TITLE XII. - LAND DEVELOPMENT CODE[1]

CHAPTERS

Footnotes:

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Editor's note— Section 2 of Ord. No. 10-92, adopted March 26, 1992, repealed and replaced Chs. 12-1 through 12-13 of Title XII, to read as herein set out. Former Chs. 12-1 through 12-13, set out the land development code. For a comprehensive listing of ordinances from which the repealed provisions derived, please refer to the Code Comparative Table beginning on page 3917. Nonsubstantive editorial

changes to the text and format have been made; otherwise, said provisions are set out as enacted. Amendments are represented by a history note following the affected section. Absence of such a note indicates the section remains unchanged.

Cross reference— Administration, Title II; health and sanitation, Title IV; fair housing, § 5-2-15 et seq.; parks and recreation, Ch. 6-3; public enterprises and utilities, Title X.

CHAPTER 12-0. COMPREHENSIVE PLAN[2]

Footnotes:

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Editor's note— This chapter was created by Ord. No. 49-90, adopted Oct. 14, 1990, § 2 of which reads as follows:

"Section 2. Severability.

A. If any section, paragraph, subdivision, clause, sentence, or provision of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this ordinance. But the effect thereof shall be confined to this section, paragraph, subdivision, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

B. In the event that the entire Comprehensive Plan shall be adjudged by any court of competent jurisdiction to be invalid, the amendment of the previously existing Comprehensive Plan shall be deemed invalid. The preceding, unamended Comprehensive Plan shall stand as the Comprehensive Plan for Pensacola."

Sec. 12-0-1. - Authority.

This chapter is adopted in compliance with, and pursuant to the ~~Local Government Comprehensive Planning and Land Development Regulation Act~~Community Planning Act, F.S. § 163.3161, et seq. (Ord. No. 49-90, § 1, 10-4-90)

Sec. 12-0-2. - Purpose and intent.

(a) It is hereby declared that the purpose and intent of this chapter is to encourage the most appropriate use of land, water, and resources consistent with the public interest; and deal effectively with future problems ~~which~~that may result from the use and development of land within the city. Through the use of the plan, and those elements and subelements thereto adopted herein by this chapter, it is the intent of the city council to preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; prevent the overcrowding of land and avoid undue concentration of populations; facilitate the adequate and efficient provision of transportation, water, sewerage, parks and recreation facilities, solid waste, drainage, and other services; and conserve, appropriately develop, utilize, and protect natural and historic resources; to adequately plan for and guide growth and development within the city, to coordinate local decisions relating to growth and development and to ensure that the existing rights of property owners be preserved in accord with the Constitution of the State of Florida and of the United States.

(b) The provisions of the plan, its elements, and its subelement adopted by this chapter are declared to be the minimum requirements necessary to accomplish the aforesaid stated intent, purpose, and objectives of this chapter; and they are declared to be the minimum requirements to maintain, through orderly growth and development, the character and stability of present and future land use and development within the city. Nothing in the Comprehensive Plan is to be construed to limit the

powers and authority of the city council to enact ordinances, rules or regulations that are more restrictive than the provisions of this chapter.

(c) Nothing in the Comprehensive Plan, or in the land use regulations adopted consistent with its requirements, shall be construed or applied so as to result in an unconstitutional temporary or permanent taking of private property or the abrogation of validly existing vested rights.

(Ord. No. 49-90, § 1, 10-4-90)

Sec. 12-0-3. - Adoption of Comprehensive Plan.

The 1990 City of Pensacola Comprehensive Plan Goals, Objectives and Policies and maps for future land use, traffic circulation, natural resources, archaeological and architectural resources, mass transit, port aviation and related facilities, and recreation and open space ~~is hereby~~were adopted in conformance with, and pursuant to, provisions of the Local Government Comprehensive Planning and Land Development Regulations Act, F.S. § 163.3184 et seq. They have been substantially amended twice and currently conform to the provisions of the Community Planning Act, F.S. § 163.3161, et. seq. The adoption of the plan and its subsequent amendments~~,~~ supersedes all previous Comprehensive Plans.

(Ord. No. 49-90, § 1, 10-4-90)

Sec. 12-0-4. - Administration.

The mayor, or designee, shall be responsible for the general administration of the Comprehensive Plan. The planning services department ~~city planner, or designee,~~ shall be responsible for reviewing all codes and ordinances, pursuant to F.S. § 163.3194(2), to identify those ~~which~~that pertain to land development for submission to the planning board for their review, consideration, and recommendation to the city council. The ~~city planner, or designee,~~planning services department shall be responsible for evaluating all development orders pursuant to the plan.

(Ord. No. 49-90, § 1, 10-4-90; Ord. No. 16-10, § 195, 9-9-10)

Sec. 12-0-5. - Appeals.

(a) Appeals relating to any administrative decision or determination concerning implementation or application of the Comprehensive Plan's provisions shall follow an administrative procedure requiring first a review and decision by the ~~city planner~~planning services department (or in the case of application for a building permit, by the building official) which decision will be final. Appeals of the ~~city planner~~planning services department's or building official's decision may be made to the planning board. The planning board decision may be appealed to the city council. The city council shall establish procedures and proceedings and times for appeals. Any party challenging an administrative decision or determination concerning implementation or application of the plan's provisions must exhaust this appeal process before any action is deemed final by any court or quasi-judicial proceeding.

(b) *Protection of vested rights.*

(1) *Definition of final local development order.* For purpose of the plan, a final local development order shall be that last approval necessary to carry out the development provided that the proposed project has been precisely defined and development has commenced and is continuing in good faith. No development order ~~which~~that has been issued shall be deemed final if a period of one year has expired without issuance of a building permit for the development or if following issuance of a building permit, construction has not commenced within six (6) months and continued in good faith.

(2) *Special exemptions based on previous approval of development orders.*

a. Notwithstanding any other provisions of the Comprehensive Plan, it shall be the policy of the city to consider granting special exemption status to a development ~~which~~that may be deemed inconsistent with a policy or operative provision in the Comprehensive Plan, if a project phase or a project as indicated in an approved development order in its entirety is completely contained on a site for which one or more of the following development orders has received final approval by the city and development has commenced and is continuing in good faith, prior to the date of adoption of the Comprehensive Plan:

1. Final approved development orders relating to a Development of Regional Impact (DRI) pursuant to F.S. Ch. 380.

2. Valid and approved final local development order.

b. Additionally, it shall be the policy of the city to consider granting special exemption status to a proposed development ~~which~~that may be deemed inconsistent with a policy or operative provision in the Comprehensive Plan if that project in its entirety or project phase as indicated in an approved development order is completely contained on a site which has one of the following determinations, provided development commences within one year of the determination and continues in good faith.

1. A development order or right determined to be "vested" pursuant to any prior judicial determination or any judicial determination by an appropriate court overturning a vested right determination made through any administrative procedure subsequently established by the city council.

2. A development order or right determined to be "vested" pursuant to a vested right determination made through any administrative procedure subsequently established by the city council based on the owner's establishment by the presentation, at a public hearing, or competent, substantial evidence that ~~he~~ he or she acted in good faith and in reasonable reliance upon some act or omission of the city and has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the rights ~~he~~ he or she has acquired. A land use designation in a prior Comprehensive Plan, or a zoning designation, is not sufficient to constitute an act or omission of the city. The treatment of similar cases by Florida courts, as reviewed by the city attorney, as well as recommendations of staff shall be relevant to the determination of the extent of vested rights established, if any.

c. Projects with special exemptions under subparagraphs a.1. and a.2. above shall not be required to comply with the provisions of the Comprehensive Plan as to concurrency. Development orders determined to have "vested rights" under subparagraphs b.1. and b.2. above, shall be required to comply with the provisions of the Comprehensive Plan except to the extent provided in the vested rights determination or judicial order.

d. To the extent that any subsequent amendment to development orders with a special exemption status established pursuant to the foregoing procedures, may alter existing development rights otherwise preserved under the special exemption status, such subsequent amendments shall not qualify for the special exemption and shall be reviewed in accordance with the then-existing Comprehensive Plan.

e. It is not the intent of this section to preclude the consideration of appropriate extensions of development orders or phasing deadlines. Special exemption status shall, however, terminate upon expiration, repeal or, recession of any approved development order that created the special exemption status on the project or project phase or extension thereof. Any project, or all phases thereof, that are made a special exemption under this policy, or any development that does not comply with the then existing Comprehensive Plan, and shall lose such special exemption status upon the expiration of any final plan or permit, for the missing of any phasing deadline for such project.

f. In the event that a phased project in its entirety qualifies as a special exemption, succeeding phases of that project shall retain that status so long as the following conditions are met:

1. For the first phase, no more than one year has passed since the approval of the final site plan and/or no more than six (6) months has passed since the issuance of a building permit and the commencement of development, which must continue in good faith.

2. Each subsequent phase shall utilize the initial final site plan approval date as a base and the approved phase number will be the date in years for required commencement of development for that phase (example: in a three (3) phased project the third phase shall commence development within three (3) years of the initial final site plan approval.) All phases must continue development in good faith to retain special exemption status.

g. Any proposed development considered under the special exemption provisions of this section must be consistent with the development orders previously approved and issued prior to the plan adoption for the proposed project or project phase. A developer may elect to be processed under the Comprehensive Plan, in its entirety, as it exists at the time of the request for development order approval. Unless a developer indicates that the special exemption provisions, as set forth above, apply to a request for development order approval at the time of application for such development order, then such project shall be processed under the terms of the Comprehensive Plan in existence at the time of such application.

h. Nothing in this section precludes review of a proposed project or project phase that has been determined to have special exemption status under this section for compliance with other applicable development regulations not contained in the Comprehensive Plan. Nothing in this section precludes review of a proposed project or project phase that has been determined to have special exemption status under this section for compliance with the provisions of the Comprehensive Plan provided that requiring compliance with those provisions shall not substantially impair rights deemed to be vested pursuant to this section.

(Ord. No. 49-90, § 1, 10-4-90)

Sec. 12-0-6. - Legal status of Comprehensive Plan.

(a) After and from the effective date of this chapter, all development undertaken by and all actions taken in regard to development orders of the city council shall be consistent with the plan adopted herein.

(b) The city council shall be the sole authority for enacting or implementing the provisions of the Comprehensive Plan, unless otherwise delegated to a specific designee.

(c) All land development regulations enacted or amended shall be consistent with the plan adopted herein by this chapter, and any land development regulations existing at the time of adoption ~~which~~that are not consistent with the adopted Comprehensive Plan shall be amended so as to be consistent.

~~During the interim period when the provisions of the adopted plan and land development regulations are inconsistent, the provisions of the adopted plan shall govern any action taken in regard to an application for a development order.~~

Commented [JW1]: Deleted pursuant to current law.

~~From the effective date of this chapter, n~~No land development regulations, land development codes, or amendment thereto shall be adopted by the city council until such regulations, code, or amendment has been referred to the planning board for review and recommendation as to the consistency of such proposals to the plan.

(d) For purposes of this section, the term "land development regulations" and "regulations for the development of land" shall include land-use and zoning designations, zoning regulations, subdivision regulations, or other regulations, codes or ordinances controlling the development or use of land within the city.

(e) It is the specific intent of this chapter that the plan adopted herein shall have the legal status set forth in F.S. § 163.3194, as amended. No public or private development of land within the city shall be permitted, except in conformity with the plan adopted herein.

(Ord. No. 49-90, § 1, 10-4-90)

Sec. 12-0-7. - Reserved.

Editor's note— Section 1 of Ord. No. 10-92, adopted March 26, 1992, repealed § 12-0-7. Former § 12-0-7 pertained to concurrency management and monitoring and derived from Ord. No. 49-90, § 1, adopted Oct. 4, 1990 and Ord. No. 24-91, § 1, adopted April 25, 1991.

Sec. 12-0-8. - Public participation.

The following public participation procedures are hereby adopted by city council pursuant to F.S. Ch. 163, Part II, and Rule 9J-5.004, Florida Administrative Code for the purpose of ensuring continued provision of public participation in the city's planning process including the consideration of amendments to the city's Comprehensive Plan and evaluation and appraisal ~~reports~~reviews:

(a) Provisions to assure that real property owners are put on notice, through advertisement in a newspaper of general circulation in the area or other method adopted by the local government, of official actions that will affect the use of their property.

(b) Provisions for notice to keep the general public informed.

(c) Provisions to assure that there are opportunities for the public to provide written comments.

(d) Provisions to assure that the required public hearings are held.

(e) Provisions to assure the consideration of and response to public comments.

The city will make executive summaries of the Comprehensive Plan available to the general public and continue to provide information at regular intervals during the planning process to keep citizens aware of planning activities.

(Ord. No. 49-90, § 1, 10-4-90)

CHAPTER 12-1. GENERAL PROVISIONS

Sec. 12-1-1. - Short title.

This title shall be known and may be cited as "The City of Pensacola Land Development Code" and may also be referred to as the "Land Development Code," "LDC," "Land Development Regulations" or "Zoning Code." The term "this title" when used herein shall refer to "The City of Pensacola Land Development Code."

Sec. 12-1-2. - Authority and purpose.

This title is adopted pursuant to the authority granted by F.S. § 166.021; F.S. Ch. 163, Part III; and other applicable provisions of law for the purpose of adopting and codifying comprehensive land development regulations for the city. The council finds that the regulations set forth in this title are a

necessary and proper means for planning and regulating the development of land in the city and for otherwise protecting and promoting the public health, safety and general welfare of its citizens.

Sec. 12-1-3. - Relationship to the City of Pensacola Comprehensive Plan.

The regulations and requirements herein set forth are established in accordance with the City of Pensacola's Comprehensive Plan to encourage the most appropriate use of land throughout the city with reasonable consideration, among other things, of the prevailing land uses, growth characteristics and character of the respective districts and their suitability for particular uses. Specifically, this title provides regulations to implement applicable goals, objectives and policies of the city's adopted Comprehensive Plan.

The city will amend its land development code consistent with requirements of F.S. Ch. ~~163.3202~~163.3184 ~~and F.S. Ch. 9J-24, Florida Administrative Code,~~ so that future growth and development will continue to be managed through the preparation, adoption, implementation and enforcement of land development regulations that are consistent with the Comprehensive Plan.

Commented [JW2]: Pursuant to current law.

Sec. 12-1-4. - Buildings to conform to regulations.

No structure shall be erected or reconstructed, nor shall any building or land be used in a manner ~~which~~that does not comply with all the district regulations established by this title for the district in which the building or land is located. Provided, however, lots may be developed in accordance with the building setback requirements set forth in a recorded subdivision plat for a single-family residential development notwithstanding any inconsistency with later amendments to the building setback requirements of this title. Nothing in this title shall be construed to authorize development that is inconsistent with the City's Comprehensive Plan.

The owner of every structure hereafter erected, reconstructed or structurally altered shall provide proof of a recorded perpetual access easement to a public street or right-of-way; however, all residential lots shall abut a public street or right-of-way or private street except for lots fronting on Bayou Chico, Bayou Texar, Pensacola Bay and Escambia Bay when proof of recorded access easement is provided. In R-1AAAA, R-1AAA, R-1AA, R-1A, and R-ZL zones, there shall be no more than one single-family residence or duplex per lot except as provided for in section 12-2-52.

(Ord. No. 39-92, § 1, 12-17-92; Ord. No. 11-94, § 1, 4-14-94; Ord. No. 13-06, § 1, 4-27-06)

Sec. 12-1-5. - Interpretation, conflicts and omissions.

In interpreting and applying the provisions of this title, the minimum requirements for the promotion of the public health, safety, and general welfare of the community shall be adhered to. The city shall not interfere with, nullify, amend nor be responsible for enforcing covenants, deed restrictions or other agreements between private parties; provided, however, that where this title imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, deed restrictions or agreements, the provisions of this title shall prevail.

In the event there is not a particular use listed anywhere in this title that corresponds with a proposed use, then it shall be interpreted that the use described in this title having the most similar characteristics as the use in question shall apply.

The provisions of this title shall not affect, alter, nullify, amend or modify the existing provisions of any code or any ordinance relating to and controlling, regulating or affecting the sale of alcoholic beverages or any ordinance relating to health, safety and sanitation. With respect to the Pensacola Historic District, the North Hill Preservation District, and the Old East Hill Preservation District only the Zoning Board of Adjustment may make any administrative interpretation allowing a proposed use other than those expressly permitted by the applicable district regulations.

(Ord. No. 15-00, § 1, 3-23-00; Ord. No. 13-06, § 2, 4-27-06)

Sec. 12-1-6. - Nonconforming lots, structures and uses.

(A) *Intent.* Within the districts established by this title, or amendments that may later be adopted, there may exist lots, structures, uses of land and or structures, and/or characteristics of use ~~which~~that would be prohibited, regulated, or restricted under the terms of this title or future amendments. It is the intent of this title to allow these nonconformities to exist but not to encourage their continuation. Such uses are declared by this title to be nonconforming and incompatible with permitted uses in the districts involved.

(B) *Nonconforming lots; lots of record.* Where a lot or parcel of land has an area or a width less than the minimum required for a residential use, and was owned as a separate unit as shown of record on July 23, 1965, such lot or parcel of land shall be considered a lot of record and may be used only for a single-family dwelling. Where a lot or parcel of land is determined to be a lot of record, such lot may be used as a residential building site, provided said lot complies with the following minimum yard requirements:

Front yard—Twenty (20) feet.

Side yard—Four (4) feet.

Rear yard—Ten (10) feet.

Lots of record are exempt from corner lot and visibility triangle requirements except for placement of the dwelling.

(C) *Nonconforming structures.* Where a legal structure exists that would not be permitted under the terms of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure shall be declared a nonconforming structure and may be maintained provided that no such structure shall be enlarged in a way ~~which~~that increases its nonconformity.

(D) *Nonconforming uses of land and structures.* Where a legal use of land exists that would not be permitted under the terms of this title, as enacted or amended, such use shall be declared a nonconforming use and may be continued subject to the following provisions:

(1) Extension of nonconforming use. No such nonconforming use may be extended to occupy any greater area of land or extended to occupy any land outside any buildings on the same parcel.

(2) Discontinuance of nonconforming use. If a nonconforming use is discontinued, removed or abandoned for a period of not less than three hundred sixty-five (365) days, any future use of the land and structure shall be in conformity with the provisions of this title.

(3) Where the cessation of a nonconforming use is the result of fire, explosion or other casualty, or act of God, or the public enemy the nonconforming use shall not be declared discontinued until six (6) months after the initial three hundred sixty-five (365) day period. Additional time may be granted by the zoning board of adjustment upon proof by the landowner that the landowner has proceeded with diligence to restore the use and circumstances beyond the landowner's control have made the period of time inadequate.

(4) Nothing in this title shall be interpreted as authorization for, or approval of, continuation of any illegal use of a building, structure, premises or land, in violation of any ordinance in effect at the time of the passage of this title. The casual, intermittent, temporary, or illegal use of land, building or structure for any length of time shall not be sufficient to establish the existence of a nonconforming use.

(E) *Change in nonconforming use.*

(1) There may be a change in tenant, ownership or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.

(2) A nonconforming use may be changed to a different nonconforming use, provided, however that the proposed use is permitted within the same zoning district as the existing nonconforming use or a use in a more restricted zoning district.

(3) When a nonconforming use is changed to another nonconforming use permitted in a more restricted zoning district, the new use may not be changed back to a nonconforming use permitted in a less restricted zoning district.

(4) When a nonconforming use has been changed to a conforming use, the conforming use may not be changed back to a nonconforming use.

(F) *Restoration.* Nonconforming fences may be repaired or replaced after obtaining the proper permit without the necessity of following the requirements listed in this subsection. Nothing in this title shall be taken to prevent the restoration of any other non-conforming structure or a building housing a non-conforming use destroyed to the extent of not more than seventy-five (75) percent of its value by fire, explosion, or other casualty, or act of God, or the public enemy. A non-conforming structure or a building housing an existing nonconforming use destroyed to the extent of more than seventy-five (75) percent may be reconstructed and the nonconforming use continued provided the following requirements are complied with:

(1) *Public hearing.* A public hearing is held after notification of same being mailed to each owner of property within five hundred (500) feet of the property in question subject to regulations in subsections 12-12-3(F)(1)(g) and (i).

(2) *City council approval.* ~~Seven (7)~~Five (5) members of the city council must vote in favor of a permit to allow the reconstruction of a nonconforming structure and/or the continuance of a nonconforming use in order for same to be effective.

(3) *Building restrictions.* The structure, as reconstructed, shall not exceed the its former dimensions, either in ground floor area, total floor space, or number of stories unless it complies with all the lot line and setback restrictions of the particular zoning district in which the property in question is located.

(4) *Appeals.* Once such a petition has been denied, it shall not again be entertained for one year after the date of denial.

(G) *Governmental right-of-way takings.* If, as a result of governmental right-of-way takings, by either negotiation or condemnation, existing building or vehicular use areas or other permitted uses would, but for this subsection, become non-conforming or further non-conforming with the setback and landscape provision of this title, the following provisions shall apply:

(1) Subject to the procedure set forth in paragraph (4), existing building and vehicular use areas or other permitted uses ~~which~~that are not within the part taken, but which, because of the taking, do not comply with the setback, landscape or other requirements of this title, shall not be required to be reconstructed to meet such requirements and the remainders shall be deemed thereafter to be conforming properties. The exemption thus created shall constitute a covenant of compliance running with the use of the land.

(2) Subject to the procedure set forth in paragraph (4), any conforming building or vehicular use areas or other permitted uses taken either totally or partially may be relocated on the remainder of the site without being required to comply with the setback provisions of this title except that the relocated building or vehicular use areas or other permitted uses shall be set back as far as is physically feasible without reducing the utility or use of the relocated building or vehicular use areas or other permitted uses below its pre-taking utility use. The exemption thus created shall constitute a covenant of compliance running with the land.

(3) Any properties exempt according to paragraphs (1) and (2) above ~~which~~that are thereafter destroyed, other than by voluntary demolition, to an extent of more than seventy-five (75)

percent of the value at the time of destruction, may be restored but only to the pre-destruction condition.

(4) As to the exemptions in paragraphs (1) and (2) above, either the condemning authority or the landowner or both of them may apply in writing to the ~~planning director~~planning services department for a determination ~~by him~~ that the granting of the exemption will not result in a condition dangerous to the health, safety, or welfare of the general public. The ~~planning director~~planning services department shall, within thirty (30) days of the filing of application, determine whether or not the exemption to the setback granted by this section will endanger the health, safety, or welfare of the general public. If the ~~planning director~~planning services department determines that the granting of the exemption under this section will not constitute a danger to the health, safety, or welfare of the general public, the ~~planning director~~planning services department shall issue a signed letter to all parties granting exemption. The letter shall specify the details of the exemption in a form recordable in the Public Records of Escambia County, Florida. If the application is denied, the ~~planning director~~planning services department shall issue a signed letter to the applicant specifying the specific health or safety ground upon which the denial is based.

(5) Any development permits or variances necessary to relocate building or vehicular use areas or other permitted uses taken or partially taken may be applied for by the condemning authority and granted for the property in question.

(Ord. No. 32-92, § 1, 10-8-92; Ord. No. 33-95, § 1, 8-10-95; Ord. No. 45-96, § 1, 9-12-96; Ord. No. 13-06, § 3, 4-27-06; Ord. No. 16-10, § 196, 9-9-10)

Sec. 12-1-7. - Concurrency management and monitoring.

(A) *Concurrency management.* The city ~~hereby adopts~~adopted a concurrency management system, effective May 1, 1991, to ensure that public facilities and services needed to support development are available concurrent with the impacts of such developments. In determining the availability of services or facilities, a developer may propose, and the city may approve, developments in stages or phases so that facilities and services needed for each phase will be available in accordance with the standards required by (1), (2), and (3) of this section.

(1) *Potable water, sanitary sewer, solid waste, and drainage.* The following standards shall be met to satisfy the concurrency requirement:

(a) The necessary facilities and services are in place at the time a development permit is issued; or,

(b) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or,

(c) The necessary facilities are under construction at the time a permit is issued; or,

(d) The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of (1)(a), (1)(b) or (1)(c) of this section. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220~~,~~ et seq., or an agreement or development order issued pursuant to F.S. Ch. 380. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

(2) *Recreation and open space.* The city shall satisfy the concurrency requirement by complying with the standards in subparagraphs (1)(a), (1)(b), (1)(c) or (1)(d), or by ensuring that the following standards will be met:

(a) At the time the development permit is issued, the necessary facilities and services are the subject of a binding executed contract ~~which~~that provides for the commencement of the

actual construction of the required facilities, or the provision of services within one year of the issuance of the development permit; or,

(b) The necessary facilities and services are guaranteed in an enforceable agreement ~~which~~that requires the commencement of the actual construction of facilities or the provision of services within one year of the issuance of the applicable development order. An enforceable development agreement may include, but is not limited to, development agreements pursuant to F.S. § 163.3220~~,~~ et seq., or an agreement or development order issued pursuant to F.S. Ch. 380.

(3) *Roads designated in the Comprehensive Plan.* The city shall satisfy the concurrency requirement by complying with the standards in subparagraphs (1)(a), (1)(b), (1)(c), (1)(d), (2)(a), or (2)(b). In addition, in areas in which the city has committed to provide the necessary public facilities and services in accordance with its five-year schedule of capital improvements, the following provisions shall apply:

(a) The capital improvements element and a five-year schedule of capital improvements ~~which~~that, in addition to meeting all the other statutory and rule requirements, must be financially feasible. The capital improvements element and schedule of capital improvements may recognize and include transportation projects including in the first three (3) years of the applicable, adopted Florida Department of Transportation five-year work program.

(b) The five-year schedule of capital improvements ~~which~~that includes both necessary facilities to maintain the adopted level of service standards to serve the new development proposed to be permitted and the necessary facilities required to eliminate that portion of existing deficiencies ~~which~~that are a priority to be eliminated during the five-year period under the city's plan schedule of capital improvements pursuant to (1)(a) of this section.

(c) A realistic, financially feasible funding system based on currently available revenue sources ~~which is~~that are adequate to fund the public facilities required to serve the development authorized by the development order and development permit and which public facilities are included in the five-year schedule of capital improvements.

(d) The five-year schedule of capital improvements shall include the estimated date of commencement of actual construction and the estimated date of project completion.

(e) Actual construction of roads and the provision of services must be scheduled to commence in or before the third year of the five-year schedule of capital improvements.

(f) An amendment to the Comprehensive Plan shall be required to eliminate, defer, or delay construction of any roads or service ~~which~~that is needed to maintain the adopted level of service standard and ~~which~~that is listed in the five-year schedule of improvements.

(B) *Concurrency review.* The concurrency review shall compare the available and reserved capacity of the facility or service to the demand projected for the proposed development. The available capacity shall be determined by adding the total of the existing excess capacity and the total future capacity of any proposed construction and/or expansion of facilities that meets the requirements of subsection 12-1-7(A). ~~The levels of service of all facilities and services must be sufficient before a certificate of concurrency can be issued.~~

Commented [JW3]: Obsolete and exempt from state law.

~~(1) *Certificate of concurrency.* A certificate of concurrency shall be required prior to the issuance of any development permit or development order for new construction; or additions over twenty-five thousand (25,000) square feet for multifamily residential, mixed office/residential or commercial/industrial development; or for certificates of occupancy changing the use of a structure from residential to a mixed office/residential or commercial/residential, office, commercial or industrial use. If a development will require more than one permit, the issuance of the initial permit. An application must be completed and a fee, established by city council, must be paid in order to obtain a certificate of concurrency. Applicants for individual single-family and duplex residential development permits will be issued a certificate of concurrency without having to complete a certificate of concurrency application or paying an additional fee.~~

~~Terms of the certificate of concurrency. The certificate of concurrency shall indicate the date of issuance and expiration, during which time application must be made for a building permit or development order. The certificate of concurrency shall, in any case, terminate with the expiration of the building permit or development order to which it applies. In the event that a time extension is requested prior to the expiration of the building permit or development order, then the accompanying certificate of concurrency may be renewed upon determination by the city's Department of Planning and Neighborhood Development that the conditions of concurrency will still be met. A development for which a building permit or development order has been issued within the effective period of a certificate of concurrency shall be vested for the purposes of concurrency.~~

~~Development permit or development order compliance. Any development permits and development orders approved and issued after May 1, 1991, shall be based upon, and in compliance with, the certificate of concurrency issued for that application.~~

(2) *Burden of showing compliance.* The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The ~~Department of Planning and Neighborhood Development~~ city may require whatever documentation is necessary to make a determination.

(3) *Exemptions.*

(a) Final approved development orders relating to a development of regional impact project, pursuant to F.S. Ch. 380, are exempt from concurrency review.

(b) Any applicant for a building permit or development order who alleges that this chapter, as applied, constitutes or would constitute a temporary or permanent taking of private property or an abrogation of vested rights must affirmatively demonstrate that either site construction approval or residential subdivision infrastructure approval has been granted by the city engineer on or before May 1, 1991, that construction commenced within six (6) months of the granting of such approval, and that construction has proceeded at a reasonable pace toward completion.

(C) *Action upon failure to show available capacity.* Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service.

(1) *Level of service improvements.* The project owner or developer may provide the necessary improvements to maintain level of service. In such case the application shall include: appropriate plans for improvements; documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service; and, recordable instruments guaranteeing the construction, consistent with calculations of capacity above.

(2) *Project alteration.* The proposed project may be altered such that projected level of service is no less than the adopted level of service.

~~(D) *Concurrency monitoring.*~~

Commented [JW4]: Obsolete and exempt from state law.

~~(1) *Concurrency monitoring system.* The Department of Planning and Neighborhood Development shall establish and maintain a concurrency monitoring system for the purpose of monitoring the status of public facilities and services, and which will be used in the establishment of each annual report, that includes:~~

~~(a) A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.~~

~~(b) A summary of building permit activity, indicating:~~

~~1. Those that expired without commencing construction;~~

~~2. Those that are active at the time of the report;~~

~~3. The quantity of development represented by the outstanding building permits;~~

4. Those that result from final development orders issued prior to the adoption of this Code; and,

5. Those that result from final development orders issued pursuant to the requirements of this Code.

(c) A summary of development orders issued, indicating:

1. Those that expired without subsequent building permits;

2. Those that were completed during the reporting period;

3. Those that are valid at the time of the report but have associated building permits or construction activity;

4. Those that are valid at the time of the report but do not have associated building permits or construction activity; and,

5. The phases and quantity of development represented by the outstanding development orders.

(d) An evaluation of each facility and service indicating:

1. The capacity available for each at the beginning of the reporting period and the end of the reporting period;

2. The portion of the available capacity held for valid development orders;

3. A comparison of the actual capacity to calculated capacity resulting from approved development orders; and,

4. A comparison of actual capacity and levels of service to adopted levels of service from the city's Comprehensive Plan.

(2) *Concurrency monitoring report.* Annually the Department of Planning and Neighborhood Development shall prepare a concurrency monitoring report. The planning director shall deliver such annual report to the mayor for presentation to the council. The annual concurrency monitoring report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve-month period following completion of the annual report.

(Ord. No. 13-92, § 1, 5-28-92; Ord. No. 8-99, § 1, 2-11-99; Ord. No. 16-10, § 197, 9-9-10)

Sec. 12-1-8. - General interpretative terms.

For the purpose of this title, certain words, terms and symbols are to be interpreted as follows, unless the context clearly indicates otherwise:

Conflicts. The particular shall control the general. In case of any difference of meaning or implication between the text of these zoning regulations and any caption, figure, illustration, summary table, or illustrative table, the text shall control.

Figures, Tables and Illustrations. Any chart or graphic presentation in this title ~~which~~that is specifically designated as a "Figure" or "Table" shall be deemed to be a part of the text of the title and controlling on all development. Wherever illustrations are not specifically so designated, they are provided only as aids to the user of the chapter and shall not be deemed a part of its text.

Guidelines; Regulations; Standards. Guidelines are encouraged and recommended but not mandatory; Regulations and Standards are mandatory.

Interpretation of Undefined Terms. Terms not otherwise defined herein shall be interpreted first by reference to the city's adopted Comprehensive Plan, if specifically defined therein; secondly, by reference

to generally accepted building code, engineering, planning or other professional terminology if technical; and otherwise according to common usage, unless the context clearly indicates otherwise.

Shall; Should; May; Includes. The word "shall" is mandatory; the word "should" is directive but not mandatory; the word "may" is permissive. The word "includes" shall not limit a term to the specific examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

Tense; Number. Words used in the present tense can include the future; words in the masculine gender can include the feminine and neuter, and vice versa; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.

CHAPTER 12-2. ZONING DISTRICTS

ARTICLE I. - IN GENERAL

Sec. 12-2-1. - Establishment of future land use and zoning districts and official maps.

(A) *Establishment of districts.* For the purposes of this title, the City of Pensacola is divided into future land use and zoning districts in the manner provided for elsewhere in this title. Each land use district shall contain a set of zoning districts that may be permitted within its boundaries and are consistent with its allowable uses.

(B) *Official maps.* The boundaries of the future land use and zoning districts are hereby established and shall be delineated on official maps for the city entitled "The Future Land Use Map for the Comprehensive Plan of the City of Pensacola" and "The Zoning Map of the City of Pensacola" which, with all explanatory matter set forth thereon, are incorporated in and hereby made a part of this title. The official land use and zoning maps shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this is the Official Future Land Use Map referred to in section 12-0-3 of the Code of the City of Pensacola" and "This is to certify that this is the Official Zoning Map referred to in section 12-2-1 of the City of Pensacola Land Development Code," together with the date of ~~the adoption of this title~~certification.

If changes are made in district boundaries or other matter portrayed on the official land use or zoning map, such changes shall be made on the official maps promptly after the amendments have been approved by the city council. A land use and/or zoning number and an ordinance number shall be given to each change and a file of such changes kept by the ~~Department of Planning and Neighborhood Development~~city.

(C) *Interpretation of district boundaries.* Where uncertainty exists as to the boundaries of districts as shown on the official land use or zoning map, the following rules shall apply.

(a) Where district boundaries appear to follow centerlines of streets, alleys, easements, railroads and the like, they shall be construed as following centerlines.

(b) Where district boundaries appear to follow lot, property or similar lines, they shall be construed as following such lines.

(c) In subdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

(d) Where a district boundary line divides a lot or parcel of land the uses permitted in the zoning district on either portion of the lot may be extended a distance not to exceed fifty (50) feet beyond the district line into the remaining portion of the lot.

(e) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(f) Boundaries indicated as following shorelines shall be construed to follow the mean high water line and, in the event of change in the shoreline, shall be construed as moving within the high water mark; boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines.

(g) All areas within the corporate limits of the city ~~which~~that are underwater and are not shown as included within any district shall be subject to all of the regulations of the district ~~which~~that immediately adjoins the water area. If the water area joins two (2) or more districts, the boundaries of each district shall be construed to extend into the water area in a straight line until they meet the other district.

(D) *Future land use and zoning districts.* In the establishment, by this chapter, of the respective zoning districts, the city council has given due and careful consideration to the peculiar suitability of each district for the particular regulations applied thereto, and the necessary, proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the city.

In order to regulate and limit the height and size of buildings, to regulate and limit the intensity of the use of lot areas, to regulate and determine the areas of open spaces surrounding buildings, to classify, regulate and restrict the location of trades and industries, and to regulate the location of buildings designed for specified industrial, business, residential, and other uses, the city is hereby divided into the following districts:

CONSERVATION LAND USE—CO	
CO	Conservation zoning district.
LOW DENSITY RESIDENTIAL LAND USE—LDR	
R-1AAAAA	Single-family zoning district.
R-1AAAA	Single-family zoning district.
R-IAAA	Single-family zoning district.
MEDIUM DENSITY RESIDENTIAL LAND USE—MDR	
R-1AA	One and two-family zoning district.
R-1A	One and two-family zoning district.
HIGH DENSITY RESIDENTIAL LAND USE—HDR	
R-ZL	Zero lot line dwelling zoning district.

R-2A	Multiple-family zoning district.
R-2B	Multiple-family zoning district.
OFFICE LAND USE—O	
R-2	Residential/office zoning district.
RESIDENTIAL/NEIGHBORHOOD COMMERCIAL LAND USE—RNC	
R-NC	Residential/neighborhood commercial zoning district.
COMMERCIAL LAND USE—C	
C-1	Commercial zoning district (retail).
C-2A	Commercial zoning district (retail).
C-2	Commercial zoning district (retail).
~~R-C~~	~~Residential/commercial zoning district.~~
C-3	Commercial zoning district (wholesale and light industry).
INDUSTRIAL LAND USE—ID	
M-1	Light industrial zoning district.
M-2	Heavy industrial zoning district.
HISTORIC AND PRESERVATION LAND USE—HP	
HR-1	Historic one-and two-family zoning district.
HR-2	Historic multiple-family zoning district.
HC-1	Historic commercial zoning district.
HC-2	Historic commercial zoning district.

Commented [JW5]: Obsolete, as zoning district no longer exists. Subsequent instances of R-C have also been deleted throughout.

PR-1AAA	North Hill Preservation single-family zoning district.
PR-2	North Hill Preservation multiple-family zoning district.
PC-1	North Hill Preservation commercial zoning district.
OEHR-2	Old East Hill residential/office district.
OEHC-1	Old East Hill neighborhood commercial district.
OEHC-2	Old East Hill retail commercial district.
OEHC-3	Old East Hill commercial district.
AIRPORT LAND USE—A	
ARZ	Airport restricted zoning district.
ATZ-1	Airport transition zoning district 1.
ATZ-2	Airport transition zoning district 2.
REDEVELOPMENT LAND USE—R	
GRD	Gateway redevelopment zoning district.
GRD-1	Gateway redevelopment district, Aragon redevelopment area.
WRD	Waterfront redevelopment zoning district.
BUSINESS—B	
SPBD	South Palafox Business zoning district.
INTERSTATE CORRIDOR LAND USE—IC	
IC	Interstate Corridor zoning district.
SPECIAL ZONING DISTRICT	

SSD	Site Specific Development zoning district.
NEIGHBORHOOD LAND USE—N	
May include several zoning districts, depending on the regulations for the individual neighborhood districts.	

(Ord. No. 29-93, § 1, 11-18-93; Ord. No. 13-06, § 4, 4-27-06; Ord. No. 28-07, § 1, 6-14-07)

Sec. 12-2-2. - Conservation land use district.

The regulations in this section shall be applicable to the Conservation Zoning District: CO.

(A) *Purpose of district.* The conservation land use district is established to preserve open space as necessary for protecting water resources, preserving scenic areas, preserving historic sites, providing parklands and wilderness reserves, conserving endemic vegetation, preventing flood damage and soil erosion.

(B) *Generalized uses permitted.*

(a) Wildlife and vegetation conservation:

Wildlife refuge, nature trails and related facilities.

(b) Recreational facilities:

Passive recreation.

Bike trails.

Jogging trails.

(c) Other similar and compatible conservation and recreational uses:

Boat moorings, fishing piers, drainage areas, etc.

(C) *Specific plans for each district.* For each conservation district site plan review shall be subject to the procedure described in section 12-2-81. In addition, site plans shall include the following provisions:

- Location and characteristics of all environmental features such as wetlands, trees, bluffs and wildlife areas;
- Location of all transportation and utility rights-of-way and easements;
- Location and characteristics of allowable types of development, and;
- Any other factors deemed relevant to the health, safety, preservation and protection, or welfare of lands within or surrounding the designated areas.

Sec. 12-2-3. - Low density residential land use district.

The regulations in this section shall be applicable to the single-family zoning districts: R-1AAAAA, R-1AAAA, and R-1AAA.

(A) *Purpose of district.* The low density residential land use district is established for the purpose of providing and preserving areas of single-family, low intensity development at a maximum density of four and eight-tenths (4.8) dwelling units per acre in areas deemed suitable because of compatibility with existing development and/or the environmental character of the areas. The nature of the use of property is basically the same in all three (3) single-family zoning districts. Variation among the R-1AAAAA, R-1AAAA and R-1AAA districts is in requirements for lot area, lot width, and minimum yards.

(B) *Uses permitted.*

(a) Single-family detached dwellings.

(b) Accessory residential units subject to regulations in section 12-2-52.

(c) Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with six (6) or fewer residents providing that it is not to be located within one thousand (1,000) feet of another such home, measured from property line to property line. If it is proposed to be within one thousand (1,000) feet of another such home it shall be permitted with city council approval after public notification of property owners in a five-hundred-foot radius.

(d) Schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-2-65.

(e) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes subject to regulations in section 12-2-61.

(f) Churches, Sunday school buildings and parish houses subject to regulations in section 12-2-57.

(g) Home occupations subject to regulations in section 12-2-33.

(h) Municipally owned and operated parks and playgrounds.

~~(i) Private stables which shall be no closer than two hundred (200) feet to a property line and further provided that more than seventy-five (75) percent of the owners of dwelling houses within a radius of three hundred (300) feet of the stable have given their written consent to the stable and further provided that there shall not be kept more than one horse for each two (2) acres of property.~~

Commented [JW6]: Prohibited per Sec. 4-2-8.

(j) Minor structures for the following utilities: unoccupied gas, water and sewer substations or pump stations, electrical substations and telephone substations subject to regulations in section 12-2-59.

(k) Accessory structures, buildings and uses customarily incidental to the above uses not involving the conduct of a business subject to regulations in section 12-2-31.

(l) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(C) *Development permitted.*

(a) Conventional subdivision subject to regulations in section 12-2-76.

(b) Special planned development subject to regulations in section 12-2-77.

(D) *Regulations for development within the low density residential zoning districts.* Table 12-2.1 describes requirements for the three (3) single-family residential zoning districts:

TABLE 12-2.1
REGULATIONS FOR THE LOW DENSITY RESIDENTIAL ZONING DISTRICTS

Standards	R-1AAAAA	R-1AAAA	R-1AAA

Maximum Residential Gross Density	2.2 units per acre	3.6 units per acre	4.8 units per acre
Minimum Lot Area	20,000 s.f.	12,000 s.f.	9,000 s.f.
Lot Width at Minimum Building Setback Line	100 feet	80 feet	75 feet
Minimum Lot Width at Street R-O-W Line	50 feet		
Minimum Yard Requirements (Minimum Building Setback Lines) Front Yard Side Yard Rear Yard	 60 feet 10 feet 60 feet	 30 feet 8 feet 30 feet	 30 feet 7.5 feet 30 feet
Off-Street Parking Spaces	1 space/unit		
Maximum Building Height (Except as provided in section 12-2-39)	35 feet		

(Ord. No. 6-93, § 2, 3-25-93; Ord. No. 6-02, § 2, 1-24-02)

Sec. 12-2-4. - Medium density residential land use district regulations.

The regulations in this section shall be applicable to the one-and two-family zoning districts: R-1AA, R-1A and R-1B.

(A) *Purpose of district.* The medium density residential land use district is established for the purpose of providing a mixture of one- and two-family dwellings with a maximum density of seventeen and four-tenths (17.4) dwelling units per acre. Recognizing that, for the most part, these zoning districts are located in older areas of the city, the zoning regulations are intended to promote infill development which is in character with the density, intensity and scale of the existing neighborhoods.

(B) *Uses permitted.*

(a) Single-family detached dwellings.

(b) Accessory residential units subject to regulations in section 12-2-52

(c) Single-family attached dwellings (townhouse construction, maximum two (2) units).

(d) Two-family attached dwellings (duplex).

(e) Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with six (6) or fewer residents providing that it is not to be located within one thousand (1,000) feet of another such home. If it is proposed to be within one thousand (1,000) feet of another home it shall be permitted with city council approval after public notification of property owners in a five hundred-foot radius.

(f) Cemeteries, when:

1. Seventy-five (75) percent of all owners of adjacent dwellings within one hundred seventy-five (175) feet of the boundary of the cemetery give their written consent, and;
2. The provisions of section 12-2-56 have been met.

(g) Residential design manufactured homes are permitted in the R-1A district, with a maximum density of twelve and four-tenths (12.4) units per acre subject to regulations in section 12-2-62

(h) Schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-2-65

(i) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes subject to regulations in section 12-2-61

(j) Churches, Sunday school buildings and parish houses subject to regulations in section 12-2-57

(k) Home occupations subject to regulations in section 12-2-33

(l) Municipally owned and operated parks and playgrounds.

~~(m) Private stables which shall be no closer than two hundred (200) feet to a property line and further provided that more than seventy-five (75) percent of the owners of dwelling houses within a radius of three hundred (300) feet of the stable have given their written consent to the stable and further provided that there shall not be kept more than one horse for each two (2) acres of property.~~

(n) Minor structures for the following utilities: unoccupied gas, water and sewer substations of pump stations, electrical substations and telephone substations subject to regulations in section 12-2-59

(o) Accessory structures, buildings and uses customarily incidental to the above uses not involving the conduct of a business subject to regulations in section 12-2-31

(p) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(C) *Conditional uses permitted.*

(a) Residential design manufactured homes when proposed in the R-1AA zoning district subject to regulations in section 12-2-62.

(b) Bed and breakfast subject to regulations in section 12-2-55.

(c) Childcare facilities subject to regulations in section 12-2-58.

(d) Accessory office units subject to regulations in section 12-2-51.

(D) *Development permitted.*

(a) Conventional subdivision subject to regulations in section 12-2-76.

(b) Special planned development subject to regulations in section 12-2-77.

(E) *Regulations for development within the medium density residential land use district.* Table<u>s</u> 12-2.2 and 12-2.3<u>2A</u> describe~~s~~ requirements for the one-and two-family residential zoning districts.

TABLE 12-2.2
REGULATIONS FOR THE MEDIUM DENSITY RESIDENTIAL ZONING DISTRICTS

Standards	R-1AA			R-1A		
	Single	Two-	**Single	Single	Two-	**Single

	Family Detached	Family Attached (Duplex)	Family Attached (Townhouses)	Family Detached	Family Attached (Duplex)	Family Attached (Townhouses)
Maximum Residential Gross Density	8.7 units per acre	11.6 units per acre	11.6 units per acre	12.4 units per acre	17.4 units per acre	17.4 units per acre
Minimum Lot Area	5,000 s.f.	7,500 s.f.	3,750 s.f.	3,500 s.f.	5,000 s.f.	2,500 s.f.
Lot Width at Minimum Building Setback Line	40 feet	60 feet	30 feet	30 feet	50 feet	25 feet
Minimum Lot Width at Street R-O-W Line	40 feet	50 feet	25 feet	30 feet	50 feet	25 feet
Minimum Yard Requirements *Front Yard Side Yard Rear Yard	(Minimum Building Setbacks) 30 feet 6 feet 30 feet			(Minimum Building Setbacks) 20 feet 5 feet 25 feet		
Off-Street Parking	1 space/unit		2 sp./unit	1 space/unit		2 sp./unit
Maximum Building Height	35 feet (Except as provided in Sec. 12-2-39)			35 feet (Except as provided in Sec. 12-2-39)		

* The front yard depths in the R-1AA and R-1A districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings in the block, the front yard depths shall be no less than the footages noted.

** Each single-family attached dwelling unit must be located on its own lot. If a development requires subdivision procedures it shall be subject to and must comply with subdivision regulations as set forth in Chapter 12-8.

*** All future residential development on parcels changed to a Medium Density Residential (MDR) zoning district via the passage of Ord. No. 23-16, effective on August 18, 2016, shall be considered legal non-conforming and may utilize the R-1A zoning district standards applicable to lot width, lot area and

setbacks.

TABLE 12-2.2A3

Standards	R-1B		
	Single-family Detached	Two-Family Attached (Duplex)	**Single-family Attached (Townhouses)
Maximum Residential Gross Density	8.7 units per acre	11.6 units per acre	17.4 units per acre
Minimum Yard Requirements *Front Yard Side Yard Rear Yard	(Minimum Building Setbacks) 10 feet 5 feet 10 feet		
Off-Street Parking	1 space/unit		
Maximum Building Height	45 feet (Except as provided in Sec. 12-2-39)		
Lot Coverage Requirements For All Single-Family, Duplex, Townhouse or Zero-Lot-Line Residential Units	Maximum 50% (See Note 4)		
Lot Coverage Requirements For All Development Other Than Single-Family, Duplex, Townhouse or Zero-Lot-Line Residential Units: The maximum combined area occupied by all principal and accessory buildings	Building Height 1—4 stories 5—7 stories 8—9 stories (See note 4)	Building Coverage 30% 25% 20%	

* The front yard depths in the R-1AA, R-1A and R-1B districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings in the block, the front yard depths shall be no less than the footages noted.

** Each single-family attached dwelling unit must be located on its own lot. If a Development requires subdivision procedures it shall be subject to and must comply with subdivision regulations as set forth in Chapter 12-8.

(Ord. No. 6-93, § 2, 3-25-93; Ord. No. 29-93, § 2, 11-18-93; Ord. No. 45-96, § 2 (Exhibit 1), 9-12-96; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 11-16, § 1, 5-12-16; Ord. No. 23-16, § 1, 8-11-16)

Sec. 12-2-5. - High density residential land use district regulations.

The regulations in this section shall apply to the zero lot line zoning district (R-ZL) and to the multiple family zoning districts (R-2A and R-2B).

(A) *R-ZL, zero lot line zoning district.*

(B) *R-2A, multiple-family zoning district.*

(1) *Purpose of district.* The R-2A zoning district is established to provide for the efficient use of land for multifamily residential development. As a buffer between low and medium density residential developments and commercial, industrial, major transportation arteries, or other uses that are not compatible with a low-density residential environment, the R-2A zoning district shall encourage the establishment and maintenance of a suitable residential environment for high-density housing. The zoning regulations are intended to provide for development criteria to maintain a high standard of quality in development of multifamily housing.

(2) *Uses permitted.*

(a) Where any use other than a single-family, duplex or zero-lot-line development abuts an R-1AAAAA through R-ZL zoning district, there shall be a twenty (20) foot yard unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width. The following developments shall comply with the minimum standards for the R-1A zoning district for single-family detached dwellings in section 12-2-4(E):

1. Single-family detached dwellings with a maximum density of twelve and eight-tenths (12.8) units per acre.

2. Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with:

a. Six (6) or fewer residents providing that it is not to be located within one thousand (1,000) feet of another such home, measured from property line to property line.

b. Seven (7) to fourteen (14) residents providing such home is not within one thousand two hundred (1,200) feet of another such home in a multi-family district, and that the home is not within five hundred (500) feet of a single-family zoning district.

If it is proposed to be within the distance limits noted, measured from property line to property or district line, it shall be permitted with city council approval after public notification of property owners in a five hundred (500) foot radius.

3. Residential design manufactured homes at a density of up to twelve and eight-tenths (12.8) units per acre subject to regulations in section 12-2-62.

4. Bed and breakfast subject to regulations in section 12-2-55.

5. Childcare facilities subject to regulations in section 12-2-58.

6. Schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-2-65.

7. Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes subject to regulations in section 12-2-61.

8. Churches, Sunday school buildings and parish houses subject to regulations in section 12-2-57.

(b) Single-family attached (townhouse and quadraplex construction) and detached zero lot line dwellings with a maximum density of twenty-one and eight-tenths (21.8) units per acre. Development must comply with the minimum standards established for the R-ZL zoning district in section 12-2-5(A)(5).

(c) Two-family attached dwellings (duplexes) with a maximum density of seventeen and four-tenths (17.4) units per acre. Development must comply with the minimum standards established for the R-1A zoning district for duplex dwellings in section 12-2-4(E).

(d) Multiple-family attached dwellings, at a maximum gross density of thirty-five (35) units per acre, when in compliance with the minimum standards established in Table 12-2.4.

(e) Manufactured home park subject to regulations in section 12-2-62(E).

(f) Home occupations subject to regulations in section 12-2-33.

(g) Municipally owned and operated parks and playgrounds.

~~(h) Private stables which shall be no closer than two hundred (200) feet to a property line and further provided that more than seventy-five (75) percent of the owners of dwelling houses within a radius of three hundred (300) feet of the stable have given their written consent to the stable and further provided that there shall not be kept more than one (1) horse for each two (2) acres of property.~~

Commented [JW7]: deleted per Sec. 4-2-8

(i) Minor structures for the following utilities: unoccupied gas, water and sewer substations or pump stations, electrical substations and telephone substations subject to regulations in section 12-2-59.

(j) Accessory structures, buildings and uses customarily incidental to the above uses not involving the conduct of a business subject to regulations in section 12-2-31.

(3) *Development permitted.*

(a) Conventional subdivision subject to regulations in section 12-2-76.

(b) Special planned development subject to regulations in section 12-2-77.

(4) *Regulations.* All multiple-family residential and other permitted non-residential uses are required to comply with design standards and are encouraged to follow design guidelines as established in subsection 12-2-82. Table 12-2.4 describes height, area and yard requirements for multi-family developments in the R-2A zoning district.

(5) *Additional regulations.* In addition to the regulations established above in section 12-2-5(B)(4), all multiple family dwelling developments will be subject to, and must comply with, the following regulations:

(a) Supplementary district regulations subject to regulations in section 12-2-31 to 12-2-50.

(b) Off-street parking subject to regulations in Chapter 12-3.

(c) Signs subject to regulations in Chapter 12-4.

(d) Tree/landscape regulations subject to regulations in Chapter 12-6.

(e) Stormwater management and control of erosion, sedimentation and runoff subject to regulations in Chapter 12-9.

TABLE 12-2.3
REGULATIONS FOR THE R-ZL ZONING DISTRICT

Commented [JW8]: Table is restored to the Code because it was inadvertently eliminated several years ago.

STANDARDS	SINGLE-FAMILY ATTACHED		SINGLE-FAMILY DETACHED
	*Townhouse Construction	Quadraplex Construction	Zero-lot-line Development
MAXIMUM RESIDENTIAL GROSS DENSITY	21.8 units per acre	13.6 units per acre	17.4 units per acre
MINIMUM LOT AREA	2,000 s.f.	3,200 s.f.	2,500 s.f.
MINIMUM LOT WIDTH	20 feet	40 feet	30 feet
MINIMUM YARD REQUIREMENTS (Minimum Building Setback Lines)	Refer to Notes 1 and 2		(Refer to Note 1)
FRONT YARD		30 feet	20 feet
SIDE YARD		10 feet	8 feet
REAR YARD		N/A	20 feet
MAXIMUM BUILDING HEIGHT	35 feet (Except as provided in section 12-2-39)		
MAXIMUM LOT COVERAGE	The maximum combined area of all principal and accessory buildings shall be 50%.		
SITES FOR PUBLIC USE	New subdivisions shall comply with section 12-8-6 applicable to sites for public use.		

*No row of attached single-family dwellings shall exceed eight (8) units

Note 1: In no case shall a townhouse or a zero lot line dwelling be built closer than ten (10) feet to the lot line of an adjacent lot than is zoned R-1A, R-1AA, R-1AAA, R-1AAAA, or the perimeter boundary of the development. The minimum side yard for a corner lot shall not be less than ten (10) feet from the street right-of-way line. The rear yard of a zero lot line development may be decreased by one foot for each one foot increase in the side yard, but the rear yard shall not be less than ten (10) feet.

Note 2: Each row of attached (townhouse) units shall be separated from the next row of units by an open side yard of not less than sixteen (16) feet. This yard may either be divided between the adjoining lots or maintained in common ownership by an approved homeowners association. Attached single-

family dwellings having only one common wall are required to have minimum eight-foot side yards. There shall be a front and rear yard for each lot, one of which shall be a minimum of twenty (20) feet in depth to accommodate on-site parking. The other yard shall be a minimum of fifteen (15) feet in depth. Where attached dwelling lots back up to each other, a five-foot access easement shall be maintained along the rear of each lot. This easement can be either part of the rear yard of each lot or a commonly owned ten-foot access easement maintained by a homeowners association. This easement must be kept clear of fences, landscaping, or other barriers.

Note 3: *Maintenance and drainage easements.* A perpetual four-foot building wall maintenance easement shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of fences shall be kept clear of structures. This easement shall be shown on the subdivision plat and shall be incorporated into each deed transferring title to the property. The wall shall be maintained in it's original color, and treatment unless otherwise agreed to in writing by the two (2) affected lot owners. Roof overhangs may penetrate the easement of the adjacent lot a maximum of twenty-four (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.

Openings prohibited on the 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 a type of openings, provided, however, that atriums or courts shall be permitted on the zero lot line side when the court or atrium is enclosed by three (3) walls of the dwelling unit.

TABLE 12-2.4
REGULATIONS FOR MULTI-FAMILY DEVELOPMENT IN THE R-2A ZONING DISTRICT

Standards	Building Within 100 Feet of a Single-Family or Zero-Lot-Line Zoning District	Building Over 100 Feet From a Single-Family or Zero-Lot-Line Zoning District
Minimum Lot Area	20,000 square feet	
Minimum Lot Width	100 feet	
Maximum Building Height (At building setback line)	35 feet	35 feet (Also see Note 2)
Minimum Yard Requirements		
*Front Yard	20 feet	15 feet
Side Yard	5 feet	5 feet

Rear Yard	25 feet (Also see Note 1)	20 feet (Also see Note 2)
Minimum Floor Area	350 square feet for efficiencies providing that the per unit average floor area for the project is 600 square feet	
Maximum Building Coverage		
	Building Height	Building Coverage
	1—4 stories	30%
	5—7 stories	25%
	8—9 stories	20%
	0—13 stories	7%
	Over 13 stories	5%
Maximum Lot Coverage	75%	
Minimum Landscape Area	25%	
Recreation/Open Space	5% of lot area provided in addition to landscape area (see subsection 12-2-82(C)(4).	

• Front yard depths in the R-2A districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings, the front yard depth shall be no less than the footages noted.

Note 1: Where a multi-family development abuts an R-1AAAAA through R-ZL zoning district, there shall be a twenty (20) foot yard unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width.

Note 2: Above the height permitted at the building setback lines three (3) feet may be added to the height of the building for each foot the building is set back from the building setback lines up to a maximum height of one hundred fifty (150) feet. All multi-family developments over thirty-five (35) feet in height must submit a development plan pursuant to section 12-2-81(A)(2).

(C) *R-2B, multiple-family zoning district.*

(1) *Purpose of district.* The R-2B zoning district is established to provide for the efficient use of land for multifamily residential development. As a buffer between low and medium density residential developments and commercial, industrial, major transportation arteries, or other uses that are not compatible with a low-density residential environment, the R-2B zoning district shall encourage the establishment and maintenance of a suitable residential environment for high-density housing. The zoning regulations are intended to provide for development criteria to maintain a high standard of quality in development of multifamily housing.

(2) *Uses permitted.*

(a) Where any use other than a single-family, duplex or zero-lot-line development abuts an R-1AAAAA through R-ZL zoning district, there shall be a twenty (20) foot yard unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width. The following developments shall comply with the minimum standards for the R-1A zoning district for single-family detached dwellings in section 12-2-4(E):

1. Single-family detached dwellings with a maximum density of twelve and eight-tenths (12.8) units per acre.

2. Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with:

a. Six (6) or fewer residents providing that it is not to be located within one thousand (1,000) feet of another such home, measured from property line to property line.

b. Seven (7) to fourteen (14) residents providing such home is not within one thousand two hundred (1,200) feet of another such home in a multi-family district, and that the home is not within five hundred (500) feet of a single-family zoning district.

If it is proposed to be within the distance limits noted, measured from property line to property or district line, it shall be permitted with city council approval after public notification of property owners in a five hundred (500) foot radius.

3. Residential design manufactured homes at a density of up to twelve and eight-tenths (12.8) units per acre subject to regulations in section 12-2-62.

4. Bed and breakfast subject to regulations in section 12-2-55.

5. Childcare facilities subject to regulations in section 12-2-58.

6. Schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-2-65.

7. Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes subject to regulations in section 12-2-61.

8. Churches, Sunday school buildings and parish houses subject to regulations in section 12-2-57.

(b) Single-family attached (townhouse and quadraplex construction) and detached zero lot line dwellings with a maximum density of twenty-one and eight-tenths (21.8) units per acre. Development must comply with the minimum standards established for the R-ZL zoning district in section 12-2-5(A)(5).

(c) Two-family attached dwellings (duplexes) with a maximum density of seventeen and four-tenths (17.4) units per acre. Development must comply with the minimum

standards established for the R-1A zoning district for duplex dwellings in section 12-2-4(E).

(d) Multiple-family attached dwellings, at a maximum gross density of thirty-five (35) units per acre, when in compliance with the minimum standards established in Table 12-2.5.

(e) Manufactured home park subject to regulations in section 12-2-62(E).

(f) Home occupations subject to regulations in section 12-2-33.

(g) Municipally owned and operated parks and playgrounds.

~~(h) Private stables which shall be no closer than two hundred (200) feet to a property line and further provided that more than seventy-five (75) percent of the owners of dwelling houses within a radius of three hundred (300) feet of the stable have given their written consent to the stable and further provided that there shall not be kept more than one (1)horse for each two (2) acres of property.~~

Commented [JW9]: deleted per Sec. 4-2-8

(i) Minor structures for the following utilities: Unoccupied gas, water and sewer substations or pump stations, electrical substations and telephone substations subject to regulations in section 12-2-59.

(j) Accessory structures, buildings and uses customarily incidental to the above uses not involving the conduct of a business subject to regulations in section 12-2-31.

(3) *Development permitted.*

(a) Conventional subdivision subject to regulations in section 12-2-76.

(b) Special planned development subject to regulations in section 12-2-77.

(4) *Regulations.* All multiple-family residential and other permitted non-residential uses are required to comply with design standards and are encouraged to follow design guidelines as established in section 12-2-82. Table 12-2.5 describes height, area and yard requirements for multi-family developments in the R-2B zoning district.

(5) *Additional regulations.* In addition to the regulations established above in section 12-2-5(B)(4), all multiple family dwelling developments will be subject to, and must comply with, the following regulations:

(a) Supplementary district regulations subject to regulations in section 12-2-31 to 12-2-50.

(b) Off-street parking subject to regulations in Chapter 12-3.

(c) Signs subject to regulations in Chapter 12-4.

(d) Tree/landscape regulations subject to regulations in Chapter 12-6.

(e) Stormwater management and control of erosion, sedimentation and runoff subject to regulations in Chapter 12-9.

TABLE 12-2.5 (A)
REGULATIONS FOR MULTI-FAMILY DEVELOPMENT IN THE R-2B ZONING DISTRICT: BUILDING WITHIN 70 FEET OF A SINGLE-FAMILY OR ZERO-LOT-LINE ZONING DISTRICT

Standards	Building Within 70 Feet of a Single-Family or Zero-Lot- Line Zoning District
Minimum Lot Area	20,000 square feet

Minimum Lot Width	100 feet
Maximum Building Height (At building setback line)	45 feet 3 habitable stories
Minimum Yard Requirements	
Front Yard (see Note 1)	20 feet
Side Yard	5 feet
Rear Yard	25 feet (Also see Note 2)
Minimum Floor Area	350 square feet for efficiencies providing that the per unit average floor area for the project is 600 square feet
Maximum Building Coverage	30%
Maximum Lot Coverage	75%
Minimum Landscape Area	25%
Recreation/Open Space	5% of lot area provided in addition to landscape area (see subsection 12-2-82(C)(4)).

Note 1: Front yard depths in the R-2B districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings, the front yard depth shall be no less than the footages noted.

Note 2: Where a multi-family development abuts an R-1AAAAA through R-ZL zoning district, there shall be a twenty (20) foot yard unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width.

Note 3: All multi-family developments over forty-five (45) feet in height must submit a development plan pursuant to section 12-2-81(A)(2).

TABLE 12-2.5(B)
REGULATIONS FOR MULTI-FAMILY DEVELOPMENT IN THE R-2B ZONING DISTRICT: BUILDING OVER 70 FEET FROM A SINGLE-FAMILY OR ZERO-LOT-LINE ZONING DISTRICT

Standards	Building Over 70 Feet From a Single-Family or Zero-Lot-Line Zoning District (See Note 1)
Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet
Maximum Building Height	70 feet and 6 habitable stories

Minimum Yard Requirements

	Number of Habitable Stories (feet)				
		1—3 (45 feet)	4 (50 feet)	5 (60 feet)	6 (70 feet)
	Front	15 feet	20 feet	25 feet	30 feet
	Side	5 feet	10 feet	15 feet	20 feet
	Rear	20 feet	25 feet	30 feet	30 feet

(Also see Notes 2, 3 and 4)

Minimum Floor Area	350 square feet for efficiencies providing that the per unit average floor area for the project is 600 square feet

Maximum Building Coverage

	Building Height	Building Coverage
	1—4 habitable stories	30%
	5—6 habitable stories	25%

Maximum Lot Coverage	75%
Minimum Landscape Area	25%
Recreation/Open Space	5% of lot area provided in addition to landscape area (see subsection 12-2-82(C)(4)).

Note 1: Where a building is located within an area of special flood hazard as defined in Chapter 12-10 and is elevated above the base flood elevation so that the height measured from existing grade exceeds seventy (70) feet, the seventy (70) foot distance requirement from a single-family or zero lot line zoning district shall be increased to a distance not less than the height of the building measured from existing grade.

Note 2: Front yard depths in the R-2B districts shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirement; in case there are no other dwellings, the front yard depth shall be no less than the footages noted.

Note 3: Where a multi-family development abuts an R-1AAAAA through R-ZL zoning district, there shall be a twenty (20) foot yard unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width.

Note 4: All multi-family developments over forty-five (45) feet in height must submit a development plan pursuant to section 12-2-81(A)(2).

(Ord. No. 13-92, § 3, 5-28-92; Ord. No. 6-93, § 3, 3-25-93; Ord. No. 29-93, § 3, 11-18-93; Ord. No. 3-94, § 1, 1-13-94; Ord. No. 33-95, § 2 (Exhibit 1), 8-10-95; Ord. No. 9-96, § 1, 1-25-96; Ord. No. 45-96, § 2 (Exhibit 1), 9-12-96; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 28-07, § 2, 6-14-07)

Sec. 12-2-6. - Residential/office land use district.

The regulations in this section shall be applicable to the residential/office zoning district: R-2.

(A) *Purpose of district.* The residential/office land use district is established for the purpose of providing for a mixture of residential housing types and densities and office uses. Residential and office uses shall be allowed within the same structure. When the R-2 zoning district is located in older, developed areas of the city, the zoning regulations are intended to provide for residential or office infill development at a density, character and scale compatible with the surrounding area. In some cases the R-2 district is also intended as a transition area between commercial and residential uses.

(B) *Uses permitted.*

(a) Single-family detached dwellings; Two-family attached dwellings (duplexes).

(b) Single-family attached (townhouse and quadruplex construction) and detached zero lot line dwellings. The development must comply with the minimum standards established for the R-ZL zoning district in section 12-2-5(A)(5).

(c) Multiple-family attached dwellings (three or more dwelling units), at a maximum gross density of thirty-five (35) units per acre.

(d) Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with:

1. Six (6) or fewer residents providing that it is not to be located within one thousand (1,000) feet of another such home, measured from property line to property line.

2. Seven (7) to fourteen (14) residents providing such home is not within one thousand two hundred (1,200) feet of another such home in a multi-family district, and that the home is not within five hundred (500) feet of a single-family zoning district. If it is proposed to be within the distance limits noted, measured from property line to property or district line, it shall be permitted with city council approval after public notification of property owners in a five hundred-foot radius.

(e) Cemeteries, subject to regulations in section 12-2-56.

(f) Home occupations, subject to regulations in section 12-2-33.

(g) Municipally owned and operated parks and playgrounds.

~~(h) Private stables which shall be no closer than two hundred (200) feet to a property line and further provided that more than seventy-five (75) percent of the owners of dwelling houses within a radius of three hundred (300) feet of the stable have given their written consent to the stable and further provided that there shall not be kept more than one horse for each two (2) acres of property.~~

Commented [JW10]: deleted per Sec. 4-2-8

(i) Minor structures for the following utilities: unoccupied gas, water and sewer substations of pump stations, electrical substations and telephone substations subject to regulations in section 12-2-59.

(j) Childcare facilities subject to regulations in section 12-2-58.

(k) Private clubs and lodges, except those operated as commercial enterprises.

(l) Boarding and lodging houses.

(m) Bed and breakfast subject to regulations in section 12-2-55.

(n) Dormitories.

(o) Office buildings.

(p) Hospitals, clinics (except animal hospitals and clinics).

(q) Nursing homes, rest homes, convalescent homes.

(r) Schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-2-65.

(s) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes subject to regulations in section 12-2-61.

(t) Churches, Sunday school buildings and parish houses subject to regulations in section 12-2-57.

(u) Social services homes/centers.

(v) Banks and financial institutions.

(w) Barber and beauty shops are permitted uses provided that they are located with property frontage on a four-lane roadway facility. Such properties must be proven to be a lot of record that was owned as a separate unit as shown of record on or prior to February 18, 2016.

(x) Accessory structures, buildings and uses customarily incidental to any of the above uses subject to regulations in section 12-2-31.

(y) Studios as defined in section 12-14-1.

(C) *Development permitted.*

(a) Conventional subdivision subject to regulations in section 12-2-76.

(b) Special planned development subject to regulations in section 12-2-77.

