diameter of 90 feet.

(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 County Engineer 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 County Engineer shall be paved to a width of 18 feet.

(e) Boulevards

1. Proposed boulevards shall have a minimum lane width clearance of 16’

   a. With curb and gutter – as measured from gutterline.
   b. With ribbon curb – as measured from back edge of ribbon curb.
   c. Or as measured from edge of asphalt to edge of asphalt.

2. The proposed island or traffic separator shall have a minimum width of 4 feet.

2-1.3 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) Sight distance at intersections

Intersections should be designed to provide site distance considerations in accordance with FDOT standards.

(d) Sight triangle requirements
At a minimum, a site triangle shall be provided 35' from edge of pavement to 35' edge of proposed road or driveway.

2-1.4 Slopes
All proposed roadways shall be designed to have a minimal longitudal slope of 0.30%.

2-1.5 Roadway Elevations
The crown of all proposed roadways must be at minimum of 4 feet above mean sea level (NGVD) unless approved by the County Engineer. All proposed roads shall be designed to have a minimum of 2 feet of separation between the seasonal high water table and the bottom of the base coarse.

2-1.6 Street Layout
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.

(a) Connectivity
Proposed streets shall extend to the boundary lines of the tract to be subdivided. If a subdivision or an undeveloped parcel of substantial size (as determined by the County Engineer or its designee) is adjacent to the proposed subdivision, said proposed streets shall connect with streets in the existing, platted, or planned subdivision or parcel. 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.

(b) Large Development Ingress/Egress
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 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 means of a boulevard and shall run the entire length of the entrance road between the connecting road and the loop road. In addition, left and right turn lanes must be provided for the connecting road.

(c) Dead End Streets
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.

(d) Utilities in road right of ways

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 county engineer. 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.

2-1.7. Traffic control devices*.*

The developer shall install traffic control devices as specified by the County Engineer Such devices shall conform to provisions in the Manual on Uniform Traffic Control Devices and FDOT standards.

2-2 Access Management

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. 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," and FDOT.

2-2.1 Access Location

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:

Posted Speed (mph)	Distance Between Access Points (feet)
>45	440
36--45	245
35 or less	125

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 shown above.

2-2.2 Pedestrian Access

(a) Commercial Development

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.

(b) Sidewalks

Sidewalks are to be constructed along the *frontage of 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.

2. The need for site specific improvements are identified within an approved Florida/Alabama TPO Bike/Pedestrian Master Plan.

3. When 50% or more of any developable portion of the property is within 2 miles of public school property as measured radially from the school's main front office entrance.

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

(c) 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 TPO Bike and Pedestrian Plan.

(d) 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.

(e) 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.

(f) Density bonuses

Details regarding the provisions for density bonuses for sidewalks and bike paths are provided in LDC Chapter 3 – zoning.

2-2.3 Traffic control

(a) Traffic control devices

The County Engineer 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 a traffic signal proposed by a developer serves a public/public intersection the installation will be conducted by the owner, the maintenance will be paid for and handled by the County, and the County shall be the responsible party of such signal. If it serves a private/public intersection and has the opportunity for additional users, the signal installation will be conducted by the developer/owner, the maintenance of such signal will be handled by the County; however, the developer/owner will pay for the maintenance through the enactment of a development agreement until additional users construct access, and signal will be the responsibility of the County.

If a traffic signal is proposed by a developer or property owner on a private/private intersection, it is a private signal. The signal installation will be conducted by the owner, the maintenance will be paid for and handled by the owner, and the signal will be the responsibility of the owner. The 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 county engineer or their designee. 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.

(c) Turn restrictions

The County Engineer 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

Warrants for turn lanes into un-signalized driveways or streets were developed to provide for proper access management and safety. A turn lane analysis shall be performed on a County roadway serving a development that generates 50 vehicle trips or greater during any peak hour. 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.

The applicant must develop a trip distribution report in accordance with industry standard guidelines using traffic count data provided by either FDOT, Escambia County, or the applicant that is no more than three years old.

Turn Lane Warrant Criteria are as follows:

1. Using the data obtained from the trip generation/distribution report, the following shall apply:

    a. **Right Turn lanes.** The developer shall construct a right-turn lane(s) on a County roadway to serve right-turning movements entering a development when the estimated volume of such movement is 30 vehicles or greater during any peak hour.

b. **Left Turn lanes.** The developer shall construct a left-turn lane(s) on a County roadway to serve left-turning movements entering a development when the estimated volume of such movement is 30 vehicles or greater during any peak hour.

c. **If a right or a left turn lane(s) is not required under section 1, proceed to section 2.**

2. If the number of turning movements, as determined by the Trip Distribution Report, is 25.5 to 30 vehicles during any peak hour, a certified un-signalized turn lane analysis shall be performed by a licensed Florida Professional Engineer using approved methodologies such as those in NCHRP Report 457, 659 or 193, and the Highway Capacity Manual software.

2-2.4 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, sidewalk and stabilization.

(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

Alteration of existing access connections by the property owner shall be required by the County Engineer 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.

2-2.5 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.

(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 County Engineer.

2-2.6 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: LDR, MDR, LDR-PK, MDR-PK, 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.

Article 3 – Parking

3-1 Parking and Loading

3-1.1 Stall and aisle design

(a) Stall Dimensions
Standard parking stalls shall be 9 feet wide by 18 feet long for all but parallel parking. Parallel stalls shall be 9 feet wide by 23 feet long.

(b) Stall Angles
The angles of non-parallel parking stalls in relation to the alignment of the accessing drive aisle are restricted to 90, 60 or 45 degrees.

(c) Stall Accessibility
Each parking stall shall be accessible from an aisle or driveway and designed so that vehicles can enter and exit the stall without backing into the travel way of any street.

(d) Aisles Dimensions

1. Standard one-way drive aisles shall be 24 feet if accessing 90 degree parking stalls, 16 feet wide if accessing 60 degree stalls, and 12 feet wide if accessing 45 degree or parallel stalls, or if accessing no stalls.
2. Standard two-way drive aisles shall be 24 feet wide if accessing 90 degree parking stalls, and 20 feet wide if accessing 60 degree, 45 degree or parallel stalls, or if accessing no stalls.

(e) Turnarounds
All parking areas containing three or more parking spaces shall include a turnaround that is designed and located so that vehicles can enter and exit the parking area without backing into a public right-of-way.

(f) Encroachment
Landscape areas and pedestrian pathways shall be protected from vehicle encroachment using wheel stops, raised curbing, bollards or similar fixed barriers such vehicles overhang no more than two feet into landscape areas or pedestrian pathways.

(g) Delineation and traffic control
All paved parking spaces shall be striped in white and all driving aisles clearly delineated. Spaces for motorcycles, bicycles and handicap parking shall be clearly marked. Parking lot traffic control signage and marking shall conform to the latest editions of the *Manual on*

Uniform Traffic Control Devices, U.S. Department of Transportation, and the *Florida Accessibility Code for Building Construction.*

(h) Pedestrian entrances

No door or other pedestrian entrance shall open directly upon any driveway or access aisle unless the entrance is at least three feet from the driveway or access aisle.

