

PROPOSED  
ORDINANCE NO. 47-16

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 12-2-24 OF THE CODE OF THE CITY OF PENSACOLA; AMENDING THE LAND DEVELOPMENT CODE, NORTH 9<sup>TH</sup> AVENUE CORRIDOR MANAGEMENT OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-24 of the Code of the City of Pensacola, Florida, is hereby amended to read:

**Sec. 12-2-24.** - North 9th Avenue corridor management overlay district.

- (A) *Creation and description of the overlay district.* There is hereby created the North 9th Avenue corridor management overlay district within the area described as follows: All properties abutting North 9th Avenue between Fairfield Drive and Bayou Boulevard.
- (B) *Purpose.* The purpose of this overlay district is to establish specific criteria to address access management of vehicular traffic and to enhance safety in the district for both pedestrians and the operators of motor vehicles. Further, creation of the district will allow for the orderly rezoning and redevelopment of the district over time, allow for a compatible mixture of residential and business uses, maintain the residential appearance and quality of the district by implementation of design ~~guidelines~~ standards, and enhance the corridor's visual appearance. These objectives will be accomplished through comprehensive site planning on the part of the developer, combined with site plan review and approval by the Planning Board, planning staff, the city engineer and the district office of the Florida Department of Transportation.
- (C) *Permitted land uses.* Land uses within the North 9th Avenue corridor management overlay district are those permitted in the underlying zoning district classifications.
- (D) *General conditions, procedures and standards.* ~~Rezoning requests alone will not require submission of a site plan; however, prior to obtaining a building permit and/or obtaining a certificate of occupancy for non-residential development, the developer must submit a site plan that meets the access management requirements listed below. The developer shall submit this site plan to the Department of Planning and Neighborhood Development and meet with the planning staff and the city engineer to obtain their input or review of the following:~~

(1) Rezoning requests alone will not require submission of a site plan.

(2) Prior to making application for a building permit and/or obtaining a certificate of occupancy for non-residential development, the developer must submit a site plan that meets the access management requirements and design standards listed below to the Planning Board for aesthetic review. The developer shall submit this site plan to the Planning Services Division and meet with the planning staff and the city engineer to obtain their input and/or review of the following prior to or concurrent with the Planning board submittal:

- (a) The relationship between the proposed development plan and the surrounding land uses.
- (b) The character and/or design of the following factors:
  - 1. traffic egress and ingress to the site;
  - 2. parking;
  - 3. provision of open space and visual corridors;
  - 4. preservation of existing vegetation and proposed landscaping;
  - 5. applicable screening, fencing and buffering;
  - 6. signage; and
  - 7. preservation of the residential quality of the district through architectural and design guidelines standards as outlined in paragraph (F) below.

(3) Procedure for review of plans.

(a) Plan submission: All development plans must comply with development plan requirements set forth in subsections 12-2-81(C) and (D), and design standards and guidelines established in section 12-2-82. Every application for a new certificate of occupancy or a building permit to erect, construct, demolish, renovate or alter a building or sign, or exterior site work (i.e., paving and landscaping of off-street parking areas), located or to be located in the North 9th Avenue corridor management overlay district shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, design of the site, signage, or exterior work (both before and after the proposed work is done in cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plot plan or site layout including all site improvements or features such as walls, fences, walks, terraces, plantings, accessory buildings, paved areas, signs, lights, awnings, canopies and other appurtenances.

(b) Review and approval. All plans shall be subject to the review and approval of the Planning Board established in Chapter 12-13. At the time of review the Board may require that any aspect of the overall site plan which does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board.

(c) Final development plan. If the Planning Board approves a preliminary development plan, the owner shall submit a final development plan in accordance with the procedure set forth below within six (6) months of the date of approval of the preliminary plan of development. For good cause shown, the Planning Board may, in its discretion, extend the time within which to file the final development plan for successive periods, the total of which shall not be more than an additional six (6) months. The final development plan shall be in basic conformity with the preliminary plan of development and comply with the other provisions of section 12-2-81 pertaining to the final development plan. If the applicant submits a final development plan which conforms to all the conditions and provisions of this chapter, then the Planning Board shall conclude its consideration at its next regularly scheduled meeting.

(E) Development requirements.