(D) *Regulations.* All developments are required to comply with design standards and are encouraged to follow design guidelines as established in section 12-2-82. Table 12-2.5 describes height, area and yard requirements for the residential/office zoning district:

TABLE 12-2.5
REGULATIONS FOR THE R-2 ZONING DISTRICT

Standards	Within 100 Feet of a Residential Zoning District	More Than 100 Feet From a Residential Zoning District
Minimum Yard Requirements *Front Yard Side Yard Rear Yard	15 feet (Also 5 feet see 15 feet Note 1)	10 feet (Also 5 feet see 10 feet Note 1)
Maximum Building Height (At Building Setback Line)	45 feet	45 feet (Also see Note 2)
Lot Coverage Requirements For All Single-Family, Duplex, Townhouse or Zero- Lot-Line Residential Units	The maximum combined area occupied by all principal and accessory buildings shall not exceed 50%. (See Note 3)	
Lot Coverage Requirements For All Development Other Than Single-Family,	Building Height 1—4 stories 5—7 stories (See note 3)	Building Coverage 30% 25% 20%

Duplex, Townhouse or Zero-Lot-Line Residential Units: The maximum combined area occupied by all principal and accessory buildings	8—9 stories	

* Front yard depths in the R-2 district shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirements; in case there are no other structures on the block the front yard depth shall not be less than footages noted.

Note 1: Where any use other than a single-family, duplex or zero lot-line development abuts an R-1AAAAA through R-ZL zoning district, there shall be a twenty-foot yard unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width.

Note 2: Above the height permitted at the building setback lines three (3) feet may be added to the height of the building for each foot the building is set back from the building setback lines up to a maximum height of one hundred (100) feet. All buildings exceeding forty-five (45) feet in height must submit a preliminary development plan ~~which~~that must be reviewed by the planning board and city council pursuant to section 12-2-81.

Note 3: When a mixed residential/non-residential development is proposed, the lot coverage requirements shall be the most restrictive of the proposed uses.

(E) *Additional regulations.* In addition to the regulations established above in section 12-2-6(D), all R-2 developments will be subject to, and must comply with, the following regulations:

- Supplementary district regulations subject to regulations in sections 12-2-31 to 12-2-50.
- Off-street parking subject to regulations in Chapter 12-3.
- Signs subject to regulations in Chapter 12-4.
- Tree/landscape regulations subject to regulations in Chapter 12-6.
- Stormwater management and control of erosion, sedimentation and runoff subject to regulations Chapter 12-9.

(Ord. No. 6-93, § 4, 3-25-93; Ord. No. 29-93, § 4, 11-18-93; Ord. No. 3-94, § 2, 1-13-94; Ord. No. 33-95, § 2 (Exhibit 1), 8-10-95; Ord. No. 9-96, §§ 2, 3, 1-25-96; Ord. No. 45-96, § 2 (Exhibit 1), 9-12-96; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 13-14, § 1, 3-27-14; Ord. No. 10-15, § 1, 5-14-15; Ord. No. 05-16, § 1, 2-11-16)

Sec. 12-2-7. - Residential/neighborhood commercial land use district.

The regulations in this section shall be applicable to the residential/neighborhood commercial zoning district: R-NC and the residential/neighborhood commercial B: R-NCB.

(A) *Purpose of district.* The residential/neighborhood commercial land use district is established for the purpose of providing for a mixture of residential housing types and densities, professional uses and certain types of neighborhood convenience-shopping-retail sales and service uses. Residential and office or commercial uses shall be allowed within the same structure. When the R-NC/R-NCB zone is established in older sections of the community in which by custom and tradition the intermixing of such uses has been found to be necessary and desirable, the zoning regulations are intended to provide for infill development at a density, character and scale compatible with the surrounding area. When the R-NC/R-NCB zoning district is located in newer developing areas where it is necessary and desirable to create a transition zone between a residential and a commercial district, the zoning regulations are intended to provide for mixed office, commercial and residential development.

(B) *Uses permitted.*

(1) R-NC residential neighborhood commercial zoning district.

(a) Any use permitted in the R-2 district.

(b) Residential design manufactured homes subject to regulations in section 12-2-62.

(c) Manufactured home parks subject to regulations in section 12-2-62(D).

(d) The following uses, with no outside storage or work permitted, except as provided herein:

1. Retail food and drugstore (including medical marijuana dispensaries and liquor package store).
2. Personal service shops as defined in section 12-14-1.
3. Clothing and fabric stores.
4. Home furnishing, hardware and appliance stores.
5. Specialty shops.
6. Bakeries, whose products are sold at retail and only on the premises.
7. Consignment and Vintage clothing shops.
8. Floral shops.
9. Health clubs, spas, and exercise centers.
10. Martial arts studios.
11. Laundromats and dry cleaners using combustible or flammable liquids of solvents with a flash point of one hundred ninety (190) degrees Fahrenheit or greater.
12. Laundry and dry cleaning pick-up stations.
13. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty (20) percent of the total area of the main building.
14. Restaurants.
15. Studios as defined in section 12-14-1.
16. Mortuary and funeral parlors.
17. Appliance repair shops.
18. Gasoline and service stations with up to three (3) wreckers. Minor repair work not involving major motor or drive train repairs, straightening of body parts, painting,

Commented [JW11]: State Statute requires medical marijuana dispensaries to be located in the zones where pharmacies are located.

welding, or other major mechanical and body work involving noise, glare, fumes, or smoke, is permitted within a building.

19. Tattoo parlor/studio.
20. Accessory buildings and uses customarily incidental to the above uses.

(2) R-NCB residential neighborhood commercial - B zoning district.

(a) Any use permitted in the R-2 district with the exception of cemeteries ~~and stables~~.

(b) The following uses, with no outside storage or work permitted, except as provided herein:

1. Retail food and drugstore (including medical marijuana dispensaries but excluding liquor package store).
2. Personal service shops as defined in section 12-14-1
3. Clothing and fabric stores.
4. Home furnishing, hardware and appliance stores.
5. Specialty shops.
6. Bakeries, whose products are sold at retail and only on the premises.
7. Consignment and vintage clothing shops.
8. Floral shops.
9. Health clubs, spas, and exercise centers.
10. Martial arts studios.
11. Laundry and dry cleaning pick-up stations.
12. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty (20) percent of the total area of the main building.
13. Restaurants.
14. Studios as defined in section 12-14-1
15. Appliance repair shops.
16. Accessory buildings and uses customarily incidental to the above uses.

(C) *Development permitted.*

(a) Conventional subdivision subject to regulations in section 12-2-76.

(b) Special planned development subject to regulations in section 12-2-77.

(D) *Regulations.* All developments are required to comply with design standards and are encouraged to follow design guidelines as established in section 12-2-82. Table 12-2.6 on the following page, describes height, area and yard requirements for the residential/neighborhood commercial zoning district and the residential/neighborhood commercial B zoning district:

TABLE 12-2.6
REGULATIONS FOR THE R-NC/R-NCB ZONING DISTRICTS

Standards	Within 100 Feet of a Residential Zoning	More Than 100 Feet From a Residential

Commented [JW12]: Deleted per Sec. 4-2-8

Commented [JW13]: State Statute requires medical marijuana dispensaries to be located in the zones where pharmacies are located.

	District	Zoning District
Minimum Yard Requirements (Minimum Building Setbacks) *Front Yard Side Yard Rear Yard	15 feet (Also 5 feet see 15 feet Note 1)	10 feet (Also 5 feet see 10 feet Note 1)
Maximum Building Height (At Building Setback Line)	35 feet	45 feet (Also see Note 2)
Lot Coverage Requirements For All Single-Family, Duplex, Townhouse or Zero-Lot-Line Residential Units	Maximum 50% (See Note 4)	
Lot Coverage Requirements For All Development Other Than Single-Family, Duplex, Townhouse or Zero-Lot-Line Residential Units: The maximum combined area occupied by all principal and accessory buildings	Building Height 1—4 stories 5—7 stories 8—9 stories (See note 4)	Building Coverage 30% 25% 20%
Maximum Floor Area for All Uses Listed Under section 12-2-7(B)(d)	4,000 Square Feet (See Note 3)	

* Front yard depths in the R-NC/R-NCB district shall not be less than the average depths of all front and street side yards located on either side of the block face, up to the minimum yard requirements; in case there are no other structures on the block the front yard depths shall not be less than the footages noted.

Note 1: Where any of the uses permitted in an R-NC/R-NCB district other than single-family, duplex or zero-lot-line residential are contiguous to an R-1AAAAA through R-ZL zoning district, there shall be a twenty-foot yard unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width.

Note 2: Above the height permitted at the building setback lines three (3) feet may be added to the height of the building for each foot the building is set back from the front, side and rear building setback lines up to a maximum height of one hundred (100) feet. Any building exceeding forty-five (45) feet in height must submit a preliminary development plan ~~which~~that must be reviewed by the planning board and city council pursuant to section 12-2-81(A)(2).

Note 3: An exception to the four thousand (4,000) square feet area may be granted upon submittal of a preliminary development plan (refer to section 12-2-81(A)(3)) to the planning board for review.

Note 4: When a mixed residential/non-residential development is proposed, the lot coverage requirements shall be the most restrictive of the proposed uses.

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(E) *Additional regulations.* In addition to the regulations established above in subsection 12-2-7(D), all R-NC/R-NCB developments will be subject to, and must comply with, the following regulations:

(a) Supplementary district regulations subject to regulations in sections 12-2-31 to 12-2-50. ~~Off-street parking subject to regulations in chapter 12-3.~~

(b) Off-street parking subject to regulations in chapter 12-3.

(c) Signs subject to regulations in chapter 12-4.

(d) Tree/landscape regulations subject to regulations in chapter 12-6.

(e) Stormwater management and control of erosion, sedimentation and runoff subject to regulations in chapter 12-9.

(f) Alcoholic beverages regulations subject to chapter 7-4 of this Code.

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(Ord. No. 6-93, § 5, 3-25-93; Ord. No. 29-93, § 5, 11-18-93; Ord. No. 3-94, § 3, 1-13-94; Ord. No. 33-95, § 2 (Exhibit 1), 8-10-95; Ord. No. 45-96, § 2 (Exhibit 1), 9-12-96; Ord. No. 40-99, § 1, 10-14-99; Ord. No. 13-12, § 1, 6-14-12; Ord. No. 13-14, § 2, 3-27-14; Ord. No. 01-16, § 1, 1-14-16; Ord. No. 12-16, § 1, 5-12-16)

Sec. 12-2-8. - Commercial land use district.

The regulations in this section shall be applicable to the retail and downtown commercial and wholesale and light industry zoning districts: C-1, C-2A, C-2, ~~R-C~~ and C-3.

(A) *Purpose of district.* The commercial land use district is established for the purpose of providing areas of commercial development ranging from compact shopping areas to limited industrial/high intensity commercial uses. Conventional residential use is allowed as well as residential uses on upper floors above ground floor commercial or office uses and in other types of mixed use development. New development and redevelopment projects are strongly encouraged to follow the city's design standards and guidelines contained in section 12-2-82.

The C-1 zoning district's regulations are intended to provide for conveniently supplying the immediate needs of the community where the types of services rendered and the commodities sold are those ~~which~~that are needed frequently. The C-1 zoning district is intended to provide a transitional buffer between mixed-use neighborhood commercial areas and more intense commercial zoning. The downtown and retail commercial (C-2A and C-2) zoning districts' regulations are intended to provide for major commercial areas intended primarily for retail sales and service establishments oriented to a general community and/or regional market. The C-3 wholesale and light industry zoning district's regulations are intended to provide for general commercial services, wholesale distribution, storage and light fabrication.

The downtown retail commercial (C-2A) zoning district's regulations are intended to provide a mix of restaurants, retail sales, entertainment, and service establishments with an emphasis on pedestrian-oriented ground floor shops and market spaces.

The commercial retail (C-2) zoning district's regulations are intended to provide for major commercial areas intended primarily for retail sales and service establishments oriented to a general community and/or regional market.

The C-3 wholesale and light industry zoning district's regulations are intended to provide for general commercial services, wholesale distribution, storage and light fabrication.

(B) *Uses permitted.*

(1) *C-1, retail commercial zoning district.* Any use permitted in the R-NC district and the following uses, with no outside storage or repair work permitted:

(a) Retail sales and services.

(b) Motels/hotels.

(c) Vending machine when as accessory to a business establishment and located on the same parcel of land as the business.

(d) Car washes.

(e) Movie theaters, except drive-in theaters.

(f) Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.

(g) Pet shops with all uses inside the principal building.

(h) Parking lots and parking garages.

(i) Pest extermination services.

(j) Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.

(k) Business schools.

(l) Trade schools.

(m) Medical marijuana dispensary.

(n) Recreation or amusement places operated for profit.

(o) Accessory buildings and uses customarily incidental to the above uses.

(2) *C-2A, downtown retail commercial district.* Any use permitted in the C-1 district with the exception of manufactured home parks, and Conditional Uses. The following uses with no outside storage or repair work permitted:

(a) Bars.

(b) Pool halls.

(c) Newspaper offices and printing firms.

(d) Marinas.

(e) Major public utility buildings and structures including radio and television broadcasting station.

(f) Accessory buildings and uses customarily incidental to the above uses.

(3) *C-2, commercial district (retail).* Any use permitted in the C-2A district and the following uses with no outside storage or repair work permitted:

(a) Cabinet shops and upholstery shops.

(b) Electric motor repair and rebuilding.

(c) Garages for the repair and overhauling of automobiles.

(d) Sign shop.

(e) Accessory buildings and uses customarily incidental to the above uses.

(4) *C-3, commercial zoning district (wholesale and limited industry).*

(a) Any use permitted in the C-2 district. Outside storage and work shall be permitted for those uses and the following uses, but shall be screened by an opaque fence or wall at least eight (8) feet high at installation. Vegetation shall also be used as a screen and shall provide seventy-five (75) percent opacity. The vegetative screen shall be located on the exterior of the required fence.

(b) Outside kennels, runs or exercise areas for animals subject to regulations in section 12-2-54.

(c) Growing and wholesale of retail sales of trees, shrubs and plants.

(d) Bakeries, wholesale.

(e) Ice cream factories and dairies.

(f) Quick-freeze plants and frozen food lockers.

(g) Boat sales and repair.

(h) Outdoor theaters.

(i) Industrial Research laboratories and pharmaceutical companies

(j) Truck sales and repair.

(k) Light metal fabrication and assembly.

(l) Contractors shops.

(m) Adult entertainment establishments subject to the requirements of chapter 7-3 of this Code.

(n) Industrial laundries and dry cleaners using combustible or flammable liquids or solvents with a flash point of one hundred ninety (190) degrees Fahrenheit or less which provide industrial type cleaning, including linen supply, rug and carpet cleaning, and diaper service.

(o) Retail lumber and building materials.

(p) Warehouses.

(q) Plumbing and electrical shops.

(r) New car and used car lots, including trucks which do not exceed five thousand (5,000) pounds.

(s) Car rental agencies and storage, including trucks which do not exceed five thousand (5,000) pounds.

(t) Pawnshops and secondhand stores.

(u) Mini-storage warehouses.

(v) Advanced manufacturing and/or processing operations provided that such use does not constitute a nuisance due to emission of dust, odor, gas, smoke, fumes, or noise.

(w) Accessory buildings and uses customarily incidental to the above uses.

(C) *Regulations.* All developments are required to comply with design standards and are strongly encouraged to follow design guidelines as established in section 12-2-82.

TABLE 12-2.7
REGULATIONS FOR THE COMMERCIAL ZONING DISTRICTS

Standards	C-1	C-2A	~~R-C,~~ C-2 and C-3
Minimum Yard Requirements (Minimum Building Setbacks)	There shall be no yard requirements, except that where any nonresidential use is contiguous to a residential zoning district there shall be a twenty-foot (20') yard unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width. Inside the C-2A District and Dense Business Area: There shall be a maximum allowed front yard setback of 10'.		
Maximum Building Height	No building shall exceed forty-five (45) feet in height at the property or setback lines. (See Note 1)	No building shall exceed one hundred (100) feet in height at the property or setback lines. (See Note 1)	
Lot Coverage Requirements (The maximum combined area occupied by all principal and accessory buildings)	Shall not exceed seventy-five (75) percent of the total site area for buildings up to one hundred (100) feet in height. For buildings over one hundred (100) feet in height, lot coverage shall not exceed sixty-five (65) percent.	Shall not exceed one hundred (100) percent of the total site area for buildings up to one hundred (100) feet in height. For buildings over one hundred (100) in height, lot coverage shall not exceed ninety (90) percent.	Inside the dense business area: shall not exceed one hundred (100) percent of the total site area for buildings up to one hundred (100) feet in height. For buildings over one hundred (100) feet in height, lot coverage shall not exceed ninety (90) percent (with the exception of the C-2A zoning district). Outside the dense business area: shall not exceed seventy-five (75) percent of

			the total site area for buildings up to one hundred (100) feet in height. For buildings over one hundred (100) feet in height, lot coverage shall not exceed sixty-five (65) percent.
Maximum Density Multiple Family Dwellings	.35 dwelling units per acre.	135 dwelling units per acre.	Inside the dense business area: One hundred thirty-five (135) dwelling units per acre. Outside the dense business area: Thirty-five (35) dwelling units per acre.

Note 1: Three (3) feet may be added to the height of the building for each foot the building elevation is stair-stepped or recessed back from the property or setback lines beginning at the height permitted up to a maximum height of one hundred fifty (150) feet.

(D) Reserved.

(E) *Additional regulations.* In addition to the regulations established above in section 12-2-8(C), all developments within the commercial zoning districts will be subject to, and must comply with, the following regulations:

- Supplementary district regulations subject to regulations in sections 12-2-31 to 12-2-50.
- Off-street parking subject to regulations in Chapter 12-3.
- Signs subject to regulations in Chapter 12-4.
- Tree/landscape regulations subject to regulations in Chapter 12-6.
- Stormwater management and control of erosion, sedimentation and runoff subject to regulations in Chapter 12-9.
- Alcoholic beverages regulations subject to Chapter 7-4 of this Code.

(Ord. No. 25-92, § 1, 7-23-92; Ord. No. 6-93, § 6, 3-25-93; Ord. No. 29-93, § 6, 11-18-93; Ord. No. 3-94, § 4, 1-13-94; Ord. No. 44-94, § 1, 10-13-94; Ord. No. 33-95, § 2 (Exhibit 1), 8-10-95; Ord. No. 40-99, §§ 2, 3, 10-14-99; Ord. No. 17-06, § 1, 7-27-06; Ord. No. 11-09, § 1, 4-9-09;

Ord. No. 13-12, § 1, 6-14-12; Ord. No. 12-13, § 1, 5-9-13; Ord. No. 40-13, § 1, 11-14-13; Ord. No. 01-16, § 1, 1-14-16; Ord. No. 06-17, § 1, 3-9-17; Ord. No. 12-19, § 1, 5-16-19)

Sec. 12-2-9. - Industrial land use district.

The regulations in this section shall apply to the light industrial (wholesale and light industry) and heavy industrial zoning districts: M-1 and M-2.

(A) *Purpose of district.* The industrial land use district is established for the purpose of providing areas for industrial development for a community and regionally oriented service area. The industrial zoning district's regulations are intended to facilitate the manufacturing, warehousing, distribution, wholesaling and other industrial functions of the city and the region. New residential uses are prohibited in the M-2 zoning district. The industrial district regulations are designed to:

• Encourage the formation and continuance of a compatible environment for industries, especially those which require large tracts of land and/or employ large numbers of workers;

• Protect and reserve undeveloped areas ~~which~~that are suitable for industries;

• Discourage development of new residential or other uses capable of adversely affecting or being affected by the industrial character of this district; and

• Provide an opportunity for review by the planning board and approval by the city council for specific uses that may be an environmental nuisance to the community.

(B) *Uses permitted.*

(1) M-1, light industrial district.

(a) Any use permitted in the C-3 district.

(b) Outdoor storage and work, but shall be screened by an opaque fence or wall at least eight (8) feet high at installation. Vegetation shall also be used as a screen and shall provide seventy-five (75) percent opacity. The vegetative screen shall be located on the exterior of the required fence, and shall be subject to the regulations contained in section 12-6 of this chapter.

(c) Wholesale business.

(d) Lumber, building material yards.

(e) Furniture manufacture/repair.

(f) Assembly of electrical appliances, instruments, etc.

(g) Welding and metal fabrication, except the fabrication of iron and steel or other metal for structural purposes, such as bridges, buildings, radio and television towers, oil derricks, and sections for ships, boats and barges.

(h) Processing/packaging/distribution.

(i) Canning plants.

(j) Ice plant/storage buildings.

(k) Bottling plants.

(l) Stone yard or monument works.

(m) Manufacturing uses of a scale and intensity likely to be capable of producing sound, vibration, odor, etc. that is incompatible with the general commercial districts.

(n) Conditional uses permitted:

1. Residential and non-residential community correction centers, probation offices, and parole offices provided that no such site shall be located any closer than one-quarter mile, one thousand three hundred twenty (1,320) feet, from a school for children in grade 12 or lower, licensed day care center facility, park, playground, nursing home, convalescent center, hospital, association for disabled population, mental health center, youth center, group home for disabled population or youth, or other place where children or a population especially vulnerable to crime due to age or physical or mental disability regularly congregates.

(2) M-2, heavy industrial district.

(a) Any use permitted in the M-1 district.

(b) Any use or the expansion of any use or building not permitted in the preceding district may be permitted upon development plan review by the planning board and city council approval subject to regulations in section 12-2-81.

(C) *Regulations.* All developments are required to comply with design standards and are encouraged to follow the design guidelines as established in section 12-2-82. Table 12-2-8, describes requirements for the industrial zoning districts.

TABLE 12-2.8
REGULATIONS FOR THE INDUSTRIAL ZONING DISTRICTS

Standards	M-1	M-2
Minimum Yard Requirements (Minimum Building Setbacks)	There shall be no yard requirements, except that where any nonresidential use is contiguous to a residential zoning district there shall be a twenty-foot yard, or for industrial uses a forty-foot yard, unless the two (2) districts are separated by a public street, body of water, or similar manmade or natural buffer of equal width.	
Maximum Building Height	No building shall exceed forty-five (45) feet in height at the property or building setback lines if contiguous to a residential district. Above the height permitted three (3) feet may be added to the height of the building for each foot the building is set back from the property lines up to a maximum height of one hundred (100) feet. If not contiguous to a residential zoning district no building shall exceed one hundred (100) feet in height at the property lines.	
Lot Coverage Requirements	The maximum combined area occupied by all principal and accessory buildings shall not exceed seventy-five (75)	

	percent of the total site area.

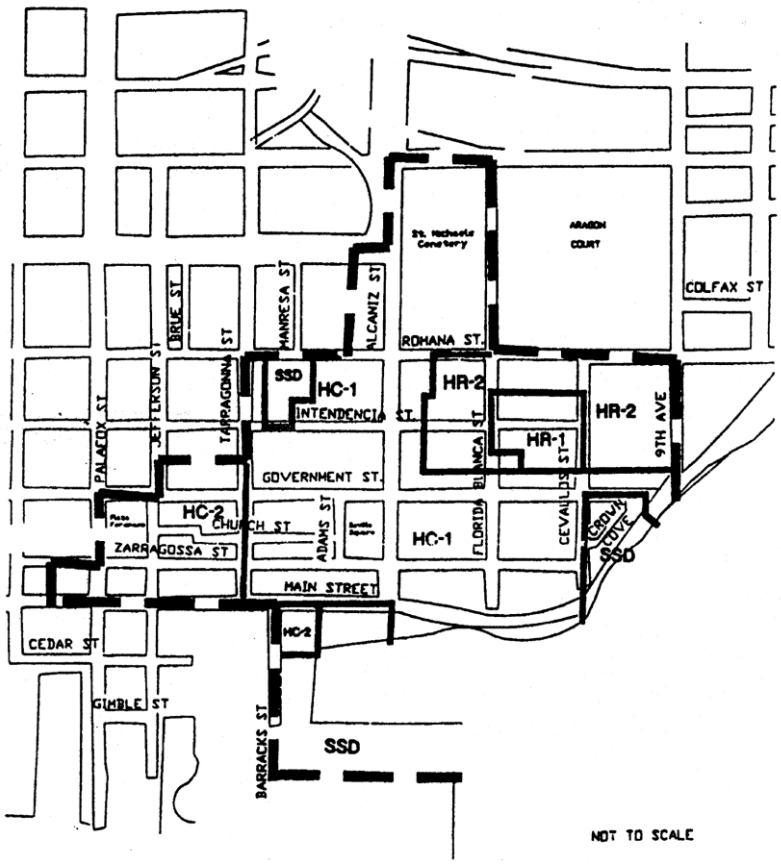
(D) *Additional regulations.* In addition to the regulations established above in section 12-2-9(C), all developments within the industrial zoning districts will be subject to, and must comply with, the following regulations:

- Supplementary district regulations subject to regulations in sections 12-2-31 to 12-2-50.
- Off-street parking subject to regulations in Chapter 12-3.
- Signs subject to regulations in Chapter 12-4.
- Tree/landscape regulations in Chapter 12-6.
- Stormwater management and control of erosion, sedimentation and runoff subject to regulations in Chapter 12-9.
- Alcoholic beverages regulations subject to Chapter 7-4 of this Code.

(Ord. No. 1-95, §§ 1, 2, 1-2-95; Ord. No. 33-95, § 2 (Exhibit 1), 8-10-95; Ord. No. 9-96, § 4, 1-25-96; Ord. No. 40-99, §§ 4, 5, 10-14-99; Ord. No. 13-12, § 1, 6-14-12; Ord. No. 01-15, § 1, 2-12-15; Ord. No. 09-18, § 1, 5-10-18)

Sec. 12-2-10. - Historic and preservation land use district.

The regulations in this section shall be applicable to the Pensacola Historic District, the North Hill Preservation District and the Old East Hill Preservation District: HR-1, HR-2, HC-1, HC-2, PR-1AAA, PR-2, PC-1, OEHR-2, OEHC-1, OEHC-2 and OEHC-3.



(A) *Historic zoning districts: HR-1, HR-2, HC-1 and HC-2.*

(1) *Purpose.* The historic zoning districts are established to preserve the development pattern and distinctive architectural character of the district through the restoration of existing buildings and construction of compatible new buildings. The official listing of the Pensacola Historic District (which includes all areas designated as historic zoning districts) on the National Register of Historic Places and the authority of the architectural review board reinforce this special character. Zoning regulations are intended to ensure that future development is compatible with and enhances the pedestrian scale of the existing structures and period architectural character of the districts.

(2) *Character of the district.* The Historic District is characterized by lots with narrow street frontage (based on the original British city plan, c. 1765), and the concentration of Frame Vernacular,

Folk Victorian and Creole homes which date from the early 19th Century and form a consistent architectural edge along the street grid. These buildings and historic sites and their period architecture make the district unique and worthy of continuing preservation efforts. The district is an established business area, residential neighborhood and tourist attraction, containing historic sites and museums, a variety of specialty retail shops, restaurants, small offices, and residences.

(3) *Uses permitted.*

(a) HR-1, one- and two-family.

1. Single-family and two-family (duplex) dwellings.
2. Libraries, community centers and buildings used exclusively by the federal, state, county or city government for public purposes.
3. Churches, Sunday school buildings and parish houses.
4. Home occupations allowing: Not more than sixty (60) percent of the floor area of the total buildings on the lot to be used for a home occupation; Retail sales shall be allowed, limited to uses listed as conditional uses in subsection (b)6., below; Two (2) nonfamily members shall be allowed as employees in the home occupation; and a sign for the business not to exceed three (3) square feet shall be allowed.
5. Publicly owned or operated parks and playgrounds.
6. Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with six (6) or fewer residents providing that it is not to be located within one thousand (1,000) feet of another such home. If it is proposed to be within one thousand (1,000) feet of another such home, measured from property line to property line, it shall be permitted with city council approval after public notification of property owners in a five-hundred-foot radius.
7. Bed and breakfast subject to regulations in section 12-2-55.
8. Conditional uses permitted:
    a. Single-family attached dwellings (townhouses).
    b. Multiple-family dwellings.
9. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot and not involving the conduct of business.
10. Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(b) HR-2, multiple family and office.

1. Any use permitted in the HR-1 district, including conditional uses.
2. Boarding and lodging houses.
3. Offices under five thousand (5,000) square feet.
4. Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with seven (7) to fourteen (14) residents providing that it is not to be located within one thousand two hundred (1,200) feet of another such home in a multifamily district, and that the home is not within five hundred (500) feet of a single-family zoning district. If it is proposed to be within one thousand two hundred (1,200) feet of another such home in a multifamily district, measured from property line to property line, and/or within five hundred (500) feet of a single-family zoning district, measured from property line to district line, it shall be permitted with city council approval after public notification of property owners in a five-hundred-foot radius.

5. Childcare facilities subject to regulations in section 12-2-58.
6. Conditional use permitted:

   The following uses limited to a maximum area of 3,000 square feet:

   a. Antique shops.
   b. Bakeries whose products are sold at retail and only on the premises.
   c. Grocery stores.
   d. Barbershops and beauty parlors.
   e. Laundromats, including dry-cleaning pick-up stations.
   f. Clothing and fabric shops.
   g. Studios.
   h. Vending machines when an accessory to a business establishment and located in the same building as the business.
   i. Small appliance repair shops.
   j. Floral gardens and shops.
   k. Hand craft shops for custom work or making custom items not involving noise, odor, or chemical waste.
   l. Secondhand stores.
   m. Specialty shops.

7. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.

(c) HC-1, historical commercial district:

1. Any use permitted in the HR-2 district, including the conditional uses, with no size limitations.
2. Small appliance repair shops.
3. Marinas.
4. Restaurants (except drive-ins).
5. Motels.
6. Commercial parking lots.
7. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.

(d) HC-2, historical commercial district:

1. Any use permitted in the ~~HR-1~~ HC-1 district.
2. Private clubs and lodges except those operated as commercial enterprises.
3. Health clubs, spas and exercise centers.
4. Tavern, lounges, nightclubs, cocktail bars.
5. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.

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6. Adult entertainment establishments subject to the requirements of Chapter 7-3 of this Code when located within the dense business area as defined in Chapter 12-14, Definitions.

(4) *Procedure for review.*

(a) Review and approval by the architectural review board: All activities regulated by this subsection shall be subject to review and approval by the architectural review board as established in section 12-13-3. The board shall adopt written rules and procedures for abbreviated review for paint colors, minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board, provided, however, such abbreviated review process shall require review by the staff of West Florida Historic Preservation, Inc. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and West Florida Historic Preservation, Inc. staff, then the matter will be referred to the entire board for a decision.

(b) Decisions.

1. General consideration. The board shall consider plans for existing buildings based on their classification as contributing, non-contributing or modern infill as depicted on the map entitled "Pensacola Historic District" adopted herein, and shall review these plans based on regulations described herein for each of these building classifications. In their review of plans for both existing buildings and new construction, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof; materials, textures and colors; plot plans or site layout, including features such as walls, walks, terraces, off-street paved areas, plantings, accessory buildings, signs and other appurtenances; and relation of the building to immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, including painting, and is not restricted to those exteriors visible from a public street or place. The board shall consider requests for design materials, alterations or additions, construction methods, paint colors or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter and Chapter 7-13.

2. Rules governing decisions. Before approving the plans for any proposed building located or to be located in a district, the board shall find:

a. In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.

b. In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value of buildings on adjacent sites or in the immediate vicinity. No plans for new building will be approved if that building will be injurious to the general visual character of the district in which it is to be located considering visual compatibility standards such as height, proportion, shape, scale, style, materials and colors.

3. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by the Historic Pensacola Preservation Board) in its original style, dimensions or position on its original structural foundation.

(c) Plan submission: Every activity ~~which~~that requires plans in order to erect, construct, demolish, renovate or alter an exterior of a building, sign or exterior site work, located or to be located in the historic zoning districts shall be accompanied with drawings or sketches. All drawings must be drawn to scale and be legible. The minimum size scale for site plans is 1″ = 30′0″; the minimum scale for floor plans is 1/8″ = 1′0″; and the minimum scale for exterior elevations is 1/8″ = 1′0″. The scale for other items, such as signs and details, shall be as large as necessary to fully define the detail of those items. Major projects with very large buildings may vary from the scale referenced above for ease of presentation.

1. Site plan:
    a. Indicate overall property dimensions and building size and location on the property.
    b. Indicate relationship of adjacent buildings, if any.
    c. Indicate layout of all driveways and parking on the site.
    d. Indicate all fences, and signs with dimensions as required to show exact locations.
    e. Indicate existing trees and existing and new landscaping.
2. Floor plan:
    a. Indicate locations and sizes of all exterior doors and windows.
    b. Indicate all porches, steps, ramps and handrails.
    c. For renovations or additions to existing buildings, indicate all existing conditions and features as well as the revised conditions and features and the relationship of both.
3. Exterior elevations:
    a. Indicate all four (4) elevations of the exterior of the building.
    b. Indicate the relationship of this project to adjacent structures, if any.
    c. Indicate exposed foundation walls, including the type of material, screening, dimensions, and architectural elements.
    d. Indicate exterior wall materials, including type of materials, dimensions, architectural elements and color.
    e. Indicate exterior windows and doors, including type, style, dimensions, materials, architectural elements, trim, and colors.
    f. Indicate all porches, steps, and ramps, including type of materials, dimensions, architectural elements and color.
    g. Indicate all porch, stair, and ramp railings, including type of material, dimensions, architectural elements, trim, and color.
    h. Indicate roofs, including type of material, dimensions, architectural elements, associated trims and flashing, and color.
    i. Indicate all signs, whether they are built mounted or freestanding, including material, style, architectural elements, size and type of letters, and color. The signs must be drawn to scale in accurate relationship to the building and the site.
4. Miscellaneous:
    a. Show enlarged details of any special features of either the building or the site that cannot be clearly depicted in any of the above-referenced drawings.

(d) Submission of photographs.

1. Renovations/additions to existing buildings:

    a. Provide at least four (4) overall photographs per building so that all sides are clearly shown. In addition, photographs depicting the "streetscape" — that is, the immediate vicinity and all adjacent buildings — should be supplied.

    b. If doors and/or windows are to be modified, provide a photograph of each door to be changed and at least one representative photograph of the type of window to be altered and replaced.

    c. Provide any additional photographs as required to show specific details of any site or building conditions that will be altered or modified in any way by the proposed construction.

2. New construction:

    a. Provide photographs of the site for the proposed new construction in sufficient quantity to indicate all existing site features, such as trees, fences, sidewalks, driveways, and topography.

    b. Provide photographs of the adjoining "streetscape," including adjacent buildings to indicate the relationship of the new construction to these adjacent properties.

(e) Submission of descriptive product literature/brochures:

1. Provide samples, photographs, or detailed, legible product literature on all windows, doors and shutters proposed for use in the project. The information must be sufficiently detailed to show style, dimensions, detailing, material type, and color.

2. Provide descriptive literature, samples, or photographs showing specific detailed information about signs and letters, if necessary to augment or clarify information shown on the drawings. The information must be sufficiently detailed to show style, dimensions, detailing, material type, and color.

3. Provide samples or descriptive literature on roofing material and trip to augment the information on the drawings. The information must indicate dimensions, details, material, color and style.

4. Provide samples or literature on any exterior light fixtures or other exterior ornamental features, such as wrought iron, railings, columns, posts, balusters, and newels. Indicate size, style, material, detailing and color.

(f) Conceptual approval is permitted by the board only when the applicant specifies on their application that is the approval they are seeking. Conceptual approval applications shall be complete with the exception of final details such as material and color selections. Conceptual approval by the board does not permit the issuance of a building permit.

(5) *Regulations and guidelines for any development within the historic zoning districts.* These regulations and guidelines are intended to address the design and construction of elements common to any development within the Historic District ~~which~~that requires review and approval by the architectural review board. Regulations and guidelines which relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in paragraphs (6) through (8) below. Illustrations, photographs and descriptive examples of many of the design elements described in this subsection can be found in the document prepared by the Florida Northwest Chapter of the American Institute of Architects entitled "Seville Historic District Guideline Study."

(a) Building height limit. No building shall exceed the following height limit established by zone: HR-1 (one- and two-family), HR-2 (multiple-family), HC-1 (historic commercial), HC-2 (historic commercial)—thirty-five (35) feet.

1. Bayfront Parkway setback/height requirement. The following height/setback requirement shall be observed along Bayfront Parkway between Tarragona Street and 9th Avenue (Setback distance measured from northern right-of-way line) to create a scenic open space image along the parkway.

Building height	Building setback
20 feet	20 feet
25 feet	25 feet
30 feet	30 feet
35 feet (Maximum height)	35 feet

(b) Protection of trees. It is the intent of this section to recognize the contribution of shade trees and certain flowering trees to the overall character of the historic zoning districts and to ensure the preservation of such trees as described below:

1. Any of the following "specimen tree" species having a minimum trunk diameter of eight (8) inches (twenty-five and one-tenths (25.1) inches in circumference) at a height of one (1) foot above grade: Live Oak, Water Oak, Pecan, and Magnolia having a minimum trunk diameter of six (6) inches (eighteen and eight-tenths (18.8) inches in circumference) at a height of one (1) foot above grade, and;

2. Any of the following flowering trees with a minimum trunk diameter of four (4) inches (twelve and fifty-five one hundredths (12.55) inches in circumference) at a height of one (1) foot above grade: Redbud, Dogwood, and Crape Myrtle.

   No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, undertake tree removal, or effectively destroy through damaging, any specimen or flowering tree, whether it be on private property or right-of-way within the district, without first having obtained a permit from the ~~department of leisure services~~city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

(c) Fences. The majority of original fences in the Historic District were constructed of wood with a paint finish in many varying ornamental designs. To a lesser extent, fences may have been constructed of brick or wrought iron. The style of the fence and the materials used typically related directly to the style and type of materials used for the building on the property.

All developments in the historic zoning districts shall comply with fence regulations as established in section 12-2-40(A) through (D), applicable to maximum heights permitted. In addition, the following provisions apply:

1. Chain-link, concrete block and barbed-wire are prohibited fence materials in the Historic District. Approved materials will include but not necessarily be limited to wood, brick, stone and wrought iron.

2. All wood or wrought iron fences shall be painted if the principal building is painted. Wood fences shall be constructed utilizing one of a variety of "picket" designs,

especially a design ~~which~~that will reflect details similar to those on the building. It is recommended that the use of wrought iron or brick fences be constructed in conjunction with buildings ~~which~~that use masonry materials in their construction.

(d) Signs. Those few signs that may have originally been used in the Historic District, including those which were used in the commercial areas, were typically smaller in scale than many signs in current use. Ordinarily, their style was complementary to the style of the building on the property. The support structure and trim work on a sign was typically ornamental, as well as functional.

Refer to sections 12-4-2 and 12-4-3 for general sign standards and criteria and for a description of sign area calculations. In addition to the prohibited signs listed below, all signs listed in section 12-4-7 are prohibited within the Historic District. The design, color scheme and materials of all signs shall be subject to approval by the architectural review board. All official signs within the District will be authorized, created, erected and maintained by the city of Pensacola or the Historic Pensacola Preservation Board using as their guide the document entitled "A Uniform System for Official Signs in the Seville Square Historical District." This document also includes recommendations for and descriptive drawings of commercial signs appropriate to the district.

1. Permitted signs.

a. Temporary accessory signs.

• One (1) non-illuminated sign advertising the sale, lease, or rental of the lot or building, said sign not exceeding six (6) square feet in area.

• One (1) non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.

b. Permanent accessory signs.

• One (1) sign per lot per street frontage for churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including retail and office buildings) or historic sites serving as identification and/or bulletin boards not to exceed twelve (12) square feet in area and having a maximum height of eight (8) feet, provided, however that signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet six (6) inches above the public property and shall not exceed a height of twelve (12) feet six (6) inches. The sign may be mounted to the face of a wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. Attached or wall signs may be placed on the front or one (1) side of the building. The sign may be illuminated provided the source of light is not visible beyond the property line of the lot on which the sign is located.

• One (1) non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three (3) square feet and shall be attached flat against the wall of the building.

• Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor and board.

2. Prohibited signs.

a. Any sign using plastic materials for lettering or background.

b. Internally illuminated signs.

c. Portable signs.

d. Nonaccessory signs.

(e) Screening. The following uses must be screened from adjoining property and from public view with fencing and/or landscaping or a combination of the two (2) approved by the board:

1. Parking lots.

2. Dumpsters or trash handling areas.

3. Service entrances or utility facilities.

4. Loading docks or spaces.

(f) Landscaping. Within the original Historic District development, the majority of each site not covered by a building was typically planted in trees, shrubbery or ground cover. No formal landscape style has been found to predominate in the district. The following regulations apply for landscaping:

1. Within the front yard setback the use of grass, ground cover or shrubs is required and trees are encouraged in all areas not covered by a drive or walkway.

2. The use of brick or concrete pavers set on sand may be allowed in the front yard in addition to drives or walkways, with board approval based on the need and suitability of such pavement.

(g) Driveways, sidewalks and off-street parking. Original driveways in the Historic District were probably unimproved or sidewalks were typically constructed of brick, cobblestones or small concrete pavers using two different colors laid at diagonals in an alternating fashion. Parking lots were not a common facility in the Historic District. The following regulations and guidelines apply to driveways, sidewalks and parking lots in the Historic District:

1. Driveways. Unless otherwise approved by the board, each building site shall be allowed one driveway, standard concrete ribbons, or access drive to a parking lot. No new driveways or access drives to parking lots may be permitted directly from Bayfront Parkway to any development where alternative access from the inland street grid is available.

   a. Where asphalt or concrete is used as a driveway material, the use of an appropriate coloring agent is required.

   b. From the street pavement edge to the building setback the only materials allowed shall be shell, brick, concrete pavers, colored asphalt and approved stamped concrete or #57 granite or marble chips.

2. Sidewalks. Construction, repair and maintenance of sidewalks are all required on public rights-of-way within the district. Sidewalks shall be constructed of the following materials or combination of materials and approved by the board:

   a. Brick pavers;

   b. Concrete pavers;

   c. Poured concrete stamped with an ornamental pattern and colored with a coloring agent;

   d. A combination of concrete with brick or concrete paver bands along the edges of the sidewalk. This combination may also include transverse brick or concrete paver bands spaced at regular intervals.

   Walkways shall be provided from the street side sidewalk to the front entrance as approved by the board.

3. Off-street parking. Off-street parking is not required in the HC-1 and HC-2 zoning districts. Because parking lots have not been a common land use in the district, their location is encouraged behind the structures which they serve.

   a. Parking lots shall be screened from view of adjacent property and the street by fencing, landscaping or a combination of the two approved by the board.

   b. Materials for parking lots shall be concrete, concrete or brick pavers, asphalt, oyster shells, clam shells or #57 granite or marble chips. Where asphalt or concrete are used, the use of a coloring agent is required. The use of acceptable stamped patterns on poured concrete is also encouraged.

(h) Paint colors. The architectural review board has adopted palettes of historic colors from several paint manufacturers that represent acceptable historic colors for use in the Historic District. Samples of these palettes can be reviewed at the Historic Pensacola Preservation Board and at the office of the building inspector.

(i) Residential accessory structures. Residential accessory structures shall comply with regulations set forth in section 12-2-31 except that the following shall apply: Accessory structures shall not exceed one story in height for a maximum in height of twenty-five (25) feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.

(j) Additional regulations. In addition to the regulations established above in subsections 12-2-10(A)(5)(a) through (i), any permitted use within the Historic District where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.

(6) *Restoration, rehabilitation, alterations or additions to existing contributing structures in the Historic District.* ~~The document entitled "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the United States Department of Interior in 1983,~~ The Secretary of the Interior's standards for rehabilitation, codified at 37 CFR 67, and the related guidelines for rehabilitating historic buildings shall form the basis for rehabilitation of existing contributing structures. The following regulations and guidelines for specific building elements are intended to further refine some of the general recommendations found in the Department of Interior's document to reflect local conditions in the rehabilitation of structures. In the case of a conflict between the Department of Interior's publication and the regulations set forth herein, the more restrictive shall apply. The "Seville Historic District Guideline Study" describes the building styles that are typical in the Historic District. This definition of styles should be consulted to insure that the proper elements are used in combination in lieu of combining elements that, although they may be typical to the district, are not appropriate for use together on the same building.

For all of the following elements, the documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc. shall be approved only if circumstances unique to each project are found to warrant such variances. The following regulations and guidelines shall apply to renovations, repairs and alterations to contributing structures which may or may not have documentary proof of the original elements and to alterations or additions to a contributing structure which seek to reflect the original elements.

(a) Exterior lighting. Exterior lighting in the district in its original development typically consisted of post mounted street lights and building mounted lights adjacent to entryways. Occasionally, post lights were used adjacent to the entry sidewalks to buildings. Lamps were typically ornamental in design with glass lenses and were mounted on ornamental cast iron or wooden posts.

1. Exterior lighting fixtures shall be in a design typical to the district in a pre-1925 Era. They shall be constructed of brass, copper, or painted steel and have clear lenses.

2. If exterior lighting is detached from the building, the fixtures shall be post mounted and used adjacent to sidewalk or driveway entrances or around parking lots. If post mounted lights are used, they shall not exceed twelve (12) feet in height.

3. The light element itself shall be a true gas lamp or shall be electrically operated using incandescent or high pressure sodium lamps. Fluorescent and mercury vapor lamps are prohibited.

4. The use of pole mounted high pressure sodium utility/security lights is discouraged. If absolutely necessary, they will be considered, but only in the rear portions of the property.

(b) Exterior walls. The two (2) building materials basic to the Historic District are clapboard style wood siding and brick masonry, the former being most prevalent. In general, the wood siding is associated with the residential-type buildings and the brick masonry is associated with more commercially-oriented buildings. Brick is used in predominantly wooden structures only for foundation piers and for fireplaces and chimneys.

1. Vinyl or metal siding is prohibited.

2. Wood siding and trim shall be finished with paint, utilizing colors approved by the board. If documentary evidence is submitted showing that the original structure was unpainted, the board may not require a paint finish unless the condition of the wood warrants its use.

3. Foundation piers shall be exposed brick masonry or sand textured plaster over masonry. If infill between piers was original then it must be duplicated. It is encouraged that infill of wood lattice panels is utilized.

(c) Roofs. The gable roof is the most typical in the Historic District. On shotgun house types or buildings placed on narrow deep lots the gable-end is usually oriented toward the street. On the creole type houses or buildings having larger street frontages the gable-end is typically oriented towards the side yard. Some hip roofs are found in newer, typically larger than average buildings. Dormers are found typically in association with the creole type houses. The roof slope is at least six (6) on twelve (12), but can be found to slope as much as twelve (12) on twelve (12). Roofing materials typically consisted of wood shingles, tin and corrugated metal panels.

1. The combination of varying roof styles or shapes on a single building is prohibited. The only exception to this is when a three-sided hip roof is used over a porch on the front of a gable roofed building.

2. In order to protect the architectural integrity of the district and structure, roof materials original to each structure should be used. Alternatives to the materials may be considered on a case-by-case basis, but shall match the scale, texture, and coloration of the historic roofing material. Unless original to the structure, the following materials shall be prohibited: less than thirty (30) year fiberglass or asphalt dimensional shingles, rolled roofing, and metal shingles. Thirty (30) year or forty (40) year dimensional shingles may be permitted. Provided, however, existing flat-roofed commercial structures may retain the same style roof and continue to use built-up or single-ply roofing.

3. Eave metal and flashing shall be naturally weathered copper or galvanized steel, or may be painted.

4. Gutters and downspouts are discouraged within the district except on brick commercial buildings.

(d) Porches. The porch, consisting of raised floor platform, sheltering roof, supporting columns, handrails and balustrade, and connecting steps is typical to wood structures in the district.

1. Porches are required in any renovation or alteration of a contributing structure ~~which~~that originally had a porch, and are encouraged as additions when the style of the building will allow it.

2. The original materials, method of construction and style of building elements shall be duplicated when making repairs, alterations or additions to existing porches.

3. The size and design of all porch elements, i.e., the flooring, the columns, the handrails, the pickets, the roof beam, the floor support piers, and any other ornamentation shall be consistent with any one single style that is typical to the district. The elements shall maintain proper historical scale, dimensions and detailing.

(e) Doors. Entrance doors made up of a solid wood frame, with an infill of raised wood panels below and glazed panels above, are historically correct for the district. Single doorways with a glazed transom above allowed for both light and ventilation to enter the entrance way or entrance foyer of the building. Double doors were usually associated with a larger home or building layout.

The placement of the doorway was not necessarily in the center of the front wall; in fact it was usually off to one side in most cases, specifically in the shotgun house types. The larger creole cottage, and F~~f~~rench creole house type, normally had the front door centered, leading to a center hallway or stair hall.

1. Doors are to be fabricated of solid wood, with three (3) horizontal rails and two (2) vertical stiles. The lower infill panels shall be constructed of wood and shall be located below the locking device with glazed panels located above the locking device. The top of the upper glazed panels can be semi-circular/half rounded. Beveled glass is encouraged.

2. Panel infill may vary slightly from that noted in Item a. above, but usually shall not exceed six (6) panels. Variations must be approved by the architectural review board.

3. Trim or casing shall be used on all doors and sidelights and shall typically range in width between 5″ and 8″.

(f) Windows. Traditionally the windows employed in the Seville Historic District were constructed of wood and were the double hung or triple hung type. The windows opening toward the front porch of the building usually were triple hung with the sill close to or almost flush with the adjacent floors. This allowed for optimum flow of air, and for passage to and from the exterior space. The other windows of the building had the normal placement of the window sill at approximately thirty (30) inches above finished floor. Typical windows ranged in width from thirty-two (32) to thirty-six (36) inches and ranged in height from six (6) to seven (7) feet exclusive of trim dimensions. The taller windows, when double hung, frequently had the lower section greater in vertical dimension than the upper section, giving freer movement through to the adjacent porch or veranda.

1. Windows are to be fabricated of wood and must, in the judgement of the architectural review board, closely approximate the scale and configuration of the original window designs.

2. The window proportions/dimensions will be decidedly vertical, following the historic appearance and character of those encountered throughout the district.

3. Window sections shall typically be divided into two (2) to six (6) panes, and in the usual double hung window, the layout of window panes will be six (6) over six (6). All windows shall have true divided lites. Any variation to this division of the window opening shall be approved by the architectural review board.

4. The window frame will be given a paint finish appropriate to the color scheme of the exterior of the building.

5. Window trim or casing is to be a nominal five (5) inch member at the two (2) sides and the head.

6. Other than the full height windows at the front porch and smaller windows at kitchens and bathrooms, all remaining windows shall be proportioned with the height between two (2) and two and one-half (2½) times the width. The sill height for standard windows shall be approximately thirty (30) inches above finished floor.

7. Glass for use in windows shall typically be clear, but a light tinted glass will be given consideration by the architectural review board.

(g) Shutters. Shutters are an exterior ornamental and functional architectural feature that have traditionally been used on windows, and occasionally, on doors within the Historic District. On renovation projects to existing contributing structures, it is recommended that shutters not be installed unless they were original to the structure.

1. If shutters are to be used on a project, they must be dimensioned to the proper size so that they would completely cover the window both in width and height if they were closed.

2. The shutters must be installed in a manner that will appear identical to an original operable installation. Shutters installed currently are not required to be operational, but rather can be fixed in place; however, they must be installed with some space between the back of the shutter and the exterior wall surface material and must overlap the door or window trim in a fashion identical to an original operable installation.

3. The style of the shutters must be louvered, flat vertical boards or panelled boards, with final determination being based on compatibility with the overall building design.

(h) Chimneys. Chimneys constructed of brick masonry, exposed or cement plastered, are typical to original construction in the district.

The chimney in the Historic District is that necessary element usually serving back-to-back fireplaces, and as such, would not be located on the exterior wall of the building. Consequently, the appropriate location for chimneys would be projecting through some portion of the roof of the building, in lieu of being placed on an exterior wall.

1. The chimney or chimneys are to be located within the slope of the roof, rather than being placed on an exterior wall, and shall extend above the roof ridge line.

2. The chimney or chimneys are to be constructed of masonry with the exposed surface to be brick or sand textured plaster. Rough texture stucco is prohibited.

3. The finished exposed surface of chimneys are to be left natural without any paint finish.

4. Flashing shall consist of galvanized steel, copper sheet metal or painted aluminum.

5. The extent of simplicity or ornamentation shall be commensurate with the overall style and size of the building on which the chimney is constructed.

6. The use in contributing structures of prefabricated fireplaces with steel chimneys is prohibited.

(i) Trim and miscellaneous ornament. Most trim, except for window and door casings/trim, was used more for decorative than functional purposes. Trim and ornament was almost always constructed of wood, and was painted to match other elements (doors, windows, porches, et cetera) of the building. Ornament on masonry buildings was typically limited to corbling or other decorative use of brick at window openings, door openings, columns, parapet walls and on major facades above the windows and doors.

1. In renovation work, only that decorative trim or ornament historically significant to the specific building will be permitted.
2. The scale and profile/shape of existing ornament used within the district will dictate approval for all new proposals.
3. Trim and ornament, where used, is to be fabricated of wood.
4. Trim and ornament will be painted to match, or be coordinated with, door and window casings, porch railings, porch columns, and basic projecting elements of the building.

(j) Miscellaneous mechanical equipment.

1. Air conditioning condensing units shall not be mounted on any roof where they are visible from any street.
2. Air conditioning condensing units that are mounted on the ground shall be in either side yards or rear yards. No equipment shall be installed in a front yard.
3. Visual screening consisting of ornamental fencing or landscaping shall be installed around all air conditioning condensing units to conceal them from view from any adjacent street or property owner.
4. Exhaust fans or other building penetrations as may be required by other authorities shall be allowed to penetrate the wall or the roof but only in locations where they can be concealed from view from any street. No penetrations shall be allowed on the front of the building. They may be allowed on side walls if they are properly screened. It is desirable that any penetrations occur on rear walls or the rear side of roofs.

(k) Accessibility ramps and outdoor stairs.

1. Whenever possible, accessibility ramps and outdoor stairways shall be located to the side or the rear of the property.
2. The design of accessibility ramps and outdoor stairs shall be consistent with the architectural style of the building.
3. Building elements, materials and construction methods shall be consistent with the existing structure.

(7) *Renovation, alterations and additions to noncontributing and modern infill structures within the Historic District.* Many of the existing structures within the district do not meet the criteria established for contributing structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations and guidelines established in paragraph (5), relating to streetscape elements, and paint colors described in paragraph (6)(c) shall apply to noncontributing and modern infill structures. In review of these structures the board may make recommendations as to the use of particular building elements ~~which~~that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.

(8) *New construction in the Historic District.* This subsection does not intend to mandate construction of new buildings of historical design. New construction shall complement original historic buildings or shall be built in a manner ~~which~~that is complementary to the overall character of the district in scale, building materials, and colors.

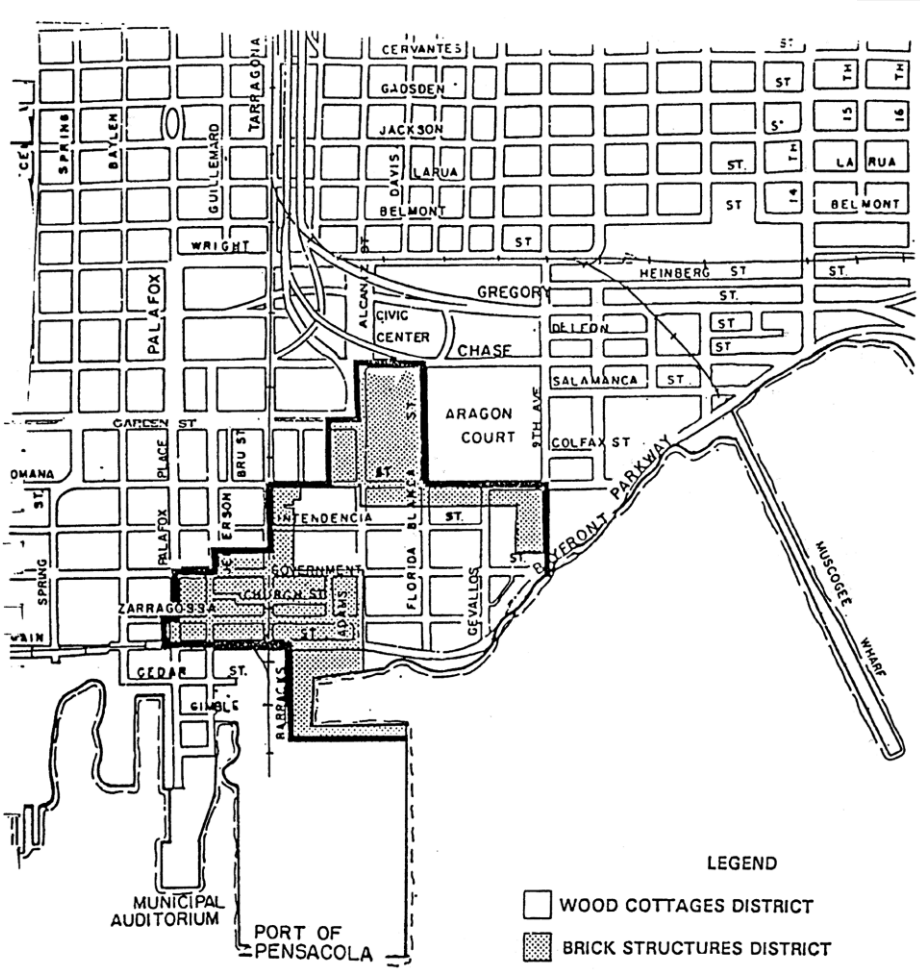
For purposes of describing the scale and character required in new construction within the Historic District, the district is herein subdivided into two (2) general building style districts as shown on Map 12-2.1: the "residential" wood cottages district and the "commercial" brick structures district. Within the wood cottages district all new construction shall conform to the building types I and II, described herein, in scale, building materials and colors. Within the brick structures district all new construction shall conform to the building types I, II, or III (described herein) in scale, building materials and colors. The regulations for the two (2) building style

districts will establish building heights and setbacks and will illustrate relationships between the streetscape, the building and exterior architectural elements of the building. The streetscape element regulations established in paragraph (5), above, are applicable to all new construction in the Historic District, no matter what style building. If new construction is intended to match historical designs, then the building elements described in paragraphs (6)(a) to (l). should be utilized as guidelines. If it is to be a replica of a historic building, the building must be of a historic style characteristic of the Pensacola Historic District.

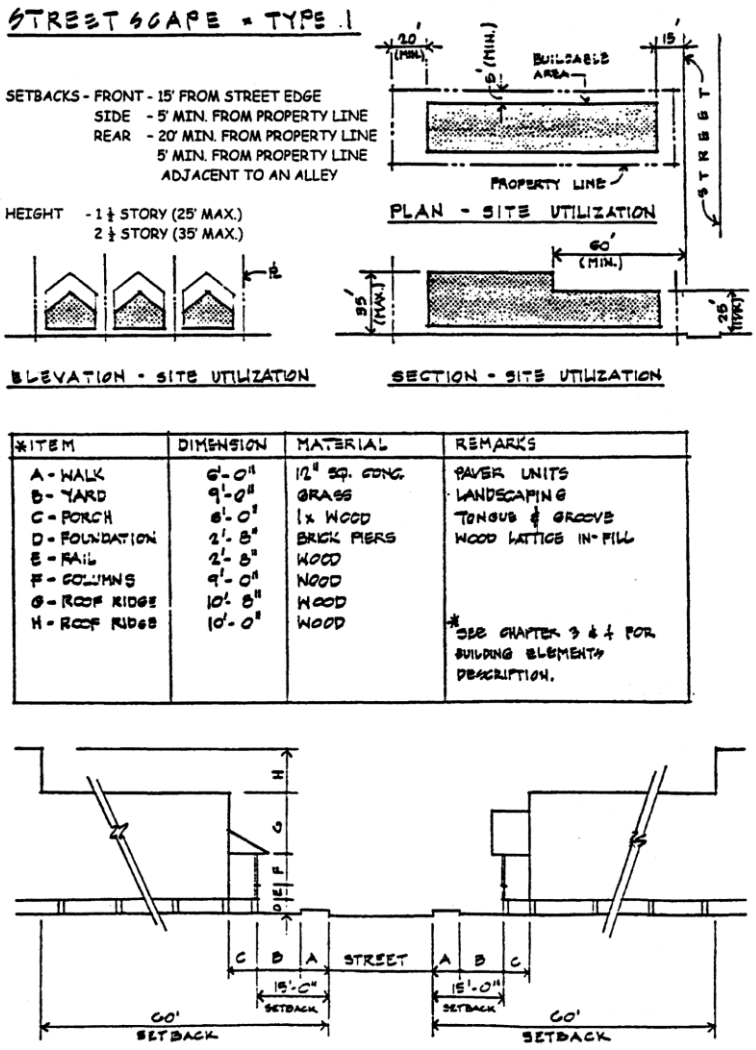
(a) Figure 12-2.1 illustrates the scale and characteristics of building types I and II for the wood cottages district.

(b) Figure 12-2.2 illustrates the scale and characteristics of building type III for the brick structures district.

(c) Aragon subdivision Block "L" & "N" and lots within Privateer's Alley shall conform to Section 12-2-12(B)(5)(j), GRD-1 Architectural Review Standards, with the exception of section 12-2-12(B)(5)(j)5., Doors. Exterior doors shall comply with 12-2-10(A)(6)(e) of this section.



MAP 12-2.1—HISTORIC BUILDING STYLE DISTRICTS



*ITEM	DIMENSION	MATERIAL	REMARKS
A - WALK	6'-0"	12" SQ. CONC.	PAVER UNITS
B - YARD	9'-0"	GRASS	LANDSCAPING
C - PORCH	6'-0"	1x WOOD	TONGUE & GROOVE
D - FOUNDATION	2'-8"	BRICK PIERS	WOOD LATTICE IN-FILL
E - RAIL	2'-8"	WOOD	
F - COLUMNS	9'-0"	WOOD	
G - ROOF RIDGE	10'-8"	WOOD	
H - ROOF RIDGE	10'-0"	WOOD	

*SEE CHAPTER 3 & 4 FOR BUILDING ELEMENTS DESCRIPTION.

FIGURE 12-2.1—WOOD COTTAGES DISTRICT—Streetscape, Type 1

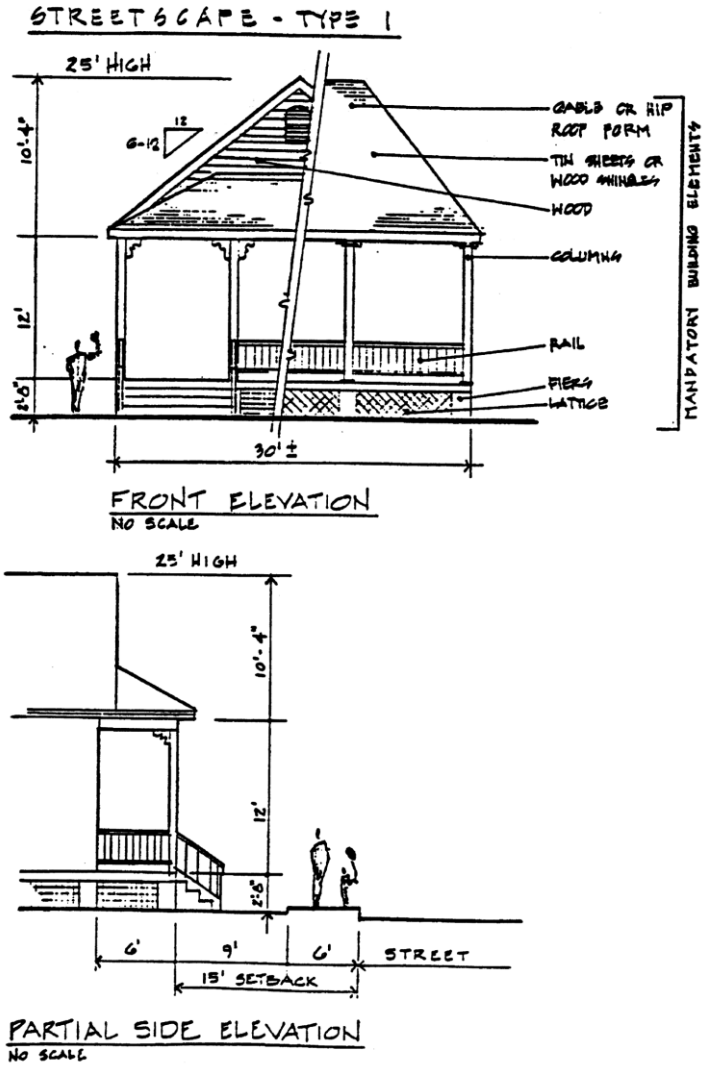
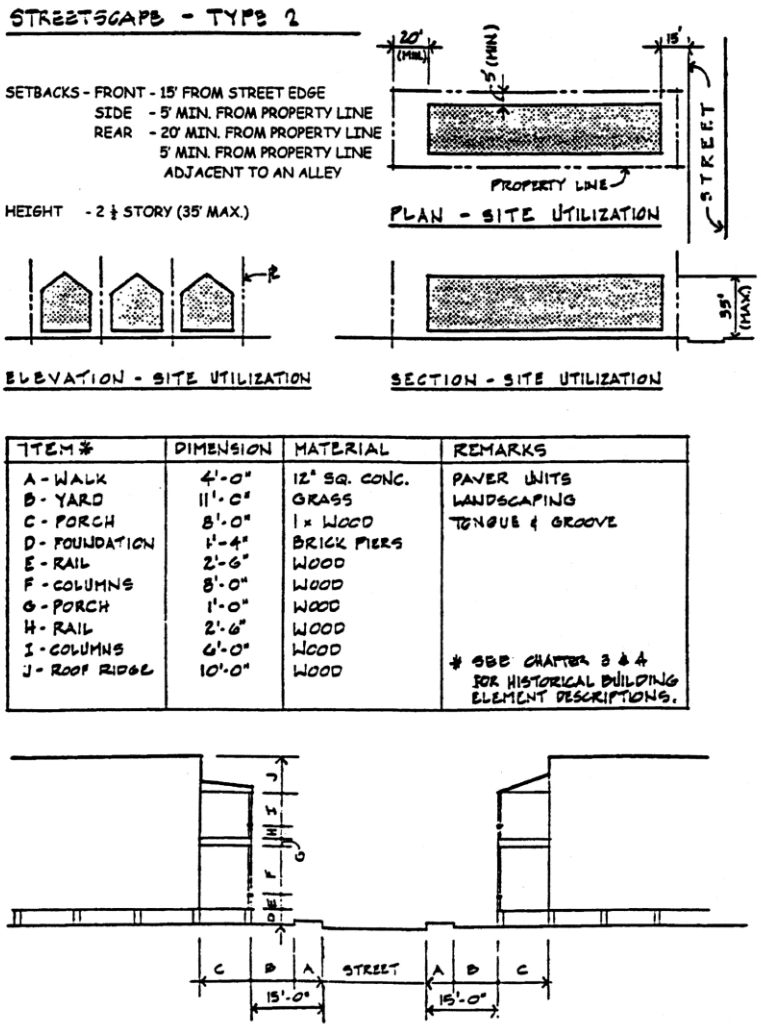


FIGURE 12-2.1—WOOD COTTAGES DISTRICT—Streetscape, Type 1



ITEM #	DIMENSION	MATERIAL	REMARKS
A - WALK	4'-0"	12" SQ. CONC.	PAVER UNITS
B - YARD	11'-0"	GRASS	LANDSCAPING
C - PORCH	8'-0"	1 x WOOD	TONGUE & GROOVE
D - FOUNDATION	1'-4"	BRICK PIERS	
E - RAIL	2'-6"	WOOD	
F - COLUMNS	8'-0"	WOOD	
G - PORCH	1'-0"	WOOD	
H - RAIL	2'-6"	WOOD	
I - COLUMNS	6'-0"	WOOD	
J - ROOF RIDGE	10'-0"	WOOD	# SEE CHAPTER 3 & 4 FOR HISTORICAL BUILDING ELEMENT DESCRIPTIONS.

FIGURE 12-2.1—WOOD COTTAGES DISTRICT—Streetscape, Type 2

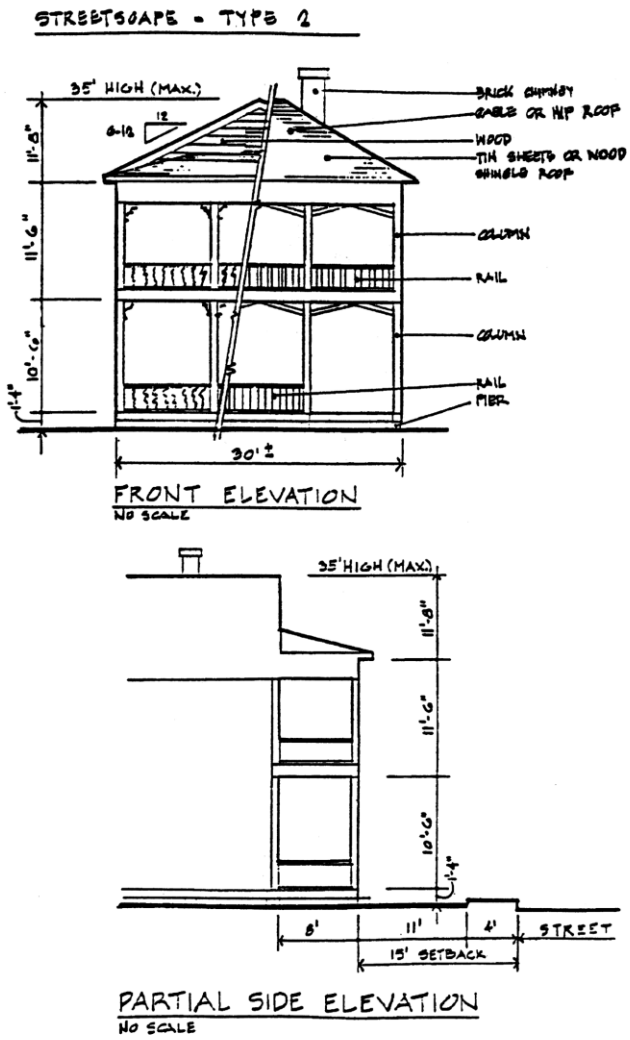
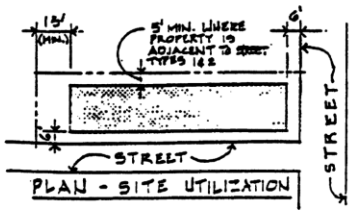


FIGURE 12-2.1—WOOD COTTAGES DISTRICT—Streetscape, Type 2

STREETSCAPE - TYPE 3

SETBACKS - FRONT - 6' FROM STREET EDGE
SIDE - 5' MIN. FROM PROPERTY LINE
0' MIN. FROM PROPERTY LINE FOR LOTS WITHIN ARAGON S/D PRIVATEER'S ALLEY
REAR - 15' MIN. FROM PROPERTY LINE
5' MIN. FROM PROPERTY LINE ADJACENT TO AN ALLEY OR WITHIN ARAGON S/D PRIVATEER'S ALLEY

*HEIGHT - BUILDING HEIGHT SHALL BE LIMITED TO THE ADJACENT LOT'S STREETSCAPE TYPE.