(i) Surface materials

1. Except as allowed for excess parking or limited uses, the stalls, drive aisles and accesses of all parking required by this article shall be finished with an all-weather surface capable of withstanding ordinary use under normal weather conditions without substantial deterioration. For these purposes, all-weather surfaces are limited to concrete and asphalt pavement, recycled asphalt, gravel, crushed stone or shell, and paving stones. Areas of higher intensity use, such as site accesses or heavy truck routes, may be limited by the county to paved surfaces.
2. All non-handicap required parking for places of worship, parks and campgrounds, or parking in excess of the quantities required by this article, may be finished in stable grass, provided tree protection is established for any preserved trees within the parking area and the spaces are delineated in a manner acceptable to the county.

(j) Drive-through stacking

Any development with drive-through facilities shall provide adequate vehicle queuing capacity based on the peak hour requirements of the development. Where inadequate queuing capacity causes a recurring traffic hazard or nuisance off-site, the owner will be responsible for increasing the queuing capacity or decreasing the need for queuing.

3-1.2 Parking Demand

(a) Quantity

The number of off-street parking spaces required for development shall be determined by land use according to the parking demand ratios listed below. The ratios may be exceeded or reduced by up to 10 percent without further justification.

(b) Computation

In computing the number of required parking spaces, any interpretations made regarding the independent variables should be in favor of the most reasonable assumptions regarding their associated parking demand and according to the following conditions:

1. Square footage. The independent variable of square footage is gross floor area, unless otherwise noted.
2. Mixed uses - In the case of mixed or multiple uses, the parking shall be equal to the sum of the several uses computed separately, unless otherwise noted.

(c) Other quantities

The required number of parking spaces may be increased more than 10 percent without the granting of a variance only if additional landscape within the parking lot is provided as prescribed in Article 7. The required number of spaces may be reduced more than 10

percent if sufficient documentation supporting the reduced parking demand is provided to the county. Any parking studies used shall document the source of data from which the alternative quantities were developed, demonstrate sound methodology and engineering principles, and be acceptable to the Planning Official. Without such documentation the parking requirements of other jurisdictions are not considered studies. All approved reductions shall include the condition that where inadequate on-site parking causes a recurring traffic hazard or off-site nuisance, the owner will be responsible for increasing the number of parking spaces or decreasing the need for parking.

(d) Uses not listed

Where land uses do not correspond to any categories listed in this article the Planning Official shall alternatively confirm the sufficiency of parking facilities proposed. For any such use the applicant shall estimate the number of parking spaces required to satisfy the projected demand and provide adequate information from which the demand was estimated, including the following as applicable:

1. Type of use(s).
2. Estimated total number of vehicle trips generated during peak conditions and parking duration per trip (turnover rate).
3. Number of employees.
4. Building design capacity.
5. Square feet of use areas.
6. Hours of operation.

Use or activity	Required number of parking spaces
Residential household living	
Single-family dwelling, including townhouse and manufactured (mobile) home	2 per dwelling unit.
Two-family dwelling	2 per dwelling unit
Multi-family dwelling	1.5 per dwelling unit 2 per dwelling unit on Pensacola Beach
Residential group living	
Assisted living facility	0.4 per unit
Dormitory, fraternity or sorority house	0.5 per bed
Nursing home or other skilled nursing facility	0.5 per bed or 1 per 1000 sq. ft.
Retirement or senior adult housing	1 per dwelling unit
Retail sales, excluding vehicles	
Book superstore	1 per 1000 sq. ft
Convenience store (with or without fuel sales)	3 per 1000 sq. ft. 8 per 1000 sq. ft. on Pensacola Beach
Carpet store	2 per 1000 sq. ft.

Use or activity	Required number of parking spaces
Food store, bakery, butcher	4 per 1000 sq. ft.
Furniture store	1 per 1000 sq. ft.
Pharmacy or drugstore: without drive-through with drive-through	 3 per 1000 sq. ft. 2.5 per 1000 sq. ft.
Shopping center	3 per 1000 sq. ft.
Retail sales not otherwise listed	3 per 1000 sq. ft.
Retail services, excluding vehicles	
Barber or beauty shop	2 per chair
Bed and breakfast inn	1 per guest room + 2
Boarding and rooming house	1 per guest room + 2
Child care center or adult day care	1 per 6 persons of licensed capacity
Hotel or motel	1 per guest room, or 1 per bedroom if suites, + 50% for restaurants, meeting rooms & other associated uses.
Medical clinic or office	5 per 1000 sq. ft.
Personal service establishment not otherwise listed	2.5 per 1000 sq. ft.
Professional service office	3.5 per 1000 sq. ft.
Service to buildings and dwellings (pest control, janitorial, etc.)	1 per 1000 sq. ft.
Restaurant: Fast food with drive-through All other restaurants	 1 per 2.5 seats (including outdoor) or 10 per 1000 sq. ft. 1 per 2 seats (including outdoor) or 15 per 1000 sq. ft.
Vehicle sales and services	
Rental of automobiles, trucks, utility trailers and/or recreational vehicles	1 per 1000 sq. ft.
Sales of parts, accessories and tires	4 per 1000 sq. ft.
Sales of new and used motor vehicles and boats	1 per 400 sq. ft. of sales and service area
Service and repair of motor vehicles	1 per 400 sq. ft., including service bays
Public and civic uses	
Clubs, civic or fraternal	1 per 3 persons
Correctional facility	1 per employee, largest shift
Educational facility: Elementary & middle school (K-8) High school (9-12)	 1 per 5 students (capacity) 1 per 10 students (capacity) + 1 per classroom
Emergency service facility	1 per employee/volunteer on normal shift + 5 per 1000 sq. ft. office area

Use or activity	Required number of parking spaces
Funeral home	1 per 4 seat in assembly area + 1 per employee
Hospital	2.5 per 1000 sq. ft. or 1 per employee
Library	2.5 per 1000 sq. ft.
Museum	1.5 per 1000 sq. ft.
Place of worship	1 per 4 seats or 1 per 35 sq. ft. in principal assembly area if no fixed seats
Public utility structure	1 per employee or service person, as applicable
Recreation and entertainment	
Arcade amusement center	I per game table, video game, or other amusement device
Bar or nightclub	1 per 2 seats
Bowling alley	4 per lane
Golf course	6 per hole + 50% for restaurants & other associated uses.
Health, fitness or athletic club	5 per 1000 sq. ft.
Marina, public	1 per boat berth or slip + spaces for associated uses
Soccer complex	50 per field
Tennis court	4 per court
Theater	1 per 4 seats
Industrial and related uses	
Laboratory	1 per 1000 sq. ft.
Manufacturing and light industrial	1 per 1000 sq. ft. or 1 per employee
Salvage yard	1 per employee
Warehousing, distribution or wholesale	0.5 per 1000 sq. ft. or 1 per employee
Other uses	
Mini-warehouse or self-storage	1.5 per 100 storage units + 2
Public assembly structure not otherwise listed	1 per 5 seats or 1 per 35 sq. ft. of assembly area if no fixed seats
Veterinary clinic or animal hospital	4 per 1000 sq. ft. or 2 per employee

