

## Sec. 12-2-78. - Conditional use permit.

- (A) *Authorization and purpose.* The city council may, under the prescribed standards and procedures contained herein, authorize the construction of any use that is expressly permitted as a conditional use in a particular zoning district; however, the city reserves full authority to deny any request for a conditional use permit or to impose reasonable conditions on the use. Provisions for a conditional use permit are intended to establish a process for submitting a site plan for specific uses which require further review by the planning board and city council to assess the impacts of the proposed use on the surrounding neighborhood.
- (B) *Applicability.*
- (1) Conditional uses listed under zoning district regulations, or in this section for a specific land use type. Any proposed development or redevelopment of property within the R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, HR-1, HR-2, PR-1AAA, PR-2 and PC-1 zoning districts may apply for conditional uses listed under the zoning regulations for the district.
  - (2) Vacant public, semi-public, institutional, church or historically significant structures within the R-1AA, R-1A, R-ZL, R-2A and R-2 zoning districts. To allow for adaptive reuse of vacant public, semi-public, institutional, church or historically significant structure within the R-1AA, R-1A, R-ZL, R-2A and R-2 zoning districts which, by nature of its size, structural layout, site layout or other unique features, could not feasibly be redeveloped for adaptive reuse under existing zoning regulations, a conditional use permit may be granted. Redevelopment of an existing building may occur within its existing footprint or may be expanded subject to compliance with the lot coverage, intensity and height standards for the applicable zoning district. Existing buildings which exceed forty-five (45) feet may be redeveloped within the existing building envelope height; buildings which are less than forty-five (45) feet in height may not be expanded to exceed forty-five (45) feet in height. The following uses or combinations of uses shall be eligible to apply for a conditional use permit:
    - (a) Any type of residential development at a maximum density of thirty-five (35) units per gross acre, dormitories.
    - (b) Childcare facilities, nursing homes, rest homes, convalescent homes.
    - (c) Studios, with no outside storage or work permitted.
    - (d) Banks, office buildings.
    - (e) Restaurants.
    - (f) Retail food and drugstores; personal service shops; clothing and fabric stores; home furnishing stores, hardware and appliance stores; specialty shops; pastry shops; floral shops.
    - (g) Fitness centers, martial arts studios.

- (h) Laundry and dry cleaning pick-up stations.
- (3) Mobile restaurant facilities may be permitted on private property having frontage on South Palafox Place in the area located between the southern right-of-way line of Main Street and Pensacola Bay. Mobile restaurant facilities shall only be permitted as an accessory use to an adjacent existing and operational restaurant subject to the following conditions:
- (a) Mobile restaurant units will be permanently fixed to the ground (the attachments can be removed in the event the mobile restaurant needs to be moved due to lease termination or declaration of emergency).
  - (b) Storage areas and mechanical equipment shall be screened from view.
  - (c) Mobile restaurant units shall be connected to the sewer system and utilize a grease trap.
  - (d) Mobile restaurant units shall have permanent restrooms provided for customers via the adjacent principal restaurant use.
  - (e) Mobile restaurant development sites shall provide one (1) customer seats per linear foot of mobile unit on site.
  - (f) In addition to minimum landscaping requirements, mobile restaurant development sites shall provide both hardscape and landscape details with sufficient quality of design to create a formalized outdoor plaza environment. This shall be accomplished through the incorporation of grated tree wells for the planting of shade and canopy trees within outdoor seating areas. Outdoor seating areas shall be constructed with a minimum of forty (40) percent decorative architectural pavers comprising the overall seating area.
  - (g) Each individual mobile restaurant unit shall have a water source located within thirty (30) feet behind the structure.
  - (h) Mobile restaurant units shall be allowed one menu attached to the façade not to exceed sixteen (16) square feet and one identifying sign not to exceed twenty-five (25) square feet.
  - (i) There will be a maximum of four (4) mobile restaurant units per development site. If a mobile restaurant development site has more than one mobile restaurant unit on the parcel then all mobile restaurant units will be of a consistent design, size, and color. Mobile restaurant units and associated developments shall comply with the regulations and reflect the character of the district in which they are located. Accent features to distinguish unique culinary concepts are encouraged.
  - (j) Mobile restaurant units shall not occupy more than twenty-five (25) percent of the overall development site area.
  - (k) Underground utilities shall be required for each mobile restaurant unit.

Generators are not permitted with the exception of during the course of emergencies and power outages.

- (l) A designated screened dumpster area shall be located within five hundred (500) feet of a mobile restaurant unit.
- (C) *Requirements.* Applicants for a conditional use must submit development plans in accordance with section 12-2-81. The conditional use development plan shall meet all design standards as required by section 12-2-82 and is encouraged to meet all design guidelines established in the same section. A building permit shall not be issued for a conditional use until the city council has approved the final development plan.
- (D) *Standards for approval.* A conditional use may be approved by the city council only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:
- (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the City of Pensacola Comprehensive Plan, the land development regulations, or any other applicable plan, program, map or regulation adopted by the city council.
  - (2) The proposed use will not adversely affect the public health, safety or welfare.
  - (3) The proposed use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses.
  - (4) The proposed use shall be provided with adequate public facilities and services, including roads, drainage, water, sewer, and police and fire protection.
  - (5) The proposed use will not create undue traffic congestion.
  - (6) The proposed use shall minimize, to the extent reasonably possible, adverse effects on the natural environment.
- (E) *Conditions.* The city council may prescribe appropriate conditions and restrictions upon the property benefitted by the conditional use approval as may be necessary to comply with the standards set out in subsection 12-2-78(D) above, to reduce or minimize any potentially injurious effect of such conditional use upon the property in the neighborhood, and to carry out the general purpose and intent of these regulations. Failure to comply with any such condition or restriction imposed by the city council shall constitute a violation of these regulations. Those conditional uses which the city council approves subject to conditions, shall have specified by the city council the time allotted to satisfy such conditions. In approving any conditional use, the city council may:
- (a) Limit or otherwise designate the following: The manner in which the use is conducted; the height, size or location of a building or other structure; the number, size, location, height or lighting of signs; the location and intensity of outdoor lighting or require its shielding.

- (b) Establish special or more stringent buffer, yard or other open space requirements.
- (c) Designate the size, number, location or nature of vehicle access points.
- (d) Require berming, screening, landscaping or similar methods to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- (e) Designate the size, height, location or materials for a fence or wall.
- (f) Specify the period of time for which such approval is valid for the commencement of construction of the proposed conditional use. The city council may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing.

(Ord. No. 33-95, § 8, 8-10-95; Ord. No. 6-02, §§ 1, 2, 1-24-02; Ord. No. 05-12, § 1, 4-12-12; Ord. No. 29-16, § 1, 10-13-16)