ELEVATION - SITE UTILIZATION

SECTION - SITE UTILIZATION

ITEM	DIMENSION	MATERIAL	REMARKS
A - WALK B - ROOF RIDGE OR PARAPET	6'-0" *	12" SQ. CONC. BRICK	PAVER UNITS SEE HEIGHT LIMIT, ABOVE ARAGON S/D BLK. "L" & "N" AND LOTS WITHIN PRIVATEER'S ALLEY SHALL CONFORM TO SECTION 12-2-12(B)(5)(j), GRD-1 ARCHITECTURAL REVIEW STANDARDS WITH THE EXCEPTION OF SEC. 12-2-12(B)(5)(j)5., DOORS. EXTERIOR DOORS SHALL COMPLY WITH 12-2-10(A)(6)(e) OF THIS SECTION.

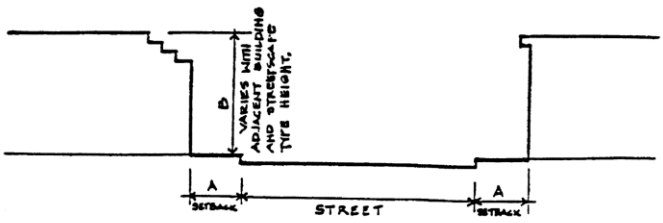


FIGURE 12-2.2—BRICK STRUCTURES DISTRICT—Streetscape, Type 3

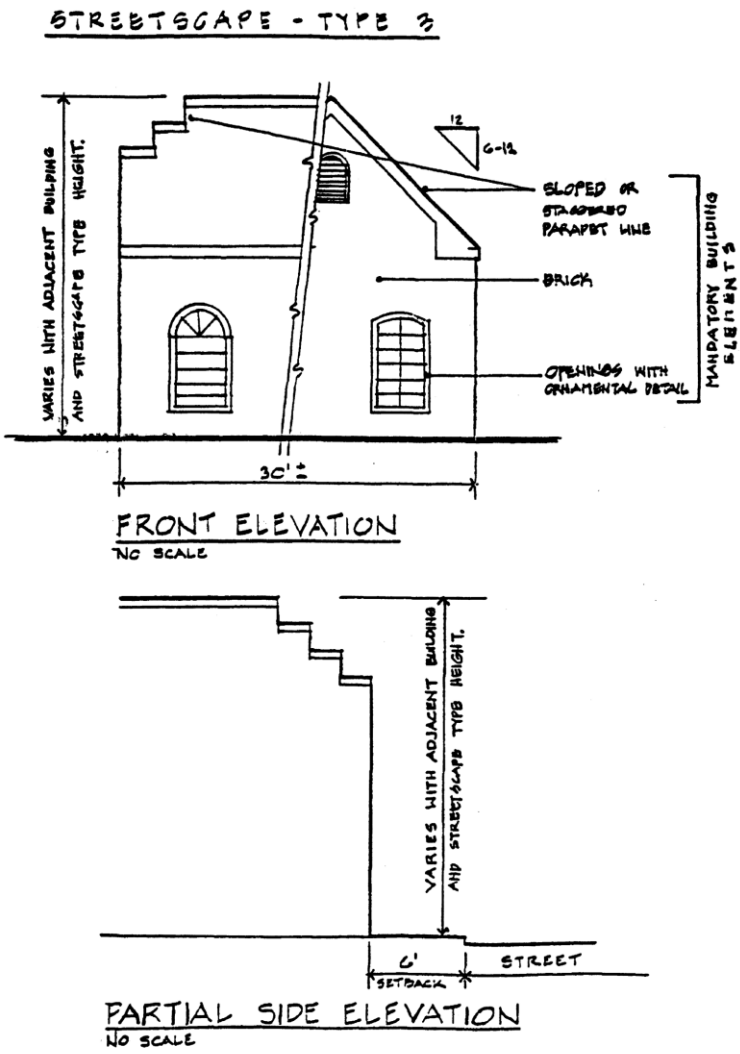


FIGURE 12-2.2—BRICK STRUCTURES DISTRICT—Streetscape, Type 3

(9) *Demolition of contributing structures.* Demolition of a contributing structure constitutes an irreplaceable loss to the quality and character of the Historic District and is strongly discouraged. Therefore, no permit shall be issued for demolition of a contributing structure unless the owner demonstrates to the board clear and convincing evidence of unreasonable hardship. Provided, however, nothing herein shall prohibit the demolition of a contributing

structure if the building official determines that there is no reasonable alternative to demolition in order to bring the structure in compliance with the unsafe building code. When the owner fails to prove unreasonable economic hardship the applicant may provide to the board additional information ~~which~~that may show unusual and compelling circumstances in order to receive board recommendation for demolition of the contributing structure.

The board shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular structure against the special merit of the proposed replacement project.

(a) Unreasonable economic hardship. When a claim of unreasonable economic hardship is made, the public benefits obtained from retaining the historic resource must be analyzed and duly considered by the board. The owner shall submit to the board for its recommendation the following information:

1. For all property:
    a. The assessed value of the land and improvements thereon according to the two (2) most recent assessments;
    b. Real estate taxes for the previous two (2) years;
    c. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired;
    d. Annual debt service, if any, for the previous two (2) years;
    e. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with ~~his~~ his or her purchase, financing or ownership of the property;
    f. Any listing of the property for sale or rent, price asked and offers received, if any;
    g. Any consideration by the owner as to profitable adaptive uses for the property;
    h. Replacement construction plans for the contributing structure in question;
    i. Financial proof of the ability to complete the replacement project which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
    j. The current fair market value of the property, as determined by at least two (2) independent appraisals made by appraisers with competent credentials.
2. For income-producing property:
    a. Annual gross income from the property for the previous two (2) years;
    b. Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed;
    c. Annual cash flow, if any, for the previous two (2) years; and
    d. Proof that efforts have been made by the owner to obtain a reasonable return on ~~his~~ his or her investment based on previous service.

The applicant shall submit all necessary materials to the board at least fifteen (15) days prior to the board hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the board for consideration and review and made available to the applicant for consideration prior to the hearing.

The board may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The board or its agent may also furnish additional information as the board believes is relevant. The board shall also state which form of financial proof it deems relevant and necessary to a particular case.

In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with ~~his~~ his or her affidavit a statement of the information ~~which~~that cannot be obtained and shall describe the reasons why such information cannot be obtained.

(b) Unusual and compelling circumstances and demolition of a contributing structure. When an applicant fails to prove economic hardship in the case of a contributing structure, the applicant may provide to the board additional information ~~which~~that may show unusual and compelling circumstances in order to receive board recommendation for demolition of the contributing structure. The board, using criteria set forth in this subsection, shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:

1. The historic or architectural significance of the structure;
2. The importance of the structure to the integrity of the Historic District;
3. The difficulty or the impossibility of reproducing such a structure because of its design, texture, material, detail, or unique location;
4. Whether the structure is one of the last remaining examples of its kind in the Historic District;
5. Whether there are definite plans for reuse of the property if the proposed demolition is carried out and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area, as well as the economic impact of the new development; and
6. Whether reasonable measures can be taken to save the structure from further deterioration, collapse, arson, vandalism or neglect.

(c) Recommendation of demolition. Should the applicant for demolition of a contributing structure satisfy the board that ~~he~~ he or she will suffer an economic hardship if a demolition permit is not recommended, or, if in failing to demonstrate economic hardship, the applicant demonstrates unusual and compelling circumstances ~~which~~that dictate demolition of the contributing structure, either a recommendation for demolition or a recommendation for a six-month moratorium on the demolition shall be made.

In the event that the board recommends a six-month moratorium on the demolition, within the moratorium period, the board shall consult with the Historic Pensacola Preservation Board, the city of Pensacola and any other applicable public or private agencies to ascertain whether any of these agencies or corporations can preserve or cause to be preserved such architectural or historically valuable buildings. If no agencies or organizations are prepared to preserve the building(s) or cause their preservation, then the board shall recommend approval of the demolition.

Following recommendation for approval of demolition, the applicant must seek approval of replacement plans prior to receiving a demolition permit and other building permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and adequate working drawings for at least the foundation plan ~~which~~that will enable the applicant to receive a permit for foundation construction. The board may waive the requirements for replacement plans under extreme, unusual and compelling circumstances or public safety purposes.

Applicants that have received a recommendation for demolition shall be permitted to receive such demolition permit without additional board action on demolition, following the board's recommendation of a permit for new construction.

(d) Prevention of demolition by neglect.

1. All contributing structures within the Historic District shall be preserved against decay and deterioration and kept free from certain structural defects by the owner thereof or such other person or persons who may have legal custody and control thereof. The owner or other person having such legal custody and control shall repair such building, object, site, or structure if it is found to have any of the following defects:

   a. Deteriorated or inadequate foundation. Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety;

   b. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;

   c. Members of ceilings, roofs, ceiling and roof supports or other horizontal members ~~which~~that sag, split, or buckle due to defective materials or deterioration. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;

   d. Fireplaces or chimneys ~~which~~that list, bulge or settle due to defective materials or deterioration. Fireplaces or chimneys ~~which~~that are of insufficient size or strength to carry imposed loads with safety;

   e. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors. Defective protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering. Any fault or defect in the building ~~which~~that renders same structurally unsafe or not properly watertight.

   In addition, the owner or other person having legal custody and control of an historic landmark or a building, object, site, or structure located in an historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse.

2. The board, on its own initiative, may file a petition with the building official requesting that ~~he~~ he or she proceed to require correction of defects or repairs to any structure covered by a. above so that such structure shall be preserved and protected in accordance with the purposes of this ordinance and the public safety and housing ordinance.

(10) *Other demolition permits.* All applications for permits to demolish structures other than contributing structures shall be referred to the board for the purpose of determining whether or not the structure may have historical, cultural, architectural, or archaeological significance. Such determination shall be made in accordance with the criteria found in paragraph (9)(b)1. to 6., above.

The board shall make such determination within thirty (30) days after receipt of the completed application and shall notify the building official in writing. If the structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of all city code requirements.

If said structure is determined by the board to have historical significance, the board shall make such information available to the Preservation Board for review and recommendation as to significance. If the board concurs in the significance, using criteria set forth in paragraph (9)(b)1. to

6., above, the board shall recommend to the city council that the structure be designated a contributing structure.

Upon such a recommendation by the board, issuance of any permit shall be governed by paragraph (9)(c), above.

(11) *Treatment of site following demolition.* Following the demolition or removal of any buildings, objects or structures located in the Historic District, the owner or other person having legal custody and control thereof shall (1) remove all traces of previous construction, including foundation, (2) grade, level, sod and/or seed the lot to prevent erosion and improve drainage, and (3) repair at ~~his~~ his or her own expense any damage to public rights-of-way, including sidewalks, curb and streets, that may have occurred in the course of removing the building, object, or structure and its appurtenances.

(B) *North Hill preservation zoning districts. PR-1AAA, PR-2, PC-1.*

(1) *Purpose.* The North Hill preservation zoning districts are established to preserve the unique architecture and landscape character of the North Hill area, and to promote orderly redevelopment ~~which~~that complements and enhances the architecture of this area of the city.

(2) *Character of the district.* The North Hill Preservation District is characterized by mostly residential structures built between 1870 and the 1930's. Queen Anne, Neoclassical, Tudor Revival, Craftsman Bungalow, Art Moderne and Mediterranean Revival are among the architectural styles found in North Hill. North Hill is listed on the National Register of Historic Places.

(3) *Uses permitted.*

(a) PR-1AAA, single-family district.

1. Single-family dwellings at a maximum density of 4.8 units per acre.
2. Home occupations, as regulated in section 12-2-33.
3. Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with six (6) or fewer residents providing that it is not to be located within one thousand (1,000) feet of another such home. If it is proposed to be within one thousand (1,000) feet of another such home, measured from property line to property line, it shall be permitted with city council approval after public notification of property owners in a five-hundred-foot radius.
4. Municipally owned or operated parks or playgrounds.
5. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges.
6. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and city government for public purposes.
7. Churches, Sunday school buildings and parish houses.
8. Conditional uses permitted: Two-family dwellings (duplex) at a maximum density of 9.6 units per acre.
9. Accessory buildings and uses customarily incidental to the above uses not involving the conduct of a business.
10. Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(b) PR-2, multiple-family district.

1. Any use permitted in the PR-1AAA district.

2. Single-family, two-family and multifamily residential attached or detached units with a maximum density of thirty-five (35) dwelling units per acre.

3. Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with seven (7) to fourteen (14) residents providing that it is not to be located within one thousand two hundred (1,200) feet of another such home in a multifamily district, and that the home is not within five hundred (500) feet of a single-family zoning district. If it is proposed to be within one thousand two hundred (1,200) feet of another such home in a multifamily district and/or within five hundred (500) feet of a single-family zoning district it shall be permitted with city council approval after public notification of property owners in a five-hundred-foot radius.

4. Bed and breakfast subject to regulations in section 12-2-55.

5. Conditional uses permitted:

   a. Private clubs and lodges except those operated primarily as commercial enterprises.

   b. Office buildings (under five thousand (5,000) square feet).

   c. Antique shops—No outside displays.

   d. Art galleries—No outside displays.

   e. Social services homes/centers.

   f. Boarding and lodging houses.

   g. Childcare facilities subject to regulations in section 12-2-58.

6. Accessory buildings. Buildings and uses customarily incidental to any of the above uses, including storage garages when located on the same lot not involving the conduct of a business.

(c) PC-1, preservation commercial district.

1. Any use permitted in the PR-2 district, including conditional uses.

2. Hand craft shops for custom work or making custom items not involving unreasonable noise, odor or chemical waste.

3. Office buildings (under seven thousand (7,000) square feet).

4. Barbershops and beauty parlors.

5. Florists.

6. Studios.

7. Vending machines when an accessory to a business establishment and located inside the same building as the business.

8. Conditional uses permitted:

   a. Gas stations.

   b. Other retail shops.

   c. Office buildings (over seven thousand (7,000) square feet).

   d. Restaurants, with the exception of drive-in restaurants.

9. Accessory buildings and uses customarily incidental to the above uses.

(4) *Procedure for review.*

(a) Review and approval. All activities regulated by this subsection shall be subject to review and approval by the architectural review board as established in section 12-13-3. The

board shall adopt written rules and procedures for abbreviated review for paint colors, minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board, provided, however such abbreviated review process shall require review by the staff of the Historic Pensacola Preservation Board. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and Historic Pensacola Preservation Board staff, then the matter will be referred to the entire board for a decision.

(b) Decisions.

1. General consideration. The board shall consider plans for existing buildings based on ~~their~~ its classification as contributing, non-contributing or modern infill as depicted on the map entitled "North Hill Preservation District" adopted herein, and shall review these plans based on regulations described herein for each of these building classifications. In ~~their~~ its review of plans for both existing buildings and new construction, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof; materials, textures and colors; plot plans or site layout, including features such as walls, walks, terraces, off-street paved areas, plantings, accessory buildings, signs and other appurtenances; and relation of the building to immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, and is not restricted to those exteriors visible from a public street or place. The board shall consider requests for design materials, alterations or additions, construction methods, paint colors or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter and Chapter 12-5.

2. Rules governing decisions. Before approving the plans for any proposed building located or to be located in a district, the board shall find:

   a. In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.

   b. In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value of buildings on adjacent sites or in the immediate vicinity. No plans for new building will be approved if that building will be injurious to the general visual character of the district in which it is to be located considering visual compatibility standards such as height, proportion, shape, scale, style, materials and colors.

3. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by the Historic Pensacola Preservation Board) in its original style, dimensions or position on its original structural foundation.

(c) Plan submission. Every application for a building permit to erect, construct, demolish, renovate or alter an exterior of a building, sign or exterior site work (i.e., paving and landscaping), located or to be located in the North Hill Preservation District, shall be accompanied with plans for the proposed work pursuant to subsections 12-2-10(A)(4)(c) to (e), applicable to the Historic District.

(5) *Regulations and guidelines for any development within the preservation district.* These regulations and guidelines are intended to address the design and construction of elements common to any development within the North Hill preservation district which requires review

and approval by the architectural review board. Regulations and guidelines ~~which~~that relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in paragraphs (6) through (8) below.

(a) Off-street parking. All development within the North Hill preservation district shall comply with the regulations established in Chapter 12-3. Parking lots shall comply with the requirements of Chapter 12-6. Design of and paving materials for parking lots, spaces and driveways shall be subject to approval of the architectural review board. For all parking lots, a solid wall, fence or compact hedge not less than four (4) feet high shall be erected along the lot line(s) when autos or lots are visible from the street or from an adjacent residential lot.

(b) Signs. Refer to sections 12-4-2 and 12-4-3 for general sign standards and criteria and for a description of sign area calculations. The location, design and materials of all accessory signs, historical markers and other signs of general public interest shall be subject to the review and approval of the architectural review board. Only the following signs shall be permitted in the North Hill preservation district:

1. Temporary accessory signs.

    a. One (1) non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six (6) square feet of area.

    b. One (1) non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work, and displayed only during such time as the actual construction work is in progress.

2. Permanent accessory signs.

    a. One (1) sign per street frontage for churches, schools, boarding and lodging houses, libraries, and community centers, multiple-family dwellings and historic sites serving as identification and/or bulletin boards not to exceed twelve (12) square feet in area. The signs shall be placed flat against the wall of the building, perpendicular or may be freestanding. Such signs may be illuminated provided that the source of light shall not be visible beyond the property line of the lot on which the sign is located.

    b. Commercial establishments may have one (1) attached or one (1) freestanding sign per street frontage not to exceed twelve (12) square feet provided that the freestanding sign be no closer to any property line than five (5) feet. The attached or wall signs may be placed on the front or one side of the building. As used herein, "commercial establishments" shall mean an establishment wherein products are available for purchase. Such signs may be illuminated provided the source of light shall not be visible beyond the property line of the lot on which the sign is located. Office complexes may have one freestanding sign per street frontage not to exceed twelve (12) square feet.

    c. One (1) non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than one hundred (100) square inches and may be attached to the dwelling. This section shall be applicable to occupants and home occupations.

    d. Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor and board.

    e. The maximum height for freestanding signs shall be eight (8) feet. No attached sign shall extend above the eave line of a building to which it is attached.

(c) Protection of trees. The purpose of this subsection is to establish protective regulations for specified trees within the North Hill preservation zoning districts. It is the intent of this subsection to recognize the contribution of shade trees and certain flowering trees to the

overall character of the preservation district and to ensure the preservation of such trees as described below.

1. Any of the following species having a minimum trunk diameter of eight (8) inches (twenty-five and one-tenth (25.1) inches in circumference) at a height of one (1) foot above grade: Live Oak and Water Oak; Magnolia having a minimum trunk diameter of six (6) inches (eighteen and eight-tenths (18.8) inches in circumference) at a height of one (1) foot above grade; and any of the following flowering trees with a minimum trunk diameter of four (4) inches (twelve and fifty-five one hundredths (12.55) inches in circumference) at a height of one (1) foot above grade: Redbud, Dogwood, and Crape myrtle.

2. Tree removal: No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, remove, or effectively destroy through damaging, any specimen tree, whether it be on private property or right-of-way within the defined limits of the preservation district of the city, without first having obtained a permit from the ~~department of leisure services~~city to do so. Refer to section 12-6-7 for application procedures and guidelines for a tree removal permit.

3. In addition to the specific tree preservation provisions outlined in this subsection, the provisions of Chapter 12-6 shall be applicable in this district.

(d) Fences. All developments in the North Hill preservation zoning districts shall comply with fence regulations as established in section 12-2-40. Fences are subject to approval by the architectural review board. Approved materials will include but not necessarily be limited to wood, brick, stone or wrought iron. No concrete block or barbed-wire will be permitted. Chain-link fences shall be permitted in side and rear yard only with board approval.

(e) Paint colors. The architectural review board has adopted palettes of historic colors from several paint manufacturers that represent acceptable historic colors for use in the Preservation District. Samples of these palettes can be reviewed at the Historic Pensacola Preservation Board and at the office of the building inspector.

(f) Residential accessory structures. Residential accessory structures shall comply with regulations set forth in section 12-2-31 except that the following shall apply: Accessory structures shall not exceed one story in height for a maximum in height of twenty-five (25) feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.

(g) Additional regulations. In addition to the regulations established above in subsections 12-2-10(B)(5)(a) through (f), any permitted use within the North Hill preservation district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4 of this Code.

(6) *Restoration, rehabilitation, alterations or additions to existing contributing structures in the North Hill preservation district.* The document entitled "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the United States Department of Interior in 1983, shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations ~~which~~that are appropriate for use together on the same building.

Documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc. shall be approved only if circumstances unique to each project are found to warrant such variances.

Regulations established in Table 12-2.9 shall apply to alterations and additions to contributing structures. The regulations and guidelines established in paragraph (5), relating to streetscape elements, shall apply to contributing structures.

(7) *Renovation, alterations and additions to noncontributing and modern infill structures within the North Hill preservation district.* Many of the existing structures within the district do not meet the criteria established for "contributing" structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations and guidelines established in paragraph (5), relating to streetscape elements, shall apply to noncontributing and modern infill structures. Regulations established in Table 12-2.9 below, shall apply to alterations and additions to existing noncontributing structures. The architectural review board has adopted palettes of historic colors from several paint manufacturers that represent acceptable historic colors for use in the district. Only paint colors approved by the board shall be permitted.

In review of these structures the board may make recommendations as to the use of particular building elements ~~which~~that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.

(8) *Regulations for new construction and additions to existing structures in the North Hill preservation district.* New construction is encouraged to be built in a manner ~~which~~that is complementary to the overall character of the district in scale, building materials and colors. The regulations established in paragraph (5), relating to streetscape elements, shall apply to new construction. Table 12-2.9 describes height, area and yard requirements for new construction and, where applicable, for additions to existing structures in the North Hill preservation district.

TABLE 12-2.9
REGULATIONS FOR THE NORTH HILL PRESERVATION ZONING DISTRICTS

Standards	PR-1AAA	PR-2	PC-1
Minimum Yard Requirement (Minimum Building Setbacks) Front Yard Side Yard Rear Yard	 *30 feet 9 feet 30 feet	 *15 feet 7.5 feet 25 feet	 None 5′ (for dwellings or wood frame structures only) 15′
Minimum Lot Area for Residential Uses	9,000 s.f.	9,000 s.f. for single-family and 10,000 s.f. for multi-family	None
Minimum Lot Width at Street Row Line	50 feet	50 feet	None

Minimum Lot Width at Building Setback Line	75 feet	75 feet	None
Maximum Building Height (Except as Provided in Section 12-2-39)	35 feet	35 feet	45 feet
Minimum Floor Area	N/A	600 s.f. per dwelling unit for multi-family	None

* Front yard depths in the North Hill Preservation zoning district shall not be less than the average depths of the front yards located on the block, up to the minimum yard requirement; in case there are no other dwellings, the front yard depths shall be no less than the footages noted.

(9) *Demolition of structures within the North Hill Preservation District.* The demolition provisions established in subsection 12-2-10(A)(9) to (11), applicable to contributing and noncontributing structures within the historic district, shall apply in the preservation district.

(C) *Old East Hill preservation zoning districts. OEHR-2, OEHC-1, OEHC-2 and OEHC-3.*

(1) *Purpose.* The Old East Hill preservation zoning districts are established to preserve the existing residential and commercial development pattern and distinctive architectural character of the structures within the district. The regulations are intended to preserve, through the restoration of existing buildings and construction of compatible new buildings, the scale of the existing structures and the diversity of original architectural styles.

(2) *Character of the district.* The Old East Hill neighborhood was developed over a fifty-year period, from 1870 to the 1920's. The architecture of the district is primarily vernacular, but there are also a few properties ~~which~~that display influences of the major architectural styles of the time, such as Craftsman, Mission and Queen Anne styles.

(3) *Boundaries and zoning classifications.* The boundaries of the Old East Hill preservation district shall be identified as per a map and legal description, and the zoning classifications of properties within the district shall be identified as per a map, filed in the office of the city clerk.

(4) *Uses permitted.*

(a) *OEHR-2, residential/office district.*

1. Single-family detached dwellings.
2. Single-family attached (townhouse or quadraplex type construction) and detached zero-lot-line dwellings. Development must comply with the minimum standards established for the R-ZL zoning district in section 12-2-5(A)(5).
3. Two-family attached dwellings (duplex).
4. Multiple-family attached dwellings (three or more dwelling units).

5. Community residential homes licensed by the Florida Department of Health and Rehabilitative Services with seven (7) to fourteen (14) residents providing that it is not to be located within one thousand two hundred (1,200) feet of another such home in a multi-family district, and that the home is not within five hundred (500) feet of a single-family zoning district. If it is proposed to be within one thousand two hundred (1,200) feet of another such home in a multi-family district and/or within five hundred (500) feet of a single-family zoning district it shall be permitted with city council approval after public notification of property owners in a five hundred-foot radius
6. Home occupations subject to regulations in section 12-2-10(A)(3)(a)4.
7. Bed and breakfast subject to regulations in section 12-2-55.
8. Boarding and lodging houses.
9. Office buildings.
10. Studios.
11. Municipally owned or operated parks or playgrounds.
12. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-2-65.
13. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and city government for public purposes subject to regulations in section 12-2-61.
14. Churches, Sunday school buildings and parish houses subject to regulations in section 12-2-57.
15. Minor structures for the following utilities: unoccupied gas, water and sewer substations or pumpstations, electrical substations and telephone substations subject to regulations in section 12-2-59.
16. Accessory structures, buildings and uses customarily incidental to the above uses subject to regulations in section 12-2-31, except that the following shall apply:
    a. Accessory structures shall not exceed one-story in height for a maximum height of twenty-five (25) feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.
    b. The wall of an accessory structure shall not be located any closer than six (6) feet to the wall of the main residential structure.
17. Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(b) *OEHC-1, neighborhood commercial district.*

1. Any use permitted in the OEHR-2 district.
2. Child care facilities subject to regulations in section 12-2-58.
3. Nursing homes, rest homes, convalescent homes.
4. Parking lots.
5. The following uses, retail only, with no outside storage or work permitted, except as provided herein:
    a. Food and drugstore.
    b. Personal service shops.
    c. Clothing and fabric stores.

d. Home furnishing, hardware and appliance stores.

e. Craft and specialty shops.

f. Banks.

g. Bakeries.

h. Secondhand stores.

i. Floral shops.

j. Martial arts studios.

k. Outdoor sales of trees, shrubs, plants and related landscaping materials as an accessory to indoor retail sales uses permitted by this paragraph, provided that the area is enclosed within a fence attached to the rear or side of the main building, and provided that the outdoor area does not exceed twenty (20) percent of the total area of the main building.

l. Restaurants.

m. Mortuary and funeral parlors.

n. Pet shops with all uses inside the principal building.

o. Printing firms.

p. Business schools.

q. Upholstery shops.

6. Conditional uses permitted. Animal hospitals, veterinary clinics and pet resorts with fully enclosed kennels and no outside runs. Outside exercise areas permitted only if supervised and limited to five (5) or fewer animals.

(c) *OEHC-2, retail commercial district.*

1. Any use permitted in the OEHC-1 district.
2. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
3. Hospitals, clinics.
4. Private clubs and lodges, except those operated as commercial enterprises.
5. Electric motor repair and rebuilding.
6. Appliance repair shop.
7. Garages for the repair and overhauling of automobiles.
8. Sign shop.
9. Photo shop.
10. Plumbing and electrical shop.
11. Pest extermination services.

(d) *OEHC-3, commercial district.*

1. Any use permitted in the OEHC-2 district.
2. Dive shop.
3. Fitness center.
4. Theater, except for drive-in.

5. Taverns, lounges, nightclubs, cocktail bars.

(5) *Procedure for review of plans.*

(a) *Plan submission.* Every application for a building permit to erect, construct, demolish, renovate or alter an exterior of a building or sign, located or to be located in the Old East Hill Preservation District, shall be accompanied with plans as necessary to describe the scope of the proposed work pursuant to paragraph 12-2-10(A)(4)(c) to (e).

(b) *Review and approval.* All such plans shall be subject to review and approval by the architectural review board established in section 12-13-3. The board shall adopt written rules and procedures for abbreviated review for minor repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review by the entire board, provided, however, such abbreviated review process shall require review by the staff of West Florida Historic Preservation, Inc. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and West Florida Historic Preservation, Inc. staff, then the matter will be referred to the entire board for a decision.

(c) *Decisions.*

1. General consideration. The board shall consider plans for existing buildings based on ~~their~~ its classification as contributing, non-contributing or modern infill as depicted on the map entitled "Old East Hill Preservation District" adopted herein, and shall review these plans based on regulations described herein for each of these building classifications. In ~~their~~ its review of plans for both existing buildings and new construction, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof; materials and textures; plot plans or site layout, including features such as walls, walks, terraces, off-street paved areas, plantings, accessory buildings, signs and other appurtenances; and relation of the building to immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, and is not restricted to those exteriors visible from a public street or place. The board shall consider requests for design materials, alterations or additions, construction methods or any other elements regulated herein, which do not meet the regulations as established in this subsection, when documentary proof in the form of photographs, property surveys, indication of structural foundations, drawings, descriptive essays and similar evidence can be provided. The board shall not consider interior design or plan. The board shall not exercise any control over land use or construction standards such as are controlled by this chapter and chapter 7-13.

2. Rules governing decisions. Before approving the plans for any proposed building located or to be located in a district, the board shall find:

a. In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building.

b. In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value of buildings on adjacent sites or in the immediate vicinity. No plans for new building will be approved if that building will be injurious to the general visual character of the district in which it is to be located considering visual compatibility standards such as height, proportion, shape, scale, style and materials.

3. No provision of this section shall be interpreted to prevent the restoration or reconstruction of any historic building or feature (as listed by West Florida Historic Preservation, Inc.) in its original style, dimensions or position on its original structural foundation.

4. No provision of this section shall be interpreted to require a property owner to make modifications, repairs or improvements to property when the owner does not otherwise intend to make any modifications, repairs or improvements to the property, unless required by chapter 7-13.

(6) *Regulations and guidelines for any development within the Old East Hill preservation district.* These regulations and guidelines are intended to address the design and construction of elements common to any development within the Old East Hill preservation district which requires review and approval by the architectural review board. Regulations and guidelines ~~which~~that relate specifically to new construction and/or structural rehabilitation and repair to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established in paragraphs (6) through (8) below.

(a) *Off-street parking.* Design of, and paving materials for, parking lots, spaces and driveways shall be subject to approval of the architectural review board. For all parking lots, a solid wall, fence or compact hedge not less than three (3) feet high shall be erected along the lot line(s) when automobiles or parking lots are visible from the street or from an adjacent residential lot.

1. OEHR-2 district. All non-residential development shall comply with off-street parking requirements established in chapter 12-3.

2. OEHC-1, OEHC-2 and OEHC-3 districts. All non-residential development shall comply with off-street parking requirements established in chapter 12-3. The required parking may be provided off-site by the owner/developer as specified in section 12-3-1(D).

(b) *Landscaping.* Landscape area requirements and landscape requirements for parking lots within the OEHR-2, OEHC-1 and OEHC-2 districts shall comply with regulations established in section 12-6-3 for the R-2, C-1 and C-2 zoning districts.

(c) *Signs.* Refer to sections 12-4-2 and 12-4-3 for general sign standards and criteria and for a description of sign area calculations. The location, design and materials of all accessory signs, historical markers and other signs of general public interest shall be subject to the review and approval of the architectural review board. Only the following signs shall be permitted in the Old East Hill preservation district:

1. Temporary accessory signs.

a. One non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six (6) square feet of area.

b. One non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work, and displayed only during such time as the actual construction work is in progress.

2. Permanent accessory signs.

a. North 9th Avenue, Wright Street, Alcaniz Street and Davis Street. For churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards, one freestanding or projecting sign and one attached wall sign or combination of wall signs placed on the front or one side of the building not to exceed fifty (50) square feet in area. The signs may be painted on the building, mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. Signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet, six (6) inches above the public property and shall not exceed a height of twelve (12) feet. Freestanding signs shall not exceed a height of twelve (12) feet.

b. All other streets in the district. One sign per lot per street frontage for churches, schools, apartment buildings, boarding or lodging houses, libraries, community centers, commercial buildings (including office and retail buildings) or historic sites serving as identification and/or bulletin boards not to exceed twelve (12) square feet in area and eight (8) feet in height, provided, however that signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet six (6) inches above the public property and shall not exceed a height of twelve (12) feet six (6) inches. The sign may be mounted to the face of the wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental elements on the building, or may be freestanding. The sign may be illuminated provided that the source of light is not visible beyond the property line of the lot on which the sign is located.

c. One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three (3) square feet and shall be attached to the dwelling. This section shall be applicable to occupants and home occupations.

d. Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the board.

(d) *Fences.* All developments in the Old East Hill preservation zoning districts shall comply with fence regulations as established in section 12-2-40. Fences are subject to approval by the architectural review board. Approved materials will include but not necessarily be limited to wood, brick, stone or wrought iron. No concrete block or barbed-wire fences will be permitted. Chain-link fences shall be permitted in side and rear yard only.

(e) *Additional regulations.* In addition to the regulations established above in subsections 12-2-10(C)(6)(a) through (d), any permitted use within the Old East Hill preservation district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.

(7) *Restoration, rehabilitation, alterations or additions to existing contributing structures in the Old East Hill preservation district.* ~~The document entitled "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the United States Department of Interior in 1983,~~The Secretary of the Interior's standards for rehabilitation, codified at 37 CFR 67, and the ~~reated~~related guidelines for rehabilitating historic buildings shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations ~~which~~that are appropriate for use together on the same building. Documented building materials, types, styles and construction methods shall be duplicated when making repairs, alterations and/or additions to contributing structures. Any variance from the original materials, styles, etc. shall be approved only if circumstances unique to each project are found to warrant such variances.

The regulations established in paragraph (6), relating to streetscape elements, shall apply to contributing structures. Regulations established in Table 12-2.10 shall apply to alterations and additions to contributing structures.

(8) *Renovation, alterations and additions to non-contributing and modern infill structures within the Old East Hill preservation district.* Many of the existing structures within the district do not meet the criteria established for contributing structures, even though they may be similar in style to the historic structures, and some structures are modern in style with no relation to the historic structures. All of these buildings shall be recognized as products of their own time. The regulations established in paragraph (6), relating to streetscape elements, shall apply to non-contributing and modern infill structures. Regulations established in Table 12-2.10 shall apply to alterations and additions to existing non-contributing structures.

In review of these structures the board may make recommendations as to the use of particular building elements ~~which~~that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.

(9) *Regulations for new construction in the Old East Hill preservation district.* New construction shall be built in a manner ~~which~~that is complementary to the overall character of the district in height, proportion, shape, scale, style and building materials. The regulations established in paragraph (6), relating to streetscape elements, shall apply to new construction. Table 12-2.10 describes height, area and yard requirements for new construction in the Old East Hill preservation district.

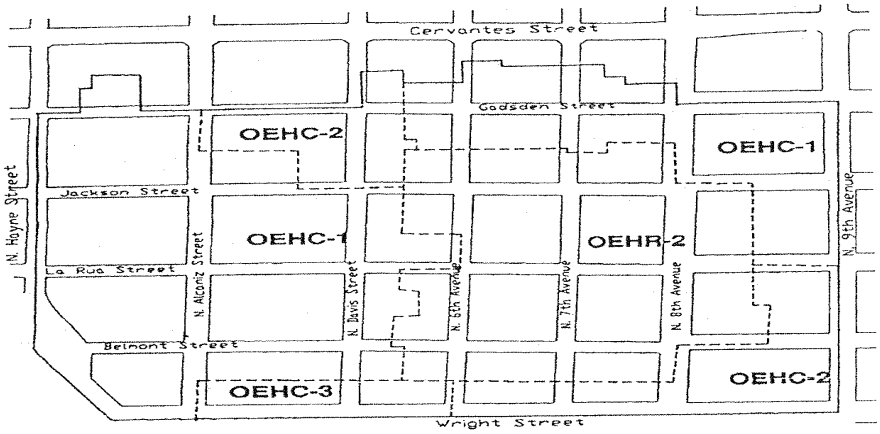
(10) *Demolition of structures within the Old East Hill preservation district.* The demolition provisions established in section 12-2-10(A)(9) to (11), applicable to contributing and non-contributing structures within the Historic District, shall apply in the preservation district.

TABLE 12-2.10
REGULATIONS FOR OLD EAST HILL PRESERVATION ZONING DISTRICTS

Standards	OEHR-2	OEHC-1	OEHC-2	OEHC-3
Minimum Yard Requirement (Minimum Building Setbacks)				
Front Yard Side Yard Rear Yard	*15 feet 5 feet 15 feet	There shall be a 5' side yard setback, but no front or rear yard setbacks, unless this chapter requires a larger yard or buffer yard.		None
Minimum Lot Area For Residential Uses				
Single-family Detached Residential Duplex Residential Multi-family Residential	3,500 s.f. 5,000 s.f. 9,000 s.f.	None		
Minimum Lot Width	30 feet	None		

at Street Row Line			
Minimum Lot Width at Building Setback Line	30 feet	None	
Maximum Lot Coverage	N/A	The maximum combined area of all principal and accessory buildings shall not exceed 50% of the square footage of the lot.	None
Maximum Building Height (except as provided in section 12-2-39)	Residential buildings shall not exceed two (2) stories in height, with a usable attic. No building shall exceed thirty-five (35) feet in height, except that three (3) feet may be added to the height of the building for each foot the building is set back from the building setback or property lines to a maximum height of 45' with approval of the architectural review board.		
Minimum Floor Area For Multi-Family Developments	600 square feet per dwelling unit		
* Front yard depths in the Old East Hill preservation zoning district shall not be less than the average depths of all of the front yards facing the street on the block, up to the minimum yard requirement; in case there are no other dwellings, the front yard depth shall be no less than the footage noted.			

(Ord. No. 6-93, §§ 7, 8, 3-25-93; Ord. No. 17-93, § 1, 6-10-93; Ord. No. 29-93, §§ 7—12, 11-18-93; Ord. No. 32-93, §§ 1, 2, 12-16-93; Ord. No. 3-94, §§ 5, 6, 1-13-94; Ord. No. 11-94, § 2, 4-14-94; Ord. No. 9-96, §§ 5—8, 1-25-96; Ord. No. 35-97, §§ 1—3, 10-23-97; Ord. No. 40-99, §§ 6—9, 10-14-99; Ord. No. 44-99, § 1, 11-18-99; Ord. No. 13-00, § 1, 3-9-00; Ord. No. 50-00, §§ 1, 2, 10-26-00; Ord. No. 2-01, §§ 1—3, 1-11-01; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 22-02, § 1, 9-26-02; Ord. No. 13-06, §§ 5—9, 4-27-06; Ord. No. 03-09, § 1, 1-8-09; Ord. No. 16-10, §§ 198, 199, 9-9-10; Ord. No. 05-17, § 1, 3-9-17; Ord. No. 11-18, § 1, 9-13-18)



Old East Hill Preservation District

Sec. 12-2-11. - Airport land use district.

The regulations in this section shall be applicable to the airport restricted and airport transition zoning districts: ARZ, ATZ-1 and ATZ-2.

(A) *Purpose of district.* The airport land use district is established for the purpose of regulating land, owned by the ~~Pensacola Regional Airport~~Pensacola International Airport or immediately adjacent to the airport, which is considered sensitive due to its relationship to the runways and its location within noise zones "A" and "B" as defined in Chapter 12-11 of this title. Land zoned ARZ is owned by the city and allows only open space, recreational or commercial and industrial uses customarily related to airport operations. The areas designated as airport transitional zones are permitted a range of uses.

(B) *Uses permitted.*

(1) *ARZ, airport restricted zone (city-owned property).*

(a) The following three (3) sections of the airport restricted zone are limited to specific uses as defined below:

1. *ARZ-1.* The parcel of land located north of Summit Boulevard between two (2) airport transition zones (includes the Scott Tennis Center and airport drainage system). Uses within this zone will be limited to those uses described below in subsections (b) and (c).

2. *ARZ east of runway 8/26.* The parcel of land on the eastern end of runway 8/26, located between Avenida Marina and Gaberonne Subdivision and between Spanish Trail and Scenic Highway. All land within this zone outside of the fifteen (15) acres required for clear zone at the eastern end of runway 8/26 will be retained as open space.

3. *ARZ south of runway 17/35.* The parcel of land at the southern end of runway 17/35, located north of Heyward Drive and east of Firestone Boulevard. All land within this zone outside of the twenty-eight and five-tenths (28.5) acres required for clear zone at the southern end of runway 17/35 will be retained as open space.

(b) Airport, airport terminal, air cargo facilities, and uses customarily related to airport operations and expansions.

(c) Golf course, tennis court, driving range, par three course, outdoor recreational facilities, provided that no such uses shall include seating or structures to accommodate more than one hundred (100) spectators or occupants.

(d) Service establishments such as auto rental and travel agencies, commercial parking lots and garages, automobile service station and similar service facilities.

(e) Warehousing and storage facilities.

(f) Industrial uses compatible with airport operations.

(g) Commercial uses to include hotels, motels, extended stay facilities, pharmacy, restaurant and drive through facilities, banks, office, post secondary education facilities, meeting facilities, dry cleaner, health club, exercise center, martial arts facility, bakery, floral shop, day care/child care facility, medical clinic, doctor and dentist offices, and retail services to include specialty shops and studios; or other similar or compatible uses.

(h) Other uses ~~which~~that the city council may deem compatible with airport operations and surrounding land uses pursuant to the city's Comprehensive Plan and the Airport Master Plan and as such uses that meet the FAA's requirements for airport activities.

(2) *ATZ-1, airport transitional zone.*

(a) Single-family residential, attached or detached, 0—5 units per acre;

(b) Home occupations, subject to regulations in section 12-2-33;

(c) Offices;

(d) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(e) Recreational facilities - Not for profit.

(f) Conditional uses permitted:

a. Communications towers in accordance with section 12-2-44.

b. Rooftop mounted antennas in accordance with section 12-2-45.

(3) *ATZ-2, airport transitional zone.*

(a) Any use allowed in the ATZ-1;

(b) Retail and service commercial; and,

(c) Aviation related facilities;

(d) Conditional uses permitted:

a. Communications towers in accordance with section 12-2-44.

b. Rooftop mounted antennas in accordance with section 12-2-45.

(C) *Review and approval process.* All private, nonaviation related development in the ARZ zone and all developments other than single-family residential within approved subdivisions within the ATZ-1 and ATZ-2 zones must comply with the development plan review and approval process as established in section 12-2-81.

(D) *Regulations.* All development shall comply with applicable height and noise regulations as set forth in Chapter 12-11. All development must comply with design standards and is encouraged to follow design guidelines as established in section 12-2-82. All private, nonaviation related development within the ARZ zone and all development within ATZ-1 and ATZ-2 zones must comply with the following regulations:

(1) *Airport land use restrictions.* Notwithstanding any provision to the contrary in this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

(a) All lights or illumination used in conjunction with street, parking, signs or use of land structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.

(b) No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

(c) No continuous commercial or industrial operations of any type shall produce smoke, glare or other visual hazards, within three (3) statute miles of any usable runway of a public airport, which would limit the use of the airport.

(d) Sanitary landfills will be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:

1. Landfills located within ten thousand (10,000) feet of any runway used or planned to be used by turbine aircraft.

2. Landfills located within five thousand (5,000) feet of any runway used only by nonturbine aircraft.

3. Landfills outside the above perimeters but within conical surfaces described by FAR Part 77 and applied to an airport will be reviewed on a case-by-case basis.

4. Any landfill located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.

(e) Obstruction lighting. Notwithstanding any provisions of section 12-11-2, the owner of any structure over one hundred fifty (150) feet above ground level shall install lighting on such structure in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto. Additionally, the high-intensity white obstruction lights shall be installed on a high structure ~~which~~that exceeds seven hundred forty-nine (749) feet above mean sea level. The high-intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto.

(f) Noise Zones. The noise zones based on the ~~Pensacola Regional Airport~~Pensacola International Airport FAR part 150 Study adopted in 1990 and contained in Section 12-11-3 shall establish standards for construction materials for sound level reduction with respect to exterior noise resulting from the legal and normal operations at the Pensacola International Airport. It also establishes permitted land uses and construction materials in these noise zones.

(g) Variances. Any person desiring to erect or increase the height of any structure(s), or use ~~his~~ his or her property not in accordance with the regulations prescribed in this chapter,

may apply to the zoning board of adjustment for a variance from such regulations. No application for variance to the requirements of this part may be considered by the zoning board of adjustment unless a copy of the application has been furnished to the building official and the airport manager.

(h) Hazard marking and lighting. Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70/7460-1 or subsequent revisions. The permit may be conditioned to permit Escambia County or the city at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

(i) Nonconforming uses. The regulations prescribed by this subsection shall not be construed to require the removal, lowering or other changes or alteration of any existing structure not conforming to the regulations as of the effective date of this chapter. Nothing herein contained shall require any change in the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted and completed within two (2) years thereof.

Before any nonconforming structure may be replaced, substantially altered, repaired or rebuilt, a permit must be secured from the building official or ~~his~~ his or her duly appointed designee. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure to become a greater hazard to air navigation than it was as of the effective date of this chapter. Whenever the building official determines that a nonconforming use or nonconforming structure has been abandoned or that the cost of repair, reconstruction, or restoration exceeds the value of the structure, no permit shall be granted that would allow said structure to be repaired, reconstructed, or restored except by a conforming structure.

(j) Administration and enforcement. It shall be the duty of the building official, or ~~his~~ his or her duly appointed designee, to administer and enforce the regulations prescribed herein within the territorial limits over which the city has jurisdiction. Prior to the issuance or denial of a tall structure permit by the building official, the Federal Aviation Administration must review the proposed structure plans and issue a determination of hazard/no hazard. In the event that the building official finds any violation of the regulations contained herein, ~~he~~ he or she shall give written notice to the person responsible for such violation. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation.

(2) *Minimum lot size and yard requirements/lot coverage.* There are no minimum requirements for lot size or yards, except that the development plan shall take into consideration the general development character of adjacent land uses. The maximum combined area occupied by all principal and accessory buildings shall be fifty (50) percent.

(3) *Maximum height of structures.* For the ATZ-1 and ATZ-2 zoning districts the maximum height for residential structures is thirty-five (35) feet and for office, commercial or aviation-related facilities, is forty-five (45) feet. Communications towers and rooftop-mounted antennas may be permitted within the ATZ-1 and ATZ-2 districts upon conditional use permit approval in accordance with Section 12-2-79. Provided, however that no structure shall exceed height limitations established in section 12-11-2(A).

(4) *Additional regulations.* In addition to the regulations established above all development must comply with the following regulations:

(a) Supplementary district regulations. (Refer to sections 12-2-31 to 12-2-50).

(b) Signs. (Refer to Chapter 12-4).

(c) Tree/landscape. (Refer to Chapter 12-6).

(d) Subdivision. (Refer to Chapter 12-8).

(e) Stormwater management, and control of erosion, sedimentation and runoff. (Refer to Chapter 12-9).

(Ord. No. 33-95, § 3, 8-10-95; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 12-03, § 1, 5-8-03; Ord. No. 02-09, § 1, 1-8-09; Ord. No. 13-17, § 1, 6-8-17; Ord. No. 14-19, § 1, 7-18-19)

Sec. 12-2-12. - Redevelopment land use district.

The regulations in this section shall be applicable to the gateway and waterfront redevelopment zoning districts: GRD and WRD.

(A) *GRD, Gateway Redevelopment District.*

(1) *Purpose of district.* The Gateway Redevelopment District is established to promote the orderly redevelopment of the southern gateway to the city in order to enhance its visual appearance, preserve a unique shoreline vista, improve traffic safety, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the Gateway District is intended to ensure that the scenic orientation and open space image of the Bayfront Parkway is maintained, the development character of the Chase-Gregory corridor is upgraded, and the boundary of the adjacent historic district is positively reinforced.

(2) *Uses permitted.*

(a) Single-family residential (attached or detached) at a maximum density of seventeen and four-tenths (17.4) units per acre. Multi-family residential at a maximum density of one hundred (100) dwelling units per acre.

(b) Home occupations, subject to regulations in section 12-2-13.

(c) Offices.

(d) Adult entertainment establishments subject to the requirements of Chapter 7-3 of this Code when located within the dense business area as defined in Chapter 12-14, Definitions.

(e) All commercial uses permitted in the C-2A zone, with no outside storage or repair work allowed, with the exception:

1. Mortuaries and funeral parlors.

2. Appliance and repair shops.

3. Public parking lots and parking garages.

4. New car lots or used car lots.

5. Public utility plants, transmission and generating stations, including radio and television broadcasting stations.

6. Car or truck rental agencies or storage facilities.

(f) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(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 Gateway Redevelopment District shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, 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) Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs ~~which~~that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the ~~chairman~~chairperson of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and ~~chairman~~chairperson, then the matter will be referred to the board for a decision.

(d) 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~~that conforms to all the conditions and provisions of this chapter, then the planning board shall conclude its consideration at its next regularly scheduled meeting.

(4) *Regulations.* Except where specific approval is granted by the planning board for a variance due to unique and peculiar circumstances or needs resulting from the use, size, configuration or location of a site, requiring the modification of the regulations set forth below the regulations shall be as follows:

(a) Signs. Refer to sections 12-4-2 and 12-4-3 for general sign regulations and for a description of sign area calculations. In addition, the following regulations shall be applicable to signs only in the Gateway Redevelopment District.

1. Number of signs. Each parcel under single ownership shall be limited to one sign per street adjacent to the parcel; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment.

2. Signs extending over public property. Signs extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and no part of such signs shall be closer than eighteen (18) inches to the vertical plane of the curb line or edge of pavement.

3. Permitted signs.

a. Gregory, Chase and Alcaniz Streets, 9th Avenue.

- Attached signs:

Height. No sign may extend above the roof line of the building to which it is attached. For purposes of this section roof surfaces constructed at an angle of seventy-five (75) degrees or more from horizontal shall be regarded as wall space.

Size. Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed fifty (50) square feet.

- Freestanding signs:

Maximum sign height—20 feet.

Maximum area for sign face—50 square feet.

b. Bayfront Parkway.

- Attached signs:

Height. No sign shall extend above the roof line of a building to which it is attached.

Size. Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed fifty (50) square feet.

- Freestanding signs:

Distance from Curb (Feet)	Maximum Area Sign Face (Square Feet)	Maximum Sign Height (Feet)
10	20	5
20	35	7
30	50	9

c. All other streets and areas within the Gateway Redevelopment District:

- Attached signs:

Height. No sign shall extend above the main roof line of a building to which it is attached.

Size. Ten (10) percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed twenty-five (25) square feet.

- Freestanding signs:

Distance from Curb (Feet)	Maximum Area Sign Face (Square Feet)	Maximum Sign Height (Feet)
10	20	5

20	35	7
30	50	9

4. Other permitted signs:
   a. Signs ~~directing and guiding traffic and parking on private property, bearing no advertising matter. Such signs~~ shall not exceed three (3) square feet in size.
   ~~b. Signs advertising the acceptance of credit cards not exceeding two (2) square feet in size and which are attached to buildings or permitted freestanding signs.~~
   c. Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.
5. Submission and review of sign plans. It shall be the responsibility of the contractor or owner requesting a sign permit to furnish two (2) plans of sign drawn to scale, including sign face area calculations, wind load calculations and construction materials to be used.
6. Review of sign plans. All permanent signs within the Gateway Redevelopment District shall be reviewed as follows:
   a. The contractor or owner shall submit sign plans for the proposed sign as required herein. The ~~department of planning and neighborhood development~~planning services department shall review the sign based on the requirements set forth in this section and the guidelines set forth in subsection (5)(b)7. herein and forward a recommendation to the planning board.
   b. The planning board shall review the planning staff recommendation concerning the sign and approve, or disapprove, the sign, it shall give the owner written reasons for such action.
   c. The owner shall have the right to appeal an adverse decision of the planning board to the city council within thirty (30) days of the decision of the planning board.
7. Prohibited signs. Refer to section 12-4-7 for prohibited signs. In addition the following signs are prohibited within the Gateway Redevelopment District:
   a. Portable signs are prohibited except as permitted in section 12-4-6(E).
   b. Signs ~~which~~that are abandoned or create a safety hazard are not permitted. Abandoned signs are those advertising a business ~~which~~that becomes vacant and is unoccupied for a period of ninety (90) days or more.
   c. Signs ~~which~~that are not securely fixed on a permanent foundation are prohibited.
   d. Signs ~~which~~that are not consistent with the standards of this section are not permitted.
8. Temporary signs: Only the following temporary signs shall be permitted in the Gateway Redevelopment District:
   a. Temporary banners indicating that a noncommercial special event, such as a fair, carnival, festival or similar happening, is to take place, are permitted with the following conditions:

Commented [JW16]: Conforming to current law

• Such signs may be erected no sooner than two (2) weeks before the event;

• Such signs must be removed no later than three (3) days after the event.

• Banners extending over street rights-of-way require approval from the mayor.

b. One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed twelve (12) square feet in size, and shall be removed immediately after occupancy.

c. One non-illuminated sign not more than fifty (50) square feet in area in connection with the new construction work and displayed only during such time as the actual construction work is in progress.

d. Temporary signs permitted in section 12-4-6(H).

9. Nonconforming signs:

a. Compliance period. All existing signs ~~which~~that do not conform to the requirements of this section shall be made to comply by April 24, 1991. Provided, however, existing portable signs must be removed immediately.

b. Removal of nonconforming signs. The building ~~inspection superintendent~~official shall notify the owner of a nonconforming sign in writing of compliance period specified above. Nonconforming signs shall either be removed or brought up to the requirements stated herein within the period of time prescribed in the compliance schedule. Thereafter, the owner of such sign shall have thirty (30) days to comply with the order to remove the nonconforming sign, or bring it into compliance. Upon expiration of the thirty-day period, if no action has been taken by the owner, ~~he~~ he or she shall be deemed to be in violation of this section and the building ~~inspection superintendent~~official may take lawful enforcement action.

(b) Off-street parking. The following off-street parking requirements shall apply to all lots, parcels or tracts in the Gateway Redevelopment District:

1. Off-street parking requirements in the district shall be based on the requirements set forth in Chapter 12-3 of the code. The required parking may be provided off-site by the owner/developer as specified in section 12-3-1(D).

2. Off-street parking and service areas are prohibited within the Bayfront Parkway setback described in subsection (c) herein, unless these requirements cannot be met anywhere else on the site due to its size or configuration.

3. Screening. Screening shall be provided along the edges of all parking areas visible from street rights-of-way. The screening may take the form of:

A solid wall or fence (chain-link fences are prohibited) with a minimum height of four (4) feet ~~which~~that is compatible in design and materials with on-site architecture and nearby development; or an earth berm approximately three (3) feet in height ~~which~~that is landscaped to provide screening effective within three (3) years; or a combination of walls or fences and landscape screening; or landscape screening designed to provide positive screening within three (3) years.

(c) Street setback. The following building setbacks shall apply to the district:

1. Bayfront Parkway setback/height requirements. All buildings located adjacent to the Bayfront Parkway shall be set back a minimum of fifty (50) feet from the northern parkway right-of-way line. At this minimum setback, building height may not exceed fifty (50) feet. Above fifty (50) feet in height, an additional one-foot setback shall be required for each additional two (2) feet in building height. This setback is intended as

a landscaped buffer zone ~~which~~that preserves the open space character of the parkway.

2. Gregory, Alcaniz and Chase Streets, 9th Avenue. Ten (10) feet from the right-of-way line.

3. All other streets. Five (5) feet from the right-of-way line.

(d) Street frontage. Every lot, tract, or parcel of land utilized for any purpose permitted in this district shall have a street frontage of not less than fifty (50) feet. Any lot of record on the effective date of this title which is less than fifty (50) feet may be used as a site for only one establishment listed as a permitted use in paragraph (2) herein.

(e) Building height. No building shall exceed a maximum height of one hundred (100) feet.

(f) Vehicular access. Access to the following streets shall be limited as follows:

1. Bayfront Parkway. No access shall be permitted from the parkway unless no other means exist for ingress and egress from the site.

2. Gregory Street, Chase Street, Alcaniz Street, 9th Avenue and 14th Avenue. For each lot, tract, or parcel under single ownership, the maximum number of access points shall not exceed two (2) per street footage if driveway spacing standards can be met pursuant to section 12-4-82(C)(2).

(g) Landscaping. Landscaping requirements in the Gateway Redevelopment District shall be based on applicable requirements of Chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened from street and adjacent buildings by one of the following techniques:

- Fence or wall, six (6) feet high;
- Vegetation, six (6) feet high (within three (3) years);
- A combination or the above.

(h) Underground utility services. All new building construction or additions of floor area to existing structures along Bayfront Parkway, Chase Street, Gregory Street, 9th Avenue and all property fronting Salamanca Street, shall be required to install underground utilities.

(i) Lot coverage. The total coverage of all development sites within the Gateway Redevelopment District, including all structures, parking areas, driveways and all other impervious surfaces, shall not exceed seventy-five (75) percent.

(j) Sidewalks. Developers of new construction or redevelopment projects shall repair, reconstruct, or construct new sidewalks on all sides of property fronting on a street.

(k) Consideration of floodprone areas. Portions of the district are within the one hundred-year floodplain. Site planning shall consider the special needs of floodprone areas.

(l) Storm drainage. Adequate storm drainage must be provided to prevent flooding or erosion. The surface drainage after development should not exceed the surface drainage before development. Flexibility in this guideline shall be considered by the city engineer based on capacity of nearby off-site stormwater drainage systems, the surrounding topography and the natural drainage pattern of the area.

(m) All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls, or vegetation.

(n) Exemptions. All detached single-family and duplex residential development proposals are exempt from the provisions of this section and shall be developed in accordance with R-1A regulations set forth in section 12-2-4(E), with the exception of the height requirements.

(5) *Development guidelines.* The Gateway Redevelopment District is characterized by a variety of architectural styles with no common theme. The intent of these guidelines is to reduce the level

of contrast between buildings and to create a more compatible appearance in architectural design, scale, materials and colors. All development within the Gateway Redevelopment District is encouraged to follow design guidelines as established in subsection 12-2-82(D). In addition, the following site planning guidelines shall be used by the planning board in the review and approval of all development plans:

(a) Site planning. The integration of site features such as building arrangement, landscaping and parking lot layout is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration.

1. Maximum preservation of bay views: Considering the bayfront location within the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the bayfront's scenic open space character. To prevent the effect of a "wall" of development along the inland edge of the parkway, the long axis of all buildings located on the corridor should be oriented parallel to the inland street grid, rather than parallel to the parkway itself. The preservation of ample open space between buildings, and the creation of a campus-like development pattern, are encouraged especially in the bayfront area. In addition, site planning throughout the district should recognize existing topographical variations and maximize this variation to maintain bay views.

2. Development coordination: The preservation of bay views and the creation of a campus character development pattern cannot be achieved through the site planning of any single development; all development efforts within the district must be coordinated to achieve these objectives.

3. Off-street parking and service: Off-street parking shall be discouraged within all street setbacks. Where possible, any service areas (i.e. trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.

(b) Architectural design and building elements.

1. Buildings or structures ~~which~~that are part of a present or future group or complex shall have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.

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

3. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.

4. Severe or angular roof lines ~~which~~that exceed a pitch of 12-12 (forty-five degree angle) are discouraged. Exceptions to this guideline (i.e., churches) shall be considered on a case-by-case basis.

5. Bright colors and intensely contrasting color schemes are discouraged within the district.

6. Proposed development adjacent to the historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.

7. The following guidelines concerning design, materials, lighting, landscaping, and positioning of permitted signs shall be considered:

   a. Design/materials. The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, the materials used for the supporting structure and the sign face.

   b. Lighting. Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not encouraged.

   ~~c. Copy. The sign copy should be limited to the name, address, and logo of the building complex, the major tenant or the business. The sign should be primarily used for communicating identity and locating the business, not for advertising.~~

   d. Landscaping. The landscaping and positioning of the sign should compliment the overall site plan and landscaping of the development.

(6) *Maintenance standards.* The following maintenance standards shall be applied to all structures and land parcels respectively, whether occupied or vacant within the Gateway Redevelopment District, subject to review and approval by the planning board. Properties ~~which~~that do not conform to the maintenance standards described in subparagraphs (a) to (g) shall be made to comply as required by the city inspections office based on regular inspections or complaints.

(a) Building fronts, rears, and sides abutting streets and public areas. Rotten or weakened portions shall be removed, repaired or replaced.

(b) Windows. All windows must be tight-fitting. All broken and missing windows shall be replaced with new glass.

(c) Show windows and storefronts. All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.

(d) Exterior walls.

1. Existing miscellaneous elements on the building walls, such as empty electrical conduit, unused signs and/or sign brackets, etc., shall be removed.

2. Sheet metal gutters, downspouts and copings shall be repaired or replaced as necessary and shall be neatly located and securely installed.

3. All exterior finishes and appurtenances such as paint, awnings, etc. shall be kept in a state of repair.

(e) Roofs.

1. All auxiliary structures on the roofs shall be kept clean, repaired or replaced.

2. Roofs shall be cleaned and kept free of trash, debris or any other elements ~~which~~that are not a permanent part of the building.

(f) Front, rear, and side yards, parking areas and vacant parcels.

1. When a front, rear or side yard, parking area or vacant parcel exists or is created through demolition, the owner may utilize the space in accordance with the provisions of the zoning district, provided, however, that the site shall be properly maintained free of weeds, litter, and garbage.

2. Any landscaping ~~which~~that was installed to comply with regulations of this subsection must be maintained.

(g) Walls, fences, signs. Walls, fences, signs and other accessory structures shall be repaired and maintained.

(B) *GRD-1, Gateway redevelopment district, Aragon redevelopment area.*

(1) *Purpose of district.* The Gateway Redevelopment District, Aragon Redevelopment Area is established to promote the orderly development of the southern gateway to the city in order to enhance its visual appearance, preserve a unique shoreline vista, improve traffic safety, and encourage a high quality of site planning and architectural design. Site specific analysis of development proposed within the district is intended to ensure that the scenic orientation and open space image of the Bayfront Parkway is maintained and the boundary of the adjacent historic district is positively reinforced. Zoning regulations are intended to ensure that future development is compatible with and enhances the pedestrian scale of the existing structures and period architectural character of the adjacent historic district.

(2) *Urban character of the district.* The Aragon redevelopment area is characterized by integration of houses, shops, and work places. Mixed land use is encouraged by allowing home occupations and first floor work spaces with apartments and townhouses above. The historic district is the basis for district architectural guidelines, which reflect the scale and lot sizes, and the list of permitted uses is similar to those uses permitted in the historic district to the south.

(3) *Uses permitted.*

(a) GRD-1, residential uses.

1. Single-family and multi-family residential (attached or detached) at a maximum overall density of seventeen and four tenths (17.4) units per acre.
2. Bed and breakfast (subject to section 12-2-55).
3. Home occupations allowing: Not more than sixty (60) percent of the floor area of the total buildings on the lot to be used for a home occupation; Retail sales shall be allowed limited to uses listed as conditional uses in subsection (3)(c)1., below: Two (2) non-family members as employees in the home occupation; and a sign for the business not to exceed three (3) square feet shall be allowed.
4. Community residential homes licensed by the Florida Department of Children and Family Services with six (6) or fewer residents providing that it is not to be located within one thousand (1,000) feet of another such home. If it is proposed to be within one thousand (1,000) feet of another such home, measured from property line to property line, it shall be permitted with city council approval after public notification of property owners in a five hundred-foot radius.
5. Limited office space allowed only with residential use occupying a minimum of fifty (50) percent of total building square footage of principal and outbuildings.
6. Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(b) GRD-1, public uses.

1. Meeting hall, U.S. Post Office pavilion, buildings used for community purposes, not to exceed five thousand (5,000) square feet.
2. Publicly owned or operated parks and playgrounds.
3. Churches, Sunday school buildings and parish houses.

(c) GRD-1, commercial uses.

1. The following uses limited to a maximum area of five thousand (5,000) square feet:
   a. Antique shops.
   b. Art galleries.
   c. Bakeries whose products are sold at retail and only on the premises.
   d. Banks (except drive-through).

e. Barbershops and beauty shops.

f. Childcare facilities (subject to section 12-2-58).

g. Health clubs, spas, and exercise centers.

h. Jewelers.

i. Laundry and dry cleaning pick-up stations.

j. Office buildings.

k. Restaurants (except drive-ins).

l. Retail sales and services.

m. Retail food and drugstore.

n. Specialty shops.

o. Studios.

(d) GRD-1, miscellaneous uses.

1. Outbuildings and uses can include:

- Garage apartments
- Carriage house
- Studios
- Granny flats
- Storage buildings
- Garages
- Swimming pools
- Hot tubs
- Offices

Refer to Aragon Urban Regulations in Aragon Design Code for maximum impervious surface per lot type.

2. Minor structures for utilities (gas, water, sewer, electric, telephone).

(4) *Procedure for review.*

(a) Review and approval by the planning board: All activities regulated by this subsection, including preliminary and final site plan review, shall be subject to review and approval by the planning board as established in subsection 12-13-2. Abbreviated review for paint colors, minor repairs and minor deviations in projects already approved by the board shall be in accordance with subsection 12-13-2(K). If agreement cannot be reached as it pertains to such request for abbreviated review by the board secretary and ~~chairman~~chairperson then the matter will be referred to the planning board for a decision.

(b) Decisions.

1. General consideration. The board shall consider plans for buildings based on regulations described herein. In their review of plans for new construction, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof; materials, textures and colors; plot plans or site layout, including

features such as walls, walks, terraces, off-street paved areas, plantings, accessory buildings, signs and other appurtenances; and relation of the building to the immediate surroundings and to the district in which it is located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and exterior site work, including painting, and is not restricted to those exteriors visible from a public street or place.

2. Rules governing decisions. Before approving the plans for any proposed building located or to be located in a district, the board shall find:

   a. In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value of buildings in the immediate vicinity. No plans for new building will be approved if that building will be injurious to the general visual character of the district in which it is to be located considering visual compatibility standards such as height, proportion, shape, scale, style, materials and colors.

   b. In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural value of the building.

(c) Plan submission: Every activity ~~which~~that requires plans in order to erect, construct, demolish, renovate or alter an exterior of a building, sign or exterior site work, located or to be located in the GRD-1 district shall be accompanied with drawings or sketches. All drawings must be drawn to scale and be legible. The minimum size scale for site plans is 1" = 20'0"; the minimum scale for floor plans is 1/8 " = 1'0"; and the minimum scale for exterior elevations is 1/8 " = 1'0". The scale for other items, such as signs and details, shall be as large as necessary to fully define the detail of those items. Major projects with very large buildings may vary from the scale referenced above for ease of presentation.

1. Site plan:

   a. Indicate overall property dimensions and building size, and building setback line and building frontage zone.

   b. Indicate relationship of adjacent buildings, if any.

   c. Indicate layout of all driveways and parking on the site including materials.

   d. Indicate all fences, including materials, dimensions, architectural elements and color, and signs, with dimensions as required to show exact locations.

   e. Indicate existing trees and existing and new landscaping.

2. Floor plan:

   a. Indicate locations and sizes of all exterior doors and windows.

   b. Indicate all porches, steps, ramps and handrails.

   c. For renovations or additions to existing buildings, indicate all existing conditions and features as well as the revised conditions and features and the relationship of both.

3. Exterior elevations:

   a. Indicate all four (4) elevations of the exterior of the building.

   b. Indicate the relationship of this project to adjacent structures, if any.

   c. Indicate exposed foundation walls, including the type of material, screening, dimensions, and architectural elements.

   d. Indicate exterior wall materials, including type of materials, dimensions, architectural elements and color.

e. Indicate exterior windows and doors, including type, style, dimensions, materials, architectural elements, trim, and colors.

f. Indicate all porches, including ceilings, steps, and ramps, including type of materials, dimensions, architectural elements and color.

g. Indicate all porch, stair, and ramp railings, including type of material, dimensions, architectural elements, trim, and color.

h. Indicate roofs, including type of material, dimensions, architectural elements, associated trims and flashing, and color.

i. Indicate all signs, whether they are building mounted or freestanding, including material, style, architectural elements, size and type of letters, and color. The signs must be drawn to scale in accurate relationship to the building and the site.

4. Miscellaneous:

a. Show enlarged details of any special features of either the building or the site that cannot be clearly depicted in any of the above-referenced drawings.