Sec. 3-1.3 Off-site and joint use parking

(a) Off-site parking. If the off-street parking required by the LDC for a specific use cannot be fully accommodated on the site of the use, the remaining required parking may be provided off-site in compliance with the following conditions:

(1) Pedestrian paths. Where the off-site parking relies on a pedestrian pathway to access the site of the use, the parking shall be within 300 feet of the use as measured along a pedestrian pathway that complies with all of the following:

a. Accessibility. For any part of the pathway within a street right-of-way, accessibility shall be as prescribed by the latest edition of the *Public Rights-of-Way Accessibility Guidelines,* United States Access Board. All other parts of the

pathway shall be as prescribed by the *Florida Accessibility Code for Building Construction.*

b. Sidewalks. For any part of the pathway within a street right-of-way, the pathway shall be a concrete sidewalk along the shoulder of the roadway, five feet wide if curb and gutter is present or six feet wide if there is no curb and gutter, and otherwise complying with county construction standards.

c. Street crossings. Any pathway that crosses a street shall do so at a marked pedestrian crossing, and where the posted speed limit of the street is greater than 35 miles per hour the marked crossing shall be at a signalized intersection.

d. Easements. If any part of the intended pedestrian route is through one or more private parcels, the developer shall secure an easement allowing pedestrians to legally traverse the route.

e. Improvements. If the required pathway is not present or is in substandard condition, including applicable street crossing features, the developer shall be responsible for its construction or augmentation. Additional requirements for improvements may be imposed on the developer at the discretion of the County Engineer based on the existing condition of the street or shoulder to be traversed. Required improvements may include striping, signage, lighting, grading, etc.

(2) Mid-block crossings. In general, the county does not support mid-block crossings on streets with average daily trips greater than 600 or with speed limits greater than 35 miles per hour. However, marked mid-block crossings may be constructed by a developer if supported by sound engineering practices and approved by the County Engineer.

(3) Continuing obligation. The conditions required by this section for off-site parking shall remain in effect for the duration of the need of such parking to comply with LDC requirements for off-street parking.

(b) Joint use parking. The Planning Official 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 parking needs do not normally overlap, but such a reduction shall comply with the following conditions:

(1) The developer submits sufficient data to demonstrate that the demand for parking at the respective uses does not normally overlap.

(2) The off-street parking to be shared complies with all other applicable provisions of the LDC.

(3) The developer submits a legal agreement, approved by the County Attorney and signed by all property owners involved, guaranteeing the joint use of the parking spaces for as long as the uses requiring parking are in existence, or until the required parking is provided elsewhere in compliance with the provisions of the LDC. The agreement shall include provisions for the maintenance of the parking facility and covenants running with the lands of both the dominant and subordinate parcels or uses.

Sec. 3-1.4 Loading and unloading

Development shall provide and maintain sufficient off-street loading and unloading areas as prescribed in this section whenever normal operations requires that goods, merchandise, or equipment be routinely delivered to or shipped from the development.
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 are be used to satisfy the area requirements for loading and unloading facilities.

(a) Location and design

Loading and unloading areas shall be located and designed to meet the following standards:

1. Maneuvering

   Vehicles intended to use the areas can maneuver safely and conveniently to and from a public right-of-way and access them without backing into or from a street right-of-way with a posted speed limit of 35 miles per hour or greater.

2. Obstructing

   Loading and unloading operations can be completed without obstructing or interfering with any public right-of-way.

(b) Number of spaces

The following table indicates the minimum number of loading/unloading spaces required to accommodate delivery and shipment, not including the collection of solid waste:

Building gross floor area in square feet	Spaces
10,000 - 19,999	1
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
each additional 72,000 or fraction	+1

(c) Space dimensions

The minimum dimensions of an individual loading/unloading space shall be 12 feet by 55 feet with an overhead clearance of 14 feet above grade.

(d) Reasonable extent

Whenever there is a lot with one or more structures on it constructed before the effective date of the LDC and there is a change in use proposed that does not involve any enlargement of a structure on the lot, if the loading area requirements of this section cannot be satisfied for the new use because there is insufficient area available on the lot that can practicably be used for loading and unloading, then the use need only comply with this section to the extent reasonably possible as determined by the County Engineer.

(e) Solid waste

Refuse and waste removal areas shall be buffered and/or screened from adjacent properties and public ways by appropriate fences, wall or hedges.

CHAPTER 2, Environmental

Article 1 – Environmental

All Environmental Design Standards will be based on the Best Available Science.

1-1 Wetlands

Wetlands [(defined in subsection 373.019(25), F.S.] shall be protected from acts that will reduce or otherwise adversely impact their primary ecological functions and public benefits consistent with Section 62-330 Florida Administrative Code.

1-1.1. Protectionary Measures

Avoidance and Minimization

See LDC Chapter 4. An Environmental Resource Permit issued pursuant to Part IV of Chapter 373, F.S., and 62-346, F.A.C. shall demonstrate compliance with this requirement.

The county will not require design modifications when, based on a site specific analysis and professional environmental assessment, either of the following is determined:

1. The ecological value of the functions provided by the affected resource area is low and the proposed mitigation will provide greater long term ecological value than the resource area to be adversely affected.
2. The Uniform Mitigation Assessment Method (UMAM) shall be used to determine the ecological value of wetlands (62-345, F.AC.).
3. The proposed mitigation implements all or part of a plan that provides regional ecological value and provides greater long term ecological value than the resource area to be adversely affected.

1-1.2 Mitigation

A land use or development activity shall not cause a net adverse impact on wetland functions that is not offset by mitigation. Mitigation for adverse impacts to wetlands shall be based on the Uniform Mitigation Assessment Method (UMAM) prescribed by Florida Administrative Code (Ch. 62-345).

A mitigation plan submitted to the county shall provide details of the applicant's proposed creation, restoration, enhancement and/or preservation of protected resources, any purchase of mitigation credits through mitigation banking, and/or any in-lieu payments to compensate for unavoidable impacts to those resources. The mitigation plan shall include provisions for the replacement of the predominant functional values of the lost resources, specify the criteria by which success will be measured, and specify any necessary maintenance entity and its responsibilities. Additionally, the plan shall include provisions for five-year monitoring, or provide adequate assurances such as bonding, to assess and document these success criteria.