- (1) Access management. In keeping with the district's ~~primary~~ goal of access management of vehicular traffic, each non-residential lot or parcel under single ownership must address access management objectives in its initial site plan.

In the interest of vehicular safety, traffic circulation, and roadway level of service (LOS), driveways to non-residential parcels of property must be at least two hundred forty-five (245) feet from the next adjacent driveway in either direction. This requirement can be accomplished by one of the following methods:

- (a) A property owner requesting approval of non-residential use shall own a sufficiently sized parcel of land so as to gain the required frontage on North 9th Avenue to meet the two hundred forty-five-foot spacing requirement.
- (b) A property owner may assemble multiple parcels of land so as to achieve the two hundred forty-five-foot spacing requirement.
- (c) In the event that the two hundred forty-five-foot spacing requirement cannot be met on an individual parcel, one (1) driveway will be allowed; however an access management plan incorporating the concept of shared driveways with adjoining parcels that will accomplish this spacing requirement must be submitted to, and approved by, the planning staff.

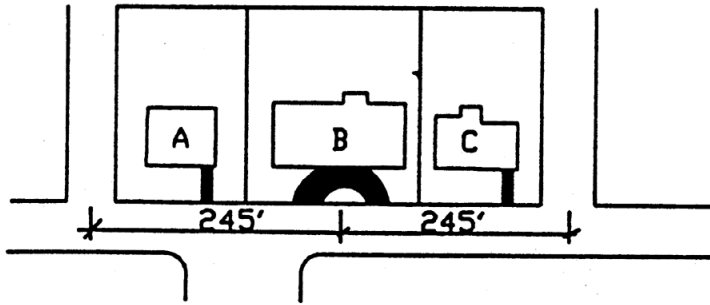
Under this scenario, existing driveways will be designated interim driveways until such time as shared access development plans can be completed and shared driveways are constructed. To accomplish this objective, property owners must submit an easement allowing cross access to and from other properties served by joint and cross access drives and an agreement within their deed that the remaining access rights will be relinquished to the city and that preexisting driveways along the thoroughfare will be closed and eliminated after construction of the joint access system. These easements will be recorded by the city in the Public Records of Escambia County and be kept on file in the city's ~~Department of Planning and Neighborhood Development~~ Planning Services Division. A joint maintenance agreement should also be established in order to define

the maintenance responsibilities of the property owners. See Exhibits A-1, A-2, A-3, and A-4.

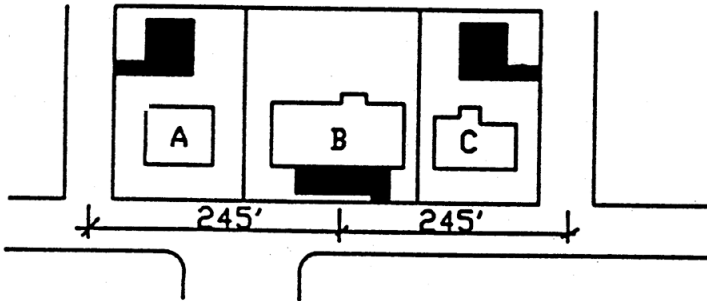
~~Parcels located on corner lots are encouraged to use the side street locations for their driveways and will not be permitted to access be permitted to access North 9th Avenue unless the minimum two hundred forty-five foot spacing requirement on North 9th Avenue can be met.~~

Unless the minimum spacing requirement of two hundred forty-five feet between connections can be met, parcels located on corner lots shall use the side street for full-access connections and have limited access to North 9th Avenue. Direct access to North 9th Avenue shall be allowed in the form of directional openings designed to enhance the safety and operation of the roadway. Driveway connections on corner side streets shall provide a corner clearance of 120 feet from the travel lane of North 9th Avenue. This distance may be reduced if the depth of the lot cannot support this distance or if the location is within a primary portion of the lesser classified roadway and could pose a conflict or nuisance with the surrounding existing residential uses, such as in the case of direct alignment with an existing residential driveway or dwelling.