(d) Submission of photographs.

1. Provide photographs of the site for the proposed new construction in sufficient quantity to indicate all existing site features, such as trees, fences, sidewalks, driveways, and topography.

2. Provide photographs of the adjoining "street scape," including adjacent buildings to indicate the relationship of the new construction to these adjacent properties.

(e) Submission of descriptive product literature/brochures:

1. Provide samples, photographs, or detailed, legible product literature on all windows, doors and shutters proposed for use in the project. The information must be sufficiently detailed to show style, dimensions, detailing, material type, and color.

2. Provide descriptive literature, samples, or photographs showing specific detailed information about signs and letters, if necessary to augment or clarify information shown on the drawings. The information must be sufficiently detailed to show style, dimensions, detailing, material type, and color.

3. Provide samples or descriptive literature on roofing material and type to augment the information on the drawings. The information must indicate dimensions, details, material, color and style.

4. Provide samples or literature on any exterior light fixtures or other exterior ornamental features, such as wrought iron, railings, columns, posts, balusters, and newels. Indicate size, style, material, detailing and color.

(5) *Regulations for any development within the GRD-1 zoning district.* These regulations are intended to address the design and construction of elements common to any development within the GRD-1 zoning district which requires review and approval by the planning board. Regulations and standards ~~which~~that relate specifically to new construction and/or structural rehabilitation and repairs to existing buildings, applicable to building heights, setbacks, architectural elements and construction types, are established below (more specifically addressed in Figure 12.2.2.B, Urban Regulations). The Aragon Design Code describes the building types and architectural styles that are considered to be compatible with the intent of the GRD-1 regulations. This definition of styles should be consulted to insure that the proper elements are used in combination in lieu of combining elements that are not appropriate for use together on the same building. Amendments to the Aragon Design Code may be made by the city council following a recommendation of the planning board and a public hearing before the city council, without necessity for amending this chapter.

(a) *Building height limit.* No building shall exceed the following height limits: Type I Townhouses and Type III Park Houses shall not exceed fifty-five (55) feet or three and one-half (3½) stories. Type II Cottages, Type IV Sideyard House, Type V Small Cottage, and Type VI Row House shall not exceed forty-five (45) feet or two and one-half (2½) stories. No outbuilding shall exceed thirty-five (35) feet or two and one-half (2½) stories. Refer to Aragon Design Code.

(b) *Landscaping:*

1. Landscaping requirements in the GRD-1 district shall be based on Aragon Design Code.
2. All service areas (i.e., dumpsters or trash handling areas, service entrances or utility facilities, loading docks or space) must be screened from adjoining property and from public view by one (1) of the following:
   - Fence or wall, six (6) feet high;
   - Vegetation, six (6) feet high (within three (3) years);
   - A combination of the above.

(c) Protection of trees. It is the intent of this section to recognize the contribution of shade trees and certain flowering trees to the overall character of the Aragon redevelopment area and to ensure the preservation of such trees as described below:

1. Any of the following species having a minimum trunk diameter of eight (8) inches (twenty-five and one-tenth (25.1) inches in circumference) at a height of one (1) foot above grade: Live Oak and Water Oak; Magnolia having a minimum trunk diameter of six (6) inches (eighteen and eight-tenths (18.8) inches in circumference) at a height of one (1) foot above grade, and;
2. Any of the following flowering trees with a minimum trunk diameter of four (4) inches (twelve and fifty-five one hundredths (12.55) inches in circumference) at a height of one (1) foot above grade: Redbud, Dogwood, and Crape myrtle.

   No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, undertake tree removal, or effectively destroy through damaging, any specimen or flowering tree, whether it be on private property or right-of-way within the GRD-1 district, without first having obtained a permit from the ~~department of leisure services~~city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

(d) *Fences.* Original fences in the older sections of the city were constructed of wood with a paint finish in many varying ornamental designs, or may have been constructed of brick or wrought iron. The style of the fence and the materials used typically related directly to the style and type of materials used for the building on the property. Refer to Aragon Design Code for required types of fences at different locations.

On every corner lot on both public and private streets intersecting 9th Avenue a sight triangle described by the intersection of the projection of the outer curb (next to the driving lane) lines extended, and a line joining the points on those lines thirty (30) feet from said intersection shall be clear of any structure, solid waste container, parked vehicles, including recreational vehicles, or planting of such nature and dimension as to obstruct lateral vision, provided that this requirement shall generally not apply to tree trunks trimmed of foliage to eight (8) feet, and newly planted material with immature crown development allowing visibility, or a post, column, or similar structure ~~which~~that is no greater than one foot in cross-section diameter. Lateral vision shall be maintained between a height of three (3) feet and eight (8) feet above grade. All other streets and intersections

within the GRD-1 district shall be exempt from the requirements of section 12-2-35, Required Visibility Triangle. In addition the following provisions apply:

1. Chain-link, exposed masonry block and barbed-wire are prohibited fence materials in the GRD-1 district. Approved materials will include but not necessarily be limited to wood, brick, stone (base only) and wrought iron, or stucco. Materials can be used in combination.
2. All wood or wrought iron fences shall be painted if the principal building is painted. Wood fences shall be constructed utilizing one of a variety of designs, especially a design ~~which~~that will reflect details similar to those on the building. It is recommended that the use of wrought iron or brick fences be constructed in conjunction with buildings ~~which~~that use masonry materials in their construction or at locations requiring them. "Dog ear pickets" are not acceptable. Refer to Architectural Standards in Aragon Design Code.
3. Fences in the required front yard will be no higher than four (4) feet and six (6) feet, six (6) inches in the side and rear yards. On corner lots, fences constructed within the required street side yard shall not exceed four (4) feet in height if the fence would obstruct the visibility from an adjacent residential driveway. Otherwise fences within the required street side yard may be built to a maximum of six (6) feet, six (6) inches.

(e) *Signage:*

• Informational signs—All informational signs, even if erected on private property, are subject to regulations contained in this section.

• Commercial signs—It is the intent of the Aragon redevelopment area to recapture the turn-of-the century feeling of commerce in Aragon's core neighborhood. To this end, special consideration will be given to a variety of painted signs on brick and stucco walls, building cornices, canopies and awnings, even on sidewalks and curbs.

• Sign style shall be complementary to the style of the building on the property. In the older sections of the city the support structure and trim work on a sign was typically ornamental, as well as functional.

Refer to sections 12-4-2 and 12-4-3 for general sign standards and criteria and for a description of sign area calculations. In addition to the prohibited signs listed below, all signs listed in section 12-4-7 are prohibited within the GRD-1 district. The design, color scheme and materials of all signs shall be subject to approval by the planning board. Only the following signs shall be permitted in the GRD-1 district.

1. Permitted signs.
   a. Temporary accessory signs.
      - One (1) non-illuminated sign advertising the sale, lease, or rental of the lot or building, said sign not exceeding two (2) square feet in area.
      - One (1) non-illuminated sign per street frontage, not more than thirty-two (32) square feet in area in connection with new construction work related to Aragon's development, community sites, parks, or Privateer's Alley.
   b. Permanent accessory signs.
      - Each mixed use or commercial property shall be limited to one (1) sign per lot for Type II through VI. The sign may be placed on the street side or alley frontage. Type I shall be limited to one (1) sign per street and one (1) for alley frontage. The sign may be projected from the building, a wall-mounted sign, or a painted sign. Signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet six (6) inches

above the public property and shall not extend above the roof line on which it is attached. The sign may be mounted to or painted on the face of a wall of the building, hung from a bracket that is mounted to a wall of a building, or hung from other ornamental elements on the building. Attached or wall signs may be placed on the front or one (1) side of the building. The sign may be illuminated provided the source of light is not visible beyond the property line of the lot on which the sign is located.

- Advertising display area:

  GRD-1, Type II through Type VI residential home occupation and mixed use lots are not to exceed ten (10) square feet.

  GRD-1, Type I commercial lots are not to exceed thirty-five (35) square feet per street front.

  A combination of two (2) attached wall signs may be used, but shall not exceed a total of thirty-five (35) square feet.

  If fronting an alley the size shall not exceed twelve (12) square feet.

- One (1) non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three (3) square feet and shall be attached flat against the wall of the building.
- Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor and board.

2. Prohibited signs.
   a. Any sign using plastic materials for lettering or background.
   b. Internally illuminated signs.
   c. Portable signs.
   d. Nonaccessory signs.
   e. Back lit canvas awnings.
   f. Flashing, strobe, or neon signs.
   g. Neon signs placed inside a window.

(f) *Driveways and sidewalks.* The following regulations and standards apply to driveways and sidewalks in the GRD-1 District:

1. Driveways shall be allowed at locations indicated in the Aragon Design Code.
   a. Where asphalt or concrete is used as a driveway material, the use of an appropriate coloring agent is allowed.
   b. From the street pavement edge to the building setback the only materials allowed shall be brick, concrete pavers, colored or approved stamped concrete or poured concrete.
2. Sidewalks, construction, repair and maintenance of sidewalks are all required on public rights-of-way within the district. Sidewalks shall be constructed of concrete, a combination of concrete and either brick, concrete pavers or concrete poured and stamped with an ornamental pattern or smooth finish.

(g) *Off-street parking.* Off-street parking is required in the GRD-1 district. The requirements for off-street parking in this district recognize that the Aragon redevelopment area forms a transition neighborhood between the adjacent historic district to the south, where off-street parking is not required in the historic commercial zoning districts and the remainder of the

Gateway Redevelopment District where conventional off-street parking requirements apply. The off-street parking requirements in the GRD-1 district reflect a land use pattern that encourages small scale commercial land uses adjacent to residential uses that are accessible through a network of pedestrian improvements, such as sidewalks, plazas and open spaces. Because parking areas were not a common land use in the older sections of the city, their location is set forth in the standards.

1. Residential uses.

   Single-family and accessory unit—One (1) space/unit.

   Townhouse and multi-family—One (1) space/unit.

   Bed and breakfast—One (1) space per owner plus one (1) space/sleeping room.

   Home occupation—One (1) space/non-family employee.

   Community residential home—One (1) space/two (2) beds.

2. Public uses.

   Meeting hall, U.S. Post Office pavilion, buildings used exclusively for federal, state, county or city governments for public purposes—One (1) space/five hundred (500) square feet.

   Publicly owned or operated parks and playgrounds—None required.

   Churches, Sunday school buildings and parish houses—One (1) space/four (4) fixed seats.

3. Commercial uses.

   Antique shops—One (1) space/five hundred (500) square feet.

   Art galleries—One (1) space/five hundred (500) square feet.

   Bakeries (retail only)—One (1) space/five hundred (500) square feet.

   Barbershops and beauty shops—One (1) space/station and one (1) space/employee.

   Day care centers—One (1) space/employee plus one (1) space/classroom.

   Health clubs, spas and exercise centers—One (1) space/three hundred (300) square feet.

   Jewelers—One (1) space/five hundred (500) square feet.

   Laundry and dry cleaning pick-up stations—One (1) space/employee.

   Office buildings—One (1) space/five hundred (500) square feet.

   Restaurants (except drive-ins)—One (1) space/five hundred (500) square feet.

   Retail sales and services—One (1) space/five hundred (500) square feet.

   Retail food and drugstore—One (1) space/five hundred (500) square feet.

   Specialty shops—One (1) space/five hundred (500) square feet.

   Studios—One (1) space/fifty (50) square feet unless owner occupied.

4. For Type I Townhouse the uses identified in subsections (g)1., 2., and 3. above, on-street parking on Romana Street and 9th Avenue within five hundred (500) feet of the building may be used towards this requirement for nonemployee parking only. One (1) off-street parking space shall be required for each employee in the building.

5. Parking shall be screened from view of adjacent property and the street by fencing, landscaping or a combination of the two approved by the board, except in alley locations.

6. Materials for parking areas shall be concrete, concrete or brick pavers, asphalt, oyster shells, clam shells or #57 granite, pea gravel or marble chips. Where asphalt or concrete are used, the use of a coloring agent is allowed. The use of acceptable stamped patterns on poured concrete is encouraged.

7. For Type I Townhouse as an option to providing the required off-street parking as specified in subsections (g)1., 2., and 3. above, the required parking may be provided off-site by the owner/developer as specified in subsection 12-3-1(D).

(h) *Paint colors.* The planning board has adopted palettes of colors considered compatible with historic colors from several paint manufacturers that represent acceptable colors for use in the GRD-1 district. Samples of these palettes can be reviewed at the office of the building inspector or the Secretary of the GRD Board.

(i) *Outbuildings.* Outbuildings shall not exceed a maximum height of thirty-five (35) feet. The accessory structure shall match the style, roof pitch, and other design features of the main residential structure.

(j) *Architectural review standards (See Figure 12.2.2.B).*

1. Exterior lighting. Exterior lighting in the district will be post mounted street lights and building mounted lights adjacent to entryways or landscaping lights ~~which~~that are shielded. Lamps shall be typically ornamental in design and appropriate for the building style. Refer to Aragon Design Code, Architectural Standards.

   a. Exterior lighting fixtures must be appropriate for building style. Refer to Aragon Design Code, Architectural Standards.

   b. Exterior. Where exterior lighting is allowed to be detached from the building, the fixtures visible from off-premises (other than landscape lighting ~~which~~that is permitted) shall be post mounted and used adjacent to sidewalk or driveway entrances or around parking. If post mounted lights are used, they shall not exceed twelve (12) feet in height. Exterior lights shall be placed so that they do not shine directly at neighbors.

   c. The light element itself shall be a true gas lamp or shall be electrically operated using incandescent, halogen, metal halide or high pressure sodium lamps. Fluorescent and mercury vapor lamps are prohibited.

   d. The use of pole mounted high pressure sodium utility/security lights is prohibited.

2. Exterior building walls. Exterior treatments will be of wood, cedar shingles, wood clapboard, board and batten or board on board, fiber-cement smooth lap siding (Hardiplank), brick, stone for Craftsman style buildings, or stucco. Building wall finish must be appropriate for building style (Refer to Aragon Design Code, Architectural Standards). Individual windows and porch openings, when rectangular, shall be square or vertical proportion and have multiple lights, unless architectural style dictates other combinations. Chimneys shall be architecturally compatible with the style. All primary structures are required to elevate their first finished floor eighteen (18) to thirty-six (36) inches above grade, except Type I Townhouse. Base treatment shall be articulated.

   a. Vinyl or metal siding is prohibited.

b. Wood siding and trim shall be finished with paint or stain, utilizing colors approved by the board.

c. Foundation piers shall be exposed brick masonry or sand textured plaster over masonry. If in-fill between piers is proposed, piers shall be skirted and screened in an opaque manner. It is encouraged that in-fill panels of wood lattice be utilized or brick screens where appropriate.

3. Roofs. Roofs may be of metal, wood shake, dimensional asphalt shingle, slate, diamond shape asphalt shingles or single ply membrane or built up (for flat roofs), and must be of the appropriate architectural style. Roof pitch for sloped roofs above the main body shall be at least 8 on 12 on one- and two-story buildings and 6 on 12 on buildings with three (3) stories, unless architectural style dictates other slope, for example Craftsman. Eaves shall be appropriate for the architectural style. Shed roofs shall be allowed only against a principal building or perimeter wall. Flat roofs shall not be permitted without parapets, cornices, eaves overhangs boxed with modillions, dentrils, or other moldings. The maximum size of the roof deck, window's walks, towers, turrets, etc. is two hundred (200) square feet, with the maximum height of ten (10) feet above the maximum allowable building height.

   a. Eaves and soffits may be: wood, painted or stained; smooth finish or sand textured stucco soffits, if detailed appropriately; or fiber-cement, if detailed appropriately ("Hardisoffit" of Hardipanel" vertical siding panels). Eaves shall be appropriate for architectural style and type.

   b. Flashing may be anodized or pre-finished aluminum, galvanized steel of naturally weathered copper.

   c. Gutters and downspouts may be anodized or pre-finished aluminum, galvanized steel or naturally weathered copper.

4. Balconies and porches. Front porches are required for all Type II through Type V principal structures, and porches or balconies are required for Type I and Type VI principal structures. Type I principal structure balconies supported by columns, the outside edge of the columns shall be located at the outside edge of the public sidewalk, and the balcony shall not extend past the columns. Balconies shall not be cantilevered more than eight (8) feet. See Figure 12.2.2.B for balcony and porch dimensions.

5. Doors. Entrance doors with an in-fill of raised panels below and glazed panels above were typically used in older sections of the city. Single doorways with a glazed transom above allows for both light and ventilation to enter the entrance way or entrance foyer of the building. Double doors are usually associated with a larger home or building layout.

   a. Doors are to be appropriate for building style and type. Entrance doors shall be fabricated of solid wood, metal, or fiberglass. Refer to Aragon Design Code, Architectural Standards and Architectural Styles.

6. Windows. Individual windows shall have vertical proportion.

   a. Windows are to be fabricated of wood or vinyl clad wood windows. Solid vinyl windows may be used if the components (jamb, sash, frame, sill, etc.) are sized and proportioned to duplicate wood. Steel or aluminum windows are prohibited.

   b. All individual windows shall conform to vertical proportions of not less than 1:1.5, unless architectural styles dictate otherwise. Assemblage of complying window units to create large window openings is acceptable. Kitchen and bathroom windows are considered exceptions and are not regulated by vertical proportions, but are subject to approval if they detract from the overall vertical orientation.

   c. Window sections shall be appropriate for style. Refer to Aragon Design Code.

d. The window frame will be given a paint finish appropriate to the color scheme of the exterior of the building.

e. Window trim or casing is to be a nominal five (5) inch member at all sides, head and sill.

f. Glass for use in windows shall typically be clear, but a light tinted glass will be given consideration by the planning board.

g. Highly reflected glazing is prohibited. Insulated glass units are encouraged.

7. Shutters. Shutters are an exterior ornamental and functional architectural feature that have traditionally been used on windows, and occasionally, on doors.

   a. Shutters may be operable or fixed.

   b. If shutters are to be used on a project, they must be dimensioned to the proper size so that they would completely cover the window both in width and height if they were closed.

   c. The style of the shutters must be louvered, flat vertical boards or paneled boards, with final determination being based on compatibility with the overall building design.

   d. Shutter to be fabricated of wood or vinyl.

   e. Shutter are to be appropriate for building style and type. Refer to Aragon Design Code, Architectural Styles.

8. Chimneys. Chimneys constructed of brick masonry, exposed or cement plastered, are architecturally compatible.

   a. The chimney or chimneys are to be constructed of masonry with the exposed surface to be brick or sand textured plaster. Rough texture stucco is prohibited.

   b. The finished exposed surface of chimneys are to be left natural without any paint finish, unless the chimney is plastered or stuccoed.

   c. Flashing shall consist of galvanized steel, copper sheet metal or painted aluminum.

   d. The extent of simplicity or ornamentation shall be commensurate with the overall style and size of the building on which the chimney is constructed.

9. Trim and miscellaneous ornament.

   a. Trim and ornament, where used, is to be fabricated of wood, stucco or stone.

   b. Trim and ornament will be painted to match, or be coordinated with, door and window casings, porch railings, porch columns, and basic projecting elements of the building.

10. Miscellaneous mechanical equipment.

    a. Air conditioning condensing units shall not be mounted on any roof where they are visible from any street.

    b. Air conditioning condensing units that are mounted on the ground shall be in either side yards or rear yards.

    c. Visual screening consisting of ornamental fencing or landscaping shall be installed around all air conditioning condensing units to conceal them from view from any adjacent street or property owner.

    d. Exhaust fans or other building penetrations as may be required by other authorities shall be allowed to penetrate the wall or the roof but only in locations

where they can be concealed from view from any street. No penetrations shall be allowed on the front of the building. They may be allowed on side walls if they are properly screened. It is desirable that any penetrations occur on rear walls or the rear side of roofs.

11. Accessibility ramps and outdoor stairs.

    a. Whenever possible, accessibility ramps and outdoor stairways shall be located to the side or the rear of the property.

    b. The design of accessibility ramps and outdoor stairs shall be consistent with the architectural style of the building.

    c. Building elements, materials and construction methods shall be consistent with the existing structure.

12. Outbuildings.

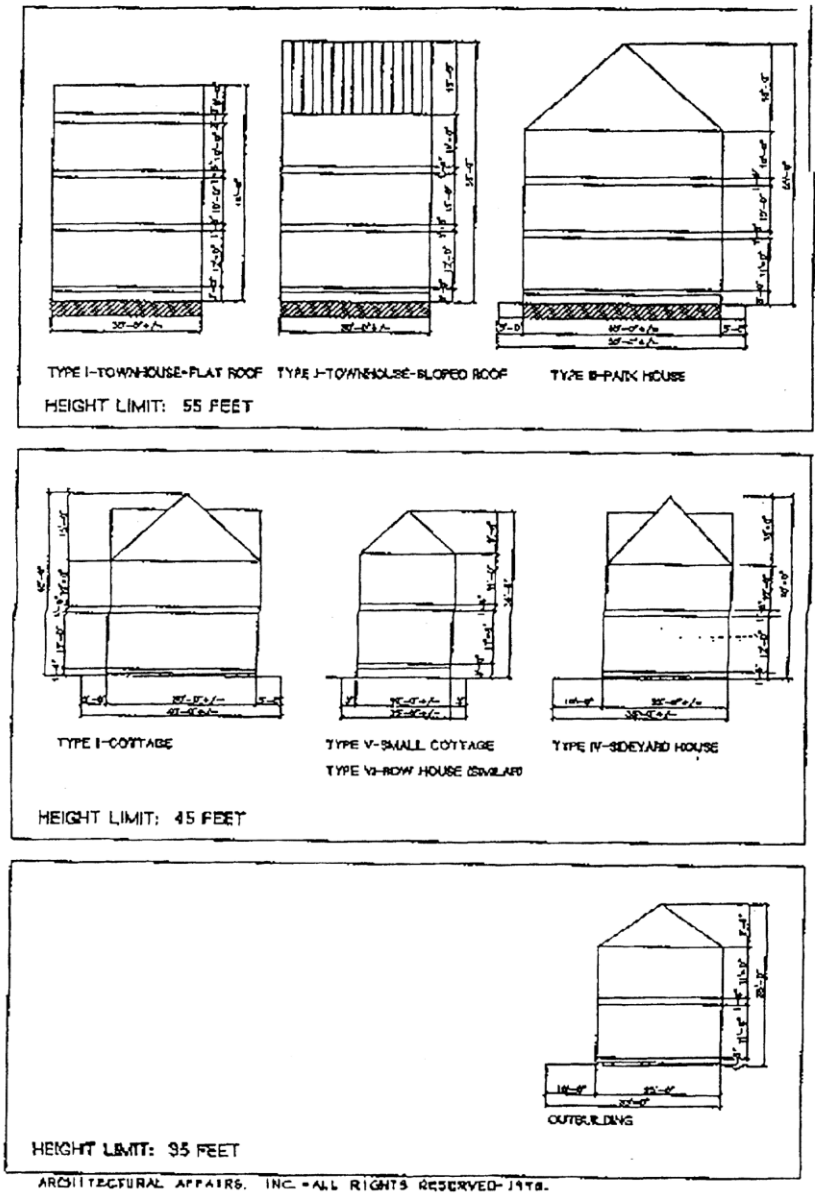
    a. Outbuildings shall be detailed in a manner similar to the house. Detached garages are strongly encouraged.

    b. Accessory dwelling units are permitted and encouraged, and shall be detailed in a manner similar to the house.

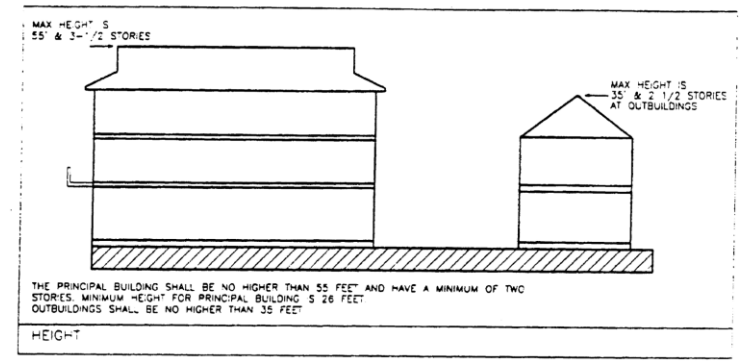
(k) Additional regulations. In addition to the regulations established above in section 12-2-10(B)(5)(a) through (j), any permitted use within the GRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4, Alcoholic Beverages, of this Code.

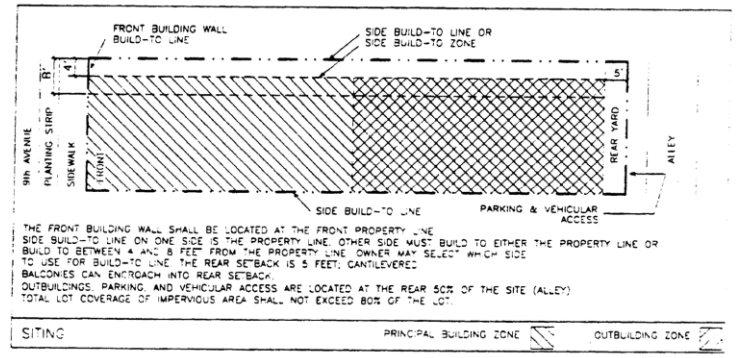
(6) *Procedures for review of renovation, alterations, and additions to structures within the GRD-1 district.* The regulations and standards established in subsections 12-2-12(b)(1) through (5) above, shall apply to all plans for the renovation, alteration and addition to structures within the GRD-1 district.

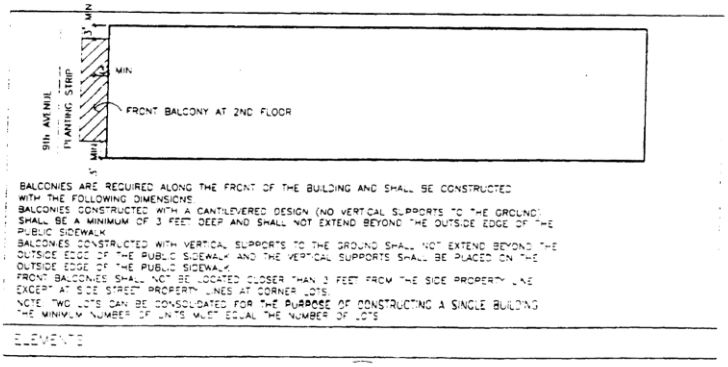
a. Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs ~~which~~that are consistent with the regulations and standards set forth in subsection 12-2-12(B) may be approved by letter to the building official from the board secretary and the ~~chairman~~chairperson of the planning board. If agreement cannot be reached as it pertains to such request for abbreviated review by the board secretary and ~~chairman~~chairperson, then the matter will be referred to the entire board for a decision.



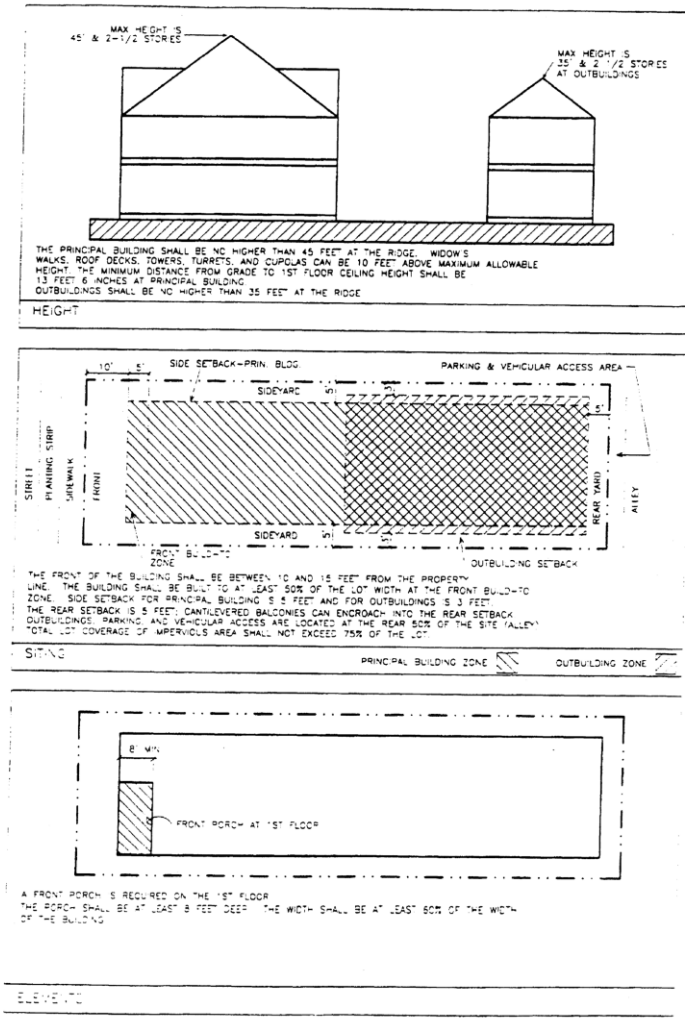
ARAGON MAXIMUM HEIGHTS



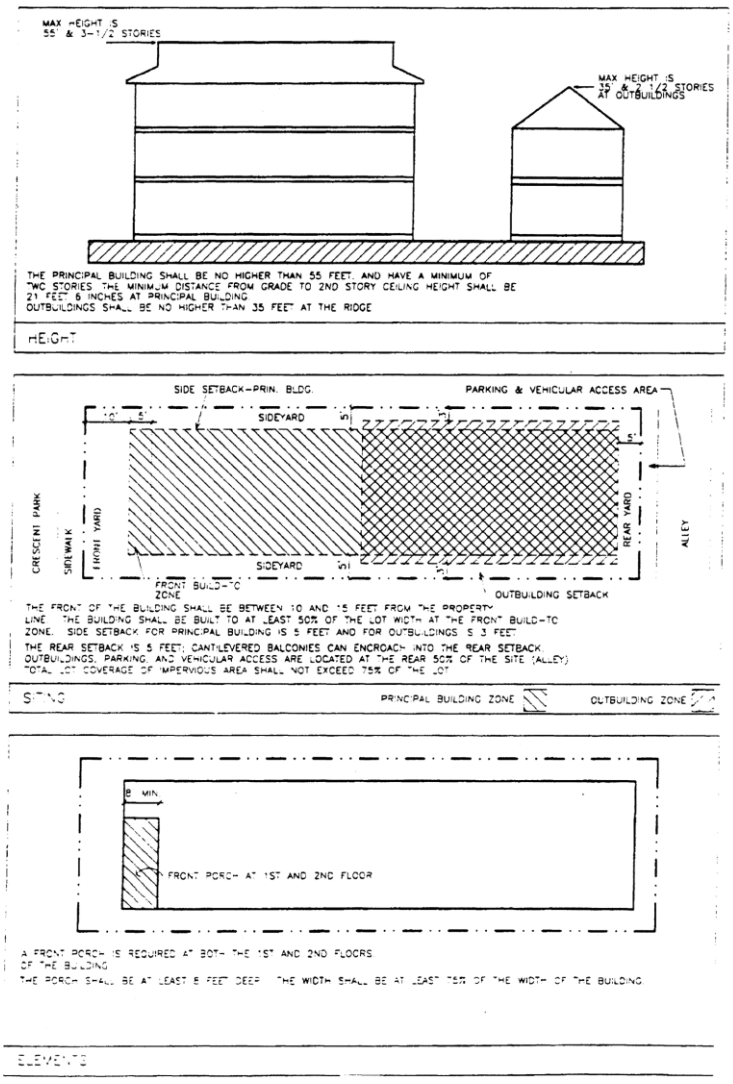




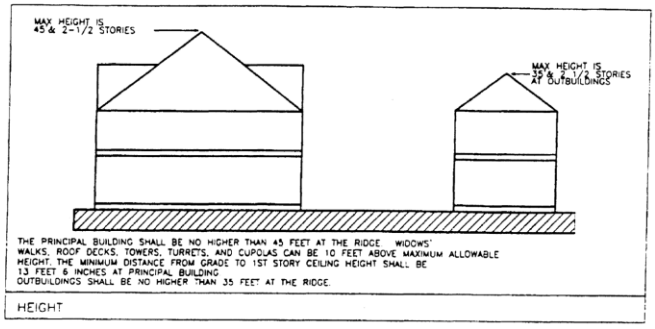
ARAGON TOWNHOUSE—TYPE I

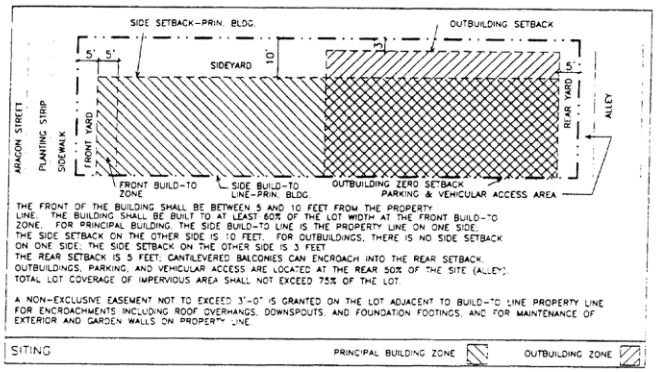


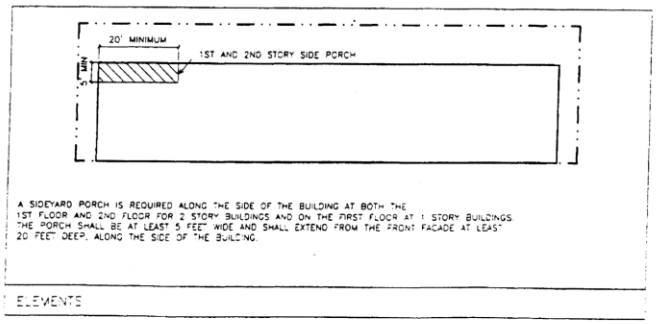
ARAGON COTTAGE—TYPE II



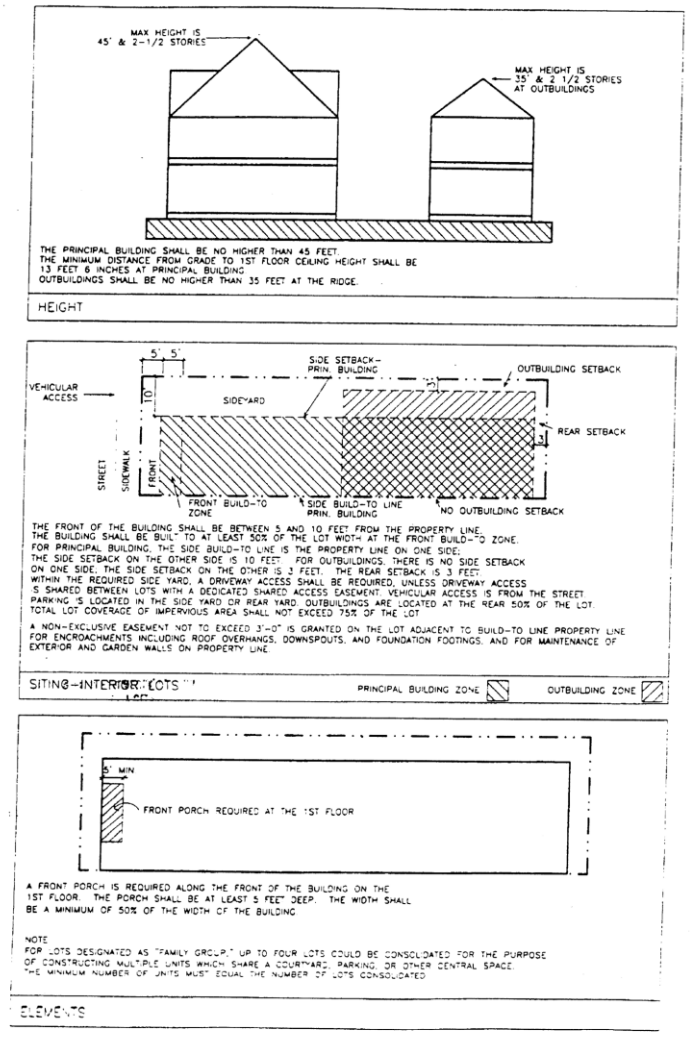
ARAGON PARK HOUSE—TYPE III



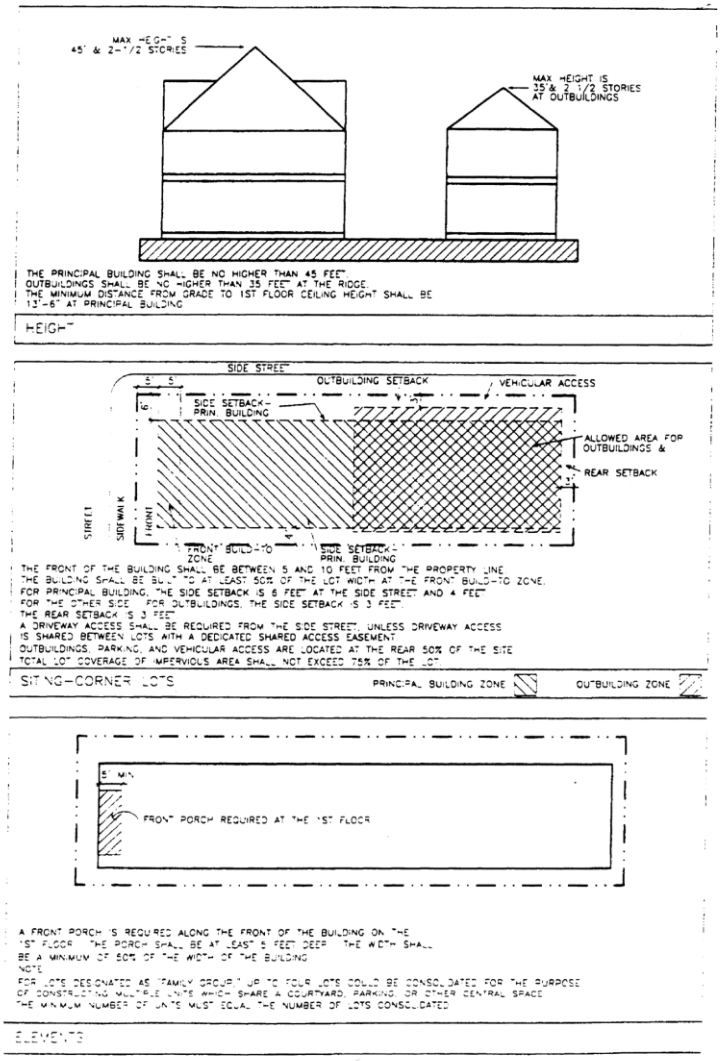




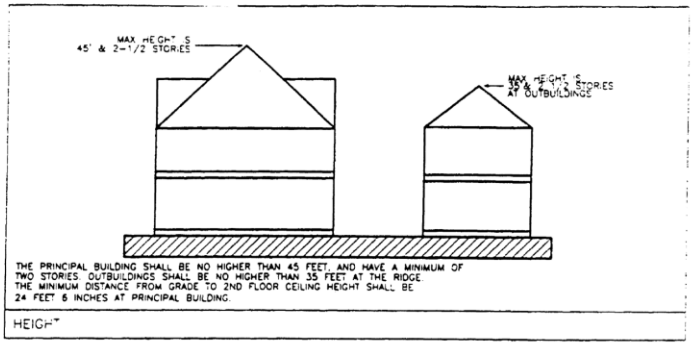
ARAGON SIDEYARD HOUSE WITH ALLEY ACCESS—TYPE IVA



ARAGON SIDEYARD HOUSE WITH STREET ACCESS—TYPE IVB-INTERIOR LOTS

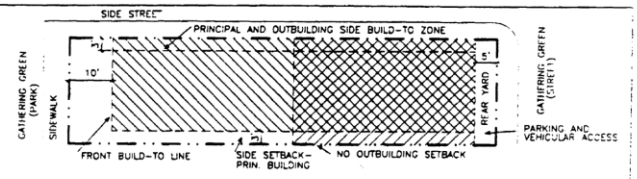


ARAGON SIDEYARD HOUSE WITH STREET ACCESS—TYPE IVB-CORNER LOTS



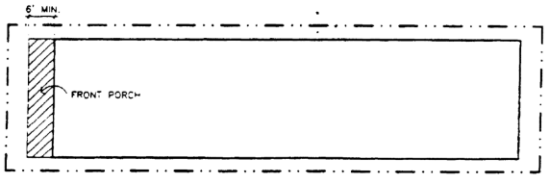
THE PRINCIPAL BUILDING SHALL BE NO HIGHER THAN 45 FEET, AND HAVE A MINIMUM OF TWO STORIES. OUTBUILDINGS SHALL BE NO HIGHER THAN 35 FEET AT THE RIDGE. THE MINIMUM DISTANCE FROM GRADE TO 2ND FLOOR CEILING HEIGHT SHALL BE 24 FEET 6 INCHES AT PRINCIPAL BUILDING.

HEIGHT



THE FRONT OF THE BUILDING SHALL BE LOCATED 10 FEET FROM THE PARK FRONT PROPERTY LINE. THE BUILDING SHALL BE BUILT TO AT LEAST 60% OF THE LOT WIDTH AT THE FRONT SETBACK FOR PRINCIPAL BUILDING AND OUTBUILDINGS. THE SIDE BUILD-TO ZONE IS UP TO 3 FEET FROM THE NORTH PROPERTY LINE. THE SIDE SETBACK ON THE OTHER SIDE IS 3 FEET FOR PRINCIPAL BUILDING. FOR OUTBUILDINGS, THERE IS NO SETBACK. THE REAR SETBACK IS 5 FEET; CANTILEVERED BALCONIES CAN ENCROACH INTO REAR SETBACK. OUTBUILDINGS, PARKING, AND VEHICULAR ACCESS ARE LOCATED AT THE REAR 50% OF THE SITE (STREET). TOTAL LOT COVERAGE OF IMPERVIOUS AREA SHALL NOT EXCEED 75% OF THE LOT.

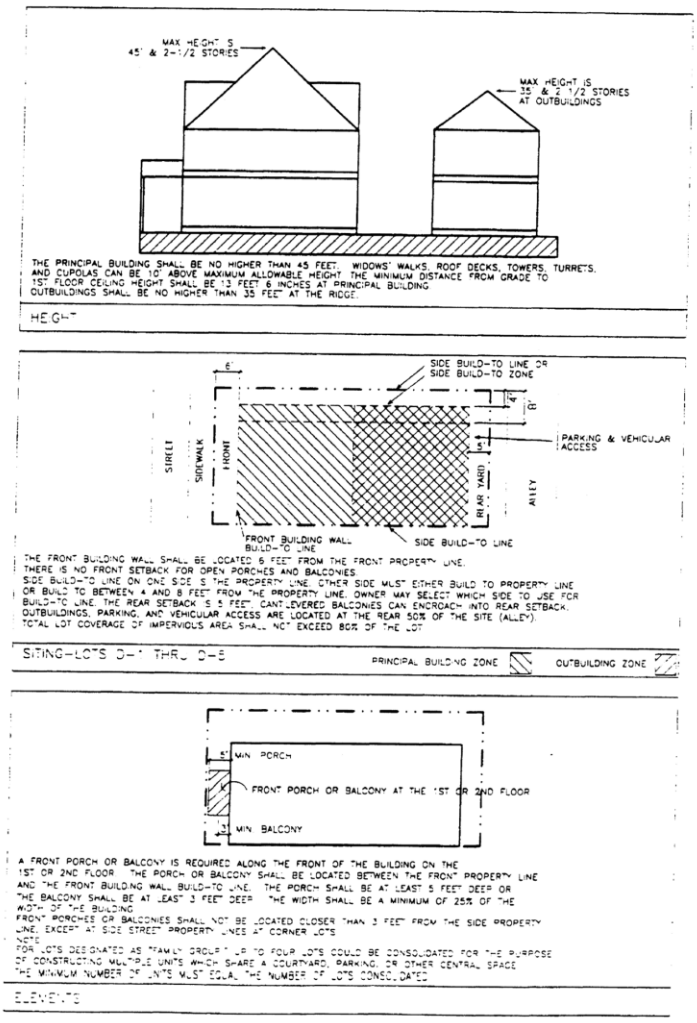
SITING—NORTH CORNER LOTS PRINCIPAL BUILDING ZONE OUTBUILDING ZONE



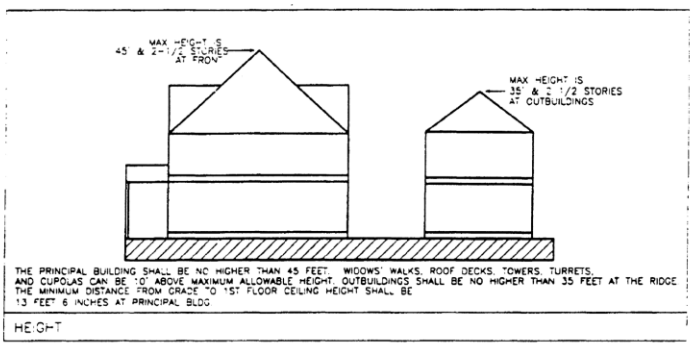
A FRONT PORCH IS REQUIRED ON THE 1ST AND 2ND FLOORS. THE PORCH SHALL BE AT LEAST 6 FEET DEEP. THE WIDTH SHALL BE 100% OF THE WIDTH OF THE BUILDING.

ELEMENTS

ARAGON SMALL COTTAGE—TYPE V-NORTH CORNER LOTS

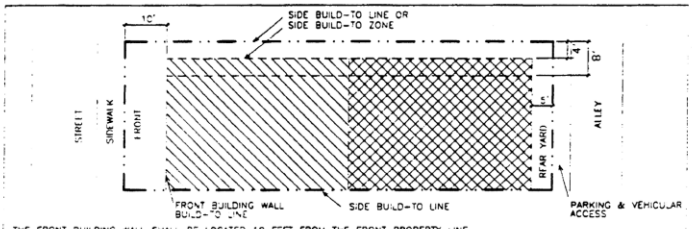


ARAGON ROW HOUSE—TYPE VI-LOTS D-1 THRU D-5



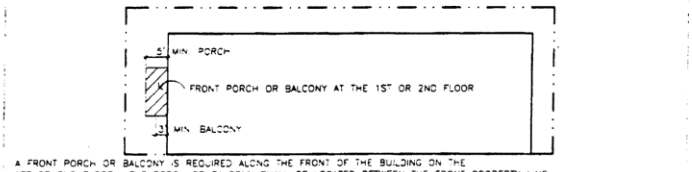
THE PRINCIPAL BUILDING SHALL BE NO HIGHER THAN 45 FEET. WIDOWS' WALKS, ROOF DECKS, TOWERS, TURRETS, AND CUPOLAS CAN BE 10' ABOVE MAXIMUM ALLOWABLE HEIGHT. OUTBUILDINGS SHALL BE NO HIGHER THAN 35 FEET AT THE RIDGE. THE MINIMUM DISTANCE FROM GRADE TO 1ST FLOOR CEILING HEIGHT SHALL BE 13 FEET 6 INCHES AT PRINCIPAL BLDG.

HEIGHT



THE FRONT BUILDING WALL SHALL BE LOCATED 10 FEET FROM THE FRONT PROPERTY LINE.
THERE IS NO FRONT SETBACK FOR OPEN PORCHES AND BALCONIES.
SIDE BUILD-TO LINE ON ONE SIDE IS THE PROPERTY LINE. OTHER SIDE MUST EITHER BUILD TO PROPERTY LINE OR BUILD TO BETWEEN 4 AND 8 FEET OF THE PROPERTY LINE. OWNER MAY SELECT WHICH SIDE TO USE AS THE BUILD-TO LINE. THE REAR SETBACK IS 5 FEET. CANTILEVERED BALCONIES CAN ENCROACH INTO REAR SETBACK. OUTBUILDINGS, PARKING, AND VEHICULAR ACCESS ARE LOCATED AT THE REAR 50% OF THE SITE (ALLEY). TOTAL LOT COVERAGE OF IMPERVIOUS AREA SHALL NOT EXCEED 80% OF THE LOT.

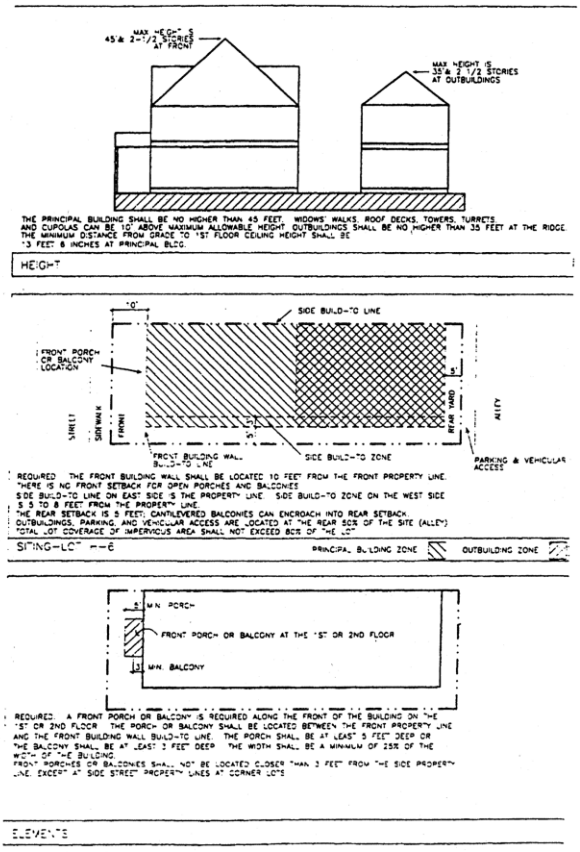
SITING-LOTS D-6 THRU 10 & H-7 THRU H-10 PRINCIPAL BUILDING ZONE OUTBUILDING ZONE



A FRONT PORCH OR BALCONY IS REQUIRED ALONG THE FRONT OF THE BUILDING ON THE 1ST OR 2ND FLOOR. THE PORCH OR BALCONY SHALL BE LOCATED BETWEEN THE FRONT PROPERTY LINE AND THE FRONT BUILDING WALL BUILD-TO LINE. THE PORCH SHALL BE AT LEAST 5 FEET DEEP OR THE BALCONY SHALL BE AT LEAST 3 FEET DEEP. THE WIDTH SHALL BE A MINIMUM OF 25% OF THE WIDTH OF THE BUILDING.
FRONT PORCHES OR BALCONIES SHALL NOT BE LOCATED CLOSER THAN 3 FEET FROM THE SIDE PROPERTY LINE, EXCEPT AT SIDE STREET PROPERTY LINES AT CORNER LOTS.

ELEMENTS

ARAGON ROW HOUSE—TYPE VI-LOTS D-6 THRU 10 & H-7 THRU H-10



ARAGON ROW HOUSE—TYPE VI-LOT H-6

(C) *WRD, waterfront redevelopment district.*

(1) *Purpose of district.* The waterfront redevelopment district is established to promote redevelopment of the city's downtown waterfront with a compatible mixture of water-dependent and water-related uses ~~which~~that preserve the unique shoreline vista and scenic opportunities, provide public access, create a cultural meeting place for the public, preserve the working waterfront activities historically located in the waterfront area, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas and marine-oriented image of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.

(2) *Uses permitted.*

(a) Single-family residential (attached or detached) at a maximum density of seventeen and four-tenths (17.4) units per acre. Multi-family residential at a maximum density of sixty (60) dwelling units per acre.

(b) Home occupations, subject to regulations in section 12-2-33.

(c) Offices.

(d) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.

(e) Hotels/motels.

(f) Marinas.

(g) Parking garages.

(h) The following retail sales and services:

1. Retail food and drug stores (including medical marijuana dispensaries and package liquor store).
2. Personal service shops.
3. Clothing stores.
4. Specialty shops.
5. Banks.
6. Bakeries whose products are sold at retail on the premises.
7. Antique shops.
8. Floral shops.
9. Health clubs, spa and exercise centers.
10. Laundromats.
11. Laundry and dry cleaning pick-up stations.
12. Restaurants.
13. Studios.
14. Art galleries.
15. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
16. Boat rentals waterside only with limited upland storage.
17. Bars.
18. Commercial fishing.
19. Ferry and passenger terminals.
20. Cruise ship operations.

(i) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(3) *Procedure for review of plans.*

(a) Plan submission. Every application to construct a new structure in the waterfront redevelopment district shall be subject to the development plan review and approval procedure established in section 12-2-81. Every application for a new certificate of

Commented [JW17]: State Statute requires medical marijuana dispensaries to be located in the zones where pharmacies are located.

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 waterfront redevelopment district shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, 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. All developments within the waterfront redevelopment district must comply with design standards as established in section 12-2-82.

(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~~that does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review by the planning board of applications for zoning variances shall be as provided for under section 12-13-2(F)(f).

(c) Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs ~~which~~that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the ~~chairman~~chairperson of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and ~~chairman~~chairperson, then the matter will be referred to the board for a decision.

(4) *Regulations.*

(a) Signs. The following provisions shall be applicable to signs in the district.

1. Number of signs. Each parcel shall be limited to one (1) sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment.

2. Signs extending over public property. Signs extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and no part of such signs shall be closer than eighteen (18) inches to the vertical plane of the curb line or edge of the pavement.

3. Sign size and height limitations.

a. Attached signs:

Size: Ten (10) percent of the building elevation square footage (wall area) ~~which~~that fronts on a public street, not to exceed fifty (50) square feet. Buildings exceeding five (5) stories in height; one attached wall sign or combination of wall signs not to exceed two hundred (200) square feet and mounted on the fifth floor or above.

Height: No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as walls.

b. Freestanding signs.

Size: Fifty (50) square feet.

Height: Ten (10) feet (top of sign).

4. Other permitted signs.

   a. Signs ~~directing and guiding traffic and parking on private property, bearing no advertising matter. Such signs~~ shall not exceed two (2) square feet in size.

   ~~b. Signs advertising the acceptance of credit cards not exceeding two (2) square feet in size and which are attached to buildings or permitted freestanding signs.~~

   c. Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.

5. Prohibited signs. Refer to section 12-4-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:

   a. Portable signs.

   b. Signs ~~which~~that are abandoned or create a safety hazard. Abandoned signs are those advertising a business ~~which~~that becomes vacant and is unoccupied for a period of ninety (90) days or more.

   c. Signs ~~which~~that are not securely fixed on a permanent foundation.

   d. Strings of light bulbs, other than holiday decorations, streamers and pennants.

   e. Signs that present an optical illusion, incorporated projected images, or emit sound.

   f. Secondary advertising signs (i.e., signs ~~which~~that advertise a brand name product in addition to the name of the business).

6. Temporary signs. The following temporary signs shall be permitted in the district:

   a. Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are permitted with the following conditions: Such banners may be erected no sooner than two (2) weeks before the event and banners extending over street rights-of-way require approval from the mayor.

   b. One non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed twelve (12) square feet in size, and shall be removed immediately after occupancy.

   c. One non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.

(b) Off-street parking. The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district shall be based on the requirements set forth in Chapter 12-3. The required parking may be provided off-site by the owner/developer as specified in subsection 12-3-1(D). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:

- A solid wall or fence (chain-link fences are prohibited) with a minimum height of four (4) feet ~~which~~that is compatible in design and materials with on-site architecture and nearby development; or
- An earth berm approximately three (3) feet in height ~~which~~that is landscaped to provide positive screening effective within three (3) years; or
- A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three (3) years.

(c) Vehicular access. For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two (2) per street frontage.

(d) Landscaping. Landscaping requirements in the district shall conform to the requirements of Chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least seventy-five (75) percent opacity from the street and adjacent buildings by one of the following techniques:

- Fence or wall and gate, six (6) feet high;
- Vegetation, six (6) feet high (within three (3) years); or
- A combination of the above.

(e) Underground utility services. All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.

(f) Lot coverage. The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed seventy-five (75) percent.

(g) Setback/height requirements. No building shall exceed a maximum height of sixty (60) feet in the waterfront redevelopment district.

1. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of thirty (30) feet from the shoreline or the bulkhead line. At this minimum setback line, the building height may not exceed thirty-five (35) feet. Above thirty-five (35) feet in height, an additional one foot in building height may be permitted for each additional one (1) foot in setback with a maximum building height of sixty (60) feet. The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.

2. *Main Street setback/height requirements.* All buildings shall be setback a minimum of sixty (60) feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed sixty (60) feet.

(h) Additional regulations. In addition to the regulations established above in subsections 12-2-12(C)(4)(a) through (g), any permitted use within the WRD zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.

(5) *Regulations.* All developments within the waterfront redevelopment district are encouraged to follow the design guidelines established in subsection 12-2-82(D). In addition, the following site planning guidelines should be taken into consideration in the required development plans.

(a) Site planning. The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:

1. *Maximum preservation of waterfront views.* Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the waterfront scenic open space character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.

2. *Building orientation.* Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the

water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and air conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.

3. *Off-street parking and service.* Off-street parking shall be discourage within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.

(b) Aesthetic considerations. Development projects within the district are not subject to special architectural review and approval. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:

1. Buildings or structures ~~which~~that are part of a present or future group or complex shall have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.
2. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
3. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
4. Proposed developments within the Waterfront Redevelopment District ~~which~~that are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.
5. Projects should be encouraged ~~which~~that enhance the setting or provide for adaptive reuse of historic buildings and sites.

(c) Landscaping guidelines. Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.

(d) Sign guidelines.

1. Design/materials. The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.
2. Lighting. Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not encouraged.
3. ~~Copy. The sign copy should be limited to the name, address, and logo of the building complex, the major tenant or the business. The sign should be primarily used for communicating, identifying, and locating the business, not for advertising.~~
4. Landscaping. The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.

(D) *WRD-1, Waterfront Redevelopment District-1.*

(1) *Purpose of district.* The waterfront redevelopment district is established to promote redevelopment of the city's downtown waterfront with a compatible mixture of uses ~~which~~that further the goals of downtown Pensacola's Comprehensive Plan, encourage a walkable mixed

use urban environment, preserve the unique shoreline scenic opportunities, provide continuous public waterfront access, create cultural meeting places for the public, and encourage a high quality of site planning and architectural design. Site specific analysis of each development proposal within the district is intended to ensure that the scenic vistas of the district are maintained, that the development character of the waterfront is upgraded and that the boundaries of the adjacent special districts are positively reinforced.

(2) *Uses permitted.*

(a) Single-family residential (attached or detached) at a maximum density of seventeen and four-tenths (17.4) units per acre. Multi-family residential at a maximum density of sixty (60) dwelling units per acre.

(b) Home occupations, subject to regulations in section 12-2-33.

(c) Offices.

(d) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.

(e) Hotels/motels.

(f) Marinas.

(g) Parking garages.

(h) The following retail sales and services:

1. Retail food and drug stores (including medical marijuana dispensaries and package liquor store).
2. Personal service shops.
3. Clothing stores.
4. Specialty shops.
5. Banks.
6. Bakeries whose products are sold at retail on the premises.
7. Antique shops.
8. Floral shops.
9. Health clubs, spa and exercise centers.
10. Laundromats.
11. Laundry and dry cleaning pick-up stations.
12. Restaurants.
13. Studios.
14. Art galleries.
15. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
16. Boat rentals waterside only with limited upland storage.
17. Bars.
18. Commercial fishing.
19. Ferry and passenger terminals.
20. Cruise ship operations.

Commented [JW18]: State Statute requires medical marijuana dispensaries to be located in the zones where pharmacies are located.

(i) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(3) *Procedure for review of plans.*

(a) *Plan submission.* Every application to construct a new structure in the waterfront redevelopment district-1 shall be subject to the development plan review and approval procedure established in section 12-2-81. 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 waterfront redevelopment district-1 shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, 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. All developments within the waterfront redevelopment district must comply with design standards as established in section 12-2-82.

(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~~that does not meet the standards established in this section be incorporated and brought into compliance within a time limit approved by the board. Review by the planning board of applications for zoning variances shall be as provided for under section 12-13-2(F)(f).

(c) *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs ~~which~~that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the ~~chairman~~chairperson of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and ~~chairman~~chairperson, then the matter will be referred to the board for a decision.

(4) *Regulations.*

(a) *Signs.* The following provisions shall be applicable to signs in the district.

1. *Number of signs.* Each parcel shall be limited to one (1) sign per street frontage; provided, however, if there exists more than one (1) establishment on the parcel, there may be one (1) attached sign per establishment. Additionally, retail sales and services may have an A-frame sign in addition to the one (1) sign per frontage.

2. *Signs extending over public property.* Signs extending over public property shall maintain a clear height of nine (9) feet above the sidewalk and no part of such signs shall be closer than eighteen (18) inches to the vertical plane of the curb line or edge of the pavement.

3. *Sign size and height limitations.*

a. *Attached signs:*

Size: Ten (10) percent of the building elevation square footage (wall area) ~~which~~that fronts on a public street, not to exceed fifty (50) square feet. Buildings exceeding five (5) stories in height; one (1) attached wall sign or combination of wall signs not to exceed two hundred (200) square feet and mounted on the fifth floor or above.

Height: No sign may extend above the roof line of the building to which it is attached. For the purposes of this section roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as walls.

b. *Freestanding signs.*

Size: Fifty (50) square feet.

Height: Ten (10) feet (top of sign).

c. *A-frame sign.*

Size: Ten (10) square feet.

Height: Forty-two (42) inches (top of sign).

4. *Other permitted signs.*

a. Signs ~~directing and guiding traffic and parking on private property, bearing no advertising matter. Such signs~~ shall not exceed two (2) square feet in size.

~~b. Signs advertising the acceptance of credit cards not exceeding two (2) square feet in size and which are attached to buildings or permitted freestanding signs.~~

c. Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.

5. *Prohibited signs.* Refer to section 12-4-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:

a. Signs ~~which~~that are abandoned or create a safety hazard. Abandoned signs are those advertising a business ~~which~~that becomes vacant and is unoccupied for a period of ninety (90) days or more.

b. Signs that present an optical illusion, incorporated projected images, or emit sound.

c. Secondary advertising signs (i.e., signs ~~which~~that advertise a brand name product in addition to the name of the business).

6. *Temporary signs.* The following temporary signs shall be permitted in the district:

a. Temporary banners indicating that a noncommercial special event such as a fair, carnival, festival or similar happening is to take place, are permitted with the following conditions: Such banners may be erected no sooner than two (2) weeks before the event and banners extending over street rights-of-way require approval from the mayor.

b. One (1) non-illuminated sign per street frontage advertising the sale, lease or rental of the lot or building upon which the sign is located. Such sign shall not exceed twelve (12) square feet in size, and shall be removed immediately after occupancy.

c. One (1) non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.

(b) *Off-street parking.* The following off-street parking requirement shall apply to all lots, parcels, or tracts in the district: Off-street parking requirements in the waterfront redevelopment district-1 shall be based on the requirements set forth in subsection 12-3-1(D)(7). The required parking may be provided off-site by the owner/developer as specified in subsection 12-3-1(D). Screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:

• A solid wall or fence (chain-link fences are prohibited) with a minimum height of four (4) feet ~~which~~that is compatible in design and materials with on-site architecture and nearby development; or

• Landscaping approximately three (3) feet in height ~~which~~that is landscaped to provide positive screening effective within three (3) years; or

• A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three (3) years.

(c) *Vehicular access.* For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two (2) per street frontage.

(d) *Landscaping.* Landscaping requirements in the district shall conform to the requirements of Chapter 12-6. All service areas (i.e., trash collection containers, compactors, loading docks) shall be screened with at least seventy-five (75) percent opacity from the street and adjacent buildings by one of the following techniques:

• Fence or wall and gate, six (6) feet high;

• Vegetation, six (6) feet high (within three (3) years); or

• A combination of the above.

(e) *Underground utility services.* All new building construction or additions of floor area to existing structures shall be required to install underground utilities on the site.

(f) *Lot coverage.* The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed ninety-five (95) percent.

(g) *Setback/height requirements.* No building shall exceed a maximum height of six (6) stories in the waterfront redevelopment district-1, as defined in section 12-2-25, community redevelopment area (CRA) urban design overlay district.

1. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of thirty (30) feet from the shoreline or the bulkhead line. The minimum setback from the shoreline may be decreased by the planning board and the council during the review process to permit reuse of existing buildings, structures or foundations with a lesser setback.

2. *Main Street setback/height requirements.* All buildings shall be setback a minimum of sixty (60) feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed six (6) stories.

3. All other setbacks shall be as specified on the regulating plan.

(h) *Additional regulations.* In addition to the regulations established above in subsections 12-2-12(C)(4)(a) through (g), any permitted use within the WRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.

(5) *Regulations.* All developments within the waterfront redevelopment district-1 are encouraged to follow the design guidelines established in subsection 12-2-82(D). In addition, the following site planning guidelines should be taken into consideration in the required development plans.

(a) *Site planning.* The integration of site features such as building arrangement, landscaping, parking lot layout, public access points, building orientation, and scenic vantage points is

critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:

1. *Maximum preservation of waterfront views.* Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping shall be planned to maximize the preservation of views of the bay and to protect the waterfront scenic open space character. To prevent the effect of a "wall" of development along the edge of the waterfront and adjacent streets, open space should be encouraged between buildings and under elevated buildings. Pedestrian circulation systems should be designed to form a convenient, interconnected network through buildings, landscaped open spaces and public walkways. The longer side of each building should be sited perpendicular to the water's edge in order to preserve water views from the street.

2. *Building orientation.* Buildings should be oriented to maximize the waterfront view potential within the district while maintaining quality facade treatment and design on the streetside. Structures should be positioned to provide viewing opportunities of the water and the shoreline edge between buildings. The location of solid waste receptacles, service entrances, loading docks, storage buildings and mechanical and air conditioning equipment and other items typically situated at the backside of buildings should be discouraged within the area between the building and the water's edge.

3. *Off-street parking and service*. Off-street parking shall be discourage within the shoreline setback area. Where possible, service areas (i.e., trash collection, loading docks) shall be located to be screened by the building itself; otherwise, walls, fences, landscaping and earth berms shall be used to achieve effective screening.

(b) *Aesthetic considerations.* Development projects within the district are not subject to special architectural review and approval, however compliance with the CRA Overlay Standards and Guidelines as defined in section 12-2-25, community redevelopment area (CRA) urban design overlay district is encouraged. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:

1. Buildings or structures should have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.

2. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.

3. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.

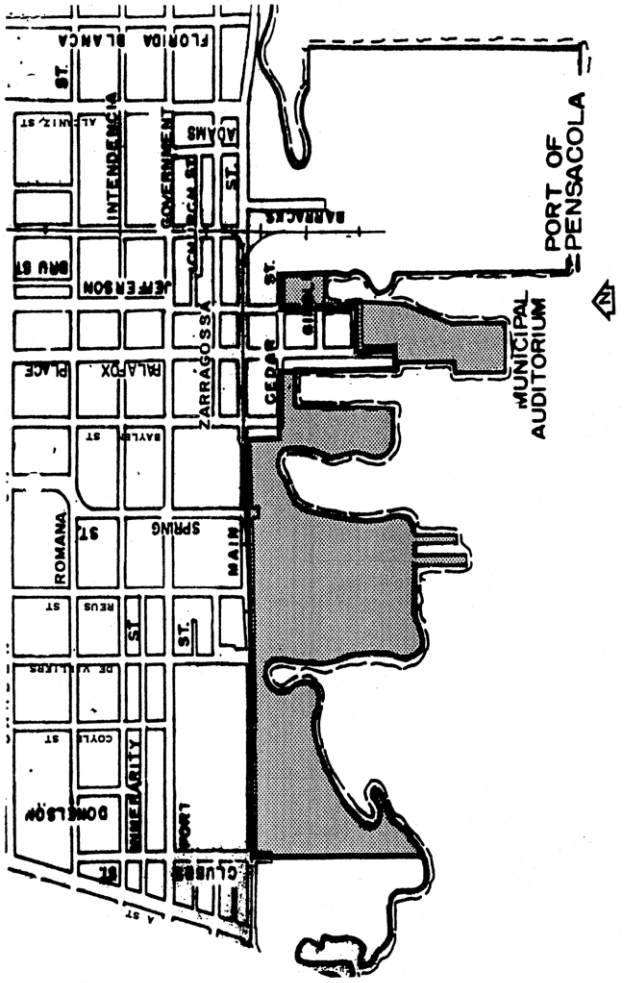
4. Proposed developments within the waterfront redevelopment district-1 which are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.

5. Projects should be encouraged ~~which~~that enhance the setting or provide for adaptive reuse of historic buildings and sites.

(c) *Landscaping guidelines.* Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features. Low lying plant material should be used in open areas to retain views of the water. Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible. Plantings should be coordinated near buildings to provide view corridors.

(d) *Sign guidelines.*

1. *Design/materials.* The architectural character of the building to which the sign relates should be reflected in the lettering of the sign, and the materials used for the supporting structure and the sign face.
2. *Lighting.* Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not permitted.
3. ~~*Copy.* The sign copy should be limited to the name, address, and logo of the building complex, the major tenant or the business. The sign should be primarily used for communicating, identifying, and locating the business, not for advertising.~~
4. *Landscaping.* The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.



Waterfront Development District

(Ord. No. 25-92, § 2, 7-23-92; Ord. No. 6-93, § 9, 3-25-93; Ord. No. 21-93, § 1, 8-16-93; Ord. No. 29-93, §§ 13, 14, 11-18-93; Ord. No. 33-95, §§ 4, 5, 8-10-95; Ord. No. 9-96, § 9, 1-25-96; Ord. No. 45-96, § 3, 9-12-96; Ord. No. 33-98, § 2, 9-10-98; Ord. No. 40-99, §§ 10—13, 10-14-99; Ord. No. 43-99, § 1, 11-18-99; Ord. No. 12-00, § 1, 3-9-00; Ord. No. 50-00, § 3, 10-26-00; Ord. No. 3-01, § 2, 1-11-01; Ord. No. 6-01, §§ 1—3, 1-25-01; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 13-06, § 10, 4-27-06; Ord. No. 17-06, §§ 2, 3, 7-27-06; Ord. No. 16-10, §§ 200—202, 9-9-

10; Ord. No. 06-16, §§ 1, 2, 2-11-16; Ord. No. 20-19, § 3, 9-26-19; Ord. No. 27-19, § 1, 11-14-19)

Sec. 12-2-13. - South Palafox business district.