Mitigation may include:

1. **Replacement.** When wetlands are purchased, created, enhanced and/or restored to compensate for the unavoidable loss of such lands, they shall be of the same type, or shall cause a net improvement in the same functions and values, as that destroyed or degraded.
2. **In-lieu payment option.** 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 county mitigation requirements for environmentally sensitive lands, if the applicant requests this option. The cash in-lieu fee payment amount shall be based on an assessment of the area(s) to be impacted and all funds needed to compensate for the impacts to wetlands 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.
3. **Preservation.** Lands identified by the applicant for preservation shall have appropriate deed restrictions and/or conservation easements placed on them and shall be recorded in the public records of Escambia County. Proof of the recorded restrictions and/or easements shall be provided to the county before approval of, or as a condition of, any development approval. For conditional approvals, the deed restrictions and/or conservation easements shall be recorded within ten days of the conditional approval, and prior to any land disturbing activities.

All mitigation activities shall be completed, or adequate assurances such as bonding provided, before issuance of any development approval allowing the impacts for which the mitigation is proposed.

1-2 Clustering density – Wetlands, Endangered Species Habitat, and Rural Districts

(a) **Maximum density.** The development does not exceed the maximum gross density for the applicable zoning of the parcel.

(b) **Minimum preservation. At least 90 percent of the wetlands** and/or endangered species habitat remain undisturbed and preserved under a conservation easement, deed restrictions, 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 BCC. No area of a developable lot may be applied to the minimum 90 percent conservation area.

(c) **Conservation easement.** For a subdivision plat, the remainder of the property on which the development is not clustered is shown on the plat as a permanent open space tract reserved exclusively for conservation use by conservation easement(s) granted to the county. For phased and mixed use projects, the conservation easement(s) 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(s) are considered a substantial change to the master plan and require submission of a new master plan for review and approval.

(d) **Contiguous and unified.** 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.

1-3 Beach and dune preservation and enhancement.

1-3.1 Dune walkovers. Vegetated areas shall have a minimum of three feet of clearance between the lowest horizontal member and existing elevation.

1-3.2 Sand fencing. Sand fencing shall be configured in a manner to limit potential impacts to listed species (see graphic)**.**

Graphic Link: SAND FENCE SCHEMATIC

1-3.3 Dune restoration plan. The following shall be a part of any proposed dune restoration plan:

(a) Grading plan.

(b) Planting plan that outlines plant species, plant density, fertilization, irrigation, and maintenance. (Insert NRCS reference – Native Plants for Coastal Dune Restoration; What, When, and How for Florida).

1-4 Coastal High Hazard Areas

All development that proposes 50 or more dwelling and/or lodging units (on a one-time or cumulative basis) within the CHHA shall be evaluated for impacts to roadway evacuation times to shelter. The county shall not approve a use or activity if it would cause the adopted roadway evacuation time for hurricane evacuation to shelter to be exceeded. Hurricane evacuation times shall be evaluated based on all existing and vested development in the county, including individual building permits for buildings that are not part of a larger development plan approval

(a) Public facility criteria. No new public facilities shall be placed within the CHHA unless all of the following criteria are met:

(1) **Purpose.** The facility is necessary to protect human lives or preserve important natural resources.

(2) **Alternatives.** The service provided by the facility cannot be provided at another location outside the CHHA.

(3) **Capacity.** The facility is designed to provide the minimum capacity necessary to meet Level of Service (LOS) standards and best available science for its service area and its sizing is consistent with the densities and intensities reflected on the future land use map

1-5 Barrier island sand

(a) Approved material. Approved materials are those constructions and landscaping materials whose mineralogical composition is white fine to medium grained quartz sand. However, oyster shell, limestone or white dolomite may be used for road bed or foundation construction if reasonably the same color as approved sand after exposure to the sun and not containing clay or other discoloring, staining or darkening material. For the purposes of this section, white fine to medium grained quartz sand shall have the following characteristics:

(1) Color. 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.

(2) Grain size. A grain size of 75 percent of the sample by weight between 0.43 millimeters (mm) and 0.08 mm, with the remaining 25 percent being coarser than 0.43mm but not larger than 1.0 mm as described under the Unified Soil Classification System. This corresponds to the number 40-200 sieve sizes for gradation curve analysis.

(b) Prohibited material. Prohibited materials are any darkening, discoloring or staining materials having the ability to permanently (greater than six months) change the color or darken the natural white sands of Santa Rosa Island or Perdido Key, or any approved materials, whenever coming into contact with them. Prohibited materials include any with the following characteristics:

(1) Color. A color darker than the color required for approved materials.

(2) Grain size. A grain size with over ten percent by weight of the sample outside the range required for approved materials.

(3) Composition or character. Any 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 barrier island sands or approved material

1-6 Barrier Island Lighting (Pensacola Beach)

(a) Wildlife lighting. *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:

(1) 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;

(2) The lumens emitted by the light source are the minimal required for the intended application;

(3) 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;

(4) 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 LEOs, true red neon lamps, and other lamps certified by the Florida Fish and Wildlife Conservation Commission as "wildlife lighting."

a. Tinted glass. The glass in all exterior windows and glass doors shall be treated to achieve an industry-approved, inside-to-outside light transmittance value of 45 percent or less. Such transmittance is limited to the visible spectrum (400 to 700 nm wavelength) and is measures as the percentage of light that is transmitted through the glass.

b. Interior lights. Interior stairwells, elevators and enclosed parking garages that allow light to pass through windows or other openings shall utilize wildlife lighting or tinted glass as described in this section.

(2) Specific lighting requirements for Pensacola Beach.

a. 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.

b. Lighting of dune walkovers and elevated crossovers to the beach is prohibited seaward of the dune crest.

c. The use of metal halide lighting is prohibited throughout Pensacola Beach.

d. 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).

e. 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”.

f. 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.

g. 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 light trespass. Conflicts with other applicable state and/or federal laws or regulations may be resolved in a similar manner.

h. 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.

1-7 Specifications of Groundwater/Wellhead Impact Report. Applicant's proposing development within a protected wellhead area as defined in LDC Chapter 4 shall provide a report prepared by an engineer or geologist duly licensed in the State of Florida containing the following minimum information:

(a) Accurate description of all current/proposed onsite activities;

(b) List of hazardous waste stored onsite with quantities and method of disposal;

(c) Location of any underground and above ground storage tanks;

(d) Location of any outside storage areas with description of materials;

(e) Location and status of any existing monitoring wells;

(f) Current/proposed best management practices;

(g) Current/proposed spill response plan;

(h) Description of current/proposed stormwater treatment;

(i) Description of current/proposed wastewater treatment;

(j) List of State or federal permits facility operates under;

(k) Evidence of the probably impact of the proposed development on the ground water supply and recharge potential of the area and existing wellhead, etc.

(l) Be subjected to periodic inspections for compliance with the above.

Article 2 – LANDSCAPING

2-1 Exemptions

2-1.1 Tree protection and preservation. The following specific trees and activities are exempt from the tree protection and preservation provisions of this article:

(a) Invasive trees. Any tree species on the most recent Florida Exotic Pest Plant Council list of invasive species.