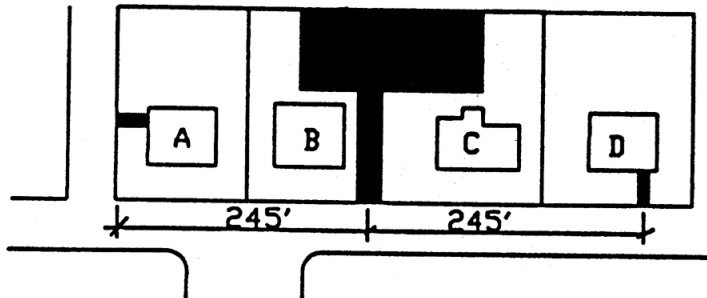
A-1  
RESIDENTIAL USE WITHOUT  
ACCESS MANAGEMENT



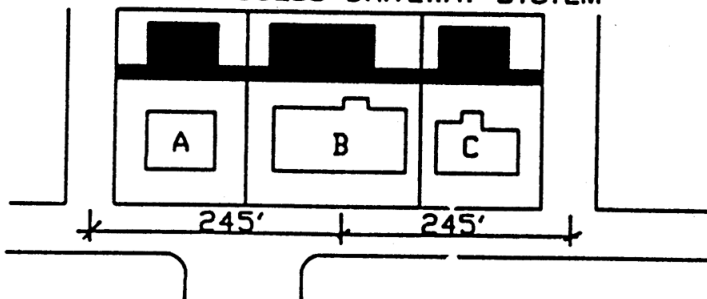
A-2  
OFFICE USE WITH  
ACCESS MANAGEMENT



A-3  
JOINT ACCESS DRIVEWAY SYSTEM

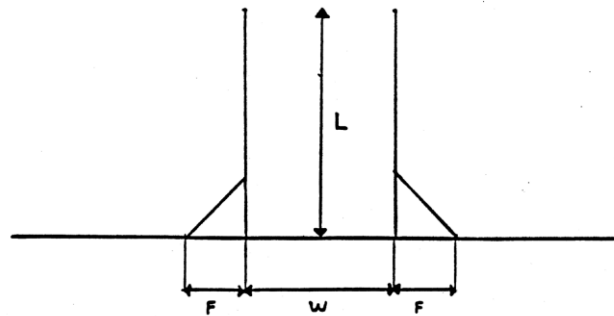


A-4  
CROSS ACCESS DRIVEWAY SYSTEM



(2) Driveway design standards. In order to permit a safe transition from the roadway to the site, two-way driveways must have a minimum width of twenty-four (24) feet and a maximum of thirty-six (36) feet and a ten-foot minimum flare of ten feet on both sides in accordance with Florida Department of Transportation Standard Index 515, Roadways and Traffic Design Standard Indices, latest edition. Further, to prevent the stacking of vehicles on the roadway, driveways should have a minimum length of thirty-six (36) feet from the edge of the roadway to the beginning of the parking area for business developments. See Exhibit B below. The placement of parking areas towards the rear of the site for business establishments where the site is less than two hundred (200) feet in depth is strongly encouraged as this will enhance safety and the aesthetic appearance of the development. For sites that are two hundred (200) feet in depth or more, placement of parking is encouraged toward the front of the site with sufficient landscaping to enhance the aesthetic appearance of the development. As long as the roadway remains under FDOT maintenance, a copy of the FDOT Pre-Application Meeting Notes should be provided to the City during the site plan submittal process to allow staff to review for consistency with the State requirements as well as City standards.

FDOT DRIVEWAY DESIGN STANDARDS<sup>1</sup>



CONNECTION WIDTH	"W"	24' Min. 36' Max.
FLARE (Drop Curb)	"F"	10' Min.
DRIVEWAY LENGTH	"L"	36' Min.

<sup>1</sup> Florida Department of Transportation Standard Index 515, Roadways and Traffic Design Standard Indices, latest edition.

EXHIBIT B

(3) Off-street parking. Off-street parking must be provided as required for the specific use of the property as set forth in Chapter 12-3. The design of parking lots must meet the minimum requirements as set forth in Chapter 12-3. Additionally, parking areas shall be placed towards the rear of the site for business establishments. Where the constraints of the lot limit parking at the rear of the site, additional landscaping shall be required within the parking area and along the front of the property to soften the streetscape and enhance the aesthetic appearance of the development.