The regulations in this section shall be applicable to the South Palafox business district: SPBD.

(A) *Purpose of district.* The South Palafox business district is established to promote the compatible redevelopment of the city's historic downtown waterfront by encouraging high quality site planning and architectural design ~~which~~that is compatible with both the historic character of the existing structures and the waterfront activities. The zoning regulations are intended to help avoid excessive building height and mass and vehicular congestion.

(B) *Uses permitted.*

(a) Single-family residential (attached or detached) at a maximum density of seventeen and four-tenths (17.4) units per acre. Multi-family residential at a maximum density of one hundred eight (108) dwelling units per acre.

(b) Home occupations, subject to regulations in section 12-2-33.

(c) Offices.

(d) Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.

(e) Hotels/motels.

(f) Marinas.

(g) Parking garages.

(h) The following retail sales and services with no outside storage or major repair work permitted:

1. Retail food and drug stores (including medical marijuana dispensaries and liquor package store).
2. Personal service shops.
3. Clothing stores.
4. Specialty shops.
5. Banks.
6. Bakeries, whose products are sold at retail on the premises.
7. Antique shops.
8. Floral shops.
9. Health clubs, spas and exercise centers.
10. Laundromats and dry cleaners.
11. Restaurants.
12. Studios.
13. Art galleries.
14. Bars.

(i) Retail sales and services with outside storage or major repair work permitted.

1. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.

Commented [JW19]: State Statute requires medical marijuana dispensaries to be located in the zones where pharmacies are located.

2. Boat sales/rentals.

3. Boat fueling.

4. Commercial fishing.

(j) Accessory buildings and uses customarily incidental to the above uses.

(k) Family day care homes licensed by the Florida Department of Children and Family Services as defined in the Florida Statutes.

(C) *Procedure for the review of plans.*

(1) *Plan submission.* Every application to construct a new structure in the South Palafox business district shall be subject to the development plan review and approval procedure established in section 12-2-81. 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 South Palafox business district shall be accompanied with drawings or sketches with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, sign, 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. All developments within the South Palafox business district must comply with design standards as established in section 12-2-82.

(2) *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.

(3) *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs ~~which~~that are consistent with the regulations and guidelines set forth in this section, may be approved by letter to the building official from the planning board secretary and the ~~chairman~~chairperson of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and ~~chairman~~chairperson, then the matter will be referred to the board for a decision.

(D) *Regulations.*

(1) *Building height and setback.* Buildings and other structures may be constructed to a maximum height of eighty (80) feet above the required flood plain elevation. There shall be no minimum front, rear or side yard buildings setback requirements, except as may be necessary to comply with applicable fire safety codes.

(2) *Signs.* Any proposed new, altered or replacement sign may not impair the architectural or historical value of buildings within the district. Such sign shall be consistent with the character of the South Palafox Business District. The sign's lettering and construction should complement the building to which it is attached.

(a) *Permitted signs.* See section 12-4-3 for sign area calculation.

1. Temporary accessory signs.

• One (1) non-illuminated sign advertising the sale, lease, or rental of the lot or building, said sign not to exceed six (6) square feet in area.

• One (1) non-illuminated sign not more than fifty (50) square feet in area in connection with new construction work and displayed only during such time as the actual construction work is in progress.

2. Portable signs. Businesses located within the South Palafox Business District may place one (1) portable (two-sided A-Frame) sign on the sidewalk adjacent to the business location subject to the following conditions:

   • The maximum size of the sign shall not exceed two (2) feet wide by three (3) feet high;

   • The sidewalk width shall be a minimum of eight (8) feet;

   • A one-time fee of forty dollars ($40.00) shall be paid to the City of Pensacola for a license to use the sidewalk for placement of a sign;

   • A license to use agreement, with proof of insurance, shall be required to use an identified area of the sidewalk for locating a sign;

   • The sign shall be removed from the sidewalk at the close of business hours daily;

   • Signs shall require approval by the planning board.

3. Permanent accessory signs.

   • One (1) sign per street frontage subject to the following limitations:

Building Size	Area Limits
1 Story	12 sq. ft.
2 Story	24 sq. ft.
3 Story	32 sq. ft.
4 Story	42 sq. ft.
5 Story	48 sq. ft.
6 Stories and over	60 sq. ft.

Sign height. No attached sign shall extend above the eave line of a building to which it is attached. Roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as wall space. Signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet six (6) inches. The sign may be mounted to the face of a wall of the building, hung from a bracket that is mounted to a wall of a building, hung from other ornamental element on the building. Attached or wall signs may be placed on the front or one side of the building. The sign may be illuminated provided the source of light is not visible beyond the property line of the lot on which the sign is located.

• One (1) non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three (3) square feet and shall be attached flat against the wall of the building.

• Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor.

(b) *Prohibited signs.*

1. Any sign using plastic materials for lettering or background.
2. Internally illuminated signs or awnings.
3. Portable signs (except as noted in subsection (D)(2)(a)2. above).
4. Nonaccessory signs.
5. Rooftop signs.
6. Any sign containing or illuminated by flashing or intermittent lights if changing degrees of intensity.
7. Signs with visible motion.
8. Signs ~~which~~that incorporate projected images or emit sound.
9. Strings of light bulbs other than holiday decorations.
10. Gas or hot-air balloons-type signs.
11. Banners, pennants and streamers except on a temporary basis as provided for in section 12-4-6.
12. Signs ~~which~~that are posted, painted, or otherwise affixed to any rock, fence, tree or utility pole.
13. Signs ~~which~~that are not securely fixed on a substantial structure.
14. Signs ~~which~~that are not in good repair or ~~which~~that may create a hazardous condition.
15. Signs ~~which~~that are illegal under state laws and regulations.
16. Nonaccessory signs attached to any craft or structure in or on a water body designed or used for the primary purpose of displaying advertisements. Provided, however, that this provision shall not apply to any craft or structure ~~which~~that displays an advertisement or business notice of its owner, so long as such craft or structure is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisement.

(3) *Vehicular access.* For each lot, tract or parcel under single ownership, the maximum number of vehicular access points shall not exceed two (2) per street frontage. Provided, however, for each fifty (50) feet of street frontage in excess of one hundred (100) feet, one (1) additional access may be permitted.

(4) *Landscaping.* Landscaping shall be subject to applicable provisions of section 12-6-3. In addition all service areas (i.e., trash collection containers, compactors, loading docks) shall be screened from street and adjacent buildings by one (1) of the following techniques:

• Fence or wall and gate, six (6) feet high;

• Vegetation; six (6) feet high (within three (3) years);

• A combination of the above.

(5) *Underground utility services.* All new building construction or increases of floor area of fifty (50) percent or more to existing structures shall be required to install underground utilities on the site.

(6) *Off-street parking.* New construction of buildings ~~which~~that do not exceed forty (40) feet in height, or the renovation of existing buildings ~~which~~that do not exceed forty (40) feet in height shall be exempt from the off-street parking requirements set forth in section 12-3-1. The off-street parking requirements set forth in said section shall be required for the gross floor area contained in newly constructed or renovated buildings above the forty-foot elevation. The required parking may be provided by the owner on the same parcel of property proposed for development, or off-site as specified in subsection 12-3-1(D). In addition to the requirements of section 12-3-1, screening shall be provided along the edges of all parking areas visible from the street rights-of-way. This screening may take the form of:

A solid wall or fence (chain-link fences are prohibited) with a minimum height of four (4) feet ~~which~~that is compatible in design and materials with on-site architecture and nearby development, or an earth berm approximately three (3) feet in height ~~which~~that is landscaped to provide positive screening effective within three (3) years, or a combination of walls or fences and landscape screening, or landscape screening design to provide positive screening within three (3) years.

(7) *Buildings fronts, rears, and sides abutting streets and public areas.* All structural and decorative elements of building fronts, rears, and sides abutting streets or public improvement areas shall be repaired or replaced to match as closely as possible the original materials and construction of that building or be compatible with the SPBD architectural character.

(8) *Walls and fences.* The size, design and placement of these features within the South Palafox Business District shall be consistent with the architectural character within the immediate area of their location.

(9) *Paint colors.* Planning board-approved paint palettes from several manufacturers, that represent acceptable historic colors for use in the South Palafox Business District, shall be maintained in the planning office for public review.

(10) *Additional regulations.* In addition to the regulations established above in subsections 12-2-13(D)(1) through (6), any permitted use within the South Palafox Business district where alcoholic beverages are ordinarily sold is subject to the requirements of Chapter 7-4 of this Code.

(E) *Development guidelines.* All development shall be subject to the provisions of subsection 12-2-82(D) and the following provisions:

(1) *Site planning.* The integration of site features such as building arrangement, landscaping, parking lot layout, building orientation, and scenic vantage points is critical in producing a pleasant and functional living or working environment. In reviewing development proposals, the following guidelines shall be taken into consideration:

(a) Waterfront character. Considering the waterfront location of the district, the placement of buildings, signs, service areas, parking and landscaping should be planned to maximize the preservation of views of the bay and to protect the waterfront scenic open space character.

(b) Service areas and mechanical equipment. Where possible, service areas (i.e., trash collection, loading docks), mechanical equipment, satellite dishes and all similar equipment shall be located to be screened by the building itself; otherwise, walls, fences, landscaping or earth berms shall be used to achieve effective screening.

(c) Aesthetic considerations. Development projects within the district are not subject to special architectural review and approval. In lieu of a special separate review procedure, the following general architectural and aesthetic design criteria will be considered to enhance the character of the district:

1. Buildings or structures~~, which~~that are part of a present or future group or complex shall have a unity of character and design. The relationship of forms and the use, texture, and color of materials shall be such as to create a harmonious whole.

2. Natural materials such as brick, wood and stucco should be encouraged. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.

(d) Proposed developments within the district, ~~which~~ that are located adjacent to a historic district should give special consideration to visual compatibility in scale and architectural design in order to positively reinforce the character of the historic area and provide a buffer and transition.

(e) Projects should be encouraged ~~which~~that enhance the setting or provide for adaptive reuse of historic buildings and sites.

(2) *Landscaping guidelines.*

(a) Landscaping should be used to enhance waterfront views and vistas and to screen undesirable features.

(b) Low lying plant material should be used in open areas to retain views of the water.

(c) Trees should be selectively utilized and carefully located along the waterfront in both public and private developments in order to maintain existing views as much as possible.

(d) Plantings should be coordinated near buildings to provide view corridors.

(F) *District rehabilitation, repair and maintenance standards.* The following rehabilitation, repair and maintenance standards shall be applied to all existing structures and land parcels respectively, whether occupied or vacant within the South Palafox Business District. These standards shall be considered by the Planning Board when reviewing development plans in other areas of the South Palafox Business District.

(1) *Building fronts, rears, and sides abutting streets and public areas.* Rotten or weakened portions shall be removed, repaired and replaced to match as closely as possible the original materials and construction of that building or be compatible with the SPBD architectural character.

(2) *Windows.*

(a) All windows must be tight fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints or loose mullions or muntins shall be replaced. All broken and missing windows shall be replaced with new glass.

(b) Windows openings in upper floors of the front of the building shall not be filled or boarded-up. Window panes shall not be painted.

(3) *Show windows and storefronts.* All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.

(4) *Exterior walls.*

(a) Existing miscellaneous elements on the building walls, such as empty electrical conduit, unused signs and/or sign brackets, etc., shall be removed.

(b) Sheet metal gutters, downspouts and copings shall be repaired or replaced as necessary.

(c) Rear and side walls shall be repaired and finished as necessary to cover evenly all miscellaneous patched and filled areas to present an even and uniform surface.

(5) *Roofs.* Roofs shall be cleaned and kept free of trash, debris or any other element, ~~which~~that is not a permanent part of the building.

(6) *Front, rear, and side yards, parking areas and vacant parcels.* When a front, rear or side yard, parking area or vacant parcel exists or is created through demolition, the owner may utilize the space in accordance with the provisions of the zoning district in which the space is located,

provided, however, that the site shall be properly maintained free of weeds, litter, and garbage in accordance with applicable provisions of the code.

(7) *Walls, fences, signs.* Walls, fences, signs and other accessory structures shall be properly maintained.

(G) *Survey and classification.*

(1) *Survey and classification.* A survey of the district to determine in which areas historical themes are appropriate, and to classify buildings, by architectural design, and materials as historically significant, supportive, neutral, and nonconforming shall be available at the offices of the Historic Pensacola Preservation Board.

(Ord. No. 34-99, §§ 1—4, 9-9-99; Ord. No. 40-99, §§ 14—16, 10-14-99; Ord. No. 3-01, § 2, 1-11-01; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 17-06, § 4, 7-27-06; Ord. No. 16-10, § 203, 9-9-10)

Sec. 12-2-14. - Interstate corridor land use district.

The regulations in this section shall be applicable to the interstate corridor zoning district: IC.

(A) *Purpose of district.* The purpose of this district is to provide for nonhighway land uses both below and adjoining the Interstate 110 corridor on land owned by the Florida Department of Transportation and leased by the city of Pensacola as shown in the Site Development Plan in the DOT "Corridor Location, Design and Multiple Use Report: Interstate 110, Pensacola, Escambia County, Florida, 1972."

(B) *Permitted uses.*

(a) Recreation and open space facilities, and community centers owned and operated by the city.

(b) Public utilities and city government buildings and facilities.

(c) Service commercial and light industrial uses with site plan approval from city council.

(d) Public transportation facilities.

(e) Tourist commercial.

(f) Community commercial.

(C) *Procedure for review of plans.* Every application for development or redevelopment in the interstate corridor zoning district shall be subject to the development plan review and approval procedure established in section 12-2-81. All development must comply with design standards established in subsection 12-2-82(C) and is encouraged to follow design guidelines established in subsection 12-2-82(D).

Sec. 12-2-15. - Site specific zoning district.

The regulations in this section shall be applicable to the site specific development zoning district: SSD.

(A) *Purpose of district.* ~~The purpose for which t~~This section is enacted ~~is~~ to provide for the option of amending an approved final development plan for any parcel of property ~~which~~that was zoned SSD (site specific development) prior to May 1, 1990. Subsequent to May 1, 1990 no rezonings to SSD have been allowed.

(B) *Minor changes to an approved SSD final development plan.* Minor changes to a final development plan may be approved by the mayor, city engineer, the ~~city planner~~planning services department and building official when in their opinion the changes do not make major changes in the arrangement of buildings or other major features of the final development plan.

(C) *Major changes to an approved SSD final development plan.* Major changes such as, but not limited to, changes in land use or an increase or decrease in the area covered by the final development plan may be made only by following the procedures outlined in filing a new preliminary development plan as described in section 12-2-81.

(Ord. No. 16-10, § 204, 9-9-10)

Sec. 12-2-16. - Neighborhood land use.

(A) *Purpose of district.* The purpose of this district is to provide for land uses and aesthetic considerations ~~which~~that are distinctive and unique to neighborhoods defined by specific geographic boundaries as established in this chapter.

(B) *Permitted uses.* In the absence of an approved Neighborhood Master Plan land use shall be permitted as designated by the city's zoning regulations.

(C) *Procedure for review of plans.* If a review board has been established in this title for a special neighborhood district, every application for development or redevelopment shall be subject to review and approval by said board.

(Ord. No. 6-93, § 10, 3-25-93)

Secs. 12-2-17—12-2-20. - Reserved.

ARTICLE II. - SPECIAL AESTHETIC REVIEW DISTRICTS

Sec. 12-2-21. - Palafox historic business district.

(A) *Purpose.* The Palafox historic business district is established to preserve the existing development pattern and distinctive architectural character of the historic downtown commercial district. The regulations are intended to preserve, through the restoration of existing buildings and construction of compatible new buildings, the scale of the existing structures and the diversity of original architectural styles, and to encourage a compact, convenient arrangement of buildings.

(B) *Character of the district.* The Palafox historic business district is characterized by sites and facilities of historical value to the city. These buildings and historic sites and their period architecture (i.e., Sullivanesque, Classical Revival, Renaissance Revival, and Commercial Masonry) blend with an overall pattern of harmony, make the district unique and represent the diversity of business activity and commercial architecture over a long period of Pensacola history. The district is an established business area, tourist attraction, containing historic sites, and a variety of specialty retail shops, restaurants, private and governmental offices, and entertainment centers.

(C) *Historic theme area.* That portion of Palafox Place between Garden Street and Main Street is hereby designated a historical theme area, with a theme based on materials, signs, canopies, facades or other features as they existed in 1925 or earlier.

(D) *Boundaries of the district.* The boundaries of the Palafox historic business district shall be the same as the Pensacola downtown improvement district as adopted pursuant to section 3-1-10 of the code, plus the west 14.25 feet of lot 214 and all of lots 215 and 216, old city tract.

(E) *Procedure for review and submission of development plan.*

(1) *Submission of plans.* Every application for a building permit to erect, construct, renovate and/or alter an exterior of a building, or sign, located or to be located in the district shall be accompanied by plans for the proposed work. As used herein, "plans" shall mean drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of the building or sign, (both before and after the proposed work is done in

the cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plat 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. Such plans shall be promptly forwarded by the building official to the architectural review board. ~~The building official or his designee shall serve as secretary to the board.~~

(2) *General conditions, procedures and standards.* Prior to submitting a formal application for approval of a proposed exterior alteration, the owner(s) shall confer with the staff of the architectural review board, who will seek the advice of the downtown improvement board staff, the Historic Pensacola Preservation Board staff and appropriate city staff if necessary to review:

(a) The relationship between the proposed exterior alteration or proposed exterior to buildings in the immediate surroundings and to the district in which it is located or to be located.

(b) At the time of the predevelopment conference, the applicant shall provide a sketch plan indicating the location of the proposed exterior alteration and its relationship to surrounding properties. The advisory meeting should provide insight to both the developer, the city, the downtown improvement board, and the Historic Pensacola Preservation Board staff regarding potential development problems ~~which~~that might otherwise result in costly plan revisions or unnecessary delay in development.

(3) *Review and approval by the architectural review board.* All such plans shall be subject to review and approval by the architectural review board as established in section 12-13-3 and in accordance with the provisions of section 12-2-10(A)(4)(a) through (c), applicable to the historic zoning districts. The board shall adopt written rules and procedures for abbreviated review for paint colors, minor repairs, emergency repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board, provided, however such abbreviated review process shall require review by the director of the downtown improvement board and the staff of the Historic Pensacola Preservation Board. If agreement cannot be reached as it pertains to an abbreviated review by the board designee, director of the downtown improvement board, Historic Pensacola Preservation Board staff and secretary to the architectural review board then the matter will be referred to the full board for a decision.

(F) *Architectural review of proposed exterior development.*

(1) *General considerations.* The board shall consider plans for existing buildings based on their classification as significant, supportive, compatible or nonconforming as defined and documented in files located at the office of the downtown improvement board. In reviewing the plans, the board shall consider exterior design and appearance of the building, including the front, sides, rear and roof, materials, textures and colors; plot plan or site layout, including features such as walls, walks, terraces, plantings, accessory buildings, signs, lights, awnings, canopies, and other appurtenances; and conformity to plans and themes promulgated, approved and/or amended from time to time by the city council; and relation of the building to immediate surroundings and to the district in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building and is not restricted to those exteriors visible from a public street or place. The board shall not consider interior design or plan. The board shall not exercise any control over land use, which is governed by particular provisions of this title, or over construction, which is governed by Chapter 14-1.

(2) *Decision guidelines.* Every decision of the board, in their review of plans for buildings or signs located or to be located in the district, shall be in the form of a written order stating the findings of the board, its decision and the reasons therefor, and shall be filed with and posted with the building permit on site. Before approving the plans for any proposed building, or signs located or to be located in the district, the board shall find:

(a) In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not impair the architectural or historic value of the building or if due to a new

use for the building the impairment is minor considering visual compatibility standards such as height, proportion, shape, and scale.

(b) In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, impair the architectural or historic value or character of buildings on adjacent sites or in the immediate vicinity.

(c) In the case of a proposed new building, that such building will not be injurious to the general visual character of the district in which it is to be located considering visual compatibility standards such as height, proportion, shape, and scale.

(d) In the case of the proposed razing or demolition of an existing building, that the regulations established in section 12-2-10(A)(9) to (11) shall apply.

(e) In the case of a proposed addition to an existing building or the base of a proposed new building, or building relocation, that such addition, new building or relocation will not adversely affect downtown redevelopment plans or programs or the Comprehensive Plan of the city.

(3) *Recommendation for changes.* The board shall not disapprove any plans without giving its recommendations for changes necessary to be made before the plans will be reconsidered. Such recommendations may be general in scope, and compliance with them shall qualify the plans for reconsideration by the board.

(4) *Board review standards.* The architectural review board shall use the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings as the general governing standards for existing structures. New construction shall maintain scale and quality of design. All new construction shall be reviewed in terms of massing, rhythm, materials and details, building elements and site. Generally, all structures should be compatible in these categories to surrounding structures. In addition the following standards shall apply:

(a) Signs. In the case of any proposed new or altered sign, that the sign will not impair the architectural or historical value of any building to which it is attached, nor any adjacent building, and that such sign is consistent with the theme and spirit of the block where it is to be located, and that such sign is consistent with the following provisions:

1. Within the Palafox historic business district, signs protruding into or overhanging the public right-of-way are permitted subject to prior approval by the board, and are subject to removal on thirty (30) days notice if the city actually requires the space for any public purpose. Such signs must be of a character and size consistent with maintenance of the theme and character of the district. Existing overhanging signs are hereby approved and will not require further board approval unless altered.

2. Businesses located within the Palafox Historic Business District may place one portable (two-sided A-frame) sign on the sidewalk adjacent to the business location subject to the following conditions:

   a. The maximum size of the sign shall not exceed two (2) feet wide by three (3) feet high;

   b. The sidewalk width shall be a minimum of eight (8) feet;

   c. A one time fee of forty dollars ($40.00) shall be paid to the City of Pensacola for a license to use the sidewalk for placement of a sign;

   d. A license to use agreement, with proof of insurance, shall be required to use an identified area of the sidewalk for locating a sign;

   e. The sign shall be removed from the sidewalk at the close of business hours daily;

   f. Signs shall require approval by the Downtown Improvement Board and Architectural Review Board.

3. Rooftop signs are prohibited, provided the business for which the sign is erected remains continuously in business, existing signs violating this provision may continue in use. Upon application to and approval by the board, such existing signs may be permitted to remain in place for a longer period if the board finds that the sign is consistent with the theme and character of the district.

4. Whirling and flashing signs attached to a building are prohibited, unless such signs replicate an original sign used at that location in the historical theme area. Balloon-type, portable or nonaccessory signs are prohibited.

5. Internally illuminated signs shall be prohibited.

(b) Building fronts, rears, and sides abutting streets and public areas. All structural and decorative elements of building fronts, rears, and sides abutting streets or public improvement areas shall be repaired or replaced to match as closely as possible the original materials and construction of that building.

(c) Windows.

1. Window openings in upper floors of the front of the building shall not be covered from the outside.

2. Window panes shall not be painted.

3. The number of window panes and use of shutters should reflect the style and period of the structure.

4. Windows not in front of buildings shall be kept properly repaired or, with fire department approval, may be closed, in which case sills, lintels and frame must be retained and the new enclosure recessed from the exterior face of the wall.

(d) Show windows and storefronts:

1. A show window shall include the building face, porches, and entrance area leading to the door, sidelights, transoms, display platforms, and devices including lighting and signage designated to be viewed from the public right-of-way.

2. Show windows, entrances, signs, lighting, sun protection, porches, security grilles, etc., shall be compatible with the original scale and character of the structure and the surrounding structures.

3. Show windows shall not be painted for advertising purposes but may be painted for authorized identification of the place of business as authorized by the architectural review board.

4. Show windows with aluminum trim, mullions, or muntins shall be placed or painted consistent with and compatible to the overall facade design as authorized by the Board.

5. Solid or permanently closed or covered storefronts shall not be permitted, unless treated as an integral part of the building facade using wall materials and window detailing compatible with the upper floors, or other building surfaces.

(e) Exterior walls:

1. All exterior front or side walls ~~which~~that have not been wholly or partially resurfaced or built over shall be repaired or replaced in a manner approved by the Board. Existing painted masonry walls shall have loose material removed and painted a single color except for trim ~~which~~that may be another color. Patched walls shall match the existing adjacent surfaces as to materials, color, bond and joining.

2. Historic painted advertising on walls should be preserved at the discretion of the board.

3. Rear and side walls, where visible from any of the streets or alleys, shall be finished so as to harmonize with the front of the building.

(f) Roofs:

1. Chimneys, elevator penthouses or other auxiliary structures on the roofs shall be repaired or replaced to match as closely as possible the original.

2. Any mechanical equipment placed on a roof shall be so located as to be hidden from view or to be as inconspicuous from view as possible. Equipment shall be screened with suitable elements of a permanent nature or finished in such a manner as to be compatible with the character of the building or to minimize its visibility.

(g) Walls and fences. The size, design and placement of these features within the Palafox historic business district shall be consistent with the architectural character within the immediate area of their location.

(h) Landscaping and screening. Landscaping and screening requirements in the Palafox historic business district shall be based on applicable requirements of Chapter 12-6. All service areas (i.e. trash collection containers, compactors, loading docks) shall be fully screened from street and adjacent buildings by one of the following techniques: Fence or wall, six (6) feet high; Vegetation six (6) feet high (within three (3) years); A combination of the above.

(5) *Review.* Any person aggrieved by a decision of the board may, within fifteen (15) days thereafter, apply to the city council for review of the board's decision. He or she shall file with the city clerk a written notice requesting the council to review said decision.

(G) *District rehabilitation, repair and maintenance guidelines.* The following rehabilitation, repair and maintenance standards shall be applied to all existing structures and land parcels respectively, whether occupied or vacant within the Palafox Historic Theme Area. These standards shall be considered as guidelines by the board when reviewing development plans in other areas of the Pensacola historic business district. In cases where an owner owns property comprising a total city block, the board shall consider the burden on the owner and may approve an incremental adherence to the standards or guidelines.

(1) *Building fronts, rears, and sides abutting streets and public areas.* Rotten or weakened portions shall be removed, repaired and replaced to match as closely as possible the original.

(2) *Windows.*

(a) All windows must be tight-fitting and have sashes of proper size and design. Sashes with rotten wood, broken joints or loose mullions or muntins shall be replaced. All broken and missing windows shall be replaced with new glass.

(b) Window openings in upper floors of the front of the building shall not be filled or boarded-up. Window panes shall not be painted.

(3) *Show windows and storefronts.* All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.

(4) *Exterior walls.*

(a) Existing miscellaneous elements on the building walls, such as empty electrical conduit, unused signs and/or sign brackets, etc., shall be removed.

(b) Sheet metal gutters, downspouts and copings shall be repaired or replaced as necessary.

(c) Rear and side walls shall be repaired and finished as necessary to cover evenly all miscellaneous patched and filled areas to present an even and uniform surface.

(5) *Roofs.* Roofs shall be cleaned and kept free of trash, debris or any other element ~~which~~that is not a permanent part of the building.

(6) *Auxiliary structures.* Structures, at the rear of buildings, attached or unattached to the principal structure, ~~which~~that are structurally deficient shall be properly repaired or demolished as authorized by the architectural review board.

(7) *Front, rear, and side yards, parking areas and vacant parcels.* When a front, rear or side yard, parking area or vacant parcel exists or is created through demolition, the owner may utilize the space in accordance with the provisions of the zoning district in which the space is located, provided, however, that the site shall be properly maintained free of weeds, litter, and garbage in accordance with applicable provisions of the code.

(8) *Walls, fences, signs.* Walls, fences, signs and other accessory structures shall be properly maintained.

(H) *Survey, classification and technical assistance.*

(1) *Survey and classification.* A survey of the district to determine in which areas historical themes are appropriate, and to classify buildings, by architectural design, and materials as historically significant, supportive, neutral, and nonconforming shall be available at the offices of the downtown improvement board and the Community Redevelopment Agency of Pensacola.

(2) *Technical assistance.* Within the limits of staff capability and availability of funds, the board may provide sketches or renderings to property owners and/or merchants, showing suitable designs and themes for facade improvement.

(Ord. No. 28-94, § 2, 9-18-94; Ord. No. 45-96, § 4, 9-12-96; Ord. No. 8-99, § 2, 2-11-99; Ord. No. 16-10, § 205, 9-9-10; Ord. No. 31-17, § 1, 12-14-17)

Sec. 12-2-22. - Governmental center district.

(A) *Purpose of district.* The purpose for the establishment of this district is to provide the redevelopment of a centralized area for government related land use; and to encourage a coordinated architectural character within the district.

(B) *Procedure for review of plans.*

(1) *Submission of plans.* Every application for a building permit to erect, construct, renovate and/or alter an exterior of a building, or sign, located or to be located in the district shall be accompanied by plans for the proposed work. As used herein, "plans" shall mean drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of the building or sign, (both before and after the proposed work is done in the cases of altering, renovating, demolishing or razing a building or structure) including proposed materials, textures and colors, and the plat 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, screening and other appurtenances. Such plans shall be promptly forwarded by the building official to the architectural review board. ~~The building official or his designee shall serve as secretary to the board.~~

(2) *Review and approval by the architectural review board.* All such plans shall be subject to review and approval by the architectural review board as established in section 12-13-3 and in accordance with the provisions of section 12-2-10(A)(4)(a) through (c), applicable to the historic zoning districts. The board shall adopt written rules and procedures for abbreviated review for paint colors, minor repairs, emergency repairs and minor deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board, provided, however such abbreviated review process shall require review by the director of the downtown improvement board and the staff of the Historic Pensacola Preservation Board. If agreement cannot be reached as it pertains to an abbreviated review by the board designee, director of the downtown improvement board, Historic Pensacola Preservation Board staff and

secretary to the architectural review board then the matter will be referred to the full board for a decision.

(3) *Notification and building permit.* Upon receiving the order of the board, the board's secretary shall thereupon notify the applicant of the board's decision. If the board approves the plans, and if all other requirements of the city have been met, the building official shall issue a permit for the proposed building or sign. If the board disapproves the plans, the building official shall not issue such permit. In a case where the board disapproves the plans, the secretary of the board shall furnish the applicant with a copy of the board's written order, and may at the discretion of the board include recommendations for changes necessary to be made before the board will reconsider the plans.

(4) *Failure to review plans.* If no action upon plans submitted to the board has been taken at the expiration of thirty-one (31) days from the date of submission of the application for a building permit and required plans to the board, such plans shall be deemed to have been approved, and if all other requirements of the city have been met, the building official shall issue a permit for the proposed building or sign.

(C) *Decisions.* Every decision of the board, in their review of plans for building or signs located or to be located in the district, shall be in the form of a written order stating the finding of the board, its decision and the reasons therefor. The board may at its discretion make recommendations for changes necessary to be made before the plans will be reconsidered. If recommendations for changes are made by the board, they may be general in scope and compliance with them shall only qualify the plans for reconsideration by the board but compliance with recommendations shall not bind or stop the board from disapproving the plans under reconsideration.

(a) Proposed plans shall be approved unless the board finds that the proposed erection, construction, renovation and/or alteration is not compatible with the built environment of the governmental center district.

(b) The board shall not consider interior design or plan. The board shall not exercise any control over land use, such as is governed by the city's zoning ordinance, Chapters 12-2 and 12-3 hereof, or over construction, such as is governed by the city's building codes.

(c) Plans for proposed new or altered signs shall be approved unless the board finds that the sign is inconsistent with the theme and character of the district, or that such sign does not comply with the requirements of the code or with any of the following provisions:

1. The board may adopt and promulgate rules and regulations controlling the number and size of signs, their heights and materials, relating such rules to the number of square feet served, frontage, and type of business. Such rules and regulations shall be subject to review and approval by the city council.

2. Within the governmental center district, roof signs, flashing and/or rotating signs, and signs protruding into or overhanging the public right-of-way are hereby prohibited except as set forth herein.

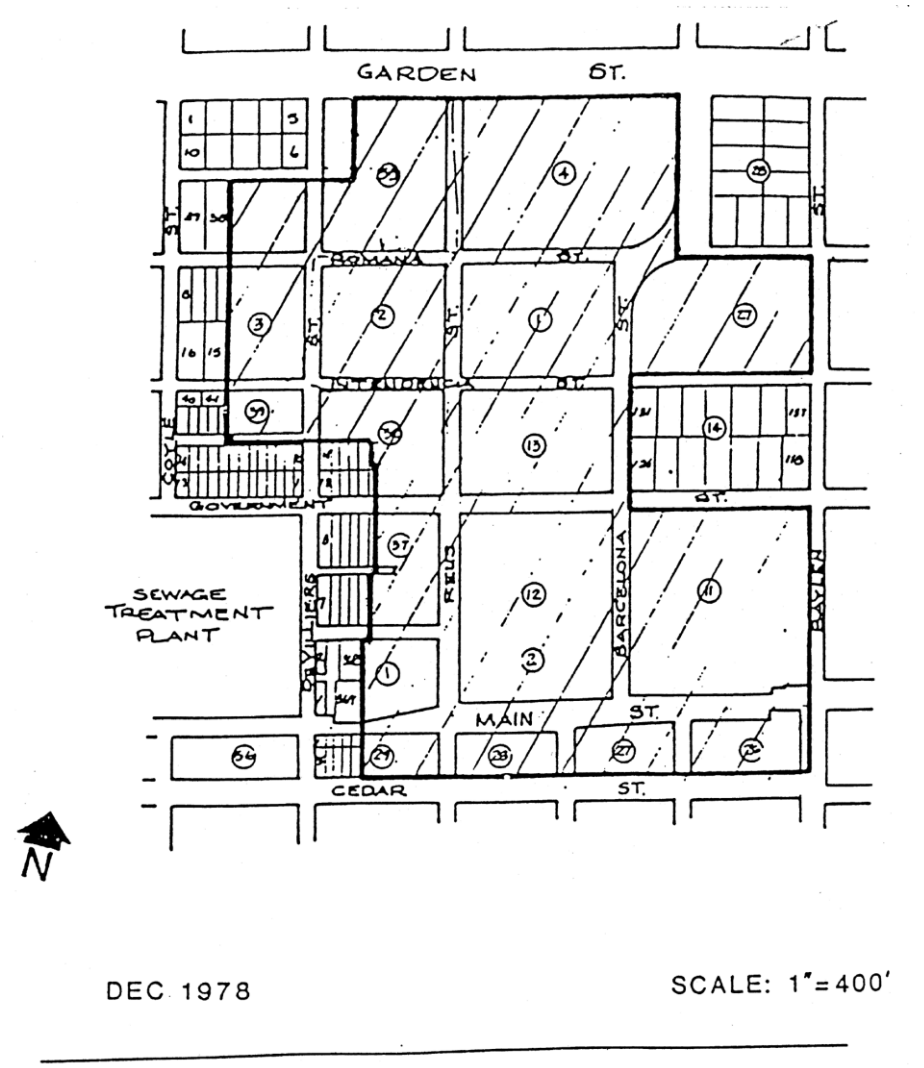
3. Signs existing prior to February 22, 1979, may remain until the business for which the sign was erected ceases to do business at that location or until the property on which such sign is located is acquired for a public purpose, which ever shall first occur.

4. On application to the approval of the board, rules relating to the number and size of signs may be waived for grand openings, special sales, going-out-of-business sales, and similar occasions when consistent with the city code.

(D) *Disqualification of member from voting.* Any member of the board who shall be employed to design or construct a building or who shall have any proprietary tenancy or personal interest in such building requiring approval of plans by the board shall be disqualified from voting thereon.

(E) *Boundaries of the district.* The boundaries of the governmental center district shall be as outlined on Map 12-2.2.

(Ord. No. 45-96, § 5, 9-12-96)



MAP 12-2.2
GOVERNMENTAL CENTER DISTRICT

Sec. 12-2-23. - Airport development corridor overlay district.

(A) *Creation and description of corridor.* There is hereby created the airport development corridor overlay district within the area described as follows: all property within one hundred (100) feet of either side of the centerline of 12th Avenue between the south line of the city airport property zoned ARZ (Airport Restricted Zone) and the north line of Underwood Avenue, and all property within one hundred (100) feet of either side of the centerline of Airport Boulevard between 9th Avenue and 12th Avenue.

(B) *Purpose.* The purpose for creating the airport development corridor is to promote orderly development along major roadways accessing the ~~Pensacola Regional Airport~~Pensacola International Airport in order to enhance the corridor's visual appearance as an entranceway into the city. Review of each development proposal, with special emphasis on similar style signage, landscaping requirements and access management, is intended to encourage a high quality of site planning.

(C) *General conditions, procedures and standards.* Prior to obtaining construction permits the developer shall submit a site plan to and meet with the ~~Department of Planning and Neighborhood Development~~Planning services department staff and obtain its approval of the following:

(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. Signage;
3. Provision of open space and visual corridors;
4. Preservation of existing vegetation and proposed landscaping; and
5. Fencing and screening if applicable.

(D) *Development requirements.*

(1) *Permitted land uses.* Land uses within the airport development corridor shall be those permitted within the underlying zoning district classifications.

(2) *Signs.* The provisions set forth in Chapter 12-4 shall generally apply within the airport development corridor except as described below:

(a) Permanent accessory signs. The provisions set forth in section 12-4-4 shall be applied to signs constructed within the airport development corridor.

(b) Existing nonconforming permanent accessory signs. Existing nonconforming permanent accessory signs shall be permitted, however no such sign may be enlarged or altered in a way ~~which~~that increases its nonconformity. The sign may be reconstructed if destroyed by fire, explosion, or other casualty, or act of God, or the public enemy, however new construction must duplicate the original sign or the sign must comply with the regulations described herein.

(c) Nonaccessory signs. New nonaccessory signs shall be prohibited. Existing nonaccessory signs on the date of adoption of this ordinance may continue in place. Provided, however, any such existing signs located within one hundred fifty (150) feet of the intersection of 12th Avenue and Airport Boulevard may be relocated or reconstructed, one time only to a location more than one hundred fifty (150) feet from the intersection of 12th Avenue and Airport Boulevard, on or before March 1, 1993, subject to the spacing requirements set forth in section 12-4-5(D)(2).

(d) Temporary signs. Temporary sign requirements shall be subject to the provisions set forth in section 12-4-6.

(e) Prohibited signs. In addition to the prohibition of billboards, prohibited signs within the airport development corridor shall be subject to the provisions set forth in section 12-4-7.

(f) Guidelines for aesthetic design of signs:

1. The use of monument signs (a sign that is not mounted on a pole) is recommended within the corridor.

2. 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. Lighting. Indirect or internal lighting.

~~4. Copy. The sign copy should be limited to the name, address and logo of the business. The sign shall be primarily used for communicating, identifying and locating the business and products sold.~~

(3) *Landscaping and buffer requirements.* Landscaping and buffer requirements shall be subject to the minimum provisions set forth in Chapter 12-6, with the additional requirements described below:

(a) Preservation of existing trees. Where it is not absolutely necessary for construction of buildings, egress and ingress points, and visual clearance for signs, existing trees having a minimum trunk diameter of eight (8) inches at a height of four (4) feet above the ground shall be protected.

(b) Guidelines for other landscaping. Preservation of other existing vegetation and new plantings of understory vegetation is encouraged to visually link development to the wooded character of the airport property and the grounds of the ~~Pensacola Junior College~~Pensacola State College campus.

(4) *Vehicular access.* For each lot tract or parcel under single ownership it is recommended that access points be limited to one per street frontage. In the event that more than one access point is necessary for vehicular safety or engineering reasons a maximum of two (2) access points on one street frontage will be permitted.

(5) *Fencing and screening.* No concrete block or barbed-wire fences will be permitted. Approved materials will include but not necessarily be limited to wood, brick, stone or wrought iron and combinations thereof. Chain-link fences shall be permitted only if used in conjunction with vegetation plantings for at least partial screening.

(6) *Off-street parking.* Placement of off-street parking outside the airport development corridor is encouraged.

(E) *Contents of the development plan.* The site plan(s) and elevation(s) depicting the proposed project within the airport development corridor shall contain all the elements at the scale designated in section 12-2-81.

(F) *Appeals.* Anyone wishing to appeal the decision of the planning staff may petition the city council.

(Ord. No. 28-92, § 1, 8-27-92)

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 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.*

(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 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~~that 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~~that 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 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:

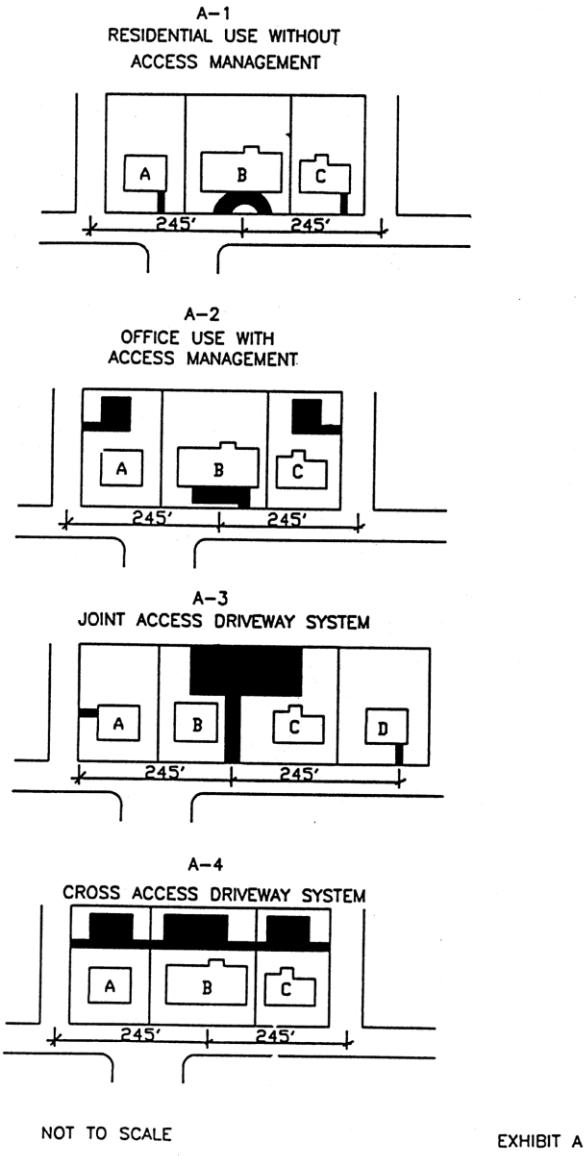
(a) A property owner requesting approval of non-residential use shall own a sufficiently sized parcel of land so as to gain the required frontage on North 9th Avenue to meet the two hundred forty-five-foot spacing requirement.

(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 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.

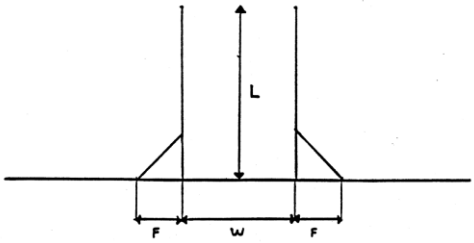
Unless the minimum spacing requirement of two hundred forty-five (245) feet between connections can be met, parcels located on corner lots shall use the side street for full-access connections and have limited access to North 9th Avenue. Direct access to North 9th Avenue shall be allowed in the form 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 one hundred twenty (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.



(2) *Driveway design.* 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 minimum flare of ten (10) 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. 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[1]



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

[1] 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.* 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.* 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) Reserved.

(F) *Design standards:*

(1) *Landscaping and buffers.* 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) *Signage.*

(a) *Freestanding signs.* Freestanding signage shall observe a maximum overall sign height of eight (8) feet with a maximum sign face area of thirty-two (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.

(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.

(c) *Lighting.*

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.

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

(3) *Architectural design and building elements.*

(a) Buildings or structures ~~which~~that are part of a present or future group or complex 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 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 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 fifty (50) percent of the value of the building.

(Ord. No. 33-96, § 1, 7-25-96; Ord. No. 01-17, § 1, 1-12-17)

Sec. 12-2-25. - Community redevelopment area (CRA) urban design overlay district.

The regulations in this section shall be applicable to the community redevelopment area (CRA) urban design overlay district (CRAUDOD).

Table of Contents

(A) *Intent.* The requirements set forth in this section are intended to:

(1) Preserve and maintain the urban pattern and architectural character of Pensacola's community redevelopment areas, while encouraging new construction that is compatible with that heritage, but also reflective of its time.

(2) Improve the physical appearance of the community redevelopment areas with urban design standards that provide more predictable results in terms of the form and character of buildings.

(3) Support the removal of blight within the community redevelopment areas by encouraging quality redevelopment.

(4) Support the future growth of Pensacola, to ensure compatible and cohesive development, to remain resilient long-term, and to support the goals, objectives and policies of the city's comprehensive plan and community redevelopment area master plans.

(5) Coordinate the placement, orientation, and design of buildings to ensure a coherent and walkable streetscape and traditional urban character by creating well-defined street edges with continuous building walls, articulated facades, and architectural features that create visual interest and an attractive pedestrian environment.

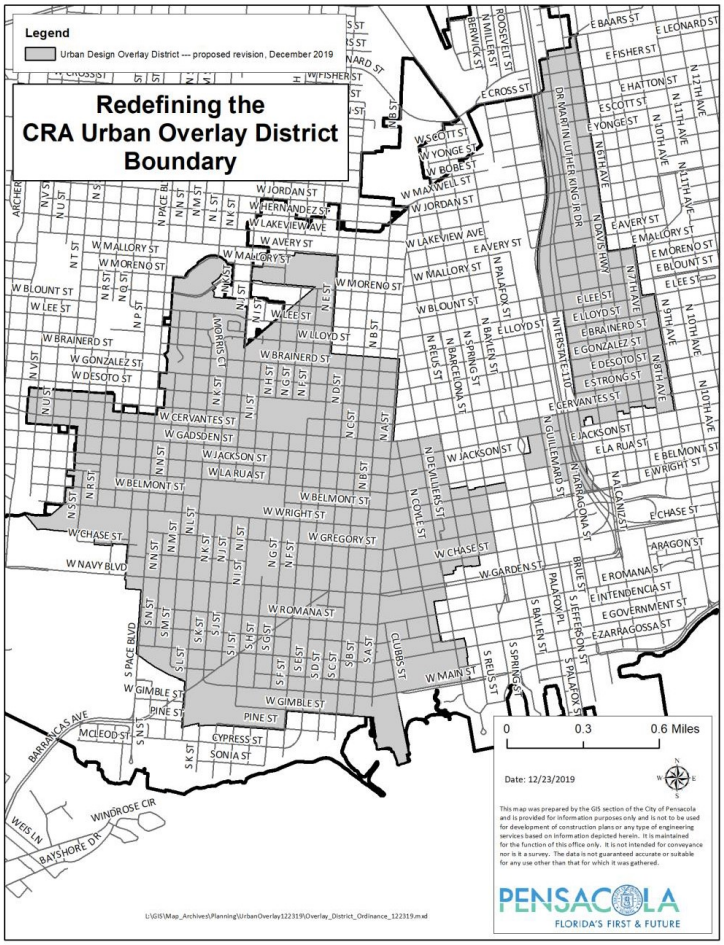
(6) Capitalize on opportunities to attract and grow a variety of residential building types, retail, service, and cultural establishments to serve local needs, create regional attractions and a robust economic base.

(7) Enable and encourage mixed-use development within the community redevelopment areas in support of viable and diverse locally-oriented business and cultural institutions.

(8) Achieve context-based development and complete streets.

(B) *Boundaries of the district.* The boundaries of the CRA urban design overlay district shall be as outlined on Figure 12-2-25.1. A more detailed map of the boundaries of the overlay is on file in the City of Pensacola Office of the City Clerk.

Figure 12-2-25.1 - CRA Urban Design Overlay District Boundaries



(C) *Applicability.*

(1) These standards shall apply to all new construction within the CRA urban design overlay district. For purposes of section 12-2-25, "new construction" includes construction on a parcel that is vacant or becomes vacant following demolition of an existing structure(s) on the parcel; it also includes construction of a free-standing accessory building and ancillary improvements on a parcel, but does not include an addition to a current structure.

(2) This section [section 12-2-25, CRA urban design overlay district] shall apply as an overlay to the underlying land development regulations. The land development regulations contained within Title XII (Land Development Code) shall apply unless pre-empted by this section. Where a conflict exists between this section and the underlying land development regulations, contained within Title XII (Land Development Code), this section shall prevail.

(3) Standards, activated by "shall", are regulatory in nature, as defined within section 12-1-8 (general interpretative terms). Deviations from these standards shall only be permitted by variance in accordance with section 12-12-2 (appeals and variances).

(4) Guidelines, activated by "should", are encouraged and recommended but not mandatory, as defined within section 12-1-8 (general interpretative terms). Developments subject to this overlay district are encouraged to incorporate them as appropriate in order to enhance and complement the built and natural environment. The intent is to create the highest level of design quality while providing the needed flexibility for creative site design.

(5) Figures, tables and illustrations shall be interpreted as defined in section 12-1-8 (general interpretative terms) unless the context clearly indicates otherwise.

(6) The provisions of this section are not intended to supersede, conflict with or replace any requirement in federal or state law pertaining to design, construction or accommodation requirements pertaining to persons with disabilities, and it is hereby declared to be the intent of the City of Pensacola that such requirements in federal or state law shall prevail over any provisions of this section to the extent of any conflict.

(D) *Existing conditions.* Existing buildings and structures that do not conform to the requirements of this overlay district may be occupied, operated, repaired, renovated or otherwise continue in use in their existing non-conforming state unless demolished and rebuilt.

(E) *Procedure for review.* All development regulated by this subsection shall be subject to the submission requirements contained within section 12-12-5 (building permits), section 12-2-81 (development plan requirements), and section 12-2-82 (design standards and guidelines), as applicable. In addition to the plan submission requirements listed in section 12-12-5 and 12- 2-81, drawings illustrating compliance with section 12-2-25 (CRA urban design overlay district) shall be provided. Plans shall include drawings or sketches with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of the building, including proposed materials, textures, and colors, and the plat plan or site layout, including all site improvements or features such as walls, fences, walkways, terraces, landscaping, accessory buildings, paved areas, signs, lights, awnings, canopies, screening, and other appurtenances. Façade and frontage yard types shall be specified along frontages in accordance with Table 12-2-25.10 (Façade Types) and Table 12-2-25.9 (Frontage Yard Types).

(F) *Appeals and variances.* Appeals and variances shall be subject to section 12-12-2 (appeals and variances).

(G) *Urban design standards and guidelines.*

(1) *Building height.*

(a) *Intent.* Within the overlay district, height for single-family residential types will be measured in feet and multi-family, mixed-use and non- residential buildings will be measured in stories. Measuring height in stories rather than feet has numerous benefits which include: a) to provide greater creativity for a natural variety of roof forms; b) to recognize the need of different users, as commercial floor plates are different than residential floor plates; c) to remove the incentive to create short floorplates, and instead encourage more gracious floor-to-ceiling heights for environmental health, without penalizing property owners; and d) to protect the historical proportions of Pensacola's community redevelopment areas.

(b) Maximum building heights for principal and accessory buildings shall be as defined by the form standards in Tables 12-2-25.3 to 12-2-25.8.

(c) Building height is measured as follows:

(i) Where maximum height is specified, the measurement shall be taken from the finished grade at the front of the building.

(ii) Building height shall be measured in feet for single-family residential types as defined in the form standards in Tables 12-2-25.3 to 12-2-25.8 and as follows:

a. For pitched roof buildings, to the bottom of the lowest eave of the principal structure.

b. For flat roof buildings, to the bottom of the parapet.

c. Minimum floor to ceiling height in single-family residential types shall be nine (9) feet per floor.

(iii) Building height shall be measured in stories for multi-family, mixed use and nonresidential buildings as follows:

a. Multi-family buildings shall be limited by ground floor story and above ground story height in accordance with Table 12-2-25.1:

Table 12-2-25.1 Multi-family Story Height Requirements

Zoning Category	Ground Floor Story Height		Above Ground Story Height
	Max.	Min.	Max.
R-2A through C-3	16 ft.	12 ft.	14 ft.

b. Mixed use and non-residential buildings shall be limited by ground floor story and above ground story height in accordance with Table 12-2-25.2.

Table 12-2-25.2 Mixed Use/Non-Residential Story Height Requirements

Zoning Category	Ground Floor Story Height		Above Ground Story Height
	Max.	Min.	Max.
R-1AAA through R-2A	16 ft.	12 ft.	14 ft.
R-NC, R-NCB and R-2	20 ft.	14 ft.	14 ft.
C-1, C-2, C-2A and C-3	24 ft.	14 ft.	14 ft.

c. Stories are measured from finished floor to finished floor with the exception of one-story buildings that shall be measured floor to ceiling.

d. Story heights that exceed the maximum permitted height specified in Tables 12-2-25.1 and 12-2-25.2 shall count as two (2) stories. Height defined within this subsection shall not supersede height as defined by the Florida Building Code.

(iv) See Illustration 12-2-25.1 for a depiction of height measurements in feet and stories.

Illustration 12-2-25.1 - Measuring Building Height

(d) Parking garages shall not exceed the height of the principal building on the site. Parking garages shall not be subject to floor to floor height requirements according to section 12-2-25(G)(1)(c)(iii). Stand-alone parking garages shall only conform to the number of stories permitted within the form standards in Tables 12-2-25.3 to 12-2-25.8.

(e) *Roof pitch.*

(i) Gable or hipped roofs shall have a minimum pitch of 6:12 and a maximum pitch of 12:12.

(ii) Shed roofs shall have a minimum pitch of 4:12.

(2) *Building orientation.*

(a) *Intent.* Buildings should have their principal pedestrian entrance along a street, pedestrian way or open space, with the exception of entrances off a courtyard, visible from public rights-of-way.

(b) Building frontage occupation shall conform to the form standards in Tables 12-2-25.3 to 12-2-25.8.

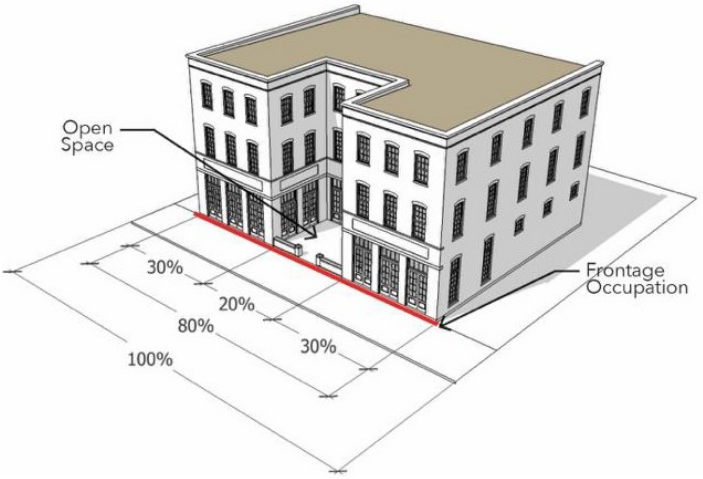
(c) Buildings shall be oriented so that the principal façade is parallel to the street it faces for the minimum building frontage occupation required in the form standards in Tables 12-2-25.3 to 12-2-25.8. See Illustration 12-2-25.2 for a depiction of minimum frontage occupation requirements.

Illustration 12-2-25.2 - Minimum Building Frontage Occupation

(d) Lot width shall be measured along the right-of-way at the front property line. Lot width measurements at the building setback line and minimum lot area shall not apply.

(e) Forecourts, courtyards and other such defined open spaces shall count towards minimum frontage requirements. See Illustration 12-2-25.3 for an illustration depicting minimum frontage occupation requirements with open space.

Illustration 12-2-25.3 - Minimum Building Frontage Occupation with Open Space



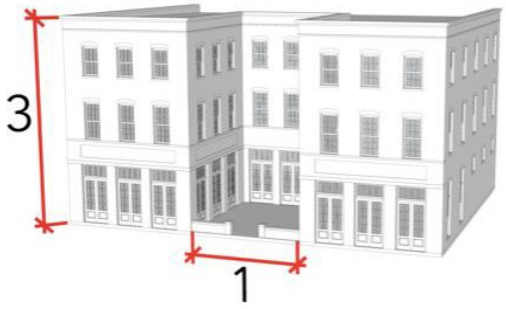
(f) Ground floor units in multi-family residential buildings shall provide landscaping, walls, and/or fences that provide some privacy for the building.

(3) *Building massing.*

(a) Intent. Buildings should be designed in proportions that reflect human-scaled pedestrian movement, and to encourage interest at the street level.

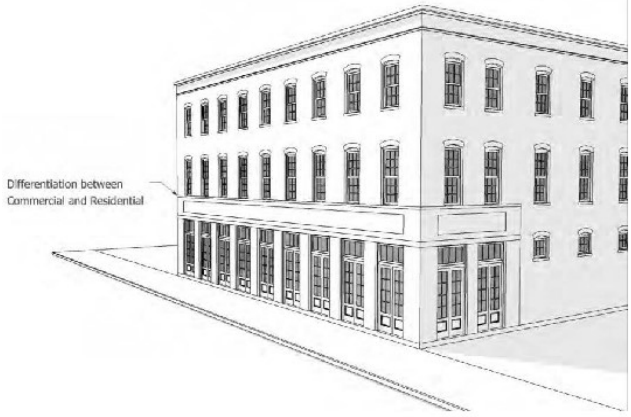
(b) Where provided, multi-family building courtyards shall maintain a minimum width to height ratio of 1 to 3 in at least one (1) dimension in order to avoid light well conditions. Courtyards should be wider than the minimum where possible. See Illustration 12-2-25.4 for depiction of courtyard ratio measurements.

Illustration 12-2-25.4 - Courtyard Height to Width Ratio Measurements



(c) The design and façade treatment of mixed-use buildings shall differentiate commercial from residential uses with distinguishing expression lines (such as cornices, projections, banding, awnings, terraces, etc.), changes in fenestration, façade articulation and/or material changes. See Illustration 12-2-25.5 for depiction of mixed-use building differentiation of uses.

Illustration 12-2-25.5 - Mixed Use Building Differentiation of Uses



(d) Single-family units shall be distinguished from abutting units with changes in unit entry, plane, color, materials, front porches, front stoops, fenestration, and/or building elements such as railings.

(e) All service and loading areas shall be entirely screened from public right-of-way as follows:

(i) Equipment shall be screened.

(ii) If outdoor storage areas are separate from the building they serve, the fence materials shall be limited to masonry, concrete, stucco, wood, PVC and metal, excluding chain-link.

(f) HVAC and mechanical equipment are restricted as follows:

(i) They shall be prohibited in frontage yards.

(ii) They shall be integrated into the overall building design and not be visible from adjoining streets and or open spaces.

(iii) Through-wall units shall be prohibited along street frontages and open spaces, unless recessed within a balcony.

(g) Mechanical equipment on roofs shall be visually screened from the street with parapets or other types of visual screens of the minimum height necessary to conceal the same.

(h) Roof top parking shall be visually screened with articulated parapet walls or other architectural treatment.

(i) Exterior wall materials prohibited for all single-family residential types shall include:

(i) Corrugated metal panels; and

(ii) Exposed concrete block.

(j) Material requirements contained within section 12-2-82(C)(8) (design standards and guidelines) shall apply within the CRA urban design overlay district.

(4) *Form standards.*

(i) Form standards within the CRA urban design overlay district shall be as defined in Tables 12-2-25.3 to 12-2-25.8.

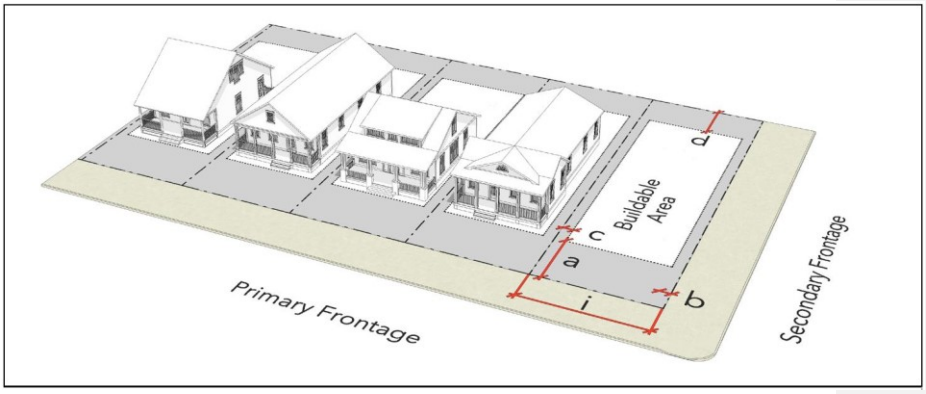
(ii) Exceptions to form standards.

a. Front setbacks in R-1AAA, R-1AA, and R-1A shall not be less than the average setback of all frontage yards (front and exterior side yards) located on either side of the block face, up to the minimum front setback defined in form standards in Tables 12-2-25.3 and 12-2-25.5. In cases where no other dwellings exist within the block, the front setback shall be no less than the front setback defined in form standards in Tables 12-2-25.3 and 12-2-25.5.

b. Each single-family attached dwelling unit shall be located on its own lot. If a development requires subdivision procedures, it shall be subject to and must comply with subdivision regulations as set forth in Chapter 12-8.

c. Where lot occupation and setback standards differ from the dense business area (DBA), as defined in Chapter 12-14 (definitions), the standards in the DBA shall prevail.

Table 12-2-25.3 - Single-Family Detached and Two-Family Attached (Duplex) Residential Building Types - R-1AAA through R-1A



Setbacks - Principal Building (feet)		
a	Front	20 min.
b	Front, Secondary(4)	5 min.
c	Side (Interior)(4)	5 min.
d	Rear	30 min./20 min. (30' lots)
Frontage (min.)		
	Primary	45%/40% (lots < 42')
Lot Occupation(5)		
i	Lot Width(3)	30 ft. min.
	Lot Coverage	50% max.
Building Height (max.)		
	Principal Building(1)	35 ft.
	Accessory Building(1)	24 ft.
Parking (min.)		

	Off-street(2)	1/unit
Setbacks - Accessory Building (feet)		
a	Front	50 min.
b	Front, Secondary(4)	5 min.
c	Side (Interior)	1 min.
d	Rear	3 min.
Frontage Yard Types		
Standard		Permitted
Shallow		Not Permitted
Urban		Not Permitted
Pedestrian Forecourt		Not Permitted
Vehicular Forecourt		Not Permitted
Facade Types		
Porch		Permitted
Stoop		Not Permitted
Common Entry		Not Permitted
Gallery		Not Permitted
Storefront		Not Permitted

Notes:

(1) Measured according to section 12-2-25(G)(1)(c).

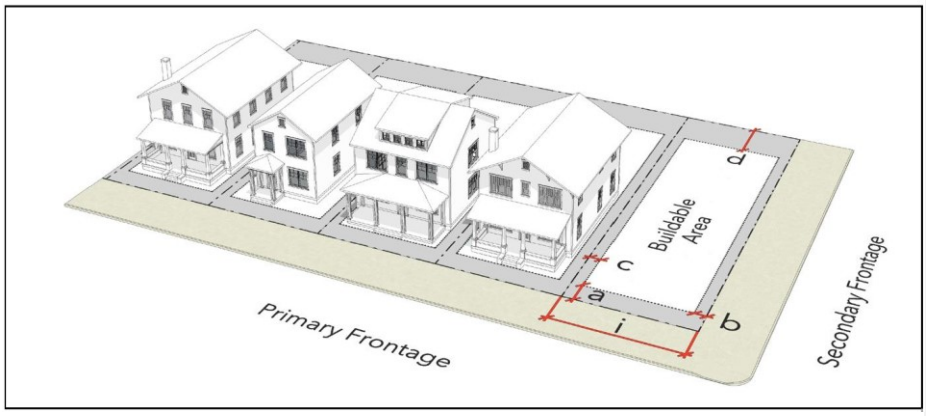
(2) See section 12-2-25(G)(8)(b) for exceptions.

(3) Lot width shall only be measured from the right-of-way line. Lot width at the building setback line shall not apply.

(4) Minimum setback for thirty-foot lots shall be three (3) feet measured from the finished wall or the minimum setback required per applicable Florida Building Code.

(5) Minimum lot area shall not apply.

Table 12-2-25.4 - Single-Family Detached and Two-Family Attached (Duplex) Residential Building Types- R-1B through C-3



Setbacks - Principal Building (feet)		
a	Front	8 min./20 max.
b	Front, Secondary(4)	5 min.
c	Side (Interior)(4)	5 min.
d	Rear	25 min./20 min. (30' lots)
Frontage (min.)		
	Primary	45%/40% (lots < 42')
Lot Occupation(5)		
i	Lot Width(3)	30 ft. min.

	Lot Coverage	50% max.
Building Height (max.)		
	Principal Building(1)	35 ft.
	Accessory Building(1)	24 ft.
Parking (min.)		
	Off-street(2)	1/unit
Setbacks - Accessory Building (feet)		
a	Front	50 min.
b	Front, Secondary(4)	5 min.
c	Side (Interior)	1 min.
d	Rear	3 min.
Frontage Yard Types		
Standard		Permitted
Shallow		Permitted
Urban		Not Permitted
Pedestrian Forecourt		Not Permitted
Vehicular Forecourt		Not Permitted
Facade Types		
Porch		Permitted
Stoop		Not Permitted

Common Entry	Not Permitted
Gallery	Not Permitted
Storefront	Not Permitted

Notes:

(1) Measured according to section 12-2-25(G)(1)(c).

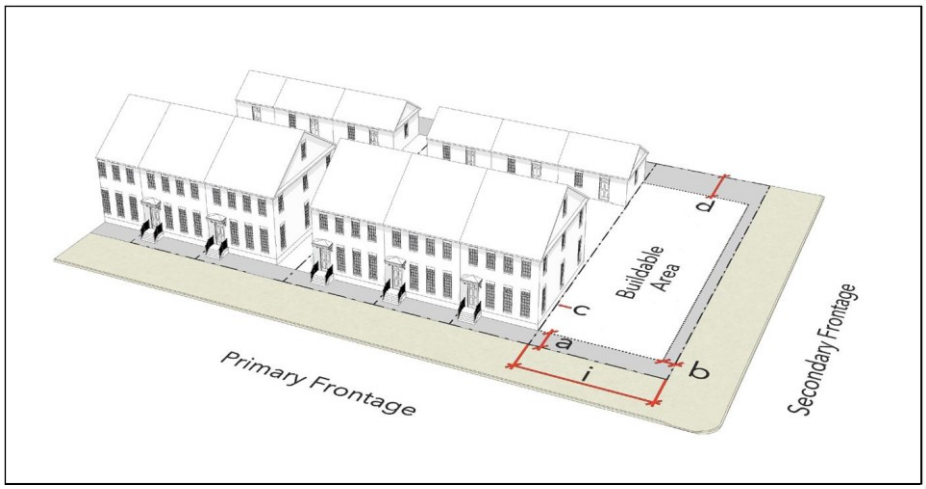
(2) See section 12-2-25(G)(8)(b) for exceptions.

(3) Lot width shall only be measured from the right-of-way line. Lot width at the building setback line shall not apply.

(4) Minimum setback for thirty-foot lots shall be three (3) feet measured from the finished wall or the minimum setback required per applicable Florida Building Code.

(5) Minimum lot area shall not apply.

Table 12-2-25.5 - Single-Family Attached (Townhouse) Residential Building Types - R-1AA through C-3



Setbacks - Principal Building (feet)		
a	Front	8 min.

b	Front, Secondary	5 min.
c	Side (Interior)(1)	0 or 5 min.
d	Rear	25 min.
Frontage (min.)		
	Primary	80%
Lot Occupation(3)		
i	Lot Width	16 ft. min.
	Lot Coverage	75% max.
Building Height (max.)		
	Principal Building(2)	45 ft.
	Accessory Building(2)	24 ft.
Parking (min.)		
	Off-street	1/unit
Setbacks - Accessory Building (feet)		
a	Front	50 min.
b	Front, Secondary	5 min.
c	Side (Interior)	1 min.
d	Rear	3 min.
Frontage Yard Types		
Standard		Not Permitted

Shallow	Permitted
Urban	Not Permitted
Pedestrian Forecourt	Not Permitted
Vehicular Forecourt	Not Permitted
Facade Types	
Porch	Permitted
Stoop	Permitted
Common Entry	Not Permitted
Gallery	Not Permitted
Storefront	Not Permitted

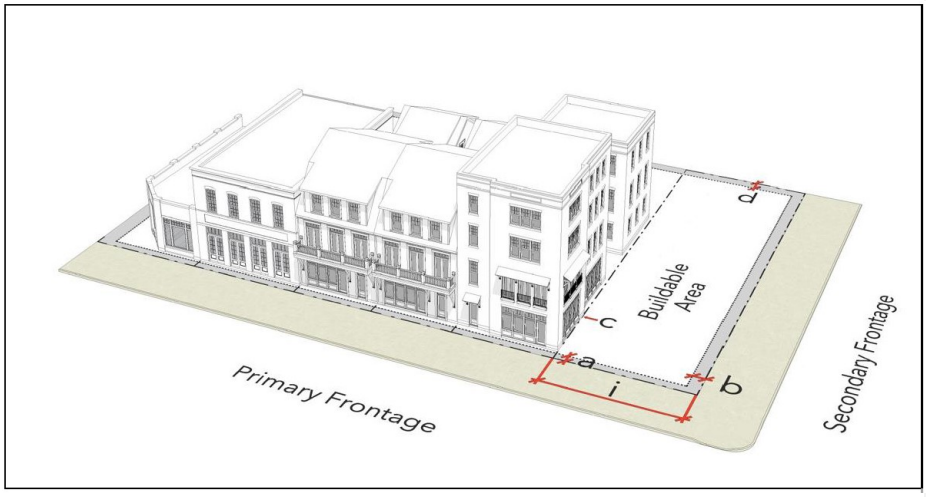
Notes:

(1) Zero (0) foot min (attached/zero lot line buildings)/five-foot min. (detached buildings).