(b) Selected trees. Any species of pine (*Pinus sp*), Cherry laurel (*Prunus laurocerasus and P. caroliniana*), or Turkey oak (*Quercus laevis*) tree. This exemption does not apply to trees planted or preserved to meet requirements of the LDC.

(c) **Hazard trees.** Any tree determined by a qualified county official to be an immediate hazard or in a dangerous condition so as to constitute an imminent threat to public safety or health.

(d) **Emergencies.** Damaged or destroyed trees requiring expedited removal in the interest of public safety, health or welfare during or following periods of emergency as the BCC may declare by resolution for such disasters as hurricanes, tornados, floods, and fires.

(e) **Residential lots.** Any non-heritage tree, as defined by this article, on the lot of a single-family or two-family dwelling. However, tree removal prior to construction of the dwelling shall only be allowed after county issuance of a building permit for the dwelling or a separate tree removal permit. This exemption does not apply on the lot of a discontinued residential use. Such discontinuation may be evidenced by removal of the dwelling or its conversion to a non-residential use, or a different land use classification by the Escambia County Property Appraiser for ad valorem tax purposes. Regardless of this residential lot exemption, the loss of trees resulting from development of such home sites shall be mitigated by a tree restoration fee collected at the time of issuance of any building permit for the construction or replacement of a single-family or two-family dwelling, including a manufactured (mobile) home. The fee shall be an amount established by the BCC and deposited in the county Tree Restoration Fund in the same manner and for the same purposes prescribed in this article for unplanted mitigation.

(f) **Subdivisions.** Any non-heritage tree removed within proposed rights-of-way, easements, or parcels dedicated for utility, drainage, or access according to county approved subdivision infrastructure construction plans.

(g) **Agriculture and silviculture.** Tree removal according to best management practices for bona fide agricultural or silvicultural operations on land classified by the Escambia County Property Appraiser as “agricultural” for ad valorem tax purposes.

(h) **Habitat management.** Tree removal necessary for native habitat management and environmental restoration activities conducted by, or at the direction of, a governmental agency.

(i) **Utility work.** Work performed by utilities regulated by the Florida Public Service Commission and necessary in the maintenance and construction of utility lines. Such utilities shall nevertheless provide the county with the advance notice required by Florida Statutes prior to conducting scheduled routine vegetation maintenance and tree pruning or trimming activities within an established right-of-way.

2-2 Landscape areas and quantities.

2-2.1 **Parcel total.** No parcel shall provide less than 15 percent landscape area, regardless of the minimum pervious lot coverage required by the applicable zoning district. On-site permeable retention/detention ponds and permeable swales qualify as landscape area if their maximum depths are no more than three feet and their side slopes are no

steeper than 2:1 (horizontal to vertical).

2-2.2 Vehicular use areas. No area of vehicular use may be considered landscape area, but parking lots, travel lanes, access ways, loading/unloading areas and other vehicular use areas outside of rights-of-way shall include landscape area according to the following standards:

(a) General design. Interior portions of vehicular use areas not specifically designed for vehicle parking or maneuvering shall not be paved, but maintained as landscape area.

(b) Boundary separation. Vehicular use areas shall be separated from the parcel boundary by a landscape strips no less than five feet wide. Driveways or sidewalks may cross such strips to provide approved site access

(c) Parking row terminations. Except as allowed for large-scale parking, rows of parking stalls shall be terminated at each end with a landscape area having the full length of the adjoining parking stall and containing at least one planted or preserved canopy tree. The remaining dimensions of the landscape area shall be sized to provide no less than the minimum canopy tree planting area for a new tree or minimum root zone for a preserved tree required by this article, whichever is applicable. Where a double row of interior parking stalls ends, the terminating landscape areas shall be combined as one continuous area to maximize rooting space except when a dividing pedestrian and/or handicap accessibility route may be appropriate and approved by the county.

(d) Continuous parking stalls. Each row of parking shall contain no more than 15 continuous stalls without interruption by a landscape area, and each landscape area shall have the same minimum dimensions and plantings prescribed above for parking row termination landscape areas. However, if any of the following conditions exist, no more than 12 continuous stalls may be provided:

1. The total number of on-site parking spaces exceeds 50.
2. The total number of on-site parking spaces exceeds the number required by the applicable parking ratios established in DSM Chapter 1 by more than 10 percent.
3. The dimensions of drive aisles and/or parking stalls exceed the standards established in DSM Chapter 2.

(e) Large-scale parking. If the total number of on-site parking spaces is 600 or more, a continuous landscape strip no less than 12 feet wide shall be provided along the center of alternate interior double rows of parking stalls. All interior rows of parking may have unlimited continuous spaces and be terminated with a landscape area having the full length of the adjoining parking stall and a minimum width of four feet. Each strip shall be planted with a quantity of canopy trees no less than one tree per 30 feet of strip length, excluding any minimum root zones of preserved trees within the strip. Trees shall be planted within the strip such that no tree is more than 10 feet from either end of the strip, no more 60 feet from another tree, and consistent with the standards of this article for minimum spacing, tree planting area and tree preservation. Sidewalks complying with these standards may be placed within landscape strips to provide on-site pedestrian circulation.

(f) **Seasonal peak demands.** Seasonal peak parking demands (e.g., holiday retail sales) are encouraged to be accommodated within areas of stable grass as overflow from paved parking to reduce the year-round impact of the short-term parking need, especially for portions of large scale parking. If such parking is provided its access and arrangement shall be consistent with the standard dimensions and geometry of paved parking.

(g) **Tree exceptions.** The following vehicle parking uses need not provide trees, but the exceptions do not apply to areas for customer and employee parking and are not exceptions to the preservation of existing trees.

1. **Automobile sales.** Vehicular use areas designed for the display of new or used automobiles for sale or rent. Such areas need only provide landscape areas sufficient to terminate parking rows, having the full length of adjoining parking stalls and a minimum width of four feet.
2. **Fleet parking.** Parking areas for fleet delivery or service trucks and other non-passenger vehicles. .
3. **Loading.** Truck wells, loading docks, and other areas designated exclusively for the loading and unloading of vehicles.

(h) **Encroachments and overhang.** Vehicular use areas shall provide raised curbs, wheelstops, bollards or other effective means to permanently protect landscape areas and irrigation systems from damage by vehicle encroachment. Vehicles may not overhang into landscape areas beyond the designed boundaries of vehicular use areas.

2-2.3 **Buffers.** Based on broad land use categories, where a proposed new use or expanding existing use is likely to adversely impact an adjoining use, a landscape buffer is required to minimize or eliminate those impacts. The buffer shall protect the lower intensity use from the higher intensity use and provide an aesthetically attractive barrier between the uses. It shall function to reduce or eliminate incompatibility between uses such that the long-term continuation of either use is not threatened by impacts from the other. Buffers shall be provided according to the following standards:

(a) **Required by use.** The character of adjoining land uses primarily determines the type of buffering required.