- (4) ~~Landscaping and buffers requirements.~~ Landscaping and buffer requirements are subject to the minimum provisions set forth in Chapter 12-2, section 12-2-32 and Chapter 12-6. When off-street parking is located at the front of the project, a year-round landscaped hedge or low wall along the street edge of the parking lot must be used as a means of buffering. Additional design standards are outlined in Section 12-2-24 (F) below.
- (5) ~~Signs. The provisions set forth in Chapter 12-4 apply within the North 9th Avenue corridor management overlay district. Refer to Chapter 12-4 for general sign standards and criteria and for a description of sign area calculations. The specific standards as outlined in Section 12-2-24 (F) shall be applied to all signage within this district.~~
- (6) ~~Fencing and screening. Approved materials for non-residential developments include, but are not limited to, wood, brick, stucco finished masonry, stone, or wrought iron, and combinations of these materials. Synthetic materials with the appearance of approved materials are included. Chain link fences for new non-residential developments will be permitted only if screened in their entirety by appropriate vegetation. Reserved.~~
- (F) Design guidelines standards:
- (1) ~~Landscaping and buffers guidelines.~~ Preservation of existing vegetation is required and new plantings of native, non-invasive understory vegetation is strongly encouraged to visually link the development to the wooded character and mature landscape of the district.
  - (2) ~~Guidelines for the aesthetic use of signs~~ Signage.
    - ~~1. (a) Freestanding signs. The use of monument signs is recommended within the corridor. Freestanding signage shall observe a maximum overall sign height of 8 feet with a maximum sign face area of 32 square feet. Monument signs are required; however, if a pole sign is existing, decorative covers to conceal the frame are required. Additionally, landscaping at the base of all freestanding signage is required.~~
    - ~~2. (b) Design materials. The architectural character of the building to which the sign relates should be reflected in the lettering and materials used in the sign.~~
    - ~~3. (c) Lighting. Lighting should be indirect, uplit and concealed by landscaping and/or vegetation.~~
    1. In addition to the standards within Sections 12-3-3 and 12-4-2, parking lot lighting and lighting on buildings shall be direct (downlighting) to promote dark sky lighting and minimize light pollution. The maximum allowed trespass of light at the property line shall not exceed .5 foot-candles. Parking lot lighting shall be full cutoff to minimize light pollution and nuisances.
    2. Freestanding signs may be uplit with shielded landscape lighting to promote dark sky lighting and minimize light pollution and nuisances.

3. Signage may not be internally illuminated. However back-lighting of letters will be permissible with opaque faces to create the effect of channel letters.

4. Electronic reader boards shall not be allowed within this district.

4. (d) Copy. The sign copy should be limited to the name, address and logo of the business.

(3) ~~Guidelines for architectural~~ Architectural design and building elements.

(a) Buildings or structures which are part of a present or future group or complex ~~should~~ shall have a unity of character and design. The relationship of forms and the use, texture, and color of materials should be such as to create a harmonious whole within the residential context and nature of the district.

(b) Buildings or structures located along strips of land or on single sites and not a part of a unified multi-building complex ~~should~~ shall strive to achieve visual harmony with the surroundings. It is not inferred that the buildings must look alike or be of the same style to be compatible with the district. Compatibility can be achieved through the proper consideration of scale, proportions, site planning, landscaping, materials and use of color.

(4) Fencing and screening. Approved materials for non-residential developments include, ~~but are not limited to,~~ wood, brick, stucco finished masonry, stone, or wrought iron, and combinations of these materials. Synthetic materials with the appearance of approved materials are included. Black powder-coated ~~€~~chain link fences will be permitted for new non-residential developments if screened in their entirety by appropriate vegetation. Exposed concrete block and barbed-wire are prohibited within the district.

(G) Contents of the development plan. The site plan(s) and elevation(s) depicting the proposed project within the overlay district must contain all the elements at the scale designated in section 12-2-81 (C) and (D).

(H) Conformity. Existing commercial developments are required to comply with the above standards with respect to landscaping, lighting, signage and fencing by December 31, 2024. Compliance will be required for all redevelopment that exceeds 50% of the value of the building.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 3. If any word, phrase, clause, paragraph, section or provision of this ordinance or the application thereof to any person or circumstance is held invalid or unconstitutional, such finding shall not affect the other provision or applications of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.



SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: \_\_\_\_\_

Approved: \_\_\_\_\_  
President of City Council

Attest:

\_\_\_\_\_  
City Clerk