(2) Measured according to section 12-2-25(G)(1)(c).

(3) Minimum lot area shall not apply.

Table 12-2-25.6 - Multi-Family, Mixed Use, Neighborhood Commercial and Commercial Building Types



Setbacks - Principal Building (feet)		
a	Front (Com./Res.)(1)	5 max./15 max.
b	Front, Secondary (Com./Res.)	5 max./15 max.
c	Side (Interior)(3)	0 or 5 min.
d	Rear	none
Frontage (min.)		
	Primary	80%
Lot Occupation(4)		
i	Lot Width	16 ft. min.
	Lot Coverage	75% max.
Building Height (max.)		
	Principal Building(2)	4 stories

	Accessory Building(2)	N/A
Off-Street Parking (min.)		
Residential		1/unit
Commercial		Per section 12-2-25(G)(8)
Setbacks - Accessory Building (feet)		
Front		N/A
Front, Secondary		N/A
Side (Interior)		N/A
Rear		N/A
Frontage Yard Types		
Standard		Not Permitted
Shallow		Permitted
Urban		Permitted
Pedestrian Forecourt		Permitted
Vehicular Forecourt		Permitted
Facade Types		
Porch		Not Permitted
Stoop		Permitted
Common Entry		Permitted
Gallery		Permitted

Storefront	Permitted

Notes:

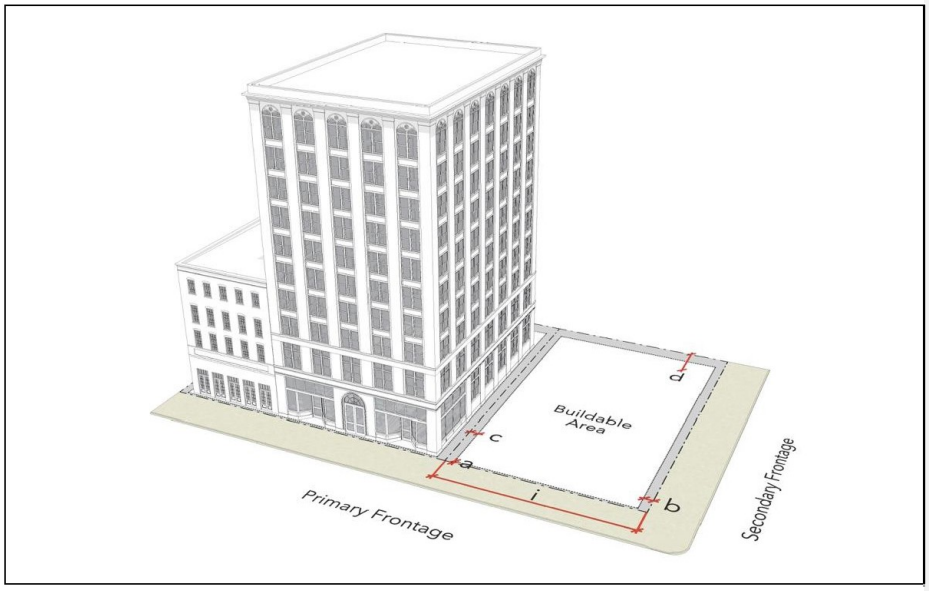
(1) Lots within the dense business area shall be permitted the lesser front setback.

(2) Measured according to section 12-2-25(G)(1)(c).

(3) Zero (0) foot min (attached/zero lot line buildings)/five-foot min (detached buildings).

(4) Minimum lot area shall not apply.

Table 12-2-25.7 - Multi-Family, Mixed Use and Commercial Building Types - C-2A, C-2, C-3*



Setbacks - Principal Building (feet)		
a	Front (Com./Res.)(1)	5 max./15 max.
b	Front, Secondary (Com./Res.)	5 max./15 max.
c	Side (Interior)(3)	0 or 5 min.

d	Rear	none
Frontage (min.)		
	Primary	80%
Lot Occupation(4)		
i	Lot Width	16 ft. min.
	Lot Coverage	100% max.
Building Height (max.)		
	Principal Building(2)	10 stories
	Accessory Building	N/A
Off-Street Parking (min.)		
Residential		1/unit
Commercial		Per section 12-2-25(G)(8)
Setbacks - Accessory Building (feet)		
Front		N/A
Front, Secondary		N/A
Side (Interior)		N/A
Rear		N/A
Frontage Yard Types		
Standard		Not Permitted
Shallow		Permitted

Urban	Permitted
Pedestrian Forecourt	Permitted
Vehicular Forecourt	Permitted
Facade Types	
Porch	Not Permitted
Stoop	Not Permitted
Common Entry	Permitted
Gallery	Permitted
Storefront	Permitted

Notes:

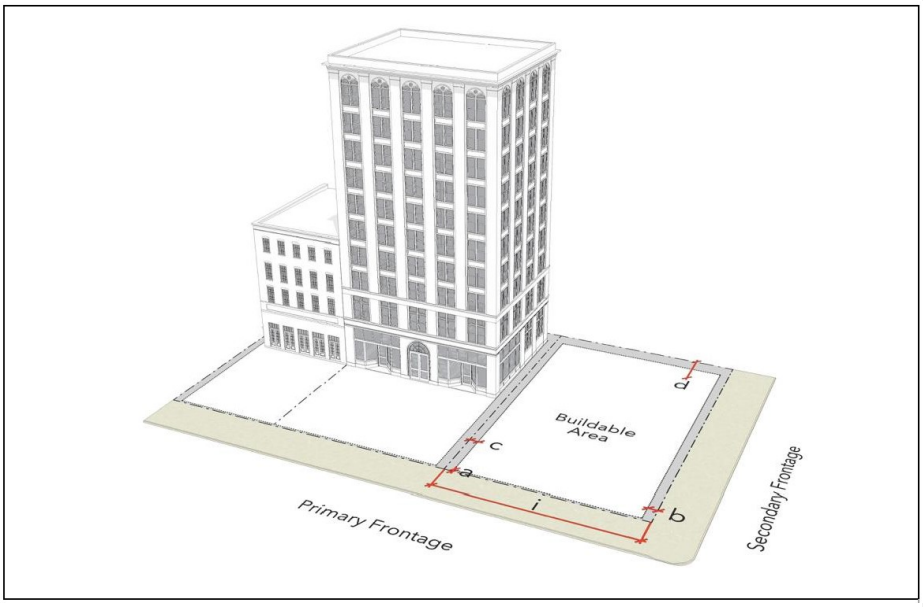
(1) Lots within the dense business area shall be permitted the lesser front setback.

(2) Measured according to section 12-2-25(G)(1)(c).

(3) Zero (0) foot min (attached/zero lot line buildings)/five-foot min (detached buildings).

(4) Minimum lot area shall not apply.

Table 12-2-25.8 - Hybrid Commercial: Multi-family, Mixed Use and Commercial Building Types - C-3 along C3C FDOT Context Zone



Setbacks - Principal Building (feet)		
a	Front	60 max.
b	Front, Secondary	40 max.
c	Side (Interior)(2)	0 or 5 min.
d	Rear	none
Frontage (min.)		
	Primary	60%
Lot Occupation(3)		
i	Lot Width	16 ft. min.
	Lot Coverage	100% max.

Building Height (max.)		
	Principal Building(1)	10 stories
	Accessory Building	N/A
Off-Street Parking (min.)		
Residential		1/unit
Commercial		Per section 12-2-25(G)(8)
Setbacks - Accessory Building (feet)		
Front		N/A
Front, Secondary		N/A
Side (Interior)		N/A
Rear		N/A
Frontage Yard Types		
Standard		Not Permitted
Shallow		Permitted
Urban		Permitted
Pedestrian Forecourt		Permitted
Vehicular Forecourt		Permitted
Facade Types		
Porch		Not Permitted
Stoop		Not Permitted

Common Entry	Permitted
Gallery	Permitted
Storefront	Permitted

Notes:

(1) Measured according to section 12-2-25(G)(1)(c).

(2) Zero (0) foot min (attached/zero lot line buildings)/five-foot min (detached buildings).

(3) Minimum lot area shall not apply.

(5) *Frontage types.*

(a) *Intent.* New buildings proposed for existing neighborhoods should be compatible with or complement the architectural character and siting pattern of neighboring buildings. Maintaining a consistent street-wall is a fundamental component for a vibrant pedestrian life and a well-defined public realm. Buildings closely aligned to the street edge with consistent setbacks, provide a clear sense of enclosure of streets, enabling them to function as pedestrian-scaled outdoor rooms. The placement of buildings along the edge of the sidewalk should be given particular attention, as it is that portion of the buildings that is the primary contributor to pedestrian activity.

(b) Frontage yard type shall be selected and specified along frontages in accordance with the frontage yard types in Table 12-2-25.9 and subject to the standards and guidelines in this section, including the form standards in Tables 12-2-25.3 to 12-2-25.8.

(c) In addition to the frontage yard type standards contained within Table 12-2-25.9, the following shall be required:

(i) Frontage yards shall be wholly open to the sky and unobstructed, except for trees, roof projections, and permitted encroachments attached to principal buildings.

(ii) Impervious surfaces and walkways in frontage yards shall be subject to the following requirements:

a. Where single-family attached units occupy a common site, each attached single-family unit with an entrance towards a frontage shall have a walkway connecting the sidewalk to the attached single-family entrance. See Table 12-2-25.9.A (Frontage Yard Types - Shallow Yard) for an illustration depicting single-family attached walkway connections.

b. At cluster courts, the shared court shall have a walkway connecting the sidewalk at the primary frontage with building entries. See Table 12-2-25.9.B (Frontage Yard Types - Cluster Court) for an illustration depicting cluster court walkway connections.

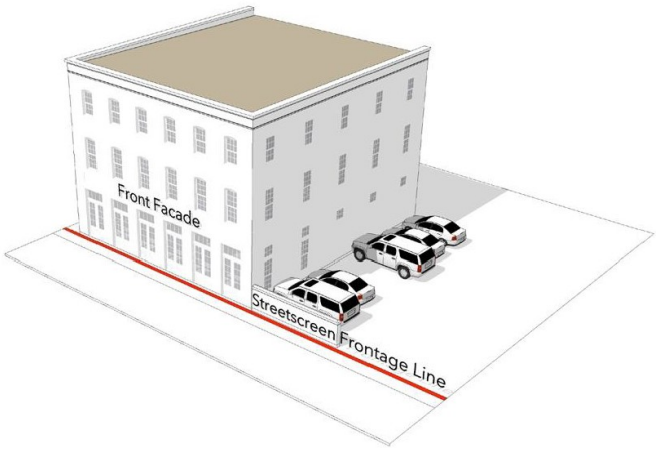
(iii) For multi-family, mixed use and non- residential types, any portion of a frontage not occupied by buildings, driveways, or walkways shall be lined with a streetscreen as follows:

a. Streetscreens shall meet the fencing and wall standards according to the frontage yard types specified in Table 12-2-25.9.

b. Streetscreens, up to twenty-four (24) feet long, shall count towards minimum frontage requirements.

c. Streetscreens shall be coplanar with the primary building façade, as depicted in Illustration 12-2-25.6 below.

Illustration 12-2-25.6 - Streetscreen Illustrated



(iv) Street trees and landscaping in frontage yards shall comply with the requirements of section 12- 2-25(H).

(v) Stormwater ponds shall be prohibited along frontages.

(vi) Frontage yard setbacks shall be as follows:

a. Buildings shall be set back in accordance with the form standards specified in Tables 12-2-25.3 to 12-2-25.8.

b. Where maximum setbacks are specified, they pertain only to the amount of building façade required to meet the minimum building frontage occupation requirements defined in the form standards specified in Tables 12-2-25.3 to 12-2-25.8.

Table 12-2-25.9 - Frontage Yard Types

A. Standard Yard (Fenced or not)

Illustration	
Surface	Fifty (50) percent minimum shall be pervious material. A minimum of one (1) tree is required per section 12-2-25(F)(1). Paving is limited to walkways, and driveways.
Walkways	One (1) per frontage connecting the sidewalk at the primary frontage with building entries.
Fencing	Permitted along frontage lines, and according to section 12-2-25(E)(8).
B. Cluster Court	
Illustration	
Surface	A minimum fifty (50) percent of the court shall be landscaped with ground cover, trees, or understory trees. Paving is limited to walkways, and driveways.
Walkways	Court shall be a minimum twenty (20) feet wide and a min. one thousand (1,000) square feet in size, and shall have a walkway connecting the sidewalk at the primary frontage with building entries.
Fencing	Permitted except along street frontages, fronted by a shared court, according to section 12-2-25(E)(8).

C. Shallow Yard	
Illustration	
Surface	Maximum setback of eight (8) feet. Fifty (50) percent minimum shall be landscaped in R-1A, and R-1B and up to one hundred (100) percent may be paved in R-NC and R-NCB.
Walkways	One (1) per frontage connecting the sidewalk at the primary frontage with building entries.
Fencing	Permitted interior to the building setback line at primary street frontages. Permitted at or interior to secondary street frontage lines according to section 12-2-25(E)(8).
D. Urban Yard	
Illustration	
Surface	Shall be paved at sidewalk grade.
Walkways	Shall be paved at sidewalk grade. Vegetation is permitted in raised containers.
Fencing	Not permitted
E. Pedestrian Forecourt	

Illustration	
Surface	Minimum eighty (80) percent paving.
Fencing	Permitted at or interior to building setback lines and according to section 12-2-25(E)(8).
Area	Forecourt: A minimum twenty (20) feet wide up to thirty (30) percent of the allowable frontage, and a maximum fifty (50) feet deep.
Activation	Shall be lined with habitable space on three (3) sides, or on two (2) sides at corner sites.
F. Vehicular Forecourt	
Illustration	
Surface	Driveway shall be paved at sidewalk grade. The remainder of front setback may be paved or landscaped.
Fencing	Low wall, maximum twenty-four (24) inches high, of either brick or stone is permitted.
Area	Forecourt: Four thousand two hundred (4,200) square feet maximum.
Activation	Shall be lined with habitable space on three (3) sides, or on two (2) sides at corner sites.

(6) *Building elements.*

(a) *Intent.* Buildings should be architecturally articulated with such elements as distinguishing expression lines, changes in fenestration, material and/or color and designed in proportions that reflect human-scaled pedestrian movement to encourage interest at the street level.

(b) *Façade types.* Façade types shall be as follows:

(i) Porches, stoops, common entries, galleries and storefronts shall constitute allowable façade types as defined in Table 12-2-25.10 in accordance with the form standards in Tables 12-2-25.3 to 12-2-25.8.

(ii) Façade types shall be selected and specified along frontages in accordance with Table 12- 2-25.10.

a. Porches shall not be required for single-family detached and two-family (duplex).

(iii) Projections into setbacks shall be permitted as follows:

a. Roof overhangs, cornices, window and door surrounds and other facade decoration may project up to two (2) feet.

b. Where permitted, shading devices may project into the front setback up to the property line with a minimum eight-foot clearance.

c. Balconies may project up to three (3) feet.

d. Bay windows may project up to three (3) feet.

e. Porches and stoops may project in accordance with the façade types defined in Table 12-2-25.10.

f. Projections shall not, in any instance, exceed beyond the property line.

Table 12-2-25.10 - Facade Types

<table>
<tr><td colspan="3">A: Porch</td></tr>
<tr><td>Entry Grade</td><td colspan="2">Minimum eighteen (18) inches above finished grade</td></tr>
<tr><td rowspan="4">Requirements</td><td>• Required at the primary building entrance.</td><td rowspan="4">  </td></tr>
<tr><td>• Porches shall be a minimum six (6) feet in depth.</td></tr>
<tr><td>• Porches and related structures may project into front setbacks a maximum ten (10) feet.</td></tr>
<tr><td>• Porch openings shall be vertical in proportion.</td></tr>
</table>

	• Porches shall be a maximum ten (10) feet in height. Columns shall have a minimum diameter of six (6) inches, and should have a capital and a base.	
B: Stoop		
Entry Grade	Minimum thirty-four (34) inches above finished grade.	
Requirements	• A stoop is required at building entrances, projecting from the facade.	
	• Wood is prohibited for stoop railings.	
	• Stoops and related structures may project into front setbacks up to one hundred (100) percent.	
C: Common Entry		
Entry Grade	Minimum eighteen (18) inches and a maximum twenty-four (24) inches above finished grade	
Requirements	• A single collective entry to a multi- family lobby is required at the primary building entrance.	
	• Canopies and awnings are permitted to project into front setbacks up to one hundred (100) percent of their depth.	
D: Gallery		
Entry Grade	At sidewalk grade	
Requirements	• Where a gallery occurs, it is required along a minimum of eighty (80) percent of the frontage.	
	• Encroachments are permitted according to	

	section 12-2-25(E)(7).	
	• Awnings are not permitted in galleries.	
E: Storefront		
Entry Grade	At sidewalk grade	
Requirements	• A storefront is required at the primary entrance of the tenant space. Storefronts are permitted according to section 12-2-25(G)(6)(d).	

(c) *Building entries.* Building entries shall be as follows:

(i) Building entrances shall be clearly visible from the street.

(ii) One (1) building entry shall be provided every eighty (80) feet of facade leading to a habitable space.

(iii) Building entries for mixed-use buildings shall differentiate entrances for residential and commercial uses.

(iv) Entries for multi-family buildings shall provide protection from the elements with canopies, marquees, recesses or roof overhangs.

(v) Residential building entries shall be restricted as follows:

a. Single-family and multi-family residential buildings shall be raised above finished grade, at the front of the building, according to façade types defined in Table 12-2-25.10.

b. In no instance shall single-family and multi-family residential building entries be raised less than eighteen (18) inches above finished grade.

c. Entry grade shall be measured from the finished grade to the first finished floor.

(vi) Mixed-use and commercial building entries shall be at sidewalk grade.

(d) *Storefronts.*

(i) Intent. Storefronts should be architecturally articulated through the varied use of high-quality durable materials, display windows, entrances, awnings and buildings signs. Their signage, glazing and doors should be conceived as a unified design. High

quality, durable materials are especially important at street level within reach of pedestrians.

(ii) Storefronts shall provide a minimum of seventy (70) percent glazing (void to solid ratio of surface area along principal facades at the ground level).

(iii) Extruded aluminum storefront frames are discouraged, and where used, shall present a simple, relatively flat profile to avoid heavily extruded profiles.

(iv) Opaque, smoked, and reflective glass on storefront windows shall be prohibited. Low-E shall be permitted as per Florida Building Code.

(v) Materials for storefronts shall consist of stone, brick, concrete, stucco, metal, glass, cementitious siding and/or wood. Construction detail and finish shall adhere to craftsman standards.

(vi) Outdoor dining areas on sidewalks and/or within the public right-of-way shall be permitted subject to the following standards:

a. Outdoor dining areas shall be separated from public walkways and streets using railings, fences, bollards, planters, and/or landscaping.

b. A minimum unobstructed pedestrian path of at least six (6) feet wide shall be provided along public rights-of-way.

c. Outdoor dining areas within the public right-of-way shall comply with section 12-12-7 (license to use).

(7) *Building encroachments.*

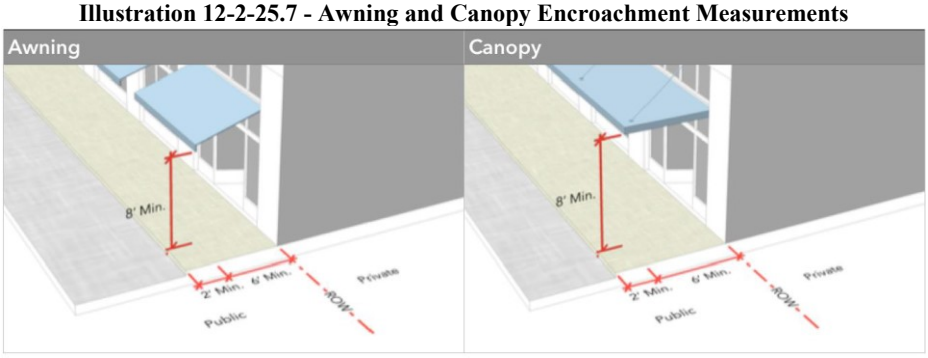
(a) Encroachments located within the public right-of-way shall comply with section 12-12-7 (license to use), section 12-2-35 (visibility triangle) and any clearance standards established by the Engineering Division of the City of Pensacola Public Works and Facilities Department and the Florida Greenbook.

(b) Awnings for storefronts and canopies are not subject to section 12-12-7 (license to use) but shall be restricted as follows:

(i) Awning and canopies may project into the public right-of-way, up to a maximum of two (2) feet from the curb.

(ii) Awnings and canopies shall be a minimum of six (6) feet in depth and have a minimum of eight (8) feet of vertical clearance. See Illustration 12-2-25.7 for a depiction of awning and canopy encroachment measurements.

Illustration 12-2-25.7 - Awning and Canopy Encroachment Measurements



(c) Galleries shall be restricted as follows:

(i) Galleries shall be subject to and shall comply with section 12-12-7 (license to use).

(ii) Galleries shall not alter height or width along a building façade.

(iii) Galleries shall be a minimum of eight (8) feet in depth and a minimum of twelve (12) feet in height, maintaining a 1.2:1 to a 2:1 height to width ratio, as depicted in Illustration 12-2-25.8.

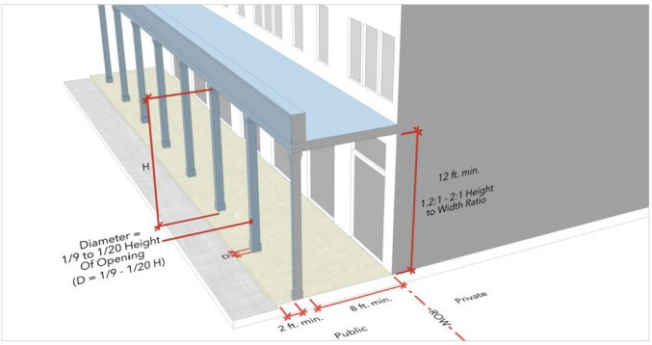
(iv) Gallery columns should have a diameter between 1/9 and 1/20 their height, measured from the base to the bottom of the entablature, as depicted in Illustration 12-2-25.8, and should have a capital and a base.

(v) Galleries should encroach into building setbacks.

(vi) Galleries should encroach over sidewalks.

(vii) Where galleries encroach over sidewalks, they shall not extend beyond a maximum of two (2) feet from the curb, as depicted in Illustration 12-2-25.8.

Illustration 12-2-25.8 - Gallery Encroachments



(8) *Parking access, design and reductions.*

(a) Intent. The intent of these standards is to guide the placement and design of parking, when it is provided. Vehicular parking spaces should be carefully integrated to avoid the negative impacts of large surface parking areas on the pedestrian environment. In general, parking supply should be shared by multiple users and property owners to facilitate the ability to "park once and walk." On-street parallel parking is encouraged on both sides of the street to provide a supply of convenient shared parking, and as a means to provide a protective buffer for pedestrians on the sidewalk. Where surface parking is permitted, it should be hidden or screened from the pedestrian realm by use of garden walls and narrow landscape edges. Parking garages, where provided, should be masked from frontages by liner buildings no less than twenty-four (24) feet in depth. They are encouraged to be designed for possible future conversion to other non-parking functions, including office, residential and/or commercial use.

(b) All parking access and design shall comply with the form standards in Tables 12-2-25.3 to 12-2-25.8 and the following:

(i) Parking standards in the dense business area (DBA) defined in Chapter 12-14 (definitions) shall take precedence over the form standards in Tables 12-2-25.3 to 12-2-25.8 and those included in this subsection.

(ii) Minimum parking requirements are as follows:

a. Parking requirements shall be in accordance with section 12-3-1(B) (parking requirements for specific land uses) with the following exception:

1. Off-street parking requirements for residential use types shall be one (1) space per unit unless otherwise exempted.

b. Shared parking shall be according to section 12-3-1(D) (off-site parking).

c. Parking reductions shall be calculated according to Table 12.3-1 (Downtown Pensacola CRA Parking Reductions).

d. Lots thirty (30) feet or less in width shall not be subject to minimum parking requirements, except for:

1. Lots fronting streets where on-street parking is not permitted.

e. Lots less than forty-two (42) feet wide shall be accessed from a rear lane, where possible. Where not possible, the following exceptions shall be permitted, in coordination with the Engineering Division of the City of Pensacola Public Works and Facilities Department:

1. Parking in the rear of the lot, subject to accessory structure setbacks as defined within the form standards in Tables 12-2-25.3 to 12-2-25.8. Shared driveways are encouraged.

2. A single-car garage, subject to the minimum frontage occupation requirements defined within the form standards in Tables 12-2-25.3 to 12-2-25.8.

3. Driveways shall be exempt from minimum width and spacing requirements defined in section 12-2-25(I)(2)(d).

f. Lots shall be accessed through a rear lane when the development is over seventy-five (75) percent of the block.

(iii) Vehicular parking location is restricted as follows:

a. Single-family residential types.

1. Residential off-street parking, where required, shall be provided within garages, carports or on driveways for all single-family residential types.

2. Uncovered parking shall be permitted the entire length of the driveway, including within the front setback, but not beyond the property line.

3. Single-family detached and two-family (duplex) off-street parking.

A. Covered or garage parking for single-family detached and two-family (duplex) buildings shall be setback a minimum twenty (20) feet behind the principal building façade. See Illustration 12-2-25.9 for a depiction of covered parking placement for single-family detached and two-family attached (duplex) buildings.

Illustration 12-2-25.9 - Garage Locations Illustrated

B. The outer edge of driveways shall be placed a maximum of two (2) feet from either side property line. See Illustration 12-2-25.10 for a depiction of driveway placement for single-family detached and two-family attached (duplex) buildings on thirty (30) feet wide lots.

Illustration 12-2-25.10 - Driveway Locations Illustrated

4. Single-family attached. Off-street parking for single-family attached residential types shall only be permitted in the rear fifty (50) percent of the lot.
5. Tandem parking is encouraged.
6. Shared driveways are encouraged.

b. Multi-family, mixed use and non-residential types.

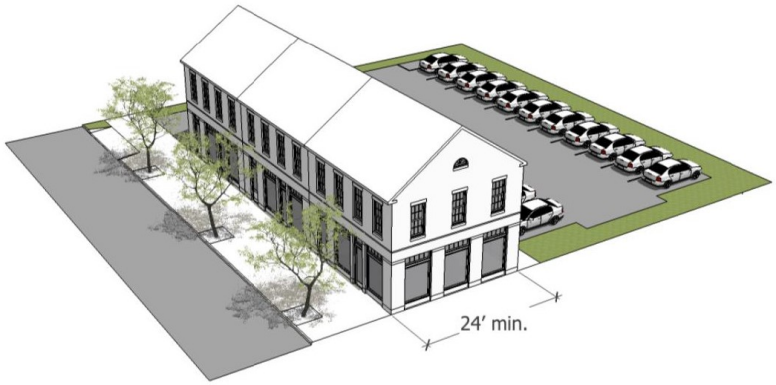
1. Off-street parking shall not be permitted within the front setback area. Exceptions include:

   A. Properties adjacent to a thoroughfare identified as an FDOT C3C Suburban Commercial Context Classification Zone as defined within section 12-2-25(I)(1)(b)(context classification). Such properties shall conform to the form standards according to Table 12-2-25.8 (Hybrid Commercial).

2. Off-street parking shall be masked from frontages by liner buildings no less than twenty-four (24) feet in depth to achieve the minimum frontage occupation. See Illustration 12-2-25.11 depicting off-street parking lot

masking with liner buildings and section 12-2-25(G)(5)(c)(iii) for permitted streetscreen requirements.

Illustration 12-2-25.11 - Parking Lot Masking with Liner Buildings



3. The ground floor of commercial buildings with a gross floor area less than one thousand five hundred (1,500) square feet shall be exempt from parking requirements.

(iv) Bicycle parking.

a. Minimum bicycle parking requirements shall be as follows:

1. Bicycle parking shall not be required for single-family residential or multi-family residential with less than eight (8) units.

2. Bicycle parking requirements shall be according to Table 12-2-25.11.

Table 12-2-25.11 Minimum Required Bicycle Parking

Building Type	Location	R-2A through C-2A	C-2, C-3*
Multi-Family	Primary & Secondary Frontages	Minimum 0.25 spaces per unit	Minimum 0.50 spaces per unit
Non-Residential	Primary & Secondary Frontages	Minimum 0.50 spaces per 1,000 square feet	Minimum 0.75 spaces per 1,000 square feet

*Excluding C3C Context Zones.

3. Bicycle parking locations within the public right-of-way shall be coordinated with the Engineering Division of the City of Pensacola Public Works and

Facilities Department and subject to section 12-12-7 (license to use), and minimum clearance distances.

b. Bicycle parking configuration shall be as follows:

1. Bicycle racks shall not be located within:

A. Five (5) feet of fire hydrants.

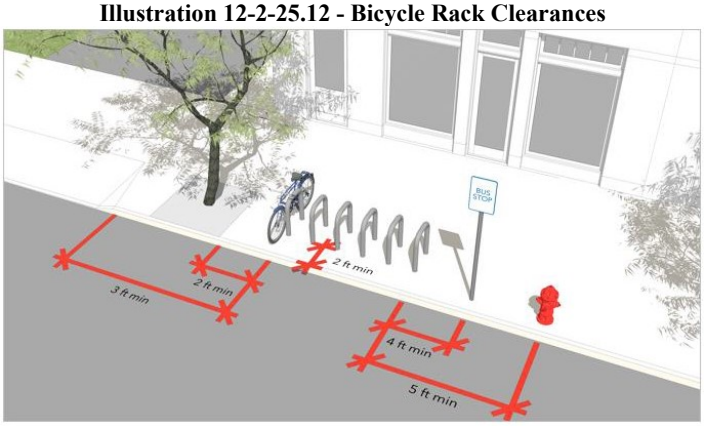
B. Four (4) feet of loading zones and bus stop markers.

C. Three (3) feet of driveways and manholes.

D. Two (2) feet of utility meters and tree planters.

See Illustration 12-2-25.12 for a depiction of bicycle parking clearances.

Illustration 12-2-25.12 - Bicycle Rack Clearances



c. Bicycle parking located along private or public streets shall be subject to the following:

1. Bicycle racks installed parallel to curbs shall be set back from the curb a minimum of two (2) feet, as illustrated in Illustration 12-2-25.11.

2. Bicycle racks installed perpendicular to curbs shall allow for a minimum clearance of two (2) feet at the curb and six (6) feet of pedestrian way with a fifty-six (56) cm or twenty-two (22) in bicycle properly locked to the rack.

3. Bicycle racks should be spaced a minimum of thirty-six (36) inches apart.

4. Bicycle racks shall allow bicycle frames to be locked at two (2) points of contact with the rack.

(9) *Fences and walls.*

(a) Where provided, fences and walls shall provide full enclosure.

(b) Fences and walls shall be restricted according to frontage yard types in Table 12-2-25.9 and section 12-2-35 (visibility triangles).

(c) Height of fences and walls shall comply with the following:

(i) Height shall be limited to a minimum thirty (30) inches and a maximum forty-two (42) inches within the front setback.

(ii) Height shall be limited to eight (8) feet behind the building face at non-frontages.

(d) Materials for fences and walls shall be limited as follows:

(i) Approved materials shall include, but are not limited to wood, brick, stone, and wrought iron.

(ii) Vinyl is discouraged on all frontages.

(iii) Chain-link, exposed concrete block, barbed wire and razor wire shall be prohibited.

(iv) Wood fences shall have the finished side to the public frontage.

(v) Where hedges are utilized along frontages, they shall be maintained in accordance with section 12-2-25(H)(2)(e).

(10) *Windows and glazing.*

(a) Windows shall meet the following requirements:

(i) Windows on frontages shall be square or vertical in proportion, with the exception of transoms and special windows.

(ii) Windows should have muntins for residential building types, which should be vertical in proportion.

(iii) Single panes of glass shall not exceed twenty (20) square feet for residential building types.

(b) Glazing shall meet the following requirements:

(i) Storefront glazing requirements shall be according to Table 12-2-25.12.

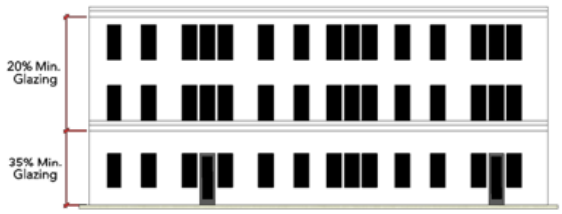
(ii) For residential and mixed-use buildings, excluding commercial uses at grade, the percentage of glazed wall area shall be a minimum twenty (20) percent.

(iii) Reflective and tinted windows shall be prohibited for residential buildings.

(iv) Stained, reflective and tinted windows shall be prohibited at ground floor commercial uses. Low-E is permitted as per Florida Building Code.

Table 12-2-25.12 - Glazing Requirements

Residential	
At & Above Grade	Minimum 20% along frontages
	
Multi-Family & Office	

Above Grade	Minimum 20% along frontages
At Grade	Minimum 35% along frontages
	
Mixed-use	
Above Grade	Minimum 20% along frontages
At Grade	Minimum 70% along frontages
	

(11) *Lighting on private property.*

(a) Lighting shall be arranged to be contained on-site and to reflect away from adjacent property.

(H) *Landscape standards and guidelines.*

(1) *Intent.* Supplement the urban canopy, accommodate stormwater, increase access to open space and facilitate pedestrian movement throughout the existing block patterns to meet the urban design goals of the community redevelopment agency. A healthy tree canopy contributes to the health of citizens and the environment, and is fundamental to a vibrant pedestrian life and a well-defined public realm. Trees closely aligned to the street edge with consistent setbacks, provide a clear sense of enclosure of streets, enabling them to function as pedestrian-scaled outdoor rooms. The placement of trees along the edge of the sidewalk should be given particular attention as a major contributor to pedestrian activity. Trees and other native plants placed in drainage rights-of-way and parking islands contribute to the control of stormwater quantity and quality.

(2) *Landscape on private property.*

(a) Landscaping in frontage yards are subject to the requirements of the frontage yard types in Table 12-2-25.9, and section 12-2-25 (visibility triangles), and the following:

(i) For single-family detached and two-family lots, one (1) tree for every lot or for every fifty (50) feet of linear frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall be as follows:

a. Measured at diameter breast height (DBH), as described in section 12-6-2(E)(DBH).

b. For lots with a front setback of less than eight (8) feet where planting in front yards is not possible, required trees shall be planted elsewhere on the block itself.

(ii) Ground vegetation or shrub plantings with spines, thorns, or needles that may present hazards to pedestrians, bicyclists, or vehicles shall be maintained a minimum distance of two (2) feet from the edge of walkways and sidewalks.

(iii) In single-family detached and two-family lots, trees shall be protected in accordance with section 12-2-10(A)(5)(b) (protection of trees).

(iv) When off-street parking is located in front or side setbacks, a year-round streetscreen along the street edge(s) of the parking lot shall be installed as a means of buffering, according to section 12-6-3(B) (off-street parking and vehicle use areas).

(v) Hedges planted along street rights-of-way shall be between three (3) and five (5) feet in height at maturity.

(b) Minimum landscape area requirements of the development site for all building types except single-family detached and two-family attached (duplex) shall be according to Table 12-2-25.13. Landscape requirements for single-family detached and two-family attached shall be in accordance with section 12-2-25(H)(2)(a) and Table 12-2-25.9, frontage types.

Table 12-2-25.13 Minimum Landscape Area Requirements

Zoning District	**Percent**
R-1AAA through R-2	25
R-NC, R-NCB, C-1, C-2, C-2A, C-3, M-1, M-2	15

(3) *Buffer yards.*

(a) In addition to the buffer yard requirements of section 12-2-32 the following shall apply:

(i) Berms shall not be installed as part of a required buffer without review and approval by the Engineering Division of the City of Pensacola Public Works and Facilities Department to ensure a proposed berm will not have a detrimental effect on adjacent properties by impeding or diverting stormwater flow.

(ii) Berms shall be planted and stabilized to prevent erosion.

(iii) Buffer yards may be used to create rain gardens or other stormwater facilities with the selection of appropriate plant material, according to the city's approved plant list and approval by the a engineering division of the city's public works and facilities department.

(iv) Plants in these stormwater facilities shall be selected to meet any applicable buffer yard screening requirements, and they should be tolerant of periodic inundation and drought. It is recommended that native plants be selected from the Florida Friendly Landscaping Guide to Plant Selection and Landscape Design, Northern Region, and Waterwise Landscapes by the South Florida Water Management District, according to Table 12-2-25.14.

Table 12-2-25.14 - Bioretention & Rainwater Garden Plant List

Flowers	
Common Name	**Scientific Name**
Blue Flag Iris	Iris Hexagona
Cardinal Flower	Loblia Cardinalis
Chipola Coreopsis	Coreopsis Integrifolia
Goldenrod	Solidago spp.
Swamp Sunflower	Helianthus Angustifolius
Spider Lily	Hymenocallis Latifolia
Swamp Lily	Crinum Americanum
Swamp Milkweed	Asclepias Perennis
Grasses	
Common Name	**Scientific Name**
Blue-Eyed Grass	Sisyrinchium Atlanticum Bicknell
Florida Gamma Grass	Tripsacum Floridanum
Muhly Grass	Muhlenbergia Capillaris

Path or Soft Rush	Juncus spp.
Rainlily	Zephryanthes spp.
River Oats	Chasmanthium Latifolium
Wiregrass	Aristida Stricta
Shrubs	
Common Name	**Scientific Name**
Beautyberry	Callicarpa Americana
Buttonbush	Cephalanthus Occidentalis
Virginia Willow	Itea Virginica
Wax Myrtle	Myrica Cerifera

(4) *Street trees in the public right-of-way.*

(a) Street trees shall be provided in the public right-of-way for all developments except single-family detached and two-family (duplex), in accordance with section 11-4-88 (placement of trees and poles), section 12-6-3 (landscaping requirements) and this subsection.

(b) Where street trees cannot reasonably be planted, payment in lieu of planting shall be made to a new and dedicated CRA tree planting fund, at the value established in subsection 12-6-6(B)(5).

(c) Street tree planting, and maintenance requirements shall be as follows:

(i) For each lot, one (1) tree shall be provided on an average of thirty-five (35) linear feet of public right-of-way frontage, where no underground utility conflicts exist.

(ii) Where greenways exist, trees shall be required to be planted within the greenway. The following exceptions shall apply:

a. Where no greenway exists or where the greenway is less than three (3) feet wide, between sidewalk and curb, required street trees shall be planted on the block.

b. Where planting within the greenway is infeasible due to utility conflicts, required street trees shall be planted on the block

(iii) Trees planted three (3) feet or less from a public sidewalk shall have a minimum clearance of six (6) feet and six (6) inches (6'-6") between the public walking surface and the lowest branches at planting.

(iv) Mature trees shall be maintained at a minimum clearance of eight (8) feet above the public walking surface.

(v) Trees planted within the public right-of-way shall include a root barrier to prevent the shifting of sidewalks at maturity.

(vi) Installation of tree pits and grates within the public right-of-way shall be coordinated with the City of Pensacola Public Works and Facilities Department for style consistency. Installed tree pits and grates shall be maintained by the property owner in perpetuity.

(vii) Where possible, trees may be clustered together to share soil space.

(d) Tree selection shall be limited to those allowable plantings contained within the tree replant list specified in Appendix B (Tree Replant List). The following conditions shall apply:

(i) Where overhead utilities occur, a tree with smaller size at maturity shall be selected.

(e) Tree selection and placement shall be coordinated with the Engineering Division of the City of Pensacola Public Works and Facilities Department and subject to section 12-2-35 (visibility triangle) and section 12-2-7 (license to use).

(f) Mixed-use and non-residential building types shall comply with the following:

(i) Where galleries are not provided, street trees shall be planted, unless in conflict with underground utilities. Where there are overhead utilities, appropriate species from the tree replant list specified in Appendix B shall be selected.

(ii) Where a gallery is provided, and the greenway that occurs between the sidewalk and the back of curb is less than three (3) feet wide, no street trees shall be required.

(iii) Where a greenway at least three (3) feet wide occurs between the gallery and the back of curb, and no overhead or underground utilities prevent street tree installation, planting of a street tree shall be required.

(iv) Where paved surface occurs between the gallery and curb, installation of street trees in individual tree pits with tree grates, or linear planters with pervious pavers between several trees, shall be required.

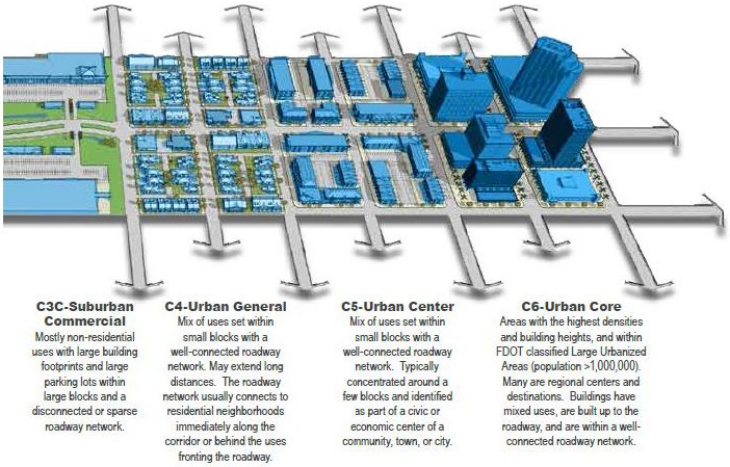
(v) Where trees are planted in sidewalk planters, the minimum sidewalk planting pit dimensions shall be four feet by four feet (4' × 4').

(l) *Thoroughfare standards and guidelines.*

(1) *Context classification.*

(a) The context classification system, as developed by FDOT and described within the FDOT Complete Streets Manual, shall be adopted to identify place and guide streets and other transportation features, and to allow transportation to support adjacent land uses. See Illustration 12-2-25.13 depicting context classification zones.

Illustration 12-2-25.13 - Context Classification Zones Illustrated



(b) Streets shall be classified in accordance with the zoning to context classification translations specified in Table 12-2-25.15.

Table 12-2-25.15 - Zoning to Context Classification Translation

Context Classification (FDOT) Zone	**Zoning District**
C4 - Urban General	R-1AAA through R-2
C5 - Urban Center	R-NC through C-3
C3C - Suburban Commercial	C-3 adjacent to M-1 or M-2. Limited to segments that abut such zoning districts. M-1 M-2

(2) *Street design.*

(a) Design of local streets shall be guided by the Florida Greenbook, Chapter 19 Traditional Neighborhood Design.

(b) Where a greenway of at least five (5) feet exists, driveway approaches and curb cuts shall not be permitted to interrupt the sidewalks.

(c) *Sidewalks.* Sidewalks shall be required on all street frontages in residential, nonresidential, commercial and industrial developments in accordance with standards established by the Engineering Division of the City's Public Works and Facilities and the Florida Greenbook.

(d) *Driveways and curb cuts.* Driveway, driveway approaches and curb cut requirements shall be as follows:

(i) *Single-family residential types.* Driveway and curb cut widths for single-family residential types shall be according to Table 12-2-25.16.

Table 12-2-25.16 Single-family Residential Driveway and Curb Cut Widths

Driveway Type	Minimum Width	Maximum Width
Single-Use	10 feet	20 feet
Joint-Use	10 feet	22 feet

(ii) Multifamily, mixed use and non-residential types. Driveway and curb cut widths for multi-family and non-residential types shall be according to Table 12-2-25.17.

Table 12-2-25.17 Multi-family/Non-Residential Driveway and Curb Cut Widths

Driveway Type	Minimum Width	Maximum Width
All	12 feet	24 feet

(iii) Driveway and curb cut spacing on a single property shall be a minimum of forty-two (42) feet with the following exception:

a. Lots equal to or less than forty-two (42) feet wide shall be limited to one (1) driveway and curb cut.

(J) *Definitions.* [Definitions enumerated.] As limited to section 12-2-25 (CRA urban design overlay district) unless context clearly indicates otherwise.

Building height, multi-family and non-residential means the vertical distance of a building measured by stories. The restrictions to story height are according to section 12-2-25(G)(1)(c).

Building height, single-family residential means the vertical distance of a building measured from the finished grade to the bottom of the eave for pitched roof buildings or the bottom of the parapet for flat roof buildings.

Cluster court means a collection of buildings on a semi-public, privately owned open space.

Colonnade means a row of columns joined by an entablature. Colonnades may cover sidewalks and may front storefronts.

Complete street means a thoroughfare that is designed giving each user an equal level of priority including pedestrians, cyclists, transit users, and drivers.

Craftsman standards means a baseline of construction quality denoting a finished project.

[FDOT] Distinct Context Classifications Zone means classifications, along with functional classification and design speed, determine the corresponding thoroughfare design standards within the Florida Design Manual. (http://www.fdot.gov/roadway/CSI/files/FDOT-context-classification.pdf)

Eave means the edge of the roof that meets or overhangs the walls of a building.

Encroachment means certain permitted building elements that may cross established setbacks or rights-of-way.

Entablature means a horizontal, continuous building element supported by columns or a wall.

Facade, building means the exterior wall of a building that faces a frontage line.

Facade type means the different configurations of building elements that make up a building facade, such as a storefront, porch, etc. See Table 12-2-25.10.

Figures and tables mean any chart or graphic presentation in this title ~~which~~that is specifically designated as a "Figure" or "Table" shall be deemed to be a part of the text of the title and controlling on all development.

Frontage line means a property line bordering a public frontage. Facades facing frontage lines define the public realm and are therefore more regulated than the elevations facing other property lines.

(Building) Frontage occupation means the length of the frontage that is occupied by a building or a building and open space.

Frontage, primary means the frontage facing a public space such as a street of higher pedestrian importance (i.e. traffic volume, number of lanes, etc.). Typically, the shorter side of a lot.

Frontage, secondary means the frontage facing the public space such as a street that is of lesser pedestrian importance (i.e. traffic volume, number of lanes, etc.). Typically, the longer side of the lot.

Frontage yard type means the configuration of the area between the facade of the building and the frontage line such as a standard, shallow, cluster court, etc. See Table 12-2-25.9.

Frontage yard type (cluster court) means a frontage yard type where a group of houses has their primary facades facing a common green or open space that is horizontal to the primary frontage.

Frontage yard type (pedestrian forecourt) means a frontage yard type where the primary facade is located near the lot line with an area setback to accommodate open space and the primary entrance of the building.

Frontage yard type (shallow) means a frontage yard type where the facade is slightly setback from the lot line.

Frontage yard type (standard) means a frontage yard type where the facade is set back from the lot line. Fences are permitted and the setbacks are visually continuous with adjacent yards.

Frontage yard type (urban yard) means a frontage yard type where the facade is at or near the lot line and the surface is paved.

Frontage yard type (vehicular forecourt) means a frontage yard type where the primary facade is located near the lot line with an area setback to accommodate a driveway meant for passenger loading and unloading.

Gallery means a covered sidewalk in front of a storefront that supports either a roof or outdoor balcony above.

Habitable space means building space which use involves human presence with direct view of the enfronting streets or public or private open space, excluding parking garages, self-service storage facilities, warehouses, and display windows separated from retail activity.

Human-scaled means buildings and their elements designed to be comfortably viewed and experienced by people on foot.

Hybrid commercial means a commercial type in the C3C FDOT Context Zone that transitions between urban and suburban types, typically permitting one (1) row of parking at the frontage.

Liner building means a building specifically designed to mask a parking lot or a parking structure from a frontage.

Parallel means two (2) lines or planes that are equidistant apart and do not touch on an infinite plane.

Parapet means the extension of a false front or wall above a roof line.

Parkway, greenway, verge means the planting strip between the edge of the road and sidewalk or right-of-way, which may be used for tree planting. See sections 11-4-86 through 11-4-88.

Paving means to cover or lay with concrete, stones, bricks, tiles, wood or the like to make a firm, level surface. The term paving in this part includes all pavement materials, both pervious and impervious.

Pervious means materials or natural earth that allows for the natural percolation of water.

Porch means a private façade type that is an open-air room appended to the mass of a building with a floor and roof but no walls on at least two (2) sides.

Principal building means the main building on a lot, usually located toward the frontage.

Principal building facade means the front of the building that faces the front of the lot.

Single-family residential means a single-family ownership on a single lot. Multiple ownership on a single lot is not construed as a single-family type. Single-family is restricted to the following types on their own lots: detached single-family, attached single-family and two-family attached (duplex).

Stoop means a private façade type wherein the façade is aligned close to the front property line with the first story elevated for privacy with an exterior stair and landing at the entrance. This type is suitable for ground-floor residential uses at short setbacks with townhouses and apartment buildings. Stoops may encroach into the setback.

Streetscreen means a freestanding wall built along the frontage line, or aligned with the facade. It may mask a parking lot from the thoroughfare, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

Travel mode means the different means of transport around an area including by foot, bicycle, public transit, and car.

Walkability means a measurement of comfort, convenience, safety, and ease of pedestrian movement throughout an area.

(Ord. No. 13-19, § 1, 5-30-19; Ord. No. 05-20, § 1, 2-13-20)

ARTICLE III. - RESOURCE PROTECTION OVERLAY DISTRICTS

Sec. 12-2-26. - Wellhead protection district.

(A) *Purpose and findings.* The purpose of this section is to avoid risks of damage to sources of drinking water by prohibiting within close proximity of public water wells certain land uses, facilities and activities ~~which~~that involve a reasonable likelihood of discharges of pollutants into or upon surface or ground waters. The council finds that the land uses, facilities and activities identified in this section involve a reasonable likelihood of discharges of pollutants into or upon surface or ground waters and, therefor, that the prohibition of such land uses within wellhead protection areas is necessary to avoid risks of damage to sources of drinking water.

(B) *Location of wellhead protection areas.* Wellhead protection areas are located within a radius of two hundred (200) feet of the public supply water wells located as follows and specifically identified on maps available in the building inspections and planning offices:

- Cervantes and "I" Streets.
- DeSoto and Guillemard Streets.
- Lee and Tarragona Streets.
- Jordan and Guillemard Streets.
- Mallory Street and 10th Avenue.
- Royce Street and Skyline Drive.
- Cordova Place Subdivision and Airport Property.
- Hidden Oaks Final Edition Subdivision and Airport Property.
- 9th Avenue and Underwood Road.
- 9th Avenue and McAllister Boulevard.
- Davis Highway and Burgess Road.

(C) *Prohibited installations.*

(1) *Prohibited land uses, facilities or activities.* Except as provided in subparagraph (2), the following land uses, facilities or activities are prohibited within wellhead protection areas:

(a) Automobile, truck or boat sales, rental, storage, maintenance or repair;

(b) Battery manufacturing, rebuilding or storage;

(c) Building or road contractor facilities other than offices;

(d) Chemical manufacturing, production, sales, storage, transfer or disposal facilities;

(e) Dry cleaners or laundries;

(f) Electroplating;

(g) Equipment or machinery sales, rental, storage, maintenance or repair;

(h) Furniture production, repair or refinishing;

(i) Gasoline stations or other refueling facilities;

(j) Laboratories;

(k) Landscape maintenance services;

(l) Liquid bulk plants or terminals;

(m) Man-made pits, ponds, lagoons or retention or impoundment areas;

(n) Medical or veterinary clinics;

(o) Paint sales, production or contracting facilities;

(p) Pest control services;

(q) Photography processing;

(r) Printing or copying equipment;

(s) Septic tanks;

(t) Storage tanks;

(u) Swimming pools;

(v) Wood, coal or fuel yards, and;

(w) Wood preservation.

(2) *Exceptions.* Any of the land uses, facilities or activities identified in subparagraph (1) lawfully in existence within a wellhead protection area on June 1, 1991, may continue to exist on the parcel upon which is located and permits for its replacement or repair may be granted; but such land uses, facilities, and activities may not be added to or expanded.

Sec. 12-2-27. - Bayou Texar shoreline protection district.

(A) *Purpose.* The purpose of this district is to establish standards ~~which~~that recognize and protect the environmental resources of the Bayou Texar shoreline. This section ensures the preservation of the natural buffering effect of open spaces along the shoreline for storm surge abatement and the filtering of stormwater runoff; and enhances the public's recreational and aesthetic utilization of the shoreline and adjacent waters.

(B) *Shoreline protection zone.* The Bayou Texar shoreline protection zone includes all property abutting Bayou Texar bounded on the north by the 12th Avenue bridge and on the south by the L & N trestle located at the mouth of the bayou.

(C) *Permitted land use.* Land use shall be permitted in the shoreline protection zone as designated by the City of Pensacola Comprehensive Plan and zoning regulations.

(D) *Procedure for review of plans.* Prior to the issuance of a building permit for construction within the Bayou Texar shoreline protection district the owner, developer or contractor shall submit to the city planning and engineering departments a drainage plan indicating soil erosion and sedimentation control measures ~~which~~that will be undertaken to prevent runoff into Bayou Texar during construction and indicating methods to accommodate stormwater runoff on-site during and after construction. The drainage plan shall include the following information:

(a) Existing topographical contours of the site (two-foot intervals).

(b) Location of all structures, parking areas, curb cuts and other construction activities that could contribute to removal of vegetation, erosion and stormwater runoff.

(c) Design of grades and retention measures to control stormwater runoff during and after construction, including type of surfacing material to be used, vegetation to be removed, and revegetation of the site.

(1) *Review and approval.* The required drainage plan shall be subject to the review and approval of the ~~city planner~~planning services department and city engineer. If the developer intends to request a waiver of any of the provisions of this section concerning the drainage plan, the request must be submitted, in writing, with the drainage plan to the ~~city planner~~planning services department and the city engineer. The request shall itemize and shall state the reason(s) for which each waiver is requested. When considering waivers, the ~~city planner~~planning services department and the city engineer shall review the Comprehensive Plan objectives and policies pertaining to coastal management and conservation to determine if the waiver request is consistent with the intent of said plan.

(2) *Exemptions.* Operations ~~which~~that shall be exempt from this section are set forth below. However, any exemption from this section does not relieve responsibility to take all action necessary to prevent erosion and sedimentation from occurring.

(a) Home gardening or other similar activity not expected to contribute to any on-site generated erosion or chemical pollution.

(b) Emergency repairs such as those on public and private utilities and roadways systems.

(E) *Regulations.*

(1) *Shoreline setback.* All habitable structures shall observe the following minimum setback from the mean high water line. Docks and boathouses shall conform to the regulations set forth in section 12-2-37 of this article.

(a) R-2, R-2A and R-ZL zones shall require a twenty-foot setback from the mean high water line of the bayou.

(b) R-1AA, R-1AAA and R-1AAAA zones shall require a thirty-foot setback from the mean high water line of Bayou Texar.

(c) R-1AAAAA shall require a sixty-foot setback from the mean high water line of Bayou Texar.

(d) Lots of record shall require a minimum twenty-foot setback from the mean high water line of Bayou Texar.

(2) *Required yards.* The front and rear yard requirements shall be the same as the applicable zoning district requirements. Each required side yard shall be ten (10) percent of the lot width, not to exceed fifteen (15) feet. For lots of record the front and rear yard requirements shall be the same as described in section 12-1-6(B), and the required side yards shall be ten (10) percent of the lot width, not to exceed ten (10) feet.

(3) *Protection of trees.* No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, undertake tree removal, or effectively destroy through damaging, any tree listed in Chapter 12-6, Appendix A, "Protected Tree List," whether it be on private property or public right-of-way within the Bayou Texar shoreline protection district, without first having obtained a permit from the ~~department of leisure services~~city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

(F) *Development guidelines.* The following guidelines should be utilized in the review of each development proposal within the district. The adoption of guidelines herein are intended to provide flexibility in the development of property within the district in a manner ~~which~~that balances the interests of the property owner with the public's need for assurance that development will be orderly and consistent with the intent of this section. Individual parcels of property may have physical attributes ~~which~~that justify departure from regulatory norms when strict application of such norms would deny a property owner a reasonable use of ~~his~~ his or her property and when deviation from such norms is consistent with the intent of this regulation as described herein.

(a) Structures should be sited to retain the maximum amount of open space for natural stormwater retention.

(b) Where possible and practical, existing vegetation, including shoreline vegetation, should be maintained as a buffer between development and the surface waters of Bayou Texar.

(c) Development within the shoreline protection zone which would be dependent on future bulkheading or other shoreline fortification for protection shall be discouraged.

(G) *Public access to the shoreline.* All extensions of street rights-of-way ~~which~~that are perpendicular to or otherwise intersect Bayou Texar within the shoreline protection zone shall be reserved for public use unless officially vacated by city council action.

(H) *Conflicts.* It is not intended that this section interfere with or abrogate or annul any other ordinances, rules, or regulations except where this section imposes a greater restriction upon land within a zone.

(Ord. No. 8-99, § 3, 2-11-99)

Sec. 12-2-28. - Escambia Bay shoreline protection district.

(A) *Purpose.* The purpose of this district is to establish standards ~~which~~that recognize and protect the unique scenic vistas and environmental resources of the Escambia Bay shoreline. The regulations for this district shall provide for the alleviation of the harmful and damaging effects of on-site

generated erosion and runoff caused by clearing the natural vegetation, changing the existing contours of the land and/or not adequately addressing stormwater runoff. These regulations also ensure the preservation of the bluffs, the wetland areas and scenic views along the Bay.

(B) *Escambia Bay shoreline protection district boundaries.* The Escambia Bay shoreline protection district includes all property within the city limits bounded by Scenic Highway on the west and the Escambia Bay shoreline on the east, beginning at Mallory Street and continuing north to the city limits line.

(C) *Permitted land use.* Land use shall be permitted in the Escambia Bay shoreline protection district as designated by the City of Pensacola Comprehensive Plan and zoning regulations.

(D) *Procedure for review of plans.* The procedure established in section 12-2-27(D), applicable to the Bayou Texar shoreline protection district shall be followed for the Escambia Bay shoreline protection district.

(E) *Regulations.*

(1) *Building setbacks.*

(a) There shall be a minimum setback of thirty (30) feet on both sides of the L & N rail right-of-way line for habitable structures.

(b) There shall be a minimum setback of thirty (30) feet from the mean high water line of Escambia Bay for habitable structures.

(2) *Required yards.* The front and rear yard requirements shall be the same as the zoning district requirements as described in section 12-2-2, except that if overall lot coverage requirements otherwise specified in this section are more restrictive, those shall supersede yard requirements. Each required side yard shall be ten (10) percent of the lot width, not to exceed fifteen (15) feet. For lots of record the front and rear yard requirements shall be the same as described in section 12-1-6(B), and the required side yards shall be ten (10) percent of the lot width, not to exceed ten (10) feet.

(3) *Protection of trees.* No person, organization, society, association or corporation, or any agent or representative thereof, directly or indirectly, shall cut down, destroy, undertake tree removal, or effectively destroy through damaging, any tree listed in Chapter 12-6, Appendix A, "Protected Tree List," whether it be on private property or public right-of-way within the Escambia Bay shoreline protection district, without first having obtained a permit from the ~~department of leisure services~~city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

(4) *Lot coverage.* Total coverage of all development sites within the Escambia Bay Shoreline Protection District, including all structures, parking areas, driveways and all other impervious surfaces, shall not exceed seventy-five (75) percent.

(5) *Protection of bluffs.*

(a) Structures allowed on the bluffs. Only the following structures shall be allowed to be built on the bluffs:

1. Elevated buildings, walkways, steps and decks;

2. Pilings and footings necessary for construction of buildings, walkways, steps or decks; and

3. Access roads or driveways that are essential to the economically viable use of the development.

(b) Vegetation. Clearing of the natural vegetation covering the bluffs within the Escambia Bay shoreline protection district is prohibited except for the minimum area needed for construction of allowable structures. As soon as the construction processes are completed, vegetation must be replanted in all disturbed areas.

(c) Construction. Development that would require alteration of the bluffs shall be prohibited except for approved access roads. Grading and other site preparation shall be kept to an absolute minimum, and shall not be undertaken any longer than thirty (30) days from the proposed start of actual construction.

(F) *Development guidelines.* The following guidelines should be utilized in the review of each development proposal within the district. The adoption of guidelines herein are intended to provide flexibility in the development of property within the district in a manner ~~which~~that balances the interests of the property owner with the public's need for assurance that development will be orderly and consistent with the intent of this section. Individual parcels of property may have physical attributes which justify departure from regulatory norms when strict application of such norms would deny a property owner a reasonable use of ~~his~~ his or her property and when deviation from such norms is consistent with the intent of this regulation as described herein.

(1) *Site planning.* All structures should be designed in a manner ~~which~~that complements the natural contours of the site. Developments should take into account the topography, soils, geology, hydrology and other natural conditions existing on the proposed site;

(2) *Preservation of existing vegetation, except as provided in paragraph (E)(5)(b).* Where possible and practical, existing vegetation, including trees ~~which~~that are not required to be protected under this section and existing shrubs and understory vegetation, should be left undisturbed, especially in the wetland areas. When vegetation is disturbed, the use of native vegetation is encouraged for replanting.

(G) *Conflicts.* It is not intended that this section interfere with or abrogate or annul any other ordinances, rules, or regulations except where this section imposes a greater restriction upon land within a zone.

Secs. 12-2-29, 12-2-30. - Reserved.

ARTICLE IV. - NEIGHBORHOOD PRESERVATION STANDARDS

Sec. 12-2-31. - Accessory uses and structure standards.

In addition to the principal uses ~~which~~that are designated herein as being permitted within the several zoning districts established by this title, it is intended that certain uses which are customarily and clearly accessory to such principal uses, which do not include structures or structural features inconsistent with the principal uses, and which are provided electrical and plumbing service from the main building service shall also be permitted.

For the purposes of this chapter, therefore, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

(A) *Uses and structures customarily accessory to dwellings.*

(a) Private garage.

(b) Open storage space or parking area for motor vehicles provided that such space shall not be used for more than one (1) commercial vehicle licensed by the State of Florida as one (1) ton or more in capacity per family residing on the premises.

(c) Shed or building for the storage of equipment.

(d) Children's playhouse.

(e) Private swimming pool, bathhouse or cabana, tennis courts, and private recreation for tenants of principal buildings.

(f) Structures designed and used for purposes of shelter in the event of manmade or natural catastrophes.

(g) Noncommercial flower, ornamental shrub or vegetable greenhouse.

(h) Television antenna or satellite TV receiving dish.

(i) Attached or detached, uncovered decks.

(j) Solar panels.

(k) Screened enclosures.

(B) *Uses customarily accessory to multi-family residential, retail business, office uses, and commercial recreation facilities.*

(a) Completely enclosed building not to exceed forty-nine (49) percent of the floor area of the main structure for the storage of supplies, stock, merchandise or equipment for the principal business.

(b) Lounge as an accessory use to a package liquor store, not to exceed forty-nine (49) percent of the floor area of the package store.

(c) Lounge as an accessory use to a restaurant, not to exceed forty-nine (49) percent of the floor area of the restaurant.

(d) Car wash as an accessory use to a service station not to exceed forty-nine (49) percent of the square footage of the total site.

(e) Restaurants, cafes, coffee shops and small scale retail uses are permitted as an accessory use in multifamily developments over twenty (20) units in size, and office buildings over four thousand (4,000) square feet, Such accessory uses shall be clearly subordinate to the principal use, shall be located on the first floor within the multi-family or office structure, and shall not exceed ten (10) percent of the gross floor area of the structure in which it is located.

(f) Standards for accessory structures shall be as follows:

1) The use shall be clearly incidental to the use of the principal building, and shall comply with all other city regulations. No accessory structure shall be used for activities not permitted in the zoning district except as noted above.

2) No insignia or design of any kind may be painted or affixed to an accessory use or structure except such signs as are permitted in the provisions of Chapter 12-4.

3) Detached vending and transaction machines shall meet the following restrictions:

a. Placement must be outside required landscape islands and stormwater management systems.

b. Anchoring to trees, traffic signs, fire hydrants, fire connectors, lift stations or other site infrastructure is prohibited.

c. Dispensers and service machines placed in parking lots shall have a finished exterior of brick, stucco, stone, metal or stained wood and shall not contain windmills or similar objects.

d. A sloped roof with a peak or parapet roof is preferred to be affixed to dispensers placed in parking lots with shingle, tile or other roof material in accordance with Florida Building Codes. Screened mechanical rooftops, and other screening or railings with no more than fifty (50) percent openings, may be used subject to approval by the planning board.

e. Signage ~~advertising the products being dispensed or service being provided is allowed. Advertising~~ may not exceed twenty-five (25) percent of the proposed street elevation.

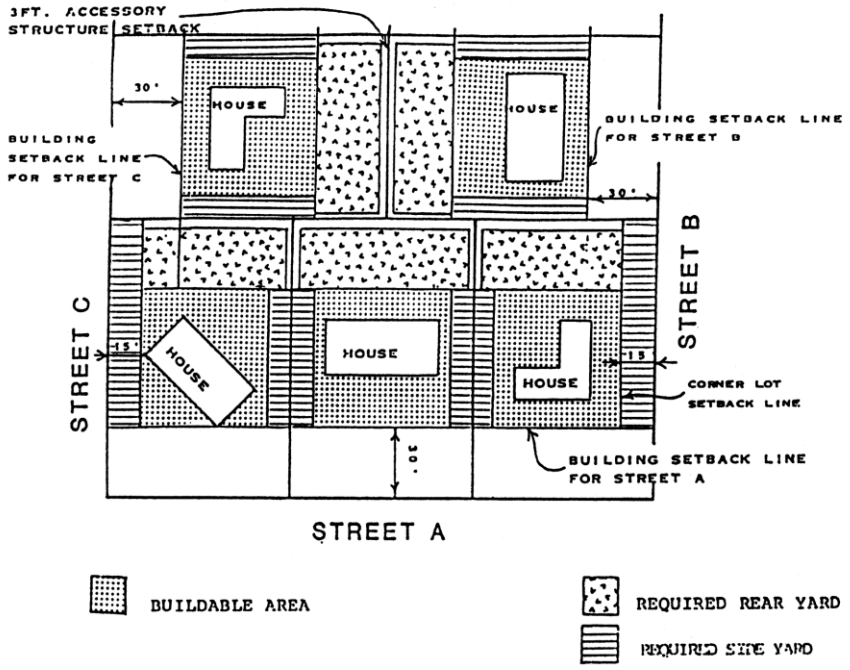
Commented [JW20]: Consistent with current law

(C) *Uses customarily accessory to cemeteries.* A chapel is an accessory use to a cemetery.

(D) *Residential accessory structures standards.*

(a) Accessory structures shall not be permitted in any required front or required side yard except as exempted in this section. Accessory structures shall be permitted in a required rear yard. Figure 12-2.3 shows permitted locations for residential accessory structures.

FIGURE 12-2.3
PERMITTED LOCATION OF RESIDENTIAL ACCESSORY STRUCTURES



1. Permitted only in shaded areas noted as buildable area or required rear yard as shown above.
2. Shall occupy not more than twenty-five (25) percent of required rear yard area. For purposes of calculating this percentage in a corner lot rear yard, the yard shall be measured from the interior side lot line to the street right-of-way line. Swimming pools and their surrounding decking shall be exempt from this calculation.
3. Except for corner lots, accessory structures shall not be located closer than three (3) feet from a property line in a required rear yard.
4. No part of an accessory structure may be located any closer than four (4) feet to any part of the main dwelling unit. An open covered walkway no more than six (6) feet wide may connect the main structure to the accessory structure.
5. Maximum height shall be determined as follows:
   (a) Accessory structures located within three (3) feet of the side and rear property lines shall have a maximum allowed height of fifteen (15) feet.

Commented [JW21]: Was in original LDC and apparently omitted as a scriveners error

(b) Accessory structures exceeding fifteen (15) feet must meet the side yard setback requirements of the principal dwelling unit. For every additional one (1) foot that an accessory dwelling unit is setback from the rear property line above and beyond five (5) feet, an additional one (1) foot in height shall be allowed up to a maximum allowed height of twenty (20) feet as measured at the roof peak.

6. Accessory dwelling units must meet the requirements set forth in section 12-2-52.

(Ord. No. 6-93, § 11, 3-25-93; Ord. No. 13-06, § 11, 4-27-06; Ord. No. 45-07, § 1, 9-13-07; Ord. No. 40-13, § 2, 11-14-13; Ord. No. 25-19, § 1, 10-24-19)

Sec. 12-2-32. - Buffer yards.

(A) *Purpose.* The purpose of establishing buffer yard and screening requirements is to protect and preserve the appearance, character and value of property within the city and to recognize that the transition between certain uses requires attention to eliminate or minimize potential nuisances such as dirt, litter, glare of lights, signs, parking areas and different building styles and scales associated with different land uses. The buffer yard and screening requirements are not meant to replace regulations for specific zoning district side and rear property line requirements, except that buffer yard and screening requirements may be more stringent than specific zoning district regulations.

(B) *Application of buffer yard and screening requirements.* The provisions of this section must be met at the time that building sites are developed or redeveloped.