1. **Residential and non-residential.** All residential uses shall be buffered from all non-residential uses, other than passive recreation, conservation, or agricultural uses, according to the buffer types established in this section and following non-residential categories:

   a. **Heavy commercial and industrial.** Heavy commercial and industrial uses consistent with the Heavy Commercial and Light Industrial (HC/LI) and Industrial (Ind) zoning districts shall provide a Type-C buffer supplemented with an opaque fence or wall.

   b. **General commercial.** General commercial uses consistent with the Commercial (Com) zoning district shall provide a Type-B buffer supplemented with an opaque fence or wall.

c. **Other non-residential.** Neighborhood commercial uses consistent with the mixed use zoning districts (RMU, LDMU, HDMU), and other non-residential uses not otherwise required to provide more substantial buffering, shall provide a Type-A buffer supplemented with an opaque fence or wall.

2. **Residential.** All multi-family uses exceeding 10 dwelling units per acre (MDR district max. density) shall provide a Type-A buffer supplemented with an opaque fence or wall for all adjoining single-family and two-family residential uses.

3. **Non-residential.** Heavy commercial and industrial uses shall provide a Type-B buffer for all adjoining general commercial, neighborhood commercial and other non-residential uses less intensive than heavy commercial or industrial.

4. **Condition of approval.** All uses whose conditions of approval include buffering shall provide the buffering according to those conditions.

5. **No existing use.** For the purposes of buffering, where no use exists on adjoining land and none is proposed by a valid development application to the county, the use of the adjoining land will be assumed to be the most intensive use allowed by the existing zoning.

(b) **Location.** Where a use is required to provide buffering for adjoining uses, the buffering shall be along all side and rear lot lines where the use abuts the other uses. No buffers are required along front property lines unless buffering is included in screening requirements for outdoor storage and other conditions as prescribed in Chapter 4.

(c) **Composition.**

1. **Types.** Where buffering is required, the following buffer types define the minimum width and plants required per 100 linear feet of buffer:

Buffer Type	Buffer width	Canopy trees	Understory trees	Shrubs
A	12 feet	2.0	1.0	10
B	16 feet	2.5	2.0	20
C	20 feet	3.0	3.0	30

2. **Plants.** The prescribed buffer plants may be existing natural vegetation, existing vegetation supplemented with additional plantings, or entirely new plantings. The suitability of existing vegetation to provide adequate buffering will be evaluated based on the minimum plants required. For effective buffering year-round, at least 50 percent of buffer trees shall be evergreen species. The selection and installation of buffer plants, and buffer maintenance, shall be according to the provisions of this article.

3. **Supplemental structures.**
   a. If an opaque fence or wall is required to supplement the plants within a buffer, it shall have a minimum six foot height and meet the requirements of Chapter 5, Fences. Where an existing fence or wall on abutting property meets these requirements, no additional structure is required within the buffer. The existing fence or wall must be in good condition and landscaping consistent with the schedule above.
   b. If a supplemental fence or wall will be constructed, any support posts shall be on the side of the developing property so that the more finished appearance faces the abutting property.
   c. If it can be demonstrated to the Planning Official that existing natural vegetation, or existing vegetation supplemented with additional plantings, will accomplish the screening function of the prescribed buffer, the supplemental fence/wall may be eliminated.

(d) **Responsibility.** Where buffering is required between uses by this section, the landowner proposing the more intensive use shall be responsible for providing and maintaining the buffer. The proposal of a less intensive use does not require the installation of a buffer by either use.

(e) **Exceptions.** In addition to the relief provided by the variance process prescribed in LDC Chapter 2, full or partial exceptions to the buffering prescribed in this article are allowed according to the following conditions:

Same owner. Buffering need not be provided between uses within the same parcel, or uses on adjoining parcels having the same ownership.

(f) **Uses within.** Buffer yards may be included within required building setbacks, but no active recreation, storage of materials or equipment, parking, or structures, except necessary utility enclosures, shall be located within minimum buffer yards.

2-3 Tree protection and preservation

2-3.1 **Approval required.** Unless exempt from protection as provided in this article, no person shall remove or otherwise willfully cause harm to any of the following trees on either public or private property, including rights-of-way, without first obtaining appropriate authorization from the county:

(a) **12-inch diameter.** Any tree 12 inches or greater in diameter at breast height (DBH).

(b) **Sand live oaks.** Any sand live oak (*Quercus geminata*) tree having five or more total stems (trunks), or having any three or more stems each three inches or greater in diameter (DBH); and located on Pensacola Beach or Perdido Key, or within any shoreline protection zone.

(c) **Required trees.** Any tree planted or preserved to meet tree replacement or landscape requirements of the LDC, or other specific conditions of county approval.

(d) **Heritage trees.** A protected tree 60 inches or greater in diameter (DBH). Such large mature trees providing proportionately more of the benefits associated with trees, and often defining the local landscape, shall have a greater protected status as prescribed in this article.

2-3.2 Protection areas. The following areas associated with protected trees are afforded additional protection**:**

(a) Critical root zone. The critical root zone (CRZ) is represented by a circle, centered on the tree trunk and having a radius of one foot for each 1 inch of trunk diameter (DBH).

(b) Structural root plate. The structural root plate is represented by a circle, centered on the tree trunk and having a radius of one-half foot for each inch of trunk diameter (DBH), but no less than six feet and no more than ten feet.

2-3.3 Preservation. For the purposes of this section, a tree is not considered preserved if the root zone and canopy impact limits are exceeded. Removal of such impacted trees is not required. Tree preservation shall comply with the following impact limits:

(a) Root zone. The critical root zone is, and will remain, substantially undisturbed. Although an undisturbed circular area centered on the tree generally assures less critical root loss, modifications to CRZ perimeters resulting in non-concentric, irregular, and/or smaller areas are acceptable for tree preservation if either of the following conditions are met:

1. Maximum disturbance. The modified root zone includes at least 50 percent of the concentric CRZ, contains no less total contiguous area than the concentric CRZ, and includes no disturbance or encroachments by improvements within the structural root plate area.
2. **Existing conditions.** The tree has demonstrated long-term viability within the same sub-standard root zone and that area will not be further reduced or adversely impacted. In some cases a certified arborist may be required to delineate the functioning root zone and confirm avoidance of further impacts.

(b) Canopy. No more than 25 percent of the canopy has been or will be removed and the pruning is done according to ANSI standards (A300).

2-3.4 Protective barriers. Trees (and other vegetation) designated for preservation according to an approved site development plan shall be protected from all potentially harmful activity during development by the temporary installation of protective barriers.

(a) Construction. Barriers shall be constructed of chain link fence, orange laminated plastic fencing, or wood posts and rails, consistent with professional arboricultural practices, and shall be installed along the perimeter of all required preserve areas prior to any land clearing, demolition, grading, or construction.

(b) Activity within. No potentially harmful activity shall take place within the protective barrier. Harmful activities include but not limited to grade change, trenching, compaction, grubbing or root raking. Activities within barriers or changes in barrier location shall be specifically approved by the county.

2-4 Tree inventory and assessment. The provisions of this section shall apply to any land use or development activity application required to inventory on-site protected trees. If no protected trees exist on site, that condition shall be identified in the application documents.

2-4.1 Inventory area. Any protected tree with part of its structural root plate area within a development parcel shall be inventoried for the proposed development. Where a significant contiguous area of the parcel will not be subject to any development impacts, including vehicular use and material stockpiles, the developer may propose exclusion of that area from inventory. However, the removal criteria of this article will consider the entire parcel for any proposed protected tree removal. Additionally, any area not inventoried shall be clearly identified on plan drawings and include protective barriers to prevent impacts. Upon verification during county review, the reduced inventory area within the parcel will become the limit for any replacement trees for the proposed development.

2-4.2 Inventory drawing. A scaled drawing shall inventory all existing protected trees and their locations relative to the development parcel boundary, and to existing and proposed improvements. At a minimum, the inventory drawing shall identify by center point, unique number or letter, and circular critical root zone (CRZ) boundary the location, diameter at breast height (DBH), and CRZ of each tree. Estimates may be made for inaccessible trees, but they must be noted as such.

2-5 Tree removal and replacement

2-5.1 Removal criteria. No authorization to remove a protected tree shall be granted where there has been a failure to take reasonable measures to design and locate proposed improvements so that protected tree removal is minimized. Additionally, each proposed removal of a protected tree must be shown necessary by one or more of the following conditions:

(a) Reasonable use. A permissible use of the site cannot reasonably be undertaken unless the tree is removed.

(b) Access. The tree completely prevents access to a lot.

(c) Proximity to structures. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired to the extent that avoidance cannot be accommodated.

(d) Proximity to roads and utilities. The tree materially interferes with the installation, maintenance, or functioning of roads or utilities to the extent that a curvilinear road or utility run cannot reasonably accommodate the tree.

(e) Proximity to traffic. The tree creates a substantial hazard to motor vehicle, bicycle, or pedestrian traffic by reason of proximity to a travel way and/or impairment of vision. Curbing, roadway speed limits and avoidance shall be utilized to minimize proximity hazards prior to consideration of removal.

(f) Poor condition. The tree is confirmed by a certified arborist or county staff to be diseased or substantially weakened by age, abuse, storm damage, or fire; or is otherwise determined to have major defects in structural or functional health beyond reasonable recovery or repair.

2-5.2 Replacements for removal. Where removal of protected trees is authorized by the county, replacement trees to mitigate lost benefits of the trees removed shall be provided according to the following provisions in addition to the trees prescribed for general landscaping:

(a) **Replacement ratio.** Within the applicable replacement limits of this section, no less than 50 percent of the total protected tree trunk diameter (DBH) inches removed shall be replaced in total caliper inches of new canopy trees planted. For example, if the diameters (DBH) of all protected trees removed totaled 39 inches, the minimum required replacement would be 39 x 0.50 = 19.5 caliper inches. Three replacement possibilities for the example given are: eight 2.5-inch trees providing 20 caliper inches, three 2.5-inch and four 3-inch trees providing 19.5 caliper inches, or seven 3-inch trees providing 21 caliper inches.

(b) **Replacement reduction.** If a standard arboricultural assessment of a tree documents damage, decay, poor structure or other substandard conditions, county officials may proportionally reduce the replacement required by its removal.

(c) **Replacement limit.** Total tree replacement for non-heritage trees need not exceed 25 caliper inches per development site acre, regardless of the total protected tree trunk diameter (DBH) inches permitted for removal. The development site area for which a mitigation limit is calculated shall be the same as the tree inventory area within the development parcel. Additionally, the 25 caliper-inch replacement limit does not exempt any protected tree removal from compliance with the removal criteria.

(d) **Replacement trees.** All trees planted as replacements for removed protected trees shall meet the requirements for tree selection prescribed in this article. Any of the tree species identified as pre-approved replacements may be planted. Other native trees with confirmed moderate to high drought tolerance and wind resistance may be proposed for county review and acceptance. Palms cannot be substituted for mitigation trees, even in greater quantities.

(e) **Replacement fee.** If any required replacement trees cannot be accommodated on the site of the removed trees in conformance with the minimum spacing, root area, and other applicable provisions of this article, the unplanted mitigation shall be fulfilled by a contribution to the county Tree Restoration Fund. The fee shall be collected at the time of issuance of any permit authorizing the tree removal.

1. **Unit cost basis.** The restoration fund contribution for unplanted mitigation is based on the unit cost of a standard replacement tree. That cost shall be the sum of the typical purchase, planting, and establishment (e.g., initial watering) costs of a 2.5-inch caliper, Florida Grade No.1, Live oak (*Quercus virginiana)* tree as estimated by the county and adopted within the fee schedule of the BCC. The county shall periodically reevaluate the unit cost to assure that the amount accurately represents the complete costs of a replacement tree.
2. **Calculation.** The restoration fund contribution is determined by dividing the caliper inches of unplanted mitigation by 2.5 to determine the required number of standard replacement trees. The calculated number of trees is then multiplied by the unit cost of a standard replacement tree. For example, eleven caliper inches of mitigation not provided on site, divided by 2.5 inches per tree, equals 4.4 trees. An amount equal to 4.4 times the fee schedule cost of a replacement tree is the required Tree Restoration Fund contribution.
3. **Use of fees.** All tree replacement fees collected by the county will be deposited to the Tree Restoration Fund and credited to the primary watershed in which the permit address is located - either Pensacola Bay or Perdido Bay. The Tree Restoration Fund will be used by the county within the respective watersheds for

costs associated with tree replacement and restoration of functional benefits provided by the urban forest.

2-6 Plant selection, installation and Irrigation

2-6.1 Selection. The plant selection standards of this section are not eligible for variances, but any proposed plantings that are in addition to those required by the county are exempt from the minimum size requirements.

(a) Quality. All plants required by this section shall conform to the standards for Florida Grade No.1, or better, as provided in the latest edition of *Grades and Standards for Nursery Plants*, Division of Plant Industry, Florida Department of Agriculture and Consumer Services.

(b) Species. All landscaping shall utilize native plant species or those species listed in the Florida-Friendly Landscaping™ Guide to Plant Selection and Landscape Design.

(c) Trees. Trees planted to fulfill the minimum landscape requirements of this article shall normally attain a mature height of at least 20 feet and have a minimum caliper of 2.5 inches or greater measured at 4 inches above root ball at planting. The following additional criteria apply:

1. **Non-native species.** Non-native species are limited to 25 percent or less of the total required trees planted.