(C) *Locations for required buffer yards and screening of specific uses or facilities.*

(1) *Required buffer yards.*

(a) Within or adjacent to a residential zoning district. Any developing land use other than a single-family or duplex residential land use, adjacent to a single-family or duplex residential land use or a vacant parcel, shall be responsible for providing a buffer yard.

(b) Within or adjacent to a cumulative zoning district. Any developing land use other than a single-family or duplex residential land use, adjacent to a single-family or duplex residential land use, shall be responsible for providing a buffer yard. A developing land use adjacent to a vacant parcel within or adjacent to a cumulative zoning district shall not be responsible for providing a buffer yard.

(c) Adjacent to a historic or preservation land use district. Any developing land use other than a single-family or duplex residential land use, adjacent to any existing land use or a vacant parcel in a historic or preservation land use district shall be responsible for providing a buffer yard.

(2) *Specific uses or facilities.* The following specific uses or facilities must be screened from public view from a public street and from adjoining property when the subject site is zoned or adjacent to property zoned residential, historic or preservation, redevelopment or airport. Screening material shall meet the requirements of subsection (D)(2)(a).

(a) Dumpsters or trash handling areas.

(b) Service entrances or utility facilities.

(c) Loading docks or spaces.

(D) *Requirements for buffer yards.*

(1) *Description of buffer yard.* Where relationships exist between land uses or zoning districts ~~which~~that would require a buffer yard, as described in paragraph (C)(1) above, a ten (10) foot buffer yard shall be required. Said buffer yard shall extend the entire length of the common property line or zoning district boundary except when the boundary is located within a public street or right-of-way. The buffer yard may be located within a larger required yard or may

supersede the requirements for smaller required yards depending on the specific zoning district regulations.

(2) *Buffer material requirements.* A buffer yard must contain trees and screening materials as specified in this paragraph.

(a) Screening materials. A buffer yard must contain one or more of the following type screening materials sufficient to provide a minimum of seventy-five (75) percent opacity for that area between the finished grade level at the common boundary line and six (6) feet above said level and horizontally along the length of all common boundaries: fence, wall, hedge, landscaping, earth berm or any combination of these. The composition of the screening material and its placement within the buffer yard or surrounding the use or facility to be screened will be left up to the discretion of the developer so long as the purpose and requirements of this section are met. A fence or earth berm ~~which~~that is located within the required buffer yard must comply with maximum height requirements established in section 12-2-40, applicable to fences.

(b) The minimum height for screening will be six (6) feet (at maturity for vegetation).

(c) Trees must be installed as part of the screening material. One tree must be installed for each twenty-five (25) linear feet of majority portion thereof, with a minimum of fifty (50) percent of said trees being shade trees. Trees shall be spaced so as to allow mature growth of shade trees. Trees may be evergreen or deciduous as long as they are of a variety approved by the ~~department of leisure services~~city, and said trees must be at least three (3) inches in diameter (nine and four-tenths (9.4) inches in circumference) measured one (1) foot above grade at the time of planting. Protection of existing healthy trees within a required buffer yard is encouraged, and when existing trees are protected the spacing requirements and the number of trees required may be adjusted to take into account the growth characteristics of the trees.

(d) Shrubs used in any screening or landscaping may be of evergreen or deciduous varieties. They must be at least two (2) feet tall when planted and no further apart than five (5) feet. They must be of a variety and adequately maintained so that a minimum height of six (6) feet could be expected as normal growth within three (3) years of planting. Protection of existing healthy shrubs is encouraged, and when existing shrubs are protected the spacing requirements may be adjusted to take into account the growth characteristics of the shrubs. Table 12-2.11 lists recommended vegetation for screening.

(e) Any earth berm used to meet the requirements of this section must be stabilized to prevent erosion and must be landscaped with grasses, shrubs, or other materials.

(f) Grass, other ground cover or permeable mulching material shall be planted or placed on all areas of the buffer yard required by this section ~~which~~that are not occupied by other landscape materials.

(g) There are other landscaping and tree planting requirements contained in Chapter 12-6. Nothing in this section will exempt any development from complying with those other requirements when they would require a higher level of performance.

TABLE 12-2.11
RECOMMENDED VEGETATION LIST
FOR BUFFER YARD VISUAL SCREEN

Ligustrum (Ligustrum japonicum)
Azalea (Rhododendron indicum, Rhododendron simsii, Rhododendron

obtusum)
Red top (Photinia glabra and Photinia fraseri)
Cleyera (Cleyera japonica)
Wax Myrtle (Myrica cerifera)
Pampas grass (Cortaderia selloana)
Thorny elaeagnus (Elaeagnus pungens)
Silverberry (Elaeagnus macrophylla)
English holly (Ilex aquifolium)
Chinese holly (Ilex cornuta)
Japanese holly (Ilex crenata)
Yaupon holly (Ilex vomitoria)
Oleander (Nerium oleander)
Chinese juniper (Juniperus chinensis)
Savin juniper (Juniperus chinensis)
Rocky Mountain juniper (Juniperus scopulorum)
Suggested planting sizes:
One-gallon plant. Approximately 15—24 inches in height.
Three-gallon plant. Approximately 24—36 inches in height.

(E) *Alternative screen methods.* Under certain circumstances the application of the standards above is either inappropriate or ineffective in achieving the purposes of this section. When the site design, topography, unique relationships to other properties, natural vegetation, or other special

considerations exist relative to the proposed development, the developer may submit a specific plan for screening.

(F) *Use of existing screening.* When a lot is to be developed so that a buffer yard is required and that lot abuts an existing hedge, fence or other screening facility on the adjoining lot, then that existing screen may be used to satisfy the buffer screening material requirements of this ordinance; however, the ten (10) foot buffer yard must be provided. The existing screen must meet the minimum standards for screening established by this section and it must be protected from damage by pedestrians or motor vehicles. The burden to provide the necessary screening remains with the use to be screened and is a continuing obligation that runs with the land so long as the original relationship exists.

(G) *Hardship determination.* If the city ~~landscape architect,~~ engineer and planner determine that the construction of a buffer yard required by this chapter would create a hardship because of the unique and peculiar circumstances or needs resulting from the size, configuration or location of the site or for the renovation of existing structures or vehicular use areas, the above stated city staff may approve a buffer yard with a width no less than five (5) feet, provided such buffer yard meets the visual screening requirements of this section.

(Ord. No. 13-92, § 2, 5-28-92; Ord. No. 29-93, § 15, 11-18-93; Ord. No. 50-00, § 4, 10-26-00)

Sec. 12-2-33. - Home occupation permits.

(A) *Findings.* The city recognizes that tangible benefits will be gained by allowing residents to earn income from occupations conducted within their homes. These benefits include in part:

(a) A reduction in automobile trips;

(b) Encouraging more citizens, including the handicapped, the aged, and parents of small children, to participate in the workforce; and

(c) Allowing many of these citizens to have jobs while meeting various family obligations.

(B) *Purpose.* The city recognizes that its residents should expect their neighborhoods to be quiet and safe places to live and that home occupations should not be allowed to alter the primarily residential character of these neighborhoods. Home occupations should not be allowed to create a nuisance of any kind or to endanger the health or safety of residents of the neighborhood. For these reasons, it is the purpose of this section to:

(a) Protect residential areas from the adverse impacts of activities associated with home occupations;

(b) Permit residents of the community a broad choice in the use of their homes as a place of livelihood for the production or supplementation of personal and family income;

(c) Establish criteria, development standards and performance standards for home occupations conducted in dwelling units.

(C) *Permits.* A person desiring a home occupation permit shall make an application in the ~~Department of Planning and Neighborhood Development~~planning services department. A person may only apply for a home occupation permit to be used at his/her primary place of residence.

(1) *Occupational license required.* All home occupations shall be required to obtain an occupational license concurrent with the application for a home occupation permit.

(2) *Acknowledgement of applicant required.* An applicant for a home occupation permit shall, at the time of application, sign an acknowledgement stating that the applicant:

(a) Agrees to comply with the standards set forth in this section;

(b) Agrees to comply with the conditions imposed by the city to insure compliance with such standards;

(c) Acknowledges that a departure therefrom may result in a revocation of the home occupation permit; and

(d) Acknowledges that the city shall have the right to reasonably inspect the premises upon ~~which~~that the home occupation is conducted to insure compliance with the foregoing standards and conditions, and to investigate complaints, if any, from neighbors.

(3) *Application for a permit.* Such application for a permit shall include the following:

(a) Name of applicant;

(b) The exact nature of the home occupation;

(c) Location of dwelling unit where the home occupation will be conducted;

(d) Total floor area of the dwelling unit;

(e) Area of room or rooms to be utilized in the conduct of the home occupation; and

(f) A sketch with dimensions showing the floor plan and the area to be utilized for the conduct of the home occupation. This sketch must show the location and nature of all equipment to be utilized in the conduct of the home occupation, as well as the locations for storage of materials used in the conduct of the home occupation and the identity and nature of these materials. If the nature of the business is such that clients or customers will visit the premises, then the sketch must show available off street parking and the ingress/egress to be used.

If the proposed home occupation complies with all of the requirements of subsection (D) of this section, the ~~Department of Planning and Neighborhood Development~~Planning services department shall issue the home occupation permit. Home occupation permits are non-transferable, except that, in the case of death, should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the ~~Department of Planning and Neighborhood Development~~Planning services department and the permit may be transferred. Such home occupation permit cannot be used by the applicant for any premises other than that for which it was granted.

(4) *Revocation of a home occupation permit.* Any person may seek revocation of a home occupation permit by making application therefor to the ~~Inspection Services Department~~building official, and an investigation will be made to determine whether the permit holder is conducting such home occupation in a lawful manner as prescribed in this section. In the event that the ~~Inspection Services Department~~building official determines that the permit holder is in violation of the provisions of this section, the permit shall be immediately revoked. The decision of the ~~Inspection Services Department~~building official shall be subject to appeal to the board of adjustment as prescribed in section 12-12-2. During such an appeal, the action of the Inspection Services Department is stayed. If the Inspection Services Department determines that the public safety is at risk, appropriate regulating agencies and authorities shall be immediately notified.

The following shall be considered as grounds for the revocation of a home occupation permit:

(a) Any change in use or any change in extent or nature of use or area of the dwelling unit being used, that is different from that specified in the granted home occupation permit form, that is not first approved by the ~~Department of Planning and Neighborhood Development~~city planner shall be grounds for the revocation of a home occupation permit. The operator of a home occupation must apply for a new home occupation permit prior to any such changes;

(b) Any change in use, extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that results in conditions not in accordance with the provisions of the required conditions of subsection (D) shall result in immediate revocation of the home occupation permit;

The following conditions shall apply for home occupation permits ~~which~~that have been revoked:

(a) Initial revocation: Reapplication may only occur when the condition(s) causing the revocation has been corrected;

(b) Second revocation: Reapplication may only occur after one (1) year and when the condition(s) causing the revocation has been corrected;

(c) Third revocation: The home occupation permit shall not be reissued.

(D) *Required conditions.* All permitted home occupations shall comply with the following standards and criteria:

(1) The home occupation may be conducted within the principal building or in an accessory building, except for any related activities conducted off the premises.

(2) No person other than a member of the family residing on the premises shall be employed or engaged in the home occupation at the premises.

(3) There shall be no alteration or change to the outside appearance, character or use of the building or premises, or other visible evidence of the conduct of such home occupation, including outside storage or signs pertaining to the home occupation. There shall be no display of products visible in any manner from the outside of the dwelling.

(4) No home occupation shall occupy more than five hundred (500) square feet. When located within the principal building, no home occupation shall occupy more space than twenty-five (25) percent of the total floor area of the dwelling unit, provided that in no event shall such home occupation occupy more than five hundred (500) square feet.

(5) No commodities or goods of any kind shall be sold on the premises with the following exceptions:

(a) The sale and display of items produced or fabricated on the premises as part of the home occupation, such as art and handicrafts, is permitted. In no instance is any outside display allowed.

(b) Orders made by phone, mail or sales party may be filled on the premises.

(6) No equipment or process shall be used in such home occupation ~~which~~that creates prolonged noise, sound or vibration. Heat, glare, fumes, dust, odors or electrical interference detectable to the normal senses outside the dwelling, or in multiple-family dwellings, detectable to the normal senses beyond the walls of the dwelling unit shall not be permitted. Combustible materials located anywhere on the premises in quantities that are in violation of the city's fire code shall not be permitted. No equipment shall be used ~~which~~that creates any visual or audible interference in any radio, telephone or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(7) No articles or materials used in connection with such home occupation shall be stored on the premises other than in the area permitted for the home occupation, and any area used for storage shall be counted toward the maximum permissible floor area used for such home occupation.

(8) No home occupation shall be permitted ~~which~~that involves the visitation of clients, customers, salesmen, suppliers or any other persons to the premises ~~which~~that would generate vehicular traffic in excess of two (2) vehicles concurrently or more than twelve (12) vehicles per day.

(9) The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling shall not exceed the limits of one (1) home occupation as established in this subsection.

(10) There shall be no illegal discharge of any materials, fluids or gases into the sewer system or any other manner of discharging such items in violation of any applicable government code.

(11) Home occupations shall comply with all local, state or federal regulations pertinent to the activity pursued, and shall not be construed as an exemption from such regulations.

(E) *Prohibited activities.* A home occupation permit shall not be issued for any of the following uses or for a home occupation that requires any of the following activities:

(a) Activities regulated by the Federal Bureau of Alcohol, Tobacco and Firearms;

(b) Activities that produce hazardous wastes regulated by the United States Environmental Protection Agency or the Florida Department of Environmental Protection;

(c) Beauty/barber shops with more than two (2) chairs;

(d) Group instruction of more than two (2) students at one (1) time;

(e) Outdoor repair shops;

(f) Provision of transportation services such as taxi or limousine service;

(g) Sales of food or drink to the public on the premises;

(h) Sales of retail items other than described in subsection (D)(5); and,

(i) Sales, service or repair of motorized vehicles.

(Ord. No. 45-96, § 7, 9-12-96; Ord. No. 44-99, § 2, 11-18-99)

Sec. 12-2-34. - Reserved.

Editor's note— Ord. No. 14-13, § 1, adopted May 9, 2013, repealed § 12-2-34, which pertained to street setback requirements. See Code Comparative Table for complete derivation.

Sec. 12-2-35. - Required visibility triangle.

(A) *Location and general provisions.* On every corner lot on both public and private streets, the triangle formed by the street right-of-way lines of such lot and a line drawn between points on such street lines which are thirty (30) feet from the intersection thereof shall be clear of any structure, solid waste container, parked vehicles, major recreational equipment, or planting of such nature and dimension as to obstruct lateral vision, provided that this requirement shall generally not apply to the trunk of a tree (but usually shall apply to branches or foliage), or a post, column, or similar structure which is no greater than one foot in cross-section diameter.

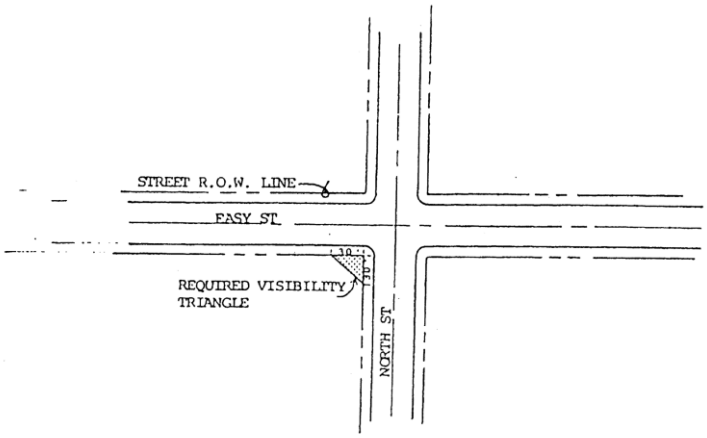


FIGURE 12-2.4
VISIBILITY TRIANGLE

(B) *Vertical clearance.* Lateral vision shall be maintained between a height of three (3) feet and eight (8) feet above the average elevation of the existing surface of both streets measured along the centerlines adjacent to the visibility triangle.

(C) *Exemptions.*

(a) The C-2A and HC-1 zoning districts shall be exempt from the visibility triangle provision.

(b) Lots of record shall be exempt from the visibility triangle provision.

(c) Transparent fences including chain link, wrought iron and similar materials.

(D) *Hardship determination.* If the city engineer and planner determine that the visibility triangle required by this section would create a hardship because of the unique and particular circumstances or needs resulting from the size, configuration or location of the site or for the renovation of existing structures or vehicular use areas, the above stated city staff may approve a visibility triangle of no less than fifteen (15) feet from the intersection.

(Ord. No. 8-99, § 4, 2-11-99; Ord. No. 22-02, § 1, 9-26-02)

Sec. 12-2-36. - Parking and storage of major recreational equipment.

(A) *General requirements.*

(a) Parking or storage of major recreational equipment, except for loading and unloading not to exceed twenty-four (24) hours, shall not be permitted in any portion of any public right-of-way.

(b) Repairing or maintaining major recreational equipment, except repairs necessitated by an emergency, shall not be permitted in any portion of any public right-of-way.

(c) Major recreational equipment shall not be parked or stored on any vacant lot except where such vacant lot adjoins a lot on which a principal structure under the same ownership is located.

(d) Major recreational equipment may not be parked or stored on a parking lot for the principal purpose of displaying such equipment for sale except on parking lots where the sale of vehicles

and major recreational equipment is a duly authorized permitted use (i.e. new and used car lot, major recreational equipment sales lot);

(e) Major recreational equipment may not be used for storage of goods, materials or equipment other than those items considered to be part of the vehicle or major recreational equipment essential for its immediate use.

(f) Parking or storage of major recreational equipment is allowed in duly authorized facilities designed for storage and parking of major recreational equipment and on residential premises as provided in section 12-2-36(B).

(B) *Residential requirements.* Parking or storage of major recreational equipment on residential premises shall be allowed as shown in Figure 12-2.5 subject to the following conditions:

(a) May be parked or stored in:

1. Permanent equipment enclosures such as carports or garages;
2. The driveway of the owner's residence but not in any portion of any public right-of-way;
3. Rear yards not closer than three (3) feet to the rear and side property lines;
4. The front yard except in the required visibility triangle (refer to section 12-2-35) but only perpendicular to the front lot line and within fifteen (15) feet of either side lot line; or
5. One of the required side yards but not both. May be parked on corner lots in the required street side yard except in the required visibility triangle.

(b) May be parked anywhere on residential premises not to exceed twenty-four (24) hours during loading or unloading.

(c) Shall not be used for living, sleeping or housekeeping purposes while stored on a residential premises.

(d) Shall not be connected to any utilities except electricity.

(e) May not be parked or stored in required parking spaces of multiple-family developments.

(f) Must be maintained in an operable condition and must be properly licensed in accordance with all laws of the State of Florida.

(Ord. No. 8-95, § 1, 2-23-95; Ord. No. 23-02, § 1, 9-26-02)

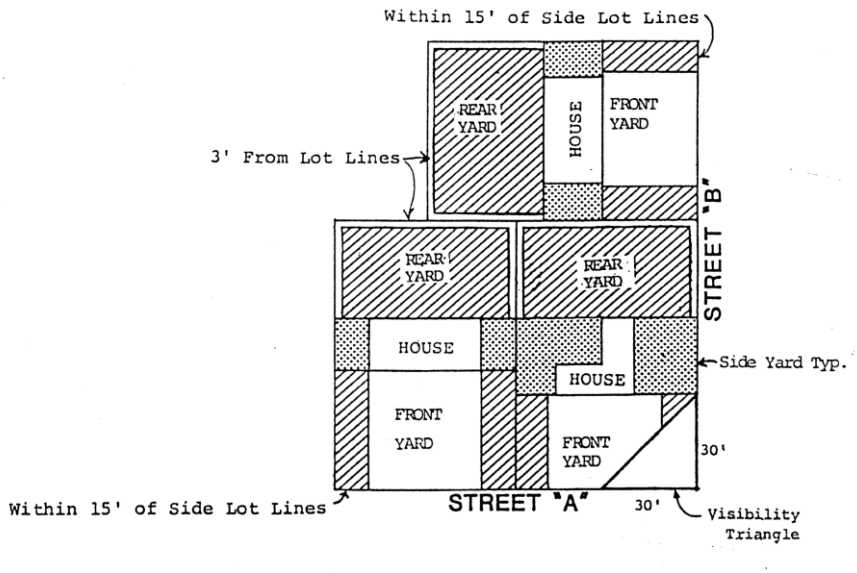


FIGURE 12-2.5
STORAGE OF MAJOR RECREATIONAL VEHICLES

Sec. 12-2-37. - Boathouses, piers and docks, all residential zones.

In a residential zone, bordering upon either Bayou Chico, Bayou Texar, Pensacola Bay or Escambia Bay within the city limits, piers, docks and boathouses may be built provided that all permits have been obtained from the Florida Department of Environmental Protection and the Army Corps of Engineers prior to city building permit application. No piers, docks or boathouses shall be built along the shores in or upon the waters of Bayou Texar or Bayou Chico, Pensacola Bay and Escambia Bay except those that shall conform to the following regulations:

(a) No pier, dock and/or boathouse shall be constructed or altered hereafter without first obtaining a permit from the building inspector and upon the submission of plans and a plat describing the proposed construction.

(b) No boathouse, pier, dock or approach to the said boathouse shall be closer to the side lot lines of the designated lots (lot line measured at right angle from shoreline) in any subdivision bordering Bayou Texar, Bayou Chico, Pensacola Bay or Escambia Bay than a minimum footage of ten (10) feet, nor shall any boathouse extend to a height of more than fifteen (15) feet from the above mean low tide.

(c) The square foot area of any boathouse shall not exceed forty (40) percent of the total area of the principal dwelling unit and that an uncovered platform at the end of a pier or dock shall not exceed two hundred fifty (250) square feet.

(d) No boathouse shall be used for living quarters, and the use of boathouses shall be confined to the housing of boating and related equipment.

(Ord. No. 22-02, § 1, 9-26-02; Ord. No. 19-16, § 1, 7-14-16)

Sec. 12-2-38. - Private streets.

(A) *Permitted locations.* Private streets may be constructed in residential and non-residential developments and subdivisions.

(B) *Construction of private streets.*

(a) Private streets shall be constructed solely at the expense of the developer or the homeowners' association and shall have a hard surface travel way of a minimum of twelve (12) feet per travel lane and a minimum of two (2) lanes per street, or twenty-four (24) feet of pavement in a two-way street. Narrower pavement widths may be approved by the planning board and city council upon recommendation by the city engineer.

(b) Private streets shall be contained within a private ingress and egress easement, private right-of-way or private common area of sufficient width to contain the roadway, sidewalks and any utilities.

(c) Private streets shall be designed and constructed in accordance with the requirements of section 12-2-82 and Chapter 12-8 where a subdivision is involved.

(C) *Maintenance of private streets.* The owner(s) of a development ~~which~~that includes private streets shall utilize one of the following general plans for providing for the ownership and maintenance of the private streets.

(a) Establish an association or nonprofit corporation of all individuals and entities owning property within the development.

(b) Owner to retain ownership control of such area and be responsible for the maintenance thereof.

(c) Any other method proposed by the owner ~~which~~that is acceptable to the city council. Said proposed alternative method shall serve the purpose of providing for the ownership, use, and maintenance, of the private streets.

(Ord. No. 13-06, § 12, 4-27-06)

Sec. 12-2-39. - Height exceptions.

The following height exceptions qualify or supplement as the case may be, the district regulations or requirements appearing elsewhere in this land development code:

(a) Public or semipublic buildings, schools, and churches or temples, where permitted in an R-1AAAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, R-ZL zoning district or in the North Hill Preservation District, may be erected to a height not exceeding seventy-five (75) feet when the

front, rear and side yards are increased an additional foot for each foot such buildings exceed the height limit otherwise provided in the district in which the building is built.

(b) Single- and two-family dwellings in a residential district may be increased in height by not more than ten (10) feet when two (2) side yards of not less than fifteen (15) feet each are provided.

(c) The height limitations contained in this chapter do not apply to chimneys, water tanks or towers, elevator bulkheads, stacks, ornamental towers or spires, monuments, cupolas, domes, false mansards, parapet walls and necessary mechanical appurtenances usually required to be placed above the roof level and not intended for human occupancy. However, the heights of these structures or appurtenances shall not exceed the height limitations prescribed by the Federal Aviation Administration within the flight approach zone patterns of the ~~Pensacola Regional Airport~~Pensacola International Airport. (Refer to Chapter 12-11 of this title).

(d) Private radio antenna towers provided same are established pursuant to the following conditions:

1. Private radio antenna towers are permitted up to seventy-five (75) feet above grade. Height of tower to be measured from grade to the uppermost portion of the tower and its appurtenances, said distance to be measured when tower is extended to its greatest height.
2. Private radio antenna towers shall be permitted in the side yard other than the required side yard, and in the rear yard.
3. A private radio antenna tower shall not be constructed without a building permit. Antenna towers shall meet the minimum requirements of Chapter 14-1. Any portion of an antenna tower above seventy-five (75) feet in height shall require a variance from the zoning board of adjustment (ZBA).

(Ord. No. 6-93, § 12, 3-25-93; Ord. No. 29-93, § 16, 11-18-93)

Sec. 12-2-40. - Fences.

(A) *General provisions.*

(1) *Visibility triangle requirements.* All opaque fences shall conform to the required visibility triangle requirements as set forth in section 12-2-35.

(2) *Prohibited fences.* No electrical fences or fences with cutting edges, including, but not limited to, fences using razor, ribbon or concertina wire, shall be permitted within the city. Notwithstanding the foregoing, electrical fences may be used at wildlife sanctuaries permitted by the U.S. Department of Wildlife and Fisheries to harbor and protect federally protected and/or endangered species. Electrical fences must be wholly within the interior of such sanctuaries and may not be used as perimeter fences. Site plans and installation diagrams must be submitted to the City ~~Planning Department~~Planning services department and the ~~City Inspections Department~~building official for review and approval. Electrical fences may not be in use during hour of operation when the public is present and appropriate warning signs must be attached to electrical fences.

(3) *Pillars and posts.* Pillars and posts may extend up to twelve (12) inches above the height limitations of this section, provided such pillars and posts are no less than eight (8) feet apart.

(4) *Existing nonconforming fences.* Existing nonconforming fences in any zoning district may be repaired or replaced, with the exception of opaque fences in a visibility triangle.

(B) *Regulations for the R-1AAAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, R-NC, R-NCB, WRD, GRD and airport zoning districts.*

(1) *Maximum height of fences.* Fences may be built to the maximum heights within required yards as follows:

Required front yard	4 feet, 6 inches
Required side yard	6 feet, 6 inches
Required rear yard	6 feet, 6 inches

On corner lots, fences constructed within the required street side yard shall not exceed four (4) feet in height if the fence would obstruct the visibility from an adjacent residential driveway. Otherwise fences within the required street side yard may be built to a maximum of six (6) feet, six (6) inches.

(a) Fences may be built to the maximum height allowed for structures in the zoning district at the building setback line or within the buildable area of a site.

(b) Multifamily developments having a building site area of at least one acre and street frontage of at least two-hundred (200) feet shall be permitted fences six (6) feet, six (6) inches in height along property lines surrounding the development around the perimeter. All fences shall conform to visibility triangle requirements as set forth in section 12-2-35.

(c) Subdivisions having an area of at least one acre and street frontage of at least two hundred (200) feet shall be permitted fences six (6) feet, six (6) inches along property lines surrounding the subdivision around the perimeter. All fences shall conform to visibility triangle requirements as set forth in section 12-2-35.

(2) *Barbed wire fences.* In residential districts, barbed wire fences shall be permitted only to surround a public utility and federal, state, county or municipal property. Any such fence may incorporate three (3) strands of barbed wire only on top of a solid or chain-link fence at least six (6) feet high, but no higher than eight (8) feet.

(3) *Location of fences.* Fences shall be permitted to the right-of-way line of a public street.

(C) *Regulations for the historic and preservation zoning districts.* All requirements must be met as established in sections 12-2-10(A)(5)(c) and 12-2-10(B)(5)(d), and in addition the following provisions apply:

(a) No concrete block or barbed wire fences will be permitted. Approved fence materials will include, but are not limited to wood, brick, stone or wrought iron. Chain link fences shall be permitted in the PR-1AAA, PR-2 AND PC-1 zoning districts in side and rear yards only with the approval of the architectural review board.

(b) Fences are subject to approval by the architectural review board.

(D) *Regulations for the commercial and industrial zoning districts.* All requirements established in subsection (A) must be met and in addition the following provisions apply: There shall be no maximum height for fences in these districts except as provided in subparagraphs (b) and (c), below.

(a) Fences incorporating barbed-wire are permitted provided that barbed-wire may be used only on top of a six-foot-high or higher solid or chain-link fence surrounding a public utility, uses permitted in a C-3, M-1 or M-2 zoning district ~~which are not permitted in an R-C zoning district,~~ and federal, state, county or municipal property.

(b) Where a dwelling is located in a commercial, industrial or redevelopment district, subsection (B) shall regulate fences for that dwelling.

(c) Where a dwelling unit is located adjacent to an industrial or commercial use, a fence may be constructed to a maximum height of eight (8) feet, six (6) inches on the property line contiguous to the industrial or commercial use.

(Ord. No. 6-93, § 13, 3-25-93; Ord. No. 29-93, §§ 17, 18, 11-18-93; Ord. No. 25-97, § 1, 7-10-97; Ord. No. 22-02, § 1, 9-26-02)

Sec. 12-2-41. - Yard requirements.

(A) *General requirements:*

(a) Except as otherwise specified herein, every lot shall have a front yard, side yards, and a rear yard with minimum depths not less than those specified for the respective zone and as illustrated in Figure 12-2.6.

(b) Side yard requirements for dwellings shall be waived where dwellings are erected above stores or shops; however, such dwellings shall meet the same yard requirements established for the ground floor commercial structure.

(c) Every part of a required yard shall be open from its lowest point to the sky unobstructed, except for that portion occupied by permitted accessory structures, trees and shrubs and the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, none of the above projections shall project into a required yard more than twenty-four (24) inches.

Open or enclosed fire escapes, outside stairways and landings projecting into a minimum yard or court not more than three and one-half (3.5) feet and the ordinary projections of chimneys and flues may be permitted by the building official.

(B) *Corner lots.* On lots having frontage on more than one street at an intersection, a required front yard shall only be required on one street frontage; the required side yard fronting the other street shall be reduced by fifty (50) percent of the required front yard for the district.

(C) *Double frontage or through lots.* On lots having frontage on more than one street, but not located on a corner, a minimum front yard shall be provided for each street in accordance with the provisions of this section, unless a nonaccess easement is established on one frontage of such lot.

(Ord. No. 25-92, § 3, 7-23-92; Ord. No. 9-96, § 10, 1-25-96; Ord. No. 8-99, § 5, 2-11-99)

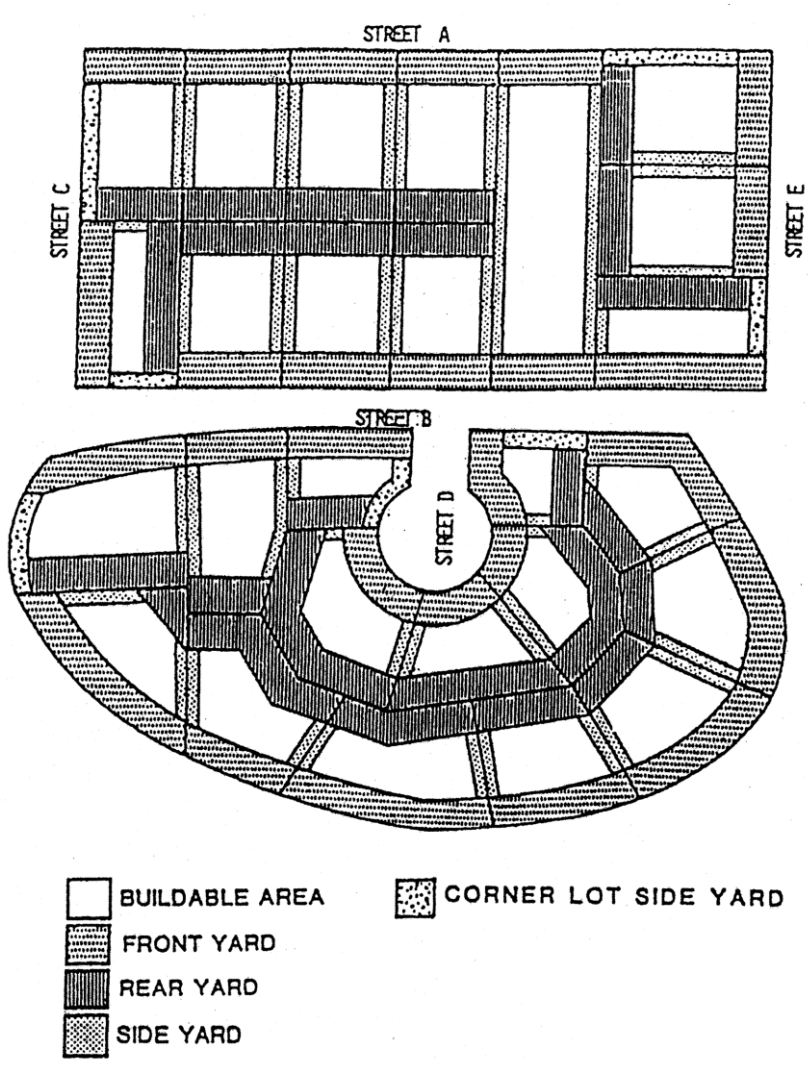


FIGURE 12-2.6—REQUIRED YARDS

Sec. 12-2-42. - Parking for certain uses prohibited.

No person shall park a vehicle upon any street, right-of-way, vacant lot or parking lot for the principal purpose of:

(a) Displaying such vehicle for sale;

(b) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency;

(c) Displaying advertising;

(d) Selling merchandise from such vehicle except in a duly established marketplace or when so authorized or licensed under the ordinances of this municipality; or

(e) Storage for more than twenty-four (24) hours.

(Ord. No. 9-96, § 11, 1-25-96; Ord. No. 04-06, § 1, 2-9-06)

Sec. 12-2-43. - Parking of commercial vehicles in residential neighborhoods.

(A) *Large commercial vehicles.*

(1) Parking or storage of any large commercial vehicle, except for loading and unloading not to exceed twelve (12) hours, shall not be permitted in any portion of the right-of-way located within a residential district or development. Loading and unloading means that the commercial vehicle is attended and materials are being actively loaded/unloaded into and out of the commercial vehicle.

(2) Parking or storage of any large commercial vehicle on any residential premises shall not be permitted except as follows:

(a) Temporary parking during loading and unloading not to exceed twelve (12) hours. Loading and unloading means that the commercial vehicle is attended and materials are being actively loaded/unloaded into and out of the commercial vehicle.

(b) Temporary parking of construction equipment and delivery vehicles on or adjacent to a properly permitted construction site.

(3) Large commercial vehicles shall not be used for living, sleeping or housekeeping purposes while temporarily parked as provided above.

(4) The mayor may, for good cause shown, grant a temporary permit with reasonable conditions exempting any large commercial vehicle from the provisions of this section for a period not to exceed seventy-two (72) hours.

(5) Permanent parking or storage of large commercial vehicles on a residential premises may be permitted according to the following specific requirements:

(a) Must be contained within a garage or similar enclosed accessory structure meeting the requirements of section 12-2-31(D): residential accessory structures standards.

(b) Shall not be connected to any utilities.

(c) Shall not be used for living, sleeping or housekeeping purposes.

(d) Must be maintained in an operable condition and must be property licensed in accordance with all laws of the State of Florida.

(B) *Small commercial vehicles.* Small commercial vehicles when not in active service shall not be parked or stored in any portion of the right-of-way located within a residential district or development between the hours of 6:00 p.m. and 6:00 a.m.

Permanent parking or storage of small commercial vehicles on residential premises is permitted subject to the following conditions:

(1) May be parked or stored in:

(a) Garage, carport or similar enclosed accessory structure meeting the requirements of section 12-2-31(D): residential accessory structures standards.

(b) The driveway of the residential premises of the vehicles owner and/or operator.

(2) Must be maintained in an operable condition and properly licensed in accordance with all laws of the State of Florida.

(3) Must be owned and/or operated by a resident of the residential premises.

(4) Shall not be connected to any utilities.

(5) Shall not be used for living, sleeping or housekeeping purposes.

(6) Shall not be more than two (2) small commercial vehicles on a residential premises.

(C) Public school buses. Public school buses operated by drivers employed by the Escambia County School District during the school year shall be permitted to park on the residential premises of the operator. Public school buses shall not be parked or stored in any portion of the right-of-way in a residential district or development between the hours of 6:00 p.m. and 6:00 a.m. Effective with the end of the 2006—2007 school year, public school buses shall adhere to all provisions of section 12-2-43(A).

(Ord. No. 04-06, § 2, 2-9-06; Ord. No. 16-10, § 206, 9-9-10)

Sec. 12-2-44. - Communications tower review.

(A) *Permitted locations.*

(1) Communications towers shall be permitted in the C-2, ~~R-C,~~ C-3, M-1, and M-2 zoning districts except where prohibited in subsection 12-2-44(A)(2) and only in accordance with the standards and procedures set forth in this section and other applicable provisions of the Code.

(2) Communications towers shall be prohibited within the CO, zoning districts. In addition, communications towers are prohibited as follows: On any lot in any zoning district within five hundred (500) feet of Bayou Texar, Escambia Bay or Pensacola Bay; within the Governmental Center District; and, within the Palafox Historic Business District.

(3) Communications towers may be permitted by conditional use approval as provided in section 12-2-79 in the R-1AAAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, R-NC, R-NCB, C-1, C-2A, HR-1, HR-2, HC-1. HC-2, PR-1AAA, PR-2, PC-1, OEHR-2, OEHC-1, OEHC-2, OEHC-3, ATZ-1, ATZ-2, GRD, GRD-1, WRD, WRD-1, SPBD, and IC zoning districts.

(4) Communications towers may be permitted in the ARZ zoning district as provided in subsection 12-2-11(B)(1)(g) and in accordance with the standards and procedures set forth in this section and other applicable provisions of the code.

(B) *Illumination.* Artificial lighting of communications towers shall be limited to mandatory safety lighting required by state or federal regulatory agencies having jurisdiction over communications towers. Equipment cabinets and other facilities located at the base of communications towers may be lighted provided any lighting conforms with the requirements of this chapter.

(C) *Inventory of existing sites.* Each applicant for permission to construct a communications tower shall provide to the city an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one (1) mile of the border thereof, including specific information about the location, height and design (including the number of antenna arrays the tower is designed to support, the number currently on the tower, and the height at which any additional arrays could be placed) of each tower. The ~~planning department~~planning services department may share such information with other applicants applying for administrative approvals or conditional use permits under this section and with other organizations seeking to locate antennas within the city, provided, however that the ~~planning department~~planning services department shall not, by sharing such information, be deemed to be in any way representing or warranting that such sites are available or suitable.

(D) *Co-location.*

(1) Design and construction. Monopoles shall be engineered and constructed to accommodate a minimum of two (2) antenna arrays. Antenna support structures shall be engineered and constructed to accommodate a minimum of three (3) antenna arrays.

(2) Due diligence. An applicant for construction of a monopole or antenna support structure shall demonstrate that it has made diligent but unsuccessful efforts to co-locate its antenna and associated equipment on an existing structure. Evidence submitted to demonstrate that no existing tower or other structure can accommodate the applicant's proposed antenna shall consist of the following:

(a) No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.

(b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(d) The applicant's proposed antenna would cause impermissible electromagnetic interference, as determined by the FCC, with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference, as determined by the FCC, with the applicants proposed antenna.

(e) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonably high. Costs exceeding the expense of designing and constructing a new tower shall be presumed to be unreasonably high.

(f) Property owners or owners of existing towers or structures are unwilling to accommodate the applicant's needs.

(g) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(E) *Height limitation.* Personal wireless towers shall not exceed the height limits established on the Airspace Height Limitation Zoning Map and in no case shall exceed a maximum height of two hundred twenty (220) feet.

(F) *Aircraft hazard.* Communication towers shall not encroach into or through any established public or private airport approach path as established by the FAA. Each application to construct a communication tower shall include proof of application for approval from the FAA. Based upon the location or height of a proposed communications tower, the city may require a statement of no objection from the city airport director. A building permit for an approved communications tower shall not be issued until FAA approval is obtained.

(G) *Setbacks and separation.*

(1) Except as provided in subsection 12-2-44(G)(2), the distance between the base of any communications tower and the nearest residential district or nearest lot line of any single-family, two-family or multi-family dwelling shall be at least equal to the height of the tower.

(2) The distance between the base of a communications tower and any single-family, two-family or multi-family dwelling located in the M-1 or M-2 district may be reduced to a specified amount if the applicant provides a certification from the tower manufacturer or a qualified engineer stating that the tower is designed and constructed in such a way as to crumple, bend, collapse or otherwise fall within the specified distance. In no event shall the distance between the base of a communications tower and the nearest residential lot line be less than twenty (20) percent of the tower height.

(3) Proposed communications towers shall be separated from all other existing communications towers by a minimum of one thousand (1,000) feet as measured from the center base of the communications tower.

(H) *Plans approved.* No communications tower shall be installed, erected or constructed unless the plans therefore are approved by the city planner ~~planning department~~ and building ~~inspection department~~official after consideration of the standards set forth in this section.

(1) Submission of plans; review. Prior to the issuance of a building permit, all plans for communications towers shall be submitted to the ~~planning department~~city planner. The city ~~planning department~~planner and building ~~inspections department~~official shall review plans according to the review criteria provided in paragraph (3).

(2) Contents of the plans. All plans shall show the following:

(a) Location and approximate size and height of all buildings and structures within five hundred (500) feet adjacent to the site of the proposed communications tower.

(b) Site plan of entire development, indicating all improvements including landscaping, screening, and any trees ~~which~~that are to be preserved.

(c) Elevations showing all facades, indicating exterior materials and color of all communications towers on the site of the proposed communications tower.

(d) Plans shall be drawn at a scale of at least fifty (50) feet to the inch.

(3) City staff approval of plans. The city planner~~planning department~~ and building ~~inspection department~~official shall approve the plans if they find:

(a) That the distance between the base of the communications tower and the nearest residential lot line complies with subsection 12-2-44(G).

(b) That the lowest six (6) feet of the communications tower shall be visually screened by trees, large shrubs, solid walls or fences and/or nearby buildings; and

(c) That the height and mass of the communications tower shall not exceed that which is essential for its intended use and public safety; and

(d) That the proposed communications tower meets all applicable co-location requirements as specified in subsection 12-2-44(D); and

(e) That the proposed communications tower has been approved by the FAA, if required; and

(f) That the owner of the communications tower has agreed to permit other persons to attach antennas and other communications apparatus ~~which~~that do not interfere with the primary purpose of the communications tower, provided that such other persons agree to negotiate a reasonable compensation to the owner from such liability as may result from such attachment; and

(g) That there exists no other communications tower ~~which~~that can reasonably serve the needs of the owner of the proposed communications tower; and

(h) That the proposed communications tower is not designed in such a manner as to result in needless height, mass and guy-wire supports; and

(i) That the color of the proposed communications tower shall be of such light tone as to minimize its visual impact, and blend into the surrounding environment; and

(j) That a security fence around the tower base or along the perimeter of the site shall be provided; and

(k) That the proposed communications tower shall fully comply with all applicable building codes, safety codes, and local ordinances.

(4) Consultant expense. Costs incurred by the city for the use of outside consultants, both legal and technical, in the review of applications and plans for the installation of towers and antennas shall be reimbursed to the city by the applicant.

(I) *Removal of unused communications towers.* If a communications tower is no longer being used for its original intended purpose, the owner of the tower shall notify the city in writing within thirty (30) days after the use of the communications tower ceases. A communications tower shall be considered abandoned if it has not been used for its original intended purpose for more than one hundred eighty (180) days. The city may require the owner of any abandoned communications tower to remove the tower at the owner's expense within thirty (30) days after written notice from the city. The owner shall restore the site to a condition as good as or better than its condition prior to construction of the tower. If the owner of an abandoned communications tower fails to remove the tower within ten (10) days, the city may remove or demolish the tower and place a lien on the property for the amount required to reimburse the costs of demolition or removal.

(J) *Exemption.*

(1) Siting on city property. Personal wireless towers or personal wireless antennas to be located on city property or city-owned right-of-way shall be exempt from the provisions of this section, provided that the owner of the tower or antenna enters into a lease with the city providing for the payment of compensation and compliance with such conditions, including, without limitation, requirements for co-location and stealth technology, that the city deems reasonable in light of the character of the site and the surrounding area. If the city property is a public park, the city council shall consider the recommendation of the recreation board before entering into such a lease. The recreation board shall make its recommendation to the mayor within thirty (30) days of being advised that a public park is under consideration for siting such a facility.

(2) Public safety facilities. Any communications tower or antenna owned by a federal, state or local government agency, and used in connection with public safety services shall be exempt from the requirement of this section.

(3) Amateur radio. Any tower operated by a person holding a license issued under 47 CFR Part 97, and used solely in connection with that license shall be exempt from the requirements of this section.

(K) *Inspections.* Each owner or operator of a communications tower shall provide the city a certified engineering inspection report on each tower it owns or operates every two (2) years, and after the occurrence of an Act of God, including but not limited to any hurricane, tornado, or lightning strike, certifying as to the safety of each tower.

(Ord. No. 27-98, § 2, 7-23-98; Ord. No. 09-02, § 1, 3-14-02; Ord. No. 12-03, § 2, 5-8-03; Ord. No. 06-10, § 2, 2-11-10; Ord. No. 16-10, § 207, 9-9-10)

Sec. 12-2-45. - Siting of rooftop-mounted antennas.

(A) *Commercial communications antennas.*

(1) Rooftop mounted commercial communications antennas may be installed, erected or constructed in the Governmental Center District, the Palafox Historic Business District and the Gateway Redevelopment District, subject to the review and approval of the appropriate review board based on the following standards:

(a) Rooftop mounted commercial communications antennas shall not exceed the height of twenty (20) feet above the existing roofline of the building;

(b) Antenna support structures shall be set back from the outer edge of the roof a distance equal to or greater than ten (10) percent of the rooftop length and width;

(c) Such structures shall be the same color as the predominant color of the exterior of the top floor of the building, and/or the penthouse structure;

(d) Where technically possible, microwave antennas shall be constructed of open mesh design rather than solid material;

(e) Where possible, the design elements of the building (i.e., parapet wall, screen enclosures, other mechanical equipment) shall be used to screen the commercial communications antenna. Such rooftop-mounted commercial communications antennas, which comply with the above standards and are approved by the appropriate review board, are exempt from the review and approval process set forth in subsection 12-2-45(A)(3), below.

(2) Rooftop mounted commercial communications antennas located in commercial and industrial zones outside the special districts identified in subsection 12-2-45(A)(1), will be permitted if such structures are determined to be in compliance with the standards set forth in subsection 12-2-45(A)(1)(a) through (e) by the ~~building inspection department~~building official. Rooftop mounted commercial communications antennas which do not comply with said standards shall be subject to the review and approval process outlined in subsection 12-2-45(A)(3), below.

(3) City staff approval of plans. The city ~~planning department~~planner and building ~~inspection department~~official shall approve the plans if they find:

(a) That the height and mass of the antenna shall not exceed that which is essential for its intended use and public safety; and

(b) That the proposed antenna support structure meets the applicable co-location requirements as specified in subsection 12-2-44(D); and

(c) That the proposed antenna support structure has been approved by the FAA, if required; and

(d) That there exists no other communications tower or antenna support structure that can reasonably serve the needs of the owner of the proposed rooftop-mounted antenna; and

(e) That the proposed antenna or antenna support structure is not designed in such a manner as to result in needless height, mass and guy-wire supports, and

(f) That the color of the proposed antenna shall be of such light tone as to minimize its visual impact, and blend into the surrounding environment; and

(g) That the proposed antenna shall fully comply with all applicable building codes, safety codes, and local ordinances.

(4) Consultant expense. Costs incurred by the city for the use of outside consultants, both legal and technical, in the review of applications and plans for the installation of antennas and support structures shall be reimbursed to the city by the applicant.

(B) *Personal wireless antennas.*

(1) Permitted locations. Rooftop mounted personal wireless antennas may be installed in zoning districts R-1AAAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, R-NC, R-NCB, C-1, C-2A, C-2, ~~R-C,~~ C-3, M-1, and M-2 and in the Pensacola Historic District, the North Hill Preservation District, the Old East Hill Preservation District, the Governmental Center District, the Palafox Historic Business District, the South Palafox Business District, the Waterfront Redevelopment District, the Gateway Redevelopment District and the Airport Land Use District, provided that they are mounted on structures over forty (40) feet in height and have been approved by any applicable review board.

(2) Structures. Personal wireless antennas not mounted on communications towers may be installed as an ancillary use to any commercial, industrial, office, institutional, multi-family or public utility structure, or permanent nonaccessory sign.

(3) Conditional use. Rooftop mounted personal wireless antennas may be permitted by conditional use approval, as provided in section 12-2-79, on structures less than forty (40) feet in height or on any lot whose primary use is as a single-family dwelling. In addition, personal wireless antennas shall not be installed, erected or constructed on any lot within three hundred (300) feet of Bayou Texar, Escambia Bay, Pensacola Bay or the Pensacola Historic District except in accordance with a conditional use permit.

(4) Inventory of existing sites. Each applicant for permission to install a personal wireless antenna shall provide to the city an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the city or within one (1) mile of the border thereof, including specific information about the location, height and design of each tower. The ~~planning department~~city planner may share such information with other applicants applying for administrative approvals or conditional use permits under this section and with other organizations seeking to locate antennas within the city, provided, however that the ~~planning department~~city planner shall not, by sharing such information, be deemed to be in any way representing or warranting that such sites are available or suitable.

(5) Plans approved.

(a) Review. Installation of personal wireless antennas and associated equipment cabinets must be reviewed and approved by the city ~~planning department~~planner and building ~~inspection department~~official pursuant to the standards set forth in this section. Installations of personal wireless antennas and associated equipment cabinets in the Pensacola Historic District, the North Hill Preservation District, the Old East Hill Preservation District, the Governmental Center District and the Palafox Historic Business District must be approved by the architectural review board in accordance with the standards applicable to the relevant district, in addition to the requirements of subsection (6) below. Installation of personal wireless antennas and accessory equipment within the gateway redevelopment district must be approved by the planning board. Installations of personal wireless antennas and associated equipment cabinets in the airport land use district must be approved by the city council after consultation with the ~~Pensacola Regional Airport~~Pensacola International Airport. Installation of personal wireless antennas on personal wireless towers shall be governed by section 12-2-44.

(b) Contents of plans. Each applicant for a permit to install a personal wireless antenna shall submit a design plan showing how the applicant proposes to comply with the requirements of this section. Applicants shall make appropriate use of stealth technology and shall describe their plans for doing so.

(6) Site design standards. All installations of personal wireless antennas and associated equipment cabinets shall comply with the following requirements:

(a) No personal wireless antennas or associated equipment cabinets shall be installed on any lot whose primary use is as a single-family dwelling.

(b) No personal wireless antenna shall be installed on any structure that is less than forty (40) feet in height.

(c) No personal wireless antenna shall be mounted so as to extend more than twenty (20) feet above the highest point of the structure on which it is mounted.

(d) Equipment cabinets shall be completely screened from view by compatible solid wall or fence, except when a ground-mounted cabinet, or combination of all ground-mounted cabinets on a site, is smaller than one hundred eighty (180) cubic feet. Equipment cabinets smaller than one hundred eighth (180) cubic feet may not be required to be screened from view if the cabinets have been designed with a structure, material, colors or detailing that are compatible with the character of the area.

(e) All equipment cabinets with air conditioning units shall be enclosed by walls, if located within three hundred (300) feet of existing single-family detached homes.

(f) Any exterior lighting within a wall shall be mounted on poles or on the building wall below the height of the screening fence or wall.

(g) Rooftop-mounted equipment cabinets shall be screened from off-site views to the extent possible by solid screen walls or the building parapet.

(h) Building-mounted personal wireless antennas shall be mounted a minimum of two (2) feet below the top of the parapet, shall be extended no more than twelve (12) inches from the face of the building, and shall be either covered or painted to match the color and texture of the building, as approved by the ~~planning department~~planning services department. Where a building has a penthouse, a rooftop structure containing or screening existing equipment, or other structure set back from the outer perimeter of the building, building-mounted antennas shall be mounted on such structure rather than the outer parapet, if feasible.

(i) Building-mounted equipment, which is part of a new structural addition on top of a roof, shall not exceed heights allowed by this chapter and shall be either covered or painted to match the color and texture of the building, as approved by the ~~planning department~~planning services department.

(j) The support structure for antenna arrays shall be minimized as much as possible, while maintaining structural integrity.

(k) All installations of personal wireless facilities shall comply with all applicable building codes and all applicable FCC and FAA regulations.

(7) Stealth technology. In addition to the site design standards required by subsection 12-2-45(B)(6), the ~~planning department~~planning services department and any applicable review board may impose additional requirements for stealth technology, depending on the nature and location of the planned installation and the character of the surrounding area.

(8) Removal of unused antennas. If a personal wireless antenna is no longer being used for its original intended purpose, the owner of the antenna shall notify the city in writing within thirty (30) days after the use of the antenna ceases. An antenna shall be considered abandoned if it has not been used for its original intended purpose for more than one hundred eighty (180) days. The city may require the owner of any abandoned antenna to remove the antenna and any associated equipment cabinets at the owner's expense within thirty (30) days after written notice from the city. The owner shall restore the site to a condition as good as or better than its condition prior to installation of the antenna and the equipment cabinet. If the owner of an abandoned antenna fails to remove the antenna and any associated equipment within thirty (30) days, the city may remove the antenna and the equipment and place a lien on the property for the amount required to reimburse the costs of removal.

(9) Siting on city property. Personal wireless antennas to be located on city property shall be exempt from the provisions of this section, provided that the owner of the antenna enters into a lease with the city providing for the payment of compensation and compliance with such conditions, including, without limitation, requirements for co-location and stealth technology, that the city deems reasonable in light of the character of the site and the surrounding area.

(Ord. No. 33-95, § 6, 8-10-95; Ord. No. 12-98, § 1, 3-26-98; Ord. No. 27-98, § 3, 7-23-98; Ord. No. 09-02, § 1, 3-14-02; Ord. No. 20-19, § 4, 9-26-19)

Sec. 12-2-46. - Public access to the shoreline.

All extensions of street rights-of-way ~~which~~that are perpendicular to or otherwise intersect waterbodies within the City of Pensacola shall be reserved for public use unless officially vacated by city council action. No private access or use will be permitted across an unimproved public right-of-way, or extension thereof, that terminates at a body of water. Any exception shall require the approval of city council based upon the following criteria:

1. Availability of alternative access or given the lack of an alternate means of access, a proposal that is minimally intrusive.
2. Current and anticipated use of the right-of-way.

3. Need for public access to the water body in the general vicinity.
4. Unique environmental factors that impact the right-of-way or the surrounding area.

(Ord. No. 13-06, § 13, 4-27-06)

Secs. 12-2-47—12-2-50. - Reserved.

ARTICLE V. - SPECIFIC USES

Sec. 12-2-51. - Accessory office units.

(A) *Purpose.* The purpose of allowing accessory office units as a conditional use for single-family detached dwellings is to allow for the more efficient use of the city's existing stock of detached single-family housing in the medium density residential land use district. A homeowner may build or convert a portion of the interior of a dwelling unit to a separate office unit ~~which~~that may be utilized by the homeowner or rented. The intent of the regulations for accessory office units is to ensure that the residential character of the land use district is preserved.

(B) *Permitted locations.* Accessory office units shall be allowed as a conditional use accessory to detached single-family dwellings in the R-1AA and R-1A zoning districts.

(C) *General requirements.*

(1) *Number of units.* Only one accessory office unit shall be allowed for each single-family detached dwelling.

(2) *Number of employees.* No more than three (3) nonfamily member employees shall be allowed in an accessory office unit.

(3) *Lot size.* The minimum lot size shall be at least five thousand (5,000) square feet, except that no lot shall be smaller than the legal size as required by the zoning regulations.

(4) *Off-street parking.* One off-street parking space for each three hundred (300) square feet of gross floor area shall be provided for the office unit in addition to the parking space required for the residence. Parking for the accessory office unit is prohibited in the required front or street side yard, except that which can be accommodated on a double driveway.

(5) *Accessory office unit requirements.* The gross floor area of the accessory office unit shall not exceed twenty-five (25) percent of the gross floor area of the principal dwelling unit up to a maximum nine hundred (900) square feet. Each accessory office unit shall contain its own separate and private restroom(s) and optional kitchen wholly within the unit, and must be provided utilities from the principal dwelling unit. Building codes applicable to office construction shall apply to the accessory office unit.

(6) *Exterior modifications.* The architectural treatment of the accessory office structure shall be such as to portray the character of a residential dwelling.

(7) *Signs.* No sign shall be permitted other than a non-illuminated nameplate not exceeding two (2) square feet in area and no more than two (2) feet in height above ground if freestanding.

(D) *Review and approval process.* All applications for accessory office units shall comply with conditional use requirements established in section 12-2-81.

(Ord. No. 29-93, § 19, 11-18-93)

Sec. 12-2-52. - Accessory residential units.

(A) *Purpose.* The purpose of allowing accessory dwelling units as a permitted use for single-family detached dwellings is to allow for the more efficient use of the city's existing stock of detached single-family housing by providing the opportunity for a homeowner to build or convert a portion of the interior of a dwelling unit, a detached garage or accessory building to a separate housekeeping unit ~~which~~that may be rented. The intent of the regulations for accessory dwelling units is to ensure that the single-family residential character of the zoning district is preserved, while allowing for attractive and affordable housing opportunities. Accessory dwelling units provide housing opportunities through the use of surplus space either in or adjacent to a single-family dwelling to allow for a garage conversion or a backyard cottage or guest-house. The planning board may adopt prototype plans to be kept on file with the ~~community development department~~city.

(B) *Permitted locations.* Accessory dwelling units shall be allowed as an accessory to detached single-family dwellings.

(C) *General requirements.*

(1) *Lot size.* The minimum lot size for a standard accessory dwelling unit shall be at least five thousand (5,000) square feet. For lots under five thousand (5,000) square feet, a floor-to-lot area ratio of twenty (20) percent shall be used to determine the maximum allowed floor area of the accessory structure.

(2) *Number of units.* Only one (1) accessory dwelling unit shall be allowed for each single-family detached dwelling.

(3) *Identification of unit.* The entrance to the accessory dwelling unit shall be identifiable and shall have its own address for purposes of emergency service and postal access.

(4) *Accessory dwelling unit requirements.* The living area of the accessory dwelling unit shall not exceed sixty (60) percent of the living area of the principal dwelling unit, up to a maximum of fifteen hundred (1,500) square feet. The accessory dwelling unit (or combination of structures shall not occupy more than twenty-five (25) percent of the required rear yard area. The livable floor area of the accessory dwelling unit may be located on the first or second floor of the structure. Each accessory dwelling unit shall contain its own separate and private bathroom and kitchen wholly within the unit. The maximum allowed height shall be based on the distance that the structure is setback from the property lines as listed below:

(a) Accessory dwelling units located within three (3) feet of the side and rear property lines shall have a maximum allowed height of fifteen (15) feet.

(b) Accessory dwelling units located within five (5) feet of the side and rear property lines shall have a maximum allowed height of twenty (20) feet.

(c) Accessory dwelling units exceeding twenty (20) feet must meet the side yard setback requirements of the principal dwelling unit. For every additional one (1) foot that an accessory dwelling unit is setback from the rear property line above and beyond five (5) feet, an additional one (1) foot in height shall be allowed up to a maximum allowed height of thirty (30) feet as measured at the roof peak. A detached garage with an accessory residential unit constructed above shall have a maximum allowed height of thirty (30) feet in height at the roof peak, in order to allow the accessory dwelling unit to match the style, roof pitch, or other design feature(s) of the main residential structure.

(d) When an accessory dwelling unit is located wholly within the buildable area of the lot on which it is located (i.e. meets the setback requirements for the primary dwelling unit) it shall be allowed at a maximum allowed height of thirty-five (35) feet.

(5) *Exterior modifications.*

(a) The architectural treatment of the dwelling structure shall be such as to portray the character of a residential dwelling.

(b) An accessory dwelling unit in a single-family zoning district shall have separate access unless there is a single access from the front of the building with a split access inside the building or unless it provides needed access for a handicapped occupant.

(c) In single-family zoning districts, attached accessory dwelling unit accommodations housed within the principal structure are to be established without structural alterations except those deemed necessary by the building inspections department to provide bathroom and kitchen facilities, and the resulting arrangement must not be such as to divide the dwelling nor give the appearance of dividing the dwelling into two (2) separate dwelling units capable of independent occupancy.

(6) *Off-street parking.* One (1) additional off-street parking space shall be provided for the accessory dwelling unit.

(Ord. No. 27-92, § 1, 8-13-92; Ord. No. 45-07, § 2, 9-13-07)

Sec. 12-2-53. - Alcoholic beverage establishments.

It shall be unlawful to sell, or offer to keep for sale alcoholic beverages containing more than one percent of alcohol by weight in any place or establishment, including a private club or bottle club, for which a certificate of compliance with the provisions of Chapter 7-4 of the City Code has not been issued. It shall also be unlawful for a bottle club to operate at any location for which a certificate of compliance has not been issued. It shall also be unlawful for a private club to serve or receive or keep for consumption on the premises, whether by members, nonresident guests or other persons, alcoholic beverages containing more than one percent of alcohol by weight at any location for which a certificate of compliance has not been issued.

(Ord. No. 13-06, § 14, 4-27-06)

Sec. 12-2-54. - Animal hospitals, veterinary clinics, commercial kennels and businesses that board animals.

(A) *Minimum setbacks.* Any animal hospital, veterinary clinic, commercial kennel or business that boards animals, which includes outside cages and runs, shall be located no closer than one hundred (100) feet to a residence or residential zoning district boundary line, measured from the outside of the building, cages or runs to the residential property or residential zoning district line unless the boundary line is located within a street or public right-of-way.

(B) *Buffer yard required.* The animal hospital, veterinary clinic, commercial kennel or business that boards animals which includes outside cages and/or runs shall comply with buffer yard regulations established in section 12-2-32.

(C) *Solid fence required.* The outside cages, runs or exercise yards shall be totally enclosed by a solid fence at least six (6) feet six (6) inches in height.

Sec. 12-2-55. - Bed and breakfast facilities.

(A) *Permitted locations and number of lodging units.* Bed and breakfast facilities are not allowed in the R-1AAAAA, R-1AAAA, R-1AAA and PR-1AAA and R-ZL zoning districts; shall be allowed as a conditional use in the R-1AA and R-1A zoning districts, and; shall be allowed as a permitted use in all other zoning districts. No more than four (4) rooms or lodging units shall be provided on any building site. These rooms or lodging units may be located within the principal building or in a detached garage or accessory building.

(B) *Exterior modifications.* No alterations shall be made to the external appearance of the principal structure of the building site which change the residential characteristics thereof.

(C) *Signs.* No sign shall be permitted other than a non-illuminated nameplate attached to the main entrance of the principal building. This nameplate shall not exceed two (2) square feet in area.

(D) *Owner occupancy required.* No bed and breakfast facility shall be permitted except where the principal building is owner-occupied.

(E) *Off-street parking.* One parking space shall be required for each sleeping room.

(F) *Review and approval process.* All applications for bed and breakfast facilities within an R-1AA or R-1A district shall comply with conditional use requirements established in section 12-2-81.

(Ord. No. 6-93, § 14, 3-25-93)

Sec. 12-2-56. - Cemeteries.

(A) *Minimum site area.* For new cemeteries the minimum size shall be five (5) acres.

(B) *Setbacks.* All grave sites and other structures shall be set back at least twenty-five (25) feet from all property lines within a residential zoning district and from any residential zoning district and boundary line unless the boundary line is located within a street or public right-of-way. All grave sites and structures shall be set back twenty-five (25) feet from the street right-of-way line in any residential zoning district. New maintenance buildings or additions to existing maintenance buildings and accessory maintenance equipment shall be setback at least one hundred (100) feet from residential property lines.

(C) *Buffer yard required.* Cemeteries shall comply with buffer yard regulations established in section 12-2-32.

(D) *Review and approval process.* All applications for cemeteries within the residential zoning districts shall comply with requirements established in section 12-2-81.

(Ord. No. 27-92, § 2, 8-13-92)

Sec. 12-2-57. - Churches and other religious institutions.

(A) *Regulations.* All churches and other religious institutions shall comply with building setback, area and height regulations set forth within each zoning district. Where a church or other religious institution is proposed adjacent to a residential land use or vacant property within or contiguous to a residential zoning district, there shall be a twenty-foot yard between the church and the surrounding property line.

(B) *Off-street parking.* Parking shall comply with applicable regulations in Chapter 12-3. One space for each four (4) fixed seats shall be required. On-street parking within five hundred (500) feet of the building, except in residential districts, may be used towards fulfilling this requirement.

(1) *Parking requirements in residential zones.* Parking shall be prohibited in the required front or street side yards.

(2) *Landscaping.* All landscaping requirements for parking lots as established in subsection 12-6-3(B) shall apply.

(C) *Buffer yard required.* The church or religious institution shall comply with buffer yard regulations established in section 12-2-32.

(D) *Lot coverage in residential districts.* The maximum combined area of all principal and accessory buildings shall not exceed thirty (30) percent of the site.

(Ord. No. 6-93, § 15, 3-25-93; Ord. No. 29-93, § 20, 11-18-93; Ord. No. 44-94, § 2, 10-13-94)

Sec. 12-2-58. - Childcare facilities.

(A) *Permitted locations.* Childcare facilities shall be allowed as a permitted use in the following zoning districts: R-2A, R-2, R-NC, C-1, C-2, C-2A, ~~R-C,~~ C-3, HR-2, HC-1, HC-2, and PC-1. Childcare facilities shall be allowed as a conditional use in the following zoning districts: R-1AA, R-1A, R-ZL and PR-2. Family day care homes, as defined by the Florida Statutes, are permitted in all zoning districts except for the conservation zoning district.

(B) *Building site area required.* For new facilities minimum building site area shall be one lot or parcel of land seven thousand five hundred (7,500) square feet in area for each childcare facility. For facilities ~~which~~that will occupy existing buildings, there shall be no required minimum building site area, as long as the other requirements of this section can be met.

(C) *Regulations.* All childcare facilities shall comply with building site area, and height regulations set forth within each zoning district.

(D) *Fencing.* There shall be a fence or wall a minimum of four (4) feet in height surrounding all play areas except where visibility triangle requirements apply. Such fence or wall shall be continuous with latching gates at exit and entrance points.

(E) *Off-street parking.* Parking shall comply with all applicable requirements in Chapter 12-3. One (1) off-street parking space per two (2) employees, plus one (1) space per classroom shall be required. Landscaping requirements for parking lots as established in subsection 12-6-3(B) shall apply.

(F) *Bufferyard required.* The childcare facility shall comply with bufferyard requirements established in section 12-2-32.

(G) *Review and approval process.* All applications for childcare facilities within the R-1AA and R-1A zoning districts shall comply with conditional use requirements established in section 12-2-81.

(Ord. No. 6-93, § 16, 3-25-93; Ord. No. 44-94, § 3, 10-13-94; Ord. No. 6-02, § 2, 1-24-02)

Sec. 12-2-59. - Electric and gas substations, sewer treatment plants, and other similar utility structures.

The following provisions are applicable to electric and gas substations, sewer treatment plants, and other similar utility structures:

(a) Lots must conform to minimum area and yard requirements of the district in which they are located.

(b) Fences or walls at a minimum height of six (6) feet must be installed and maintained in order to make the facility inaccessible to the public.

(c) Portions of properties not used for buildings, parking or related services must be maintained with natural ground cover.

(d) A buffer yard must be provided in accordance with the provisions of section 12-2-32.

Sec. 12-2-60. - Junkyards.

(A) *Permitted location and minimum site area required.* Junkyards shall be permitted only in the M-2 district. The minimum lot or parcel area shall be one acre.

(B) *Distance requirements.* No junkyard shall be located any closer to a residence or residential, R-2 and R-NC district, than one hundred (100) feet, measured from property line to property line or district boundary.

(C) *Buffer yard required.* A buffer yard must be provided in accordance with the provisions of section 12-2-32.

(Ord. No. 6-93, § 17, 3-25-93)

Sec. 12-2-61. - Libraries, community centers and public buildings.

(A) *Regulations.* All libraries, public community centers and public buildings shall comply with building setback, area and height regulations set forth within each zoning district, except that where proposed adjacent to a residential land use or vacant property within or contiguous to a residential zoning district, there shall be a twenty-foot yard between the building and the surrounding property line.

(B) *Off-street parking.* Parking shall comply with all applicable requirements in Chapter 12-3. In residential districts parking shall be prohibited in the required front or street side yards. Landscaping requirements for parking lots as established in subsection 12-6-3(B) shall apply.

(1) *Libraries.* One space for each two (2) employees, plus one space for each five hundred (500) square feet shall be required.

(2) *Community centers.* One space for each three hundred (300) square feet shall be required.

(3) *Government offices.* One space shall be required for each five hundred (500) square feet. On-street parking within five hundred (500) feet of the building, except in residential districts, may be used towards fulfilling this requirement for non-employee parking only. In any event, one off-street parking space shall be required for each employee in the government office building.