2. **Diversity.** The diversity of any trees required to be planted on a site shall comply with the following limits to avoid uniform site tree decline from pests or disease:

Number of new tree planted on site	Maximum percentage of any one species planted
5 - 19	67%
20 - 49	40%
50 or more	30%

Use of palms. Palms do not comply with definition of tree for the purposes of these landscaping provisions. However, wind resistant species may be substituted at the ratio of two palms for one required tree for up to 50 percent of trees required for development on Santa Rosa Island or Perdido Key, excluding any trees required specifically for buffering or replacements for protected tree removal. Such palms include: Date Palm (*Phoenix spp.except P reclinata*) and cabbage or sabal, (*Sabal palmetto*)

(d) Other landscape vegetation.

1. **Shrubs.** All shrubs shall be a minimum of 12 inches in height at planting.

2. **Turf grass.** Consistent with Florida-friendly practices, development should consolidate and limit the use of most turf grasses to essential areas. When used, grass shall be species normally grown as permanent lawns in Escambia County. 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 and nurse grass shall be sown for immediate effects and protection until coverage is otherwise achieved.

2-6.2 Installation. Whenever landscaping is required or any condition of county approval it shall be installed in a sound manner according to established professional standards, and in compliance with this manual.

(a) Plant placement. The installation of plants in appropriate locations is essential to their long-term survival. Locations should match mature plant size to available soil volume and other conditions for growth. Appropriate separation from pavement and structures, including streets, driveways, curbs, sidewalks, signs, lights and utilities must be provided.

1. **Sight distances.** Landscaping within the sight distance areas prescribed in Article 5 for streets and site access shall be designed, installed and maintained to allow visibility between three feet and nine feet above grade. The trunks of mature trees trimmed of foliage to nine feet, and newly planted trees with immature crown development allowing visibility are generally acceptable within such areas.
2. **Minimum tree area**. Each new tree shall be planted at the center of a minimum permanent pervious rooting area clear of all obstructions to allow growth to maturity. The minimum radius of the rooting area shall be four feet for an understory tree and six feet for a canopy tree. This minimum circular area shall contain no sidewalks, curbs or pavement and no structures, including light or utility poles, signs, manholes, stormwater inlets, vaults, transformers, fire hydrants or backflow preventers.
3. **Minimum tree spacing.** Each new canopy and understory tree shall be planted at least 12 feet from any other tree. Additionally, any trees to be planted within the critical root zones of preserved canopy trees are limited to understory trees.
4. **Overhead utilities.** Where overhead utilities exist, only plants that will not create persistent utility maintenance or interference problems may be installed. To prevent trees from becoming energized or disrupting electrical service, tree planting directly below power lines shall be avoided and only understory trees planted near power lines. Within an established electric utility right-of-way no vegetation shall be planted that will achieve a height greater than 14 feet or intrude from the side closer than 10 feet to power lines, or exceed clearances otherwise required by applicable ANSI standards. Any canopy trees planted shall be at least 25 feet from power lines, and large maturing species should be planted at least 50 feet away.

(b) Accommodating tree roots. In addition to the minimum areas required by this article for planted and preserved trees, curb, sidewalks, and other concrete around trees should be minimized and more flexible materials utilized to accommodate tree roots, including crushed stone, brick-in-sand, and porous pavers.

Article 3 DOCKS, PIERS, AND MARINAS - [LDC - Chapter 4]

3-1 Design Standards

(a) 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 “f”, below). However, the minimum setback shall not be less than five feet and a maximum of twenty five feet on each side. This setback requirement is not intended to define an upland property owner's riparian and/or littoral rights.

(b) No pier, dock, marina or walkway shall terminate over submerged land that is vegetated with sea grasses except when a distance of 1.5 foot between the lowest point of the boat, including the motor, expected to use the facility and top of the submersed vegetation can be achieved.

(c) The dock, pier, marina or walkway shall be aligned to minimize the size of the footprint over seagrasses.

(d) Grated decking material or wooden planking with at least a one half inch space between boards, is required in all areas traversing seagrasses or any other submerged aquatic vegetation.

(e) The decked surface of any dock, pier, marina, or walkway shall be elevated a minimum of 5-ft. above the mean high water line in all areas traversing seagrass or any other submerged aquatic vegetation.

(f) 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.
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.

(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.
5. Whether construction of a dock or pier would have an adverse environmental impact on the shoreline or adjacent water body.
6. However, neither authorization nor denial of a permit for construction of a dock or pier by the board shall be construed as a vacation of acceptance of the dedication. This provision may be applied retroactively to allow permitting of existing docks or piers that were never properly permitted.

3-2 SRIA Design Standards

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.

3-2.1 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.

3-2.2 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:

(a) Fuel (gasoline, diesel, oil).
(b) Fresh water on docks, ice.
(c) Modern clean restrooms.
(d) Electrical outlets on docks.
(e) Garbage receptacles on docks.
(f) Telephone outlets.
(g) Ship's store.
(h) Facilities for at least minor boat repairs and accessories.
(i) Auto parking lot.
(j) 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.

3-2.3 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) 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.

(j) For commercial piers, each pier must have signs posted in bold print prohibiting the dumping of garbage and the pumping of bilges.

(k) Piers setback lines shall be ten percent of waterfront at MHWL, but no less than five feet from littoral lines.

(l) 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.

(m) 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.

3-2.4 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

back charge 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 a 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.

3-2.5 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 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.

3-2.6 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:

3-2.7 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.

3-2.8 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.

3-2.9 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.

Appendix A

Design Standards Manual

Professional Advisory Committee

Duties:

The seven members of the Professional Advisory Committee shall review proposed changes to the technical and environmental design standards herein. The proposed changes may be submitted by the County Engineer or the Environmental Director or the public. Proposed changes shall include supporting evidential documentation including but not limited to calculations, details, specifications, drawings, peer reviewed best available science, etc.

Meetings:

The Professional Advisory Committee shall meet according to Florida Sunshine law, on a bi-annual basis beginning approximately 6 months following the adoption by the Escambia County Board of County Commissioners. The meetings will be will be coordinated by either the County Engineer, Community and Environment Director or his/her designee, depending on the discipline of issues to be addressed.

Members:

One member shall be from private practice and shall be appointed by the local branch of the Florida Engineering Society.

One member shall be from private practice and shall be appointed by the local branch of the American Society of Civil Engineers.

Two members shall be from private practice and shall be appointed by the Florida Association of Environmental Professionals or other professional scientific association as deemed acceptable to the Community and Environment Director.

One staff member from Engineering/Public Works, Community & Environment, and Development Services Departments shall be appointed by the respective Department Director.

Terms of Office:

Terms for those members who are not Staff of Escambia County shall serve for a minimum two (2) years and may remain on the committee if re-selected by their appointing body.

Revisions:

Professional Advisory Committee's (PAC) revisions to this manual will be presented to the Planning Board for their review and recommendation to the BOCC and will be effective at the time of the BOCC decision.