(C) *Buffer yard required.* The library, public community center or public building shall comply with buffer yard regulations established in section 12-2-32.

(D) *Lot coverage in residential districts.* The maximum combined area of all principal and accessory buildings shall not exceed thirty (30) percent of the site.

(Ord. No. 6-93, § 18, 3-25-93; Ord. No. 29-93, § 21, 11-18-93; Ord. No. 44-94, § 4, 10-13-94)

Sec. 12-2-62. - Manufactured homes.

(A) *Placement of manufactured homes.* Residential design manufactured home units shall be permitted on individual lots in the R-1A, R-2A, R-NC, C-1, C-2 and C-3 zoning districts and shall be allowed as a conditional use in the R-1AA zoning district. Residential design manufactured home units shall be permitted in approved mobile home parks existing as of May 1, 1991, and in approved manufactured home parks. Standard design manufactured home units permitted in approved mobile home parks existing as of May 1, 1991, and in approved manufactured home parks. An existing residential designed manufactured or mobile home may be replaced by a residential design manufactured home on property ~~which~~that is zoned M-1 of M-2 industrial district.

Manufactured homes are not permitted in any location other than those described above except as described below:

(1) *Temporary use of manufactured homes during emergency circumstances.* Notwithstanding anything to the contrary contained in the code, the temporary use of a manufactured home shall be permitted for a period not to exceed one hundred twenty (120) days under the emergency circumstances and terms outlined below:

In the event of emergency circumstances, the temporary use of a manufactured home as living quarters located on the property involved in the disaster shall be permitted in order to protect said property, but only after the approval of the city council, and then for a period not to exceed one hundred twenty (120) days to be set at the council's discretion. Thirty-day extensions of this permitted temporary use may be granted at the discretion of the council.

(2) *Temporary use of manufactured homes during emergency health situation.*

(a) The temporary use of a manufactured home shall be permitted in any area when specifically authorized by the council after it has determined that an emergency health situation exists.

(b) If the council determines that an emergency health situation exists, then it may allow the temporary use of a manufactured home in any area, but only for the period of time necessary, depending upon the circumstances surrounding the emergency health situation. The use of said manufactured home shall be immediately terminated upon abatement of the circumstances ~~which~~that caused the emergency to exist. In making its decision whether to allow the temporary use of a manufactured home, the city council shall take into consideration the objections, if any, of the surrounding neighbors and the availability of utilities in proximity to the proposed location.

(3) *Use of manufactured homes in M-1 and M-2 industrial districts.*

(a) The use of a manufactured home is permitted within the corporate limits on such property ~~which~~that is zoned M-1 or M-2 industrial district. The manufactured home shall be allowed only for the purpose of housing a guard or caretaker for the property in question.

(b) The permission given above shall be deemed to be temporary only, and any such manufactured home shall be removed by the party who placed it thereon at any time that the city council deems it to be in the best interest of the public to do so.

(B) *Storing or parking of manufactured homes.* A manufactured home shall not be stored or parked on any public street or alley or in any district other than in an approved mobile home park.

(C) *General regulations for residential design manufactured homes on individual lots.*

(1) *Number of manufactured homes per lot.* There shall be no more than one residential design manufactured homes per lot.

(2) *Zoning district requirements.* All residential design manufactured homes shall meet all requirements for lot sizes, yards, building setbacks and any other requirements for the zoning district in which it is located.

(3) *Accessory structures.* Accessory structures shall meet all requirements as described in section 12-2-32.

(4) *Installation of residential designed manufactured homes.* All residential design manufactured homes units shall meet the permanent foundation, anchoring and other rules, as contained within ~~Chapter 15C-1.10 of~~ the Florida Administrative Code~~, also called the Standards for the Installation of HUD Code Manufactured (Mobile) Homes, 1983~~, including use of a permanent perimeter underfloor enclosure. All transportation equipment must be removed.

(5) *Building permits; inspections.* City permits must be obtained and inspections performed for on-site installation of the residential design manufactured homes and any structural alterations or repair. Permits are required for additions to the residential design manufactured homes and any accessory structures. All structural alterations and repairs, and construction of additions and accessory structures must be built to the ~~City's Standard~~Florida Building Code.

(D) *Residential design criteria for residential design manufactured homes.*

(1) *Minimum width of residential design manufactured homes.* Residential designed manufactured homes must have a minimum on-site assembled home width of twenty (20) feet, as measured across the narrowest portion (this is not intended to prohibit offsetting of portions of the home).

(2) *Siding and roofing materials.* Residential design manufactured homes must be constructed with siding and roofing of a type generally acceptable for site-built housing in the general proximity.

(3) *Roof pitch.* Residential design manufactured homes must have a minimum pitch of the main roof of three (3) feet rise for each twelve (12) feet of horizontal run and a minimum roof overhang of four (4) inches per side.

(4) *Alterations to structures to meet residential design criteria.* Residential design manufactured homes ~~which~~that do not meet residential design criteria for siding and roofing materials and roof pitch will be allowed to obtain permits for on-site installation, with the condition that building permits must be acquired for alterations necessary to meet the design criteria within ninety (90) days of installation and construction must be completed within one hundred eighty (180) days of installation.

(5) *Skirting requirements; materials.* Residential design manufactured homes must construct a permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground except for required openings for ventilation and access.

(a) Foundation siding/skirting and back up framing shall be weather-resistant and must blend with the exterior siding of the home.

(b) Below grade level and for a minimum of six (6) inches above finish grade the materials shall be unaffected by decay or oxidation.

(E) *Manufactured home parks.*

(1) *Minimum size of park; permitted location.* A manufactured home park shall have a minimum of one and one half (1½) acres and contain a minimum of ten (10) manufactured home spaces. Manufactured home parks will be permitted in the following zoning districts: R-2A, R-NC and C-1.

(2) *Plans and specifications required; conformity of construction with city codes.* Complete plans and specifications of all manufactured home parks shall be submitted to the building ~~inspection superintendent~~official prior to construction. These plans shall include area and dimensions of land to be developed, park layout, number and size of manufactured home spaces, location and width of roadways and walkways, buildings to be constructed, water and sewerage facilities and any other information required by the building ~~inspection superintendent~~official. All construction shall conform with city codes where applicable and shall require the approval of the city engineer and the building ~~inspection superintendent~~official.

(3) *Development criteria:*

(a) Setbacks required. No manufactured home or attached structure shall be located closer than twenty-five (25) feet to the property lines of the manufactured home park or a public right-of-way.

1. Front yard required—minimum of twenty (20) feet.
2. Side yard required—minimum of five (5) feet.
3. Rear yard required—minimum of fifteen (15) feet.

(b) Maximum density. Density shall not exceed seventeen (17) manufactured home units per acre.

(c) Private streets. No manufactured home in a park shall be allowed direct access to a public street. All lots in a manufactured home park must have access from a private street ~~which~~that shall comply with regulations established in section 12-2-38.

(d) Landscaping and buffering. Manufactured home parks shall be screened from view according to the following requirements: Screen of vegetation and/or opaque fence six (6) feet in height shall be provided and maintained around the perimeter of the park. Where vegetation is used as a screen, such vegetation shall be at least three (3) feet in height when planted.

(e) Recreational area requirement. Manufactured home parks with ten (10) or more units shall retain an area of not less than five (5) percent of the gross site area devoted to recreational facilities, generally provided in an area accessible to all property owners.

(f) Each manufactured home shall be independently served by separate electric, gas and other utility services.

(g) A minimum of one off-street parking space shall be required for each manufactured home.

(h) Fences. If the manufactured home park management allows fences for individual lots, these fences shall comply with regulations established in section 12-2-40.

(i) Storage of recreational vehicles. Storage of recreational vehicles shall be allowed only on sites reserved for such storage within the manufactured home park.

(F) *Review and approval process.* All applications for a residential design manufactured home within an R-1AA zoning district shall comply with conditional use requirements established in section 12-2-81.

(Ord. No. 35-92, § 1, 10-22-92; Ord. No. 8-99, § 6, 2-11-99)

Sec. 12-2-63. - Mobile homes.

(A) *Placement of mobile homes.* Mobile homes are not permitted in any location other than approved mobile home parks existing on or before May 1, 1991.

(B) *Storing or parking of mobile homes.* A mobile home shall not be stored or parked on any public street or alley or in any district other than in an approved mobile home park.

Sec. 12-2-64. - Nonresidential parking in R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, PR-1AAA and PR-2 zoning districts.

(A) *General conditions.* Accessory off-street parking facilities serving non-residential uses of property in R-2, PR-2, R-NC, R-NCB C-1, PC-1, C-2, C-3 or SSD zones may be permitted in R-1AAA, PR-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2 or PR-2 zoning districts where such property is contiguous to such commercial zoned area or is separated therefrom by an alley, and may be authorized by the planning board, subject to the following conditions:

(a) The parking lot shall be accessory to, and for use in connection with one or more existing nonresidential establishments located in adjoining districts or in connection with one or more existing professional or institutional office buildings or institutions. In the event that the use of the professional or institutional office building or institution or other nonresidential establishment changes or is abandoned for a period of not less than one hundred eighty (180) days after the special use is approved, said approval will terminate automatically. This provision is in no way intended to prohibit the property owner from applying for approval for the changed use pursuant to applicable provisions of this code.

(b) Said parking lot shall be used solely for the parking of vehicles. These vehicles shall be those of the customers and employees of the adjacent business.

(c) No commercial repair work or service of any kind shall be conducted on said parking lot.

(d) Parking lot plans are to be reviewed and approved by the city engineer. The city engineer shall base ~~his~~ his or her approval of the plans upon sound engineering principles as well as the safety and general welfare of the citizens of the city.

(e) No sign of any kind other than signs designating entrances, exits, and conditions of use shall be maintained on said parking lot, and said sign shall not exceed twenty (20) square feet in area.

(f) Said parking lot shall not encroach more than one hundred fifty (150) feet into the residential zone.

(g) In addition to the foregoing requirements such parking lots shall conform to section 12-3-1 and Chapter 12-6.

(B) *Review and approval process.* All applications for nonresidential parking in residential zones shall comply with regulations established in section 12-2-81.

(Ord. No. 29-93, § 22, 11-18-93; Ord. No. 3-94, § 7, 1-13-94)

Sec. 12-2-65. - Schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges.

The following regulations shall be applicable to schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges.

(A) *Minimum lot area.* The minimum lot area shall be one acre for every one hundred (100) students for kindergarten through high school institutions.

(B) *Setbacks.* The front, rear and side yard setbacks shall be the same as those required for the specific district, except that when adjacent to a residential land use or vacant property within or contiguous to a residential zoning district there shall be a twenty-foot yard between the school and the surrounding property line.

(C) *Off-street parking.* Off-street parking shall comply with applicable requirements in Chapter 12-3.

(a) Kindergarten, elementary and middle schools shall provide one space for each two (2) employees plus one space for each classroom.

(b) Senior high schools and colleges shall provide one space for each two (2) employees, plus one space for each ten (10) students figuring maximum capacity of the school.

(c) Landscaping requirements for parking lots as established in Chapter 12-6 shall apply.

(D) *Off-street loading.*

(a) Loading and unloading facilities shall be provided on the premises for distribution of goods by motor vehicle. No motor vehicle shall be allowed to extend onto a public street or sidewalk while loading or unloading.

(b) School bus drop-off facilities. Facilities must be provided for off-street bus loading and unloading of students. Use of the street right-of-way may be allowed if a license agreement is executed with the city.

(E) *Buffer yard required.* A buffer yard must be provided in accordance with the provisions of section 12-2-32.

(F) *Lot coverage in residential districts.* The maximum combined area of all principal and accessory buildings shall not exceed thirty (30) percent of the site.

(Ord. No. 6-93, § 19, 3-25-93; Ord. No. 29-93, § 23, 11-18-93)

Secs. 12-2-66—12-2-75. - Reserved.

ARTICLE VI. - DEVELOPMENT OPTIONS

Sec. 12-2-76. - Conventional subdivision.

(A) *Purpose.* The conventional subdivision requirements are intended to provide for the division of a parcel of land into two (2) or more parcels for development or redevelopment, when the development or redevelopment complies with all zoning regulations for the zoning district in which it is located.

(B) *Location and permitted uses.* Conventional subdivision development is permitted within any zoning district for any land use permitted within the zoning district.

(C) *Minimum size of development.* There are no minimum size requirements for a conventional subdivision development. Subdivision of four (4) or less lots constitute a minor subdivision; five (5) or more constitute a major subdivision.

(D) *Requirements.* All lots in a conventional subdivision must comply with width and area requirements for the zoning district. Chapter 12-8 describes the platting and review requirements for a conventional subdivision.

Sec. 12-2-77. - Special planned development.

(A) *Purpose.* Conventional subdivision development may not always result in the most optimal use of land in terms of environmental or historic resource protection and/or changing development patterns. The Comprehensive Plan encourages infill development ~~which~~that is compatible with the surrounding land uses. The requirements for special planned developments have been established in order to allow for flexibility and creativity in site planning for residential or mixed residential/office/commercial developments by allowing deviations from lot size and yard requirements and by allowing private streets.

(B) *Location and permitted uses.* Special planned developments shall be allowed in any residential, R-2, ~~or~~ R-NC, or R-NCB zoning district provided that only land uses permitted within the future land use district are allowed.

(C) *General requirements.* All residential densities for the future land use district must be met. A special planned development may include more than one housing type, providing that all the proposed housing types are permitted within the future land use district. The special planned development must submit development plans in accordance with section 12-2-81. The special planned development 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. If applicable, the development must comply with subdivision design and platting requirements as set forth in Chapter 12-8.

(a) Where use is made of the special planned development process, as provided in this section, a building permit shall not be issued for such development, or part thereof, until the city council has approved the final development plan, and the approved final development plan has been recorded in the office of the county comptroller.

(b) Private streets and drives may be permitted within a special planned development pursuant to compliance with requirements established in section 12-2-38.

(c) Any tract of land for which a special planned development application is made shall be owned by an individual or group of persons, partnerships, business associations, or corporations; and such applications shall be jointly made by all such owners. The owner shall utilize one of the following general plans for providing for the ownership, use, maintenance and protection of any private streets and/or proposed common open space areas.

1. Establish an association or nonprofit corporation of all individuals and entities owning property within the special planned development.
2. Owner to retain ownership control of such area and be responsible for the maintenance thereof.
3. Any other method proposed by the owner ~~which~~that is acceptable to the city council. Said proposed alternate method shall serve the purpose of providing for the ownership, use, maintenance, and protection of the common open space areas.

(d) Application for building permits to construct a special planned development shall be required within one year from the date of approval of the final development plan. If substantial and continuous construction has not been demonstrated within two (2) years from the date of approval of the final development plan, then the special planned development shall be considered null and void.

(e) All plans approved and recorded hereunder shall be binding upon the owner(s), his/her successors and assigns, and the subject property, and shall limit and control the issuance and validity of all building permits and shall restrict and limit the construction, location, use and operation of all land and structures included within such plans to all conditions and limitation set forth in such plans.

1. Minor changes to the final development plan may be approved by the mayor, city engineer, the ~~city planner~~planning services department and building official when in their opinion the changes do not violate these regulations or make major changes in the arrangement of buildings or other major features of the final development plan. Major changes may be made only by following the procedures outlined in filing a new preliminary development plan. The city council shall approve such modification only if the revised plan meets the requirements of this chapter in its entirety.
2. The building official shall ensure that when development is undertaken, it shall be completed in compliance with approved development plans prior to the issuance of an occupancy permit. No individual building permits shall be issued for buildings not conforming to the final development plan as approved by the city council, or as amended in compliance with the provisions of this chapter.
3. Issuance of final occupancy permit by the building official as far as the owner(s), ~~his~~ his or her successors or assigns, are concerned shall be conclusive evidence of compliance with this chapter and the requirements for the final development plan theretofore recorded. A building permit may be revoked in any case where the conditions of the final development plan have not been or are not being complied with, in which case the building official shall follow permit revocation procedures.

(D) *Specific types of special planned developments.*

(1) *Zero-lot-line.* Zero-lot-line developments provide for only one side yard for each individual lot for detached units and no side yard for attached units except for the end units. A special planned development may be partially or totally comprised of zero-lot-line lots. A zero-lot-line special planned development shall comply with the minimum standards established for the R-ZL zoning district in subsection 12-2-5(A)(5).

(2) *Cluster development.* A special planned development may take the form of a cluster development, which is intended to provide for the protection of environmental and historic resources and common areas. A reduction in lot sizes and areas is allowed if all the land that is saved is reserved for permanent common use in the form of common areas and that the following requirements are met:

(a) The amount of common area contained in a cluster development must be equal to or greater than the amount of open space provided by required yards or of park land ~~which~~that would have been required by subdivision regulations for the same site.

(b) Historic buildings, structures or sites may be included as part of the common area requirements, provided that the site is restored and maintained in a manner consistent with guidelines established by the United States Department of Interior in their publication "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

(Ord. No. 29-93, § 24, 11-18-93; Ord. No. 33-95, § 7, 8-10-95; Ord. No. 16-10, § 208, 9-9-10)

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~~that 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~~that exceed forty-five (45) feet may be redeveloped within the existing building envelope height; buildings ~~which~~that 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~~that 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)

Sec. 12-2-79. - Conditional use permits for placement of personal wireless antennas, rooftop-mounted antennas, or communication towers.

(A) *Purpose.* This section establishes procedures and standards for reviewing requests for conditional use permits for the placement of communications towers, personal wireless antennas, rooftop-mounted antennas, and related equipment cabinets.

(B) *Applicability.* The city council may, under the prescribed standards and procedures contained herein, authorize the construction of communications towers, personal wireless antennas, rooftop-mounted antennas, and related equipment cabinets where such use 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. Applications for conditional use approval under this section must first be approved by any applicable review board.

(C) *Cost recovery.* The city may require any applicant for a conditional use permit under this section to reimburse the city for all costs and consultants fees associated with the processing of the application, including but not limited to visual impact analysis, co-location analysis, analysis of the applicants ability to provide service without the facility, inspections, plan review, and land use compatibility.

(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 standards prescribed in section 12-2-78(D) have been met. Additionally, conditional use permit applications under this section must demonstrate to the city council that, without the grant of a conditional use permit, the applicant will be unable to provide personal wireless services within the area of the city that would be served by the proposed personal wireless facility.

(E) *Site plan requirements.*

(1) The applicant shall submit ~~eleven (11) copies of~~ a proposed siting plan including the following information to the planning services department:

(a) A map of the service area for the proposed facility.

(b) A map showing other existing or planned facilities used by the applicant to provide personal wireless services, including the height, mounting style and number of antennas on each facility.

(c) A description of the need for the proposed facility, including a precise description of any area in which service would not be available without construction of the proposed facility.

(d) A map identifying all zoning districts and protected areas within one-half (½) mile of the proposed facility.

(e) A map showing any personal wireless towers then existing or under construction that are located within a one-mile radius of the proposed facility.

(f) A description of any efforts to co-locate the proposed facility on any personal wireless tower then existing or under construction, including engineering information and correspondence from the existing tower describing why co-location is not possible.

(g) A map showing any structures over forty (40) feet high that are located within a one-mile radius of the proposed facility.

(h) A description of any efforts to locate the proposed facility on any existing structure, including engineering information and correspondence from the owners of any such structures describing why installation of the proposed facility on the structure is not possible.

(i) A map showing other potential locations for the proposed facility that have been explored by the applicant, including a description of why the proposed site is superior. The application shall include in this discussion an analysis of visual aspects, setbacks, and proximity to single-family residences and protected areas.

(j) A description of any planned use of stealth technology.

(k) A description of efforts to minimize the diameter and mass of any proposed structure, including engineering information related to these efforts.

(l) A description of any equipment cabinet and any other ancillary equipment, a description of the function of the equipment, and an explanation of the reasons for any need to co-locate it at the proposed site.

(m) A photographic simulation of the proposed site after construction of the proposed facility.

(n) In the case of rooftop facilities, a drawing in which a sight-line is drawn from the closest facade of each building, private road or right-of-way within five hundred (500) feet of the proposed facility to the highest point of the proposed facility. Each sight-line shall be depicted in profile, drawn at one (1) inch equals forty (40) feet unless otherwise specified by the ~~planning department~~planning services department. The profiles shall show all intervening trees and structures.

(2) All applications for conditional use permits for personal wireless antennas or communication towers shall comply with conditional use requirements established in section 12-2-81.

(F) *Conditions.* In granting any conditional use permit under this section, the city council may prescribe conditions and restrictions upon the property benefitted by the conditional use as provided in section 12-2-78(E). In addition, the following conditions shall be mandatory:

(1) All conditional use permits granted under this section shall expire a maximum of five (5) years after the date of city council approval. Prior to expiration of any use permit, the applicant shall be responsible for initiating a review of the permitted facility. The applicant shall bear the burden of demonstrating that changes in technology, after taking economic considerations into account, have not minimized or eliminated the need for the permitted facility. If a new use permit is not granted, the applicant shall remove the facility in accordance with this chapter.

(2) All conditional use permits shall include appropriate stealth technology requirements.

(G) *Siting on city property.* Personal wireless facilities to be located on city property shall be exempt from the provisions of section 12-2-44(G), provided that the owner of the facility enters into a lease with the city providing for the payment of compensation and compliance with such conditions, including, without limitation, requirements for co-location and stealth technology, if applicable, that the city deems reasonable in light of the character of the site and the surrounding area.

(Ord. No. 27-98, § 4, 7-23-98; Ord. No. 6-02, § 1, 1-24-02)

Sec. 12-2-80. - Residential density bonuses.

Residential density bonuses above the limit otherwise established by future land use category may be approved in exchange for the construction of affordable housing and as an incentive to achieve superior building and site design, preserve environmentally sensitive lands and open space, and provide public benefit uses including access to the waterfront. Standards for approval shall be as follows:

(1) Density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall not exceed ten (10) percent of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.

(2) Density bonuses for superior building and site design, preservation of environmentally sensitive lands and open space, and provision of public benefit uses shall be based upon clear and convincing evidence that the proposed design will result in a superior product that is compatible with the surrounding land uses and produces a more desirable product than the same development without the bonus.

(3) Density bonuses for the provision of affordable housing shall not exceed twenty-five (25) percent of the limit otherwise established by land use category and shall be available to residential developments in the medium density residential land use district, high density residential land use district, office land use district, residential/neighborhood commercial land use district, commercial land use district, redevelopment land use district and business land use district.

(4) Density bonuses for the provision of affordable housing shall be based upon ratios of the amount of affordable housing to market rate housing within a proposed residential development and shall include mechanisms to assure that the units remain affordable for a reasonable timeframe such as resale and rental restrictions and rights of first refusal.

(5) The maximum combined density bonus for superior building and site design, preservation of environmentally sensitive lands and open space, provision of public benefit uses and affordable housing provided to any single development shall not exceed thirty-five (35) percent of the limit otherwise established by land use category.

(6) All density bonuses shall be approved by the city planning board.

(Ord. No. 13-13, § 1, 5-9-13)

ARTICLE VII. - DEVELOPMENT PLAN REQUIREMENTS, DESIGN STANDARDS AND GUIDELINES

Sec. 12-2-81. - Development plan requirements.

(A) Development requiring development plans. All development described herein shall submit development plans ~~which~~that comply with requirements established in paragraphs (C) and (D) of this section. These development plans must comply with design standards and are encouraged to follow design guidelines as established in section 12-2-82.

(1) Non-residential parking in R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, R-NCB, PR-1AAA, and PR-2 zoning districts. A development plan shall be submitted and the following process shall be used for the foregoing uses:

(a) A pre-application conference will be held at which time a decision will be made as to which elements of the final development plan are applicable to the review of a specific use.

(b) Applicant files an application with the ~~Department of Planning and Neighborhood Development~~Planning services department ~~and submits eleven (11) copies of the final plan~~.

(c) ~~Within five (5) working days of filed application, Department of Planning and Neighborhood Development prepares and furnishes to applicant mailing labels for all property owners within three hundred (300) feet of development. Applicant~~ The planning services department must mail a letter describing the development and, if necessary, a map or other graphic information to all property owners within three hundred (300) feet of the development, at least fifteen (15) days prior to the planning board public hearing.

(d) Submit final development plan thirty (30) days prior to the planning board public hearing.

(e) Planning board conducts a public hearing and makes the final decision about the plan.

(f) Any person aggrieved by a decision of the planning board may, within fifteen (15) days thereafter apply to the city council for review of the board's decision.

(2) New development within the: conservation, airport (except single-family in an approved subdivision), waterfront redevelopment, business, interstate corridor and the governmental center (except for single-family or duplex residential) districts; multi-family developments over thirty-five (35) feet in height within the R-2A district; buildings over forty-five (45) feet in height in the R-2, R-NC, R-NCB and C-1 districts. A development plan shall be submitted and the following process shall be used for the review of these developments:

(a) A pre-application conference is held, at which time a decision will be made as to whether a separate preliminary and final development plan shall be submitted, or if a combined preliminary and final plan shall be submitted.

(b) Applicant submits ~~eleven (11) copies of~~ the preliminary plan or combined preliminary/final development plan to the ~~Department of Planning and Neighborhood Development~~Planning services department thirty (30) working days prior to the planning board meeting.

(c) Planning board meeting is held.

(d) The planning board will send a recommendation for the plan to city council.

(e) City council holds a public ~~meeting~~hearing. If a combined preliminary/final development plan was submitted, the final decision will be made at this meeting.

(f) Applicant submits final plan to the planning board.

(g) A planning board meeting is held with a recommendation being forwarded to the city council.

(h) City council holds a public ~~meeting~~ hearing and makes the final decision about the plan.

(3) Conditional uses, special planned developments, major revisions to SSD's and exceptions to the four thousand (4,000) square foot maximum area for a commercial use in an R-NC district shall require a development plan and the following process shall be used for the review of these developments:

~~Preliminary plan or combined preliminary/final plan:~~

(a) A pre-application conference is held, at which time a decision will be made as to whether a separate preliminary and final development plan shall be submitted, or if a combined preliminary and final development plan shall be submitted.

(b) Applicant submits ~~eleven (11) copies of~~ the preliminary plan or combined preliminary/final development plan to the ~~department of planning and neighborhood development~~planning services department thirty (30) days prior to the planning board meeting.

(c) The ~~community development department~~planning services department shall notify property owners within a five hundred-foot radius, as identified by the current Escambia County tax roll, of the property proposed for development with a public notice ~~(post card prepared by department of planning and neighborhood development),~~ at least five (5) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting. Notice shall be at the expense of the applicant.

(d) Planning board meeting is held and the . ~~The preliminary or combined preliminary/~~final plan is forwarded to city council for review and action.

(e) The city ~~clerk~~ council shall set a date for a public hearing ~~to be conducted during a regularly scheduled city council meeting~~.

(f) The ~~community development department~~city shall mail a letter describing the development and, if necessary, a map or other graphic information to all property owners within five hundred (500) feet of the development, at least thirty (30) days prior to the city council public hearing.

(g) A public notice shall be published in a local newspaper of general distribution stating the time, place and purpose of the hearing at least ten (10) days prior to the public hearing.

~~(h) City council holds a public hearing. If a combined preliminary/final development plan was submitted, the final decision will be made at this meeting.~~

Commented [JW22]: Redundant

~~Final plan:~~

~~(i) Applicant submits eleven (11) copies of the final plan to the Department of planning and neighborhood development thirty (30) days prior to the planning board meeting.~~

~~(j) Public notification of the planning board meeting shall be the same as for the preliminary plan.~~

~~(k) A planning board meeting is held and the final plan is forwarded to city council for review and action.~~

~~(l) The city clerk shall set a date for a public hearing to be conducted during a regularly scheduled city council meeting.~~

~~(m) Public notification of the city council public hearing shall be the same as for the preliminary plan.~~

(h~~n~~) City council conducts a public hearing and makes the final decision.

(B) General conditions, procedures and standards.

(1) Preapplication conference. Prior to submitting a formal application for approval of a proposed new development plan or plan for an addition to an existing development, the owners(s) shall request a preapplication conference with ~~the~~ city staff ~~of the department of planning and neighborhood development, engineering department, the inspection services department, the department of leisure services, the traffic engineer, the fire department, the architectural review board, the Escambia County Utilities Authority, and/or other appropriate staff~~ to review:

Commented [JW23]: There is a review and permitting process in place (and codified areas of responsibility for specific departments and divisions) so simplification of this section is warranted (in addition to the potential for department/division names to change over time)

(a) The relationship between the proposed development plan and the surrounding land usage and the comprehensive plan of the city.

(b) The adequacy of the existing and proposed vehicular and pedestrian right-of-way, utilities and other public facilities and services, which will serve the proposed development.

(c) The character, design and applicability of the following factors:

1. Traffic control;
2. Noise reduction;
3. Sign and light control;
4. Preservation of open space and visual corridors;
5. Police and fire protection;
6. Storm drainage;
7. Landscaping;

8. Fencing and screening; and

9. Other matters specifically relevant to the proposed development site necessary to foster desirable living and working conditions and compatibility with the existing environment.

At the time of the preapplication conference, the developer shall provide a sketch plan indicating the location of the proposed development and its relationship to surrounding properties. The advisory meeting should provide insight to both the developer and the city staff regarding potential development problems ~~which~~that might otherwise result in costly plan revisions or unnecessary delay in development. At this time a decision will be made as to whether the review process will require a separate preliminary and final plan or if they can be combined.

(2) Preliminary development plan. Subsequent to the preapplication conference, the owner shall submit a formal application for development plan approval along with ~~nine (9) copies of~~ a preliminary plan of development to the ~~community development department~~planning services department at least thirty (30) days prior to the meeting at which it is to be considered by the planning board. This preliminary development plan must cover the entire property under consideration. ~~The community development department~~planning services department ~~shall deliver copies of the preliminary development plan to appropriate city departments and utility companies.~~ Prior to the planning board meeting scheduled to consider the preliminary development plan, ~~said~~ appropriate city departments, divisions, and utility companies shall submit written recommendations of approval or disapproval, or suggested revisions as may be deemed appropriate, and reasons therefore~~, to the community development department~~planning services department.

The city staff shall review the preliminary plan of development with respect to its design and compatibility with surrounding uses, major thoroughfare plan, comprehensive land use plan and existing and future community services. Efforts to resolve differences between the developer's proposal and staff positions shall be made prior to submittal of the plan to the planning board.

~~If the planning board approves the preliminary plan of development, a favorable recommendation shall be forwarded to the city council. The city council shall then hold a public meeting for the purpose of determining whether the preliminary plan should be approved.~~ If the planning board does not approve the preliminary plan of development, it shall give the owner a reasonable period of time to make appropriate amendments to the plan. The owner shall have the right to appeal an adverse decision of the planning board to the city council within thirty (30) days of the decision of the planning board.

Commented [JW24]: Reflects change in internal process/procedure

(3) Development of regional impact. If, at the time of submission of a preliminary plan, the planning board or planning staff determines that a proposed project could constitute a development of regional impact (DRI) pursuant to F.S. § 380.06, the developer will be notified that compliance with the DRI procedure will be necessary prior to final local approval of the development. At that time, the developer will contact the ~~West Florida~~Emerald Coast Regional Planning Council to apply for a binding letter of interpretation to determine the DRI status of the proposal or to initiate the DRI review process. This process shall not prohibit the concurrent review of the development plan while the determination for DRI is being made. Provided, however no final plan approval shall be granted until a determination has been made whether or not the development has to undergo DRI review.

After the planning board has reviewed the proposal ~~which~~that has been determined to be a DRI and makes a recommendation for approval of the preliminary plan, the developer or ~~his~~ his or her authorized representative will be required to complete an application for DRI approval. Copies of the completed application will be filed with city, the ~~West Florida~~Emerald Coast Regional Planning Council, and the Bureau of Resource Planning and Management, Florida Department of Community Affairs.

Within thirty (30) days of receipt of the application, the ~~West Florida~~Emerald Coast Regional Planning Council will determine the sufficiency of the information presented in the application. If the application is considered insufficient to complete a review, the developer will be requested to furnish the additional information requested by the planning council. When the application is considered sufficient, the regional planning council will give notice to the city to schedule a public hearing. Public notice of the hearing will then be published at least sixty (60) days in advance of the public hearing. Development may begin forty-five (45) days after the issuance of the development order by the city council.

(4) Public notification. If public notification is required the city clerk will set a date for a public hearing to be conducted during a regularly scheduled city council meeting.

(5) Final development plan. ~~If the city council approves the preliminary plan of development, 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 mayor may, in his 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, in which event he shall give notice of the extension to the city council. The final development plan shall be in basic conformity with the preliminary plan of development and comply with the other provisions of this chapter 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 city council shall immediately conclude its consideration.~~

Commented [JW25]: Updated to reflect current procedure

The owner shall submit to the ~~department of community development department~~planning services department ~~an original and nine (9) copies of the~~ final development plan at least thirty (30) days prior to the meeting at which it is to be considered by the planning board. The ~~community development department~~planning services department ~~shall distribute copies thereof~~plan will be distributed to appropriate city departments. The ~~community development department~~city shall attempt to resolve any differences between ~~another~~ city department~~s~~ and divisions and the developer prior to submittal of the final development plan to the planning board. If such differences are not resolved within thirty (30) days of submission by the owner of a final development plan, the plan shall be submitted to the planning board at its next meeting whether or not such differences are resolved. If the planning board approves the final development plan a favorable recommendation shall be forwarded to the architectural review board (ARB), if required, as outlined in subsection (4) of this section. Upon the review and approval of the ARB, the city council shall then hold a meeting for the purpose of determining whether the final plan should be approved. If the planning board does not approve the final plan of development, it shall give the owner written reasons for such action giving the owner a reasonable period of time to make appropriate amendments to these plan. The owner shall have the right to appeal an adverse decision of the planning board to the city council within thirty (30) days of the decision of the planning board.

If the city council approves the plan of development, the original shall be filed with the city clerk, ~~one (1) copy shall be filed with the community development department~~planning services department ~~and one (1) copy~~and additional copies shall be filed with the city building official and such other places as required by law.

Any plan approved and filed hereunder shall be binding upon the owner(s), his/her successors and assigns, and the subject property, and shall limit and control the issuance and validity of all building permits and shall restrict and limit the construction, location, use and operation of all land and structures included within the plan to all conditions and limitations set forth in the plan. Application for a building permit shall be initiated within six (6) months from the date of approval of the final development plan. If such application has not been filed within such period, the applicant shall be required to resubmit the development plan in accordance with this subsection, prior to obtaining a building permit.

Minor changes to the final development plan may be approved by the city engineer, ~~planning director~~planning services director, and building official when, in their opinion, the changes do not violate the provisions of this title, do not make major changes in the arrangement of the buildings or other major features of the final development plan, and do not substantially conflict with action taken by the city council. Major changes such as, but not limited to, changes in land use or an increase or decrease in the area covered by the final development plan may be made only by following the procedures outlined in filing a new preliminary development plan. The city council shall approve such modification only if the revised plan meets the requirements of this title.

A building permit may be revoked in any case where the conditions of the final development plan have not been or are not being complied with, in which case the building official shall follow permit revocation procedure.

(6) Review of preliminary plan by planning board. All final development plans within the gateway redevelopment district shall be subject to review and approval by the planning board as established in Chapter 12-13.

(7) Concurrent submission of preliminary and final development plans. For review of specific uses and upon approval of the ~~city planner~~planning services department and the mayor for applicable new development and conditional uses, development plans may be reviewed and approved through an abbreviated procedure ~~which~~that provides for the submittal of both preliminary and final plan concurrently. All plan requirements set forth in this section shall be complied with when exercising this abbreviated procedure. When this concurrent submission option is exercised, the planning board review of development plans will take place prior to city council review/approval.

(C) Contents of the preliminary development plan.

(1) General information. The following information shall be provided in graphic or written form as necessary to satisfy the requirements:

(a) Legend, including:

1. Name of the development;
2. Total area of the property in square feet and acres;
3. Scale (at a minimum of 1″ = 100′);
4. North arrow;
5. Existing zoning on the property, including any overlay districts, and;
6. Date of preparation.

(b) Vicinity map, at a scale not less than 1″ = 2,000′, showing the relationship of the proposed development to surrounding streets and public facilities within a one-mile radius.

(2) Existing conditions, including:

(a) Existing streets, both on and within three hundred (300) feet of the proposed development;

(b) Zoning districts, major shopping areas, residential areas, public buildings, rights-of-way, public utilities and other major facilities surrounding the proposed development for a radius of three hundred (300) feet;

(c) Existing lot lines and major easements on the property indicating the purpose of each easement;

(d) Existing land uses and location of buildings and structures on the property;

(e) One hundred-year flood elevation and limits of the one hundred-year floodplain;

(f) The approximate normal high water elevations or boundaries of existing surface waterbodies, wetlands, streams and canals; and

(g) Generalized tree cover and existing vegetation cover limits.

(3) Proposed development. Preliminary layout showing as applicable:

(a) Location of proposed lots, land uses and building sites, including, among other things, total area in square feet and acres, number of dwelling units, dwelling unit density by land use, floor area minimum standards, lot size, height of structures, yard and spacing requirements and amount and location of recreation and common open space areas;

(b) General location of all existing and proposed off-street parking and loading areas and roadways, by type, including width of right-of-way and paved streets;

(c) If applicable, a statement proposing how the developer plans to limit adverse effects on threatened or endangered native flora or fauna;

(d) Location of all rights-of-way, easements, utilities and drainage facilities that are proposed for the development and;

(e) A general statement of the proposed development schedule.

(D) Contents of final development plan. The final development plan may be on several sheets. However, in that event, an index shall be provided. For a large project, the final development plan may be submitted for approval progressively in contiguous sections satisfactory to the planning board.

(1) General information. The same information as required in paragraph (B)(1) shall be provided in graphic or written form as necessary to satisfy the requirements.

(2) Existing conditions. The same information as required in paragraph (B)(2) shall be provided with the addition of the following detailed information:

(a) Existing streets, both on and within three hundred (300) feet of the proposed development, shall be described including:

1. Street names;

2. Right-of-way width of each street;

3. Driveway approaches and curb cut locations, and;

4. Medians and median cuts locations.

(b) Conceptual drainage report showing direction of flow and proposed methods of stormwater retention.

(c) The location of any geodetic information system monuments.

(3) Proposed development. The same information as required in paragraph (B)(3) shall be provided with the addition of the following detailed information:

(a) A detailed statement of agreement, provisions, and covenants ~~which~~that govern the ownership, development, use maintenance, and protection of the development, in any common or open areas;

(b) Location of existing and proposed land uses and exact locations of all existing and proposed improvements including:

1. Buildings and structures;

2. Curb cuts;

3. Driveways and interior drives;

4. Off-street parking and loading;

5. Storage facilities;

6. Proposed roadways, by type, including width of right-of-way and paved streets; and

7. Traffic control features and signage.

(c) Exact location of lots and building sites, including, among other things, total acreage of the proposed project; total acreage in residential use, commercial use, common open space, recreational area, parking lots; number of dwelling units broken down by type (garden apartments, single-family, etc.) and overall dwelling unit density, floor area minimum standards, lot size, height of structures, yard and spacing requirements and amount and location of recreation and common open space areas;

(d) The exact location and use of existing and proposed public, semipublic or community facilities including areas proposed to be dedicated or reserved for community or public use;

(e) If applicable, drawings depicting general architectural features and appearance of representative building types, locations of entrances, and types of surfacing such as paving, gravel and grass, and signing and lighting devices;

(f) Location of outdoor waste disposal facilities, if applicable;

(g) Provisions for access by emergency vehicles, if applicable; and

(h) A specific statement of the development schedule including, if applicable, a phasing plan.

(Ord. No. 6-93, § 20, 3-25-93; Ord. No. 29-93, § 25, 11-18-93; Ord. No. 3-94, § 8, 1-13-94; Ord. No. 44-94, § 5, 10-13-94; Ord. No. 15-00, §§ 2, 3, 3-23-00; Ord. No. 12-09, § 1, 4-9-09; Ord. No. 16-10, §§ 209, 210, 9-9-10; Ord. No. 20-19, § 5, 9-26-19)

Sec. 12-2-82. - Design standards and guidelines.

(A) *Purpose.* The requirements set forth in this subsection are intended to coordinate land development in accordance with orderly physical patterns; to implement goals, objectives and policies of the Comprehensive Plan; to provide for adequate access to building sites for ingress and egress; to improve the physical appearance of the city, and; to preserve the environmental character of the city.

(B) *Applicability.* This section shall be applicable to all new construction, additions to existing structures or additional structures on a developed site. For the purposes of this section, the term "shall" indicates a regulatory requirement or standard, and the term "should" indicates a suggested guideline that is not considered a regulatory requirement.

(C) *Design standards.* Except where specific approval is granted by the city engineer and ~~city planner~~planning services department due to unique and peculiar circumstances or needs resulting from the size, configuration or location of a site requiring a modification of the standards as set forth below, the minimum standards shall be as follows:

(1) *Streets and rights-of-way.* Whenever public or private streets, rights-of-way, pedestrian ways, bikeways or driveway approaches are to be constructed as part of any development after the effective date of this chapter, they shall be designed in accordance with the requirements of this paragraph. Whenever existing public or private streets, rights-of-way, pedestrian ways, bikeways or driveway approaches abutting a development do not meet the requirements of this paragraph, the city engineer may require that they be improved to conform to these requirements.

(a) Driveway approaches and curb cuts.

1. Width (residential except multifamily). In properties developed for residential use (except multifamily), curbcuts and driveway approach shall conform to the following requirements:

	Minimum Driveway	Maximum Driveway
Driveway	12 feet	24 feet
Joint-use driveway	20 feet	24 feet

2. Width (residential multifamily). Properties developed for residential multifamily use shall have curbcuts for driveways not less than twenty-four (24) feet wide and not more than forty (40) feet wide.
3. Width (nonresidential). Properties developed for commercial use shall have curbcuts for driveways not less than twelve (12) feet nor more than forty (40) feet wide.
4. Distance from drainage inlet. No curbcut shall be made within three (3) feet of a drainage inlet.
5. Spacing. Where more than one (1) curbcut is to be located on any single property, the minimum distance between such curbcuts on local streets shall be forty-two (42) feet, and on all arterial and collector streets shall be in accordance with the requirements set forth in subsection (2) below.
6. Number and location on midblock properties. Except where specific approval is granted as provided above, there shall be no more than two (2) curbcuts for the use of any single property fronting any single local street, and no more than one curbcut for the use of any single property fronting on any single arterial or collector.
7. Number and location on corner properties. Where property is located on a corner lot fronting more than one (1) street, not more than one (1) curbcut for the benefit of such property shall be made on each street except where specific approval is granted as provided above. Corner safety islands shall be provided at all corners and no curbcuts or driveway shall be constructed or maintained on the radius of any curved curbing nor closer to the point of curvature than fifteen (15) feet on a local street and not within thirty (30) feet on the point of curvature of an intersecting arterial or collector street.
8. Sidewalk section. All driveway approaches constructed in areas of the city with existing or required sidewalks shall contain a sidewalk section of the width and grade and minimum construction standards established by the city engineer for sidewalks in such areas.
9. Joint use driveways. No curbcut for a driveway approach shall be made within one (1) foot of the extended side property line of the property to be serviced by the driveway unless a joint-use driveway for the two (2) adjoining properties shall be located on the common property line by written agreement running with the land, recorded in the public records of Escambia County and signed by all the owners of the adjoining property using the common driveway. The execution of the said agreement must be notarized. The city engineer shall be authorized to require the establishment of joint-use driveways in connection with the reduction of the driveway spacing requirements of subsection (1)(a)5. above and of subsection (2) below.
10. Authority to alter curbcuts. Where the use, convenience and necessity of the public require, the city engineer shall have the authority to order the owners or agents in

charge of property adjacent to which curbcuts are maintained, to alter the curbcut in such manner as ~~he~~ he or she shall find reasonably necessary under the circumstances. The notice required by this section shall require compliance by permittee within thirty (30) days of such notice; be in writing; and be served upon permittee as required by law.

(b) Vehicular access for multi-family, office, commercial or industrial developments. Direct or indirect vehicular access to local residential streets shall not be permitted, other than from corner lots, for the uses described above when adequate access is available from either collector or arterial streets.

(c) Dedication of streets and rights-of-way. No site plan shall be approved unless it is accompanied by a dedication of all streets and rights-of-way ~~which~~that are required to be dedicated under this section. The exception to this is private streets, which shall be provided for by the developer in accordance with the requirements of section 12-2-38. Any land lying within a proposed development ~~which~~that is necessary to widen or extend local streets, arterials or collectors as required to meet city standards shall be dedicated.

(d) Street improvements. All streets and public ways shall be paved and curbed in accordance with standards established by the city engineer and the following requirements:

1. Additional improvements for existing thoroughfares. Where any existing arterial or collector lying within or abutting a proposed development requires construction of additional lanes or other improvements to meet the standards of the city engineer, the amount of construction required (or money escrowed) for such improvements shall be commensurate with the impact of the proposed development.

2. Missing arterial or collector links. Where there are missing segments in the arterial or collector system or new arterials or collectors are to be constructed ~~which~~that are designated in the Comprehensive Plan, such segments lying within or abutting the proposed development shall be improved (or money escrowed in an appropriate manner) by the developer along with other required improvements. Where such construction creates an undue hardship in a particular case, appeals are available in accordance with chapter 12-13.

3. Traffic control devices. Intersection improvements and traffic control devices such as acceleration, deceleration, and turning lanes, signalization devices, and other traffic control devices required by the development shall be installed at the developer's expense in accordance with the State of Florida Manual for Uniform Traffic Control Devices.

4. Improvements required to nearest acceptable paved public street. Each development shall abut, or have as its primary access, a street improved to the minimum requirements of the city engineer. Wherever the abutting street does not meet these requirements, the developer shall construct the street where it abuts the development and to the nearest structurally acceptable paved public street as determined by the city engineer.

(e) Sidewalks. Sidewalks shall be required on all street frontages in nonresidential, commercial and industrial developments in accordance with standards established by the city engineer.

(2) *Driveway and curbcut design along arterial and collector streets.* Recognizing that the traffic movement function of arterial and collector streets can be compromised by the provision of unlimited access to individual properties. Whenever any building site will require vehicular access from an arterial or collector street as designated on the city's adopted Future Traffic Circulation Map, the development shall be designed in accordance with the requirements of this paragraph.

(a) Driveways and curbcuts. In addition to any applicable driveway approach and curbcut requirements of subsection (1) above, the following standards shall apply:

1. Curbcut spacing. The minimum distance between curbcuts on any one block face, whether or not such curbcuts are located on the same property, shall be based upon the posted speed of the thoroughfare, in accordance with the following schedule:

Posted Speed	Minimum Spacing
30 Mph	125 ft.
35 Mph	150 ft.
40 Mph	175 ft.
45 Mph	200 ft.
50+ Mph	250 ft.

2. Spacing reductions and joint-use driveways. Where the existing configuration of properties and curbcuts in the vicinity of the building site precludes spacing of a curbcut access in accordance with the schedule above, the city engineer shall be authorized to reduce the spacing requirement if ~~he~~ he or she finds that all of the following conditions have been met: wherever feasible, the city engineer shall require the establishment of a joint-use driveway serving two (2) abutting building sites, with cross-access easements provided; the property owner shall agree to close and eliminate any pre-existing curbcuts on the building site after the construction of both sides of the joint-use driveway; and where feasible, the building site shall incorporate unified access and circulation in accordance with the requirements of subsection (2)(a)3. below.

3. Unified access and circulation. The ~~planning director~~planning services director, in coordination with the city engineer, shall be authorized to designate cross-access corridors on properties adjacent to arterial or collector streets. Such designation may be made in connection with the approval of any site plan within the affected area, or as part of an overall planning program. The ~~planning director~~planning services director, in coordination with the city engineer, shall be authorized to modify the requirements of this subparagraph where ~~he~~ he or she finds that abutting properties have been so developed that it is clearly impractical to create a unified access and circulation system within part or all of the affected area.

(3) *Public facilities.* All developments shall be provided with sufficient utility easements including potable water, sanitary sewer, electric power and light, telephone, natural gas, cable television, and any other franchised utilities, including access for maintenance. Sufficient easements shall be provided for stormwater management facilities, including access for maintenance. All public and private street networks and parking lots shall be designed to allow easy access for solid waste disposal and emergency service vehicles. In addition to new development, any remodeling, enlargement, reconstruction or redesign of any existing building site for specific uses and within the Gateway Redevelopment District and the resource protection overlay districts shall require submittal of a drainage plan to ensure that stormwater management requirements are met pursuant to chapter 12-9 of this title.

(4) *Private recreation and open space facilities for multifamily residential developments.* Multifamily residential developments, with the exception of those located within the boundaries of the city's dense business area, are required to reserve five (5) percent of the total lot area for recreation and open space facilities. This land area requirement shall be provided in addition to the twenty (20) percent landscaping area requirement established in section 12-6-4. In the event a buffer yard is required between the multifamily development and an adjacent single-family land use or zoning district, the buffer yard land area requirements may be credited toward the recreation/open space land area requirement.

(5) *Solid waste disposal facilities for multifamily residential, nonresidential, office, commercial or industrial developments.*

(a) Dumpsters, centralized garbage storage areas, compactors and similar solid waste disposal facilities associated with the land uses described above shall not be allowed any closer than ten (10) feet to either the property line or zoning district boundary line of a single-family or duplex residential development or zoning district.

(b) Solid waste disposal facilities shall not be located within public street rights-of-way of arterial or collector streets in any zoning district, and they shall not be located within local street rights-of-way in mixed residential/office, residential/commercial or redevelopment zoning districts without the ~~city manager's~~mayor's approval.

(c) Solid waste facilities must be screened from adjoining property and from public view.

(6) *Mechanical equipment.* Mechanical equipment for multifamily residential, nonresidential, office, commercial or industrial developments shall not be allowed any closer than ten (10) feet to either the property line or zoning district boundary line of a single-family or duplex residential development or zoning district; and shall be screened from adjoining property and from public view. Roof-mounted electrical, mechanical, air conditioning and communications equipment shall be completely screened from adjacent properties and public view from the public right of way. The equipment screening shall be such that the equipment is not visible within a two hundred-foot radius. The radius shall be measured from the exterior side of the screen to a point ten (10) feet above finished grade.

(7) *Parking.*

(a) The city discourages construction of more than the minimum number of parking spaces required by this title, in order that more natural vegetation may be preserved and in order to control stormwater runoff in a more natural manner. Parking in excess of more than ten (10) spaces or ten (10) percent (whichever is greater) above the parking total dictated by chapter 12-3 will require an administrative waiver as described in subsection 12-2-82(C) of this section.

(b) The use of permeable paving materials is encouraged for use in parking lots, especially for "overflow" parking or parking spaces in excess of the requirements of this title.

Site design should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

(c) The following are some examples of techniques used to minimize the impacts of driveways and parking lots.

1. Locate surface parking at the rear or side of the zoning lot.
2. Break large parking lots into multiple smaller ones.
3. Minimize the number and width of driveways and curb cuts.
4. Share driveways with abutting zoning lots.
5. Locate parking in less visible areas of the site.
6. Locate driveways so they are visually less dominant.

7. Provide special pavers or other surface treatments to enhance and separate pedestrian areas from vehicle maneuvering and parking areas.

8. Parking located along a commercial street front where pedestrian traffic is desirable lessens the attractiveness of the area to pedestrians and compromises the safety of pedestrians along the street. On-site surface parking on a commercial street front should be minimized and where possible should be located behind a building.

(8) *Building Façade Finish:* Metal curtain walls shall be limited to a maximum of thirty (30) percent per elevation of a building in the R-2 and R-NC districts, forty (40) percent per elevation in the remaining commercial districts (with the exception of historic and special aesthetic districts which have their own guidelines for review), and seventy-five (75) percent per elevation of a building in industrial districts. The remaining percentage of each façade elevation shall have a finish treatment. Planning Board may grant requests to exceed this maximum standard on a case-by-case basis with consideration being given to developments that incorporate design guidelines suggested in this section and exhibit superior site design.

(9) *Non-residential site lighting.* Non-residential and multiple-family developments, shall be designed to provide safe and efficient lighting for pedestrians and vehicles. Lighting shall be designed in a consistent and coordinated manner for the entire site (including outparcels). Lighting shall be designed so as to enhance the visual impact of the project and/or should be designed to blend into the surrounding landscape. Lighting design and installation shall ensure that lighting accomplishes on-site lighting needs without intrusion on adjacent properties and shall meet the following design requirements:

(a) Fixture (luminaire). When feasible, the light source shall be completely concealed within an opaque housing and shall not be visible from any street right-of-way or adjacent properties.

(b) Light source (lamp). Only florescent, LED, metal halide, or color corrected high-pressure sodium may be used. The same light source type must be used for the same or similar types of lighting on any one site throughout any development.

(c) Mounting. Fixtures shall be mounted in such a manner that the maximum candela from each fixture is contained on-site and does not cross any property line of the site.

(d) Limit lighting to periods of activity. The use of controls such as, but not limited to, photocells, occupancy sensors or timers to activate lighting during times when it will be needed may be required by the ~~director of community development, or their designee,~~planning services department to conserve energy, provide safety, and promote compatibility between different land uses.

(e) Illumination levels.

1. All site lighting levels shall be designed per the most recent IESNA (Illumination Engineering Society of North America) recommended standards and guidelines.

2. Minimum and maximum levels are measured on the pavement within the lighted area. Average level is the overall, generalized ambient light level, and is measured as a non-to-exceed value calculated using only the area of the site intended to receive illumination.

3. Lighting for automated teller machines shall be required to meet the standards of F.S. § 655.962.

(f) Excessive illumination.

1. Lighting unnecessarily illuminates another lot if it clearly exceeds the requirements of this section.

2. All outdoor lighting shall be designed and located such that the maximum illumination measured in footcandles at the property line does not exceed 0.2 on adjacent residential sites, and 0.5 on adjacent commercial sites and public rights-of-way. These values may be adjusted based on unique and/or unusual needs of specific projects.

3. Lighting shall not be oriented so as to direct glare or excessive illumination onto streets in a manner that may distract or interfere with the vision of drivers on such streets.

4. Fixtures used to accent architectural features, landscaping or art shall be located, aimed or shielded to minimize light spill into the night sky.

5. Reflectors and/or refractors within fixtures or fixtures with a top shield shall be utilized to assist in eliminating "sky glow".

(D) *Design guidelines.* Most development in the city is located on infill or redevelopment sites; therefore, projects should take their surroundings into account. These recommended design guidelines are intended as suggested methods to improve the character and fit of new development and to encourage respect for how architecture, landscape features, and public improvements help establish context, and steadily improve the quality of the city's residential and commercial neighborhoods. These guidelines are intended for designers and developers to look closely at the area surrounding their specific project and create developments that enhance and complement the built and natural environment. The design guidelines are flexible in their application and maybe applied to specific projects during review by city staff and any applicable review board(s). The intent is to create the highest level of design quality while providing the needed flexibility for creative site design. Use of the following design guidelines is a means for addressing aesthetic and environmental concerns in the development process.

(1) Site planning.

(a) The construction of roads across isolated wetlands shall be limited, and any roads that are built should be constructed on pilings or with adequate culverts to allow the passage of floodwaters.

(b) Runoff shall not be discharged directly into open waters. Vegetated buffers, swales, vegetated watercourses, wetlands, underground drains, catch basins, ponds, porous pavements and similar systems for the detention, retention, treatment and percolation of runoff should be used as appropriate to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle and remove pollutants.

(c) Natural watercourses shall not be filled, dredged, cleared, deepened, widened, straightened, stabilized or otherwise altered.

(d) The use of drainage facilities and vegetated buffer zones as open space, recreation and conservation areas is encouraged.

(2) Building design and architectural elements. The placement of buildings should respond to specific site conditions and opportunities such as irregular-shaped lots, location on prominent intersections, views, or other natural features. On-site surface parking should be visually minimized and where possible should be located behind a building. Site characteristics to consider in building design include, but are not limited to, the following:

(a) Site buildings to avoid or lessen the impact of development on environmentally sensitive and critical areas such as wetlands, stream corridors, fragile vegetation and wildlife areas, etc.

(b) The design and placement of a structure and its massing on the site should enhance solar exposure for the project and consider the shadow impacts on adjacent buildings and public areas.

(c) The placement of buildings and other development features should enable the preservation of significant or important trees or other vegetation.

(d) Where a new structure shares a site with an existing structure, or a major addition to an existing structure is proposed, the design of the new should be designed to be compatible with the original structure. This is particularly important if the original structure has historical or architectural merit to the community.

(e) The placement and massing of a building should, preserve desirable public views that would otherwise be blocked by the new development.

(f) The placement and orientation of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the public right-of-way. For example, a multi-story mixed use building proposed for a downtown corner zoning lot should reinforce the existing streetscape by utilizing the ground level for pedestrian oriented retail and restaurants and maintaining a consistent building edge abutting the sidewalk.

(g) Building entrances should be clearly visible from the street. Using entries that are visible from the street makes a project more approachable and creates a sense of association with neighboring structures.

(h) New development should be sited and designed to encourage human activity on the street. To accomplish this end, entrances, porches, balconies, decks, seating and other elements can be designed to promote use of the street front and provide places for human interaction. For example, for commercial developments such elements can include shop front windows, outdoor seating/dining, rooftop decks, balconies, and canopies that protect pedestrians from the elements.

(i) Development projects in that are adjacent to a less-intensive zoning district with differing development standards, may create substantial adverse impacts that result from inappropriate height, bulk and scale relative to their neighbors. Careful siting and design treatments can help mitigate some height, bulk and scale impacts; in other cases, actual reduction in the height, bulk and scale of a project are advisable to adequately mitigate adverse effects. In some instances, careful siting and design treatment may be sufficient to achieve reasonable transition and mitigation of height, bulk and scale differences. Some techniques for achieving compatibility are:

1. Use of architectural style, details (such as rooflines or fenestration), exterior colors or materials that derive from the less intensive zone district.

2. Creative use of landscaping or other screening.

3. Location of features on-site to facilitate transition, such as locating required open space on the zone district edge so the building is located farther from the lesser intensity zone district.

4. In a mixed-use project, siting the more compatible use(s) near the zone district edge.

(j) The exterior architectural elements of buildings and structures (i.e., components which define the appearance of a building, such as roofs, windows, porches, modulations, entries, materials, balconies and details). New buildings developed in an established neighborhood with an identifiable character may be viewed as undesirable intrusions unless they respond positively to the architectural characteristic of existing buildings. Therefore, guidelines for architectural elements encourage new development in established neighborhoods to complement neighboring buildings and consider how design gives a neighborhood its identity. This does not mean that new buildings must excessively mimic older existing buildings. Rather, the guidelines suggest that new buildings use some traditional building concepts or elements. New buildings can successfully relate to older buildings while still looking contemporary, not stifling the designer's creativity and responding to changing societal needs and design opportunities.

(k) Architectural context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

1. Architectural features. Taking note of the architectural characteristics of surrounding buildings can help new buildings be compatible with their neighbors when a consistent pattern is already established by similar building articulation; building scale and proportions; architectural style(s); roof forms, building details and fenestration

patterns; or materials. Even when there is no consistent architectural pattern, building design and massing can be used to complement and enhance certain physical conditions of existing surrounding development.

2. In cases where an existing context is either not well defined, or may be undesirable, a well-designed new project has the opportunity to establish a pattern or identity that future redevelopment can build on.

(3) Human scale. The design of new buildings should incorporate architectural features, elements and details that achieve a desirable human scale through the use of human-proportioned architectural features and site design elements clearly oriented to human activity. Building elements that may be used to achieve human scale are as follows:

a. Pedestrian-oriented storefront windows and doors directly facing the street or publicly accessible open space such as courtyards, gardens, patios, or other unified landscaped areas.

b. Window patterns, building articulation and other exterior treatments that help identify individual units in a multi-family building or mixed use building.

c. Stepping back upper stories (generally above the third or fourth floor).

d. Porches or covered entries that offer pedestrian weather protection such as canopies, awnings, arcades, or other similar elements wide enough to protect at least one person.

(4) Structured parking garages. The presence and appearance of structured parking garages and their entrances should be minimized so they do not dominate the street frontage. Ramps should be visually screened from streets and adjacent residential zoning districts and oriented towards the interior of the lot within a project where possible. Ramps profiles should be hidden on the exterior elevations. Roof top parking should be visually screened with articulated parapet walls or other architectural treatment. Exterior lighting should utilize fixtures provided with cut off shielding in order to eliminate glare and spillage onto adjacent properties and roadways. The openings of the garage should be designed in a manner that obscures parked vehicles. Decorative architectural elements on the ground floor level should be designed to accommodate the pedestrian scale. Parking levels above the ground floor should maintain the same vertical and horizontal articulation or rhythm and incremental appearance established on the ground floor.

Due to the requirements of a particular land use or structural needs, parking garages or the garage portion of the building may request an increase from the building frontage requirements (to a maximum of one hundred (100) percent for all floors) or a waiver from the setback requirements for portions of the structure above XX feet subject to the following:

The garage or garage portion of the building elevation provides unified design elements with the main building through the use of similar materials and color, vertical and horizontal elements, and architectural style.

Architectural features should be incorporated into the façade to mitigate the building's mass and bulk and along portions of the building adjacent to street rights-of-way.

(5) Rooftop mechanical equipment. All rooftop mechanical equipment should be screened from public view from both above and below by integrating it into building and roof design.

(6) Blank walls. Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, due to the requirements of a particular land use or structural needs, they shall not exceed a length of fifty (50) feet, or twenty (20) percent of the length of the building facing the street, whichever is less, and should receive design treatment to increase pedestrian comfort and interest.

(7) Utilities and service areas. Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front wherever possible. When

elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located near pedestrian routes.

(8) All telephones, vending machines, or any facilities dispensing merchandise, or a service on private property, should be confined to a space built into the building or buildings or enclosed in a separate structure compatible with the main building(s). All exterior forms, attached or not to buildings should be in conformity to and secondary to the building. They should be an asset to the aesthetics of the site and to the neighborhood.

(Ord. No. 11-94, § 3, 4-14-94; Ord. No. 45-96, § 6, 9-12-96; Ord. No. 13-06, § 15, 4-27-06; Ord. No. 16-10, § 211, 9-9-10; Ord. No. 25-10, § 1, 10-14-10; Ord. No. 06-18, § 1, 4-12-18)

CHAPTER 12-3. OFF-STREET PARKING

Sec. 12-3-1. - Off-street parking spaces requirements.

Off-street parking is required in all zoning districts, except as provided below. The following off-street parking is required by this chapter.

(A) *General provisions.*

(1) Area calculations based on gross square footage.

(2) Where the required number of parking spaces results in a fraction, the number of spaces required shall be construed to be the next whole number.

(3) Where parking spaces are required based on number of employees or students/clients, the number of employees must reflect the largest shift and the number of students/clients must reflect the maximum capacity allowed.

(4) For multiple land use developments, additional parking spaces will be required for each different land use and/or accessory use.

(5) Handicapped parking spaces are required as a percentage of total required parking spaces for all developments other than single-family, duplex or zero-lot-line residential.

(6) With respect to any parking lot that is required to be paved, the number of parking spaces required may be reduced by one, if the developer provides a bicycle rack or similar device that offers a secure parking area for at least five (5) bicycles.

(7) The number of off-street parking spaces provided for buildings constructed prior to October 13, 1994, shall be deemed in compliance with the requirements of this code, for as long as the same land use is maintained within the same building footprint. Effective October 13, 1994, off-street parking requirements set forth in subsection 12-3-1(B) shall be required for the following development or redevelopment activities except as specifically exempted in subsections 12-3-1(A)(i), (j), and (k):

(a) New construction.

(b) Construction of an addition to an existing building. Whenever a building is enlarged or increased in floor area, number of dwelling units, seating capacity, intensity, density or in any manner so as to create a need for a greater number of parking spaces than currently existing, such additional spaces must be provided in accordance with subsection 12-3-1(B). The required number of additional parking spaces must be provided concurrently with the building enlargement. In the event that additional parking spaces are required, and the resulting number of spaces required for the whole building (existing and new) exceeds ten (10) spaces, the entire parking lot shall comply with the provisions of section 12-3-3.

(c) A change in land use in an existing building or portion of a building. Whenever a land use is changed to another land use requiring a greater number of parking spaces than that existing, such additional spaces must be provided in accordance with subsection 12-3-1(B). The required number of additional parking spaces must be provided concurrently with the change in land use. In the event that additional parking spaces are required as a result of a change in land use for buildings constructed prior to October 13, 1994, the entire number of required parking spaces for the new land use must be provided in accordance with subsection 12-3-1(B). In the event that additional parking spaces are required, and the resulting number of spaces required for the new land use exceeds ten (10) spaces, the entire parking lot shall comply with the provisions of section 12-3-3.

(8) Except as provided in subsections 12-3-1(D) and (E) below, all required parking spaces must be located on the same lot or parcel with the building or use served or on an adjacent lot or parcel owned or leased by the same owner of the building site for which the parking is required. If the required parking is provided on an adjacent property separated from the common boundary by a street, appropriate measures shall be undertaken to provide pedestrian safety. Such measures include, but are not limited to, pedestrian crosswalk, pedestrian crossing with automated traffic control, pedestrian overpass, and underground pedestrian tunnel.

(9) Off-street parking is not required in the HC-1 and HC-2 districts (see subsection 12-2-10(A)(5)(g)(3).

(10) Off-street parking is not required in the dense business area for residential land uses.

(11) New construction of buildings within the South Palafox Business District ~~which~~that do not exceed forty (40) feet in height, or the renovation or change in land use of existing buildings ~~which~~that do not exceed forty (40) feet in height are exempt from the off-street parking requirements (see also subsection 12-2-13(D)(6)).

(l2) New construction of buildings within the C-2A District ~~which~~that do not exceed forty (40) feet in height and five thousand (5,000) square feet in total floor area, or the renovation or change in land use of existing buildings ~~which~~that do not exceed forty (40) feet in height and five thousand (5,000) square feet in total floor area are exempt from the off-street parking requirements.

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(B) *Parking requirements for specific land uses.* The following list of requirements shall apply for any land use ~~which~~that is permitted or ~~which~~that is granted a conditional use within any zoning district.

Amusement Center	1 space/250 s.f.
Art Gallery	1 space/500 s.f.
Auditorium	1 space/50 s.f. of assembly area
Bank	1 space/300 s.f.
Barbershop/Beauty Parlor	2 spaces/chair
Bed and Breakfast	1 space for owner/manager plus 1 space/

	sleeping room
Billiard Hall	2 spaces/table
Boarding House	1 space for owner/manager plus 1 space/ sleeping room
Bowling Alley	3 spaces/lane plus spaces required for accessory uses
Car wash	
Full-service	2 spaces/washing stall
Self-service	2 stacking spaces and 1 drying space per wash stall
Child Care Facility	1 space/300 s.f.
Church	1 space/4 fixed seats
Note: On-street parking within five hundred (500) feet of the building, except in residential districts, may be used towards fulfilling this requirement.	
Cocktail Bar	1 space/75 s.f.
Community Center	1 space/300 s.f.
Community Residential Home	1 space/2 beds
Convenience Store	1 space/200 s.f. plus accessory uses
Dormitory/Fraternity/Sorority Residence	1 space/2 beds
Dry Cleaning Shop	1 space/500 s.f.
Funeral Parlor/Mortuary	1 space/200 s.f.
Game Room	1 space/250 s.f.

Garage, repair	1 space/200 s.f.
Gas Station	1 space/200 s.f.
Greenhouse	1 space/1,000 s.f. of lot area
Group Home	1 space/2 beds
Gymnasium	1 space/50 s.f. of assembly area
Health Spa	1 space/200 s.f.
Hospital	1.5 spaces/bed
Hotel	1 space/room
Industrial	1 space/500 s.f.
Kennel	1 space/1,000 s.f.
Laundromat	1 space/2 washing machines
Library	1 space/250 s.f.
Note: on-street parking within five hundred (500) feet of the building, except in residential districts, may be used toward this requirement.	
Lodging House	1 space for owner/manager plus 1 space/ sleeping room
Manufacturing	1 space/500 s.f.
Marina	1 space/4 boat slips
Miniature Golf Course	1 space/hole
Mini-Warehouse	4 spaces/1,000 s.f. of office
Motel	1 space/room

Museum	1 space/300 s.f.
Nightclub	1 space/75 s.f.
Nursery	1 space/1,000 s.f. of lot area
Nursing Home	1 space/2 beds
Office	
General Office	1 space/300 s.f.
Accessory Office Unit	1 space/300 s.f.
Government Office	1 space/500 s.f.
Note: On-street parking within five hundred (500) feet of the building, except in residential districts, may be used towards this requirement for non-employee parking only. In any event, one off-street parking space shall be required for each employee in the building.	
Medical/Dental Office	1 space/200 s.f.
Open Air Market	1 space/300 s.f.
Printing or Publishing Firm	1 space/300 s.f.
Private Club	1 space/100 s.f.
Racquetball Club	1 space/court
Radio or Television Station	1 space/300 s.f.
Repair Shop	1 space/300 s.f.
Residential	
Single-family, Duplex and Accessory Residential Unit	1 space/unit (public street) 2 spaces/unit (private street)
Multi-family, Townhouse, Manufactured Home Unit	1 space/unit

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Rest Home	1 space/2 beds
Restaurant	
Drive-in Only	1 space/100 s.f.
Drive-through Only	1 space/100 s.f.
Sit-Down Only	1 space/100 s.f. (including outdoor dining areas)
Combination Drive-through/Sit-down	1 space/100 s.f. (including outdoor dining and/or activity areas)
Retail Sales/Rental	
Boat	1 space/500 s.f.
Carpet	1 space/500 s.f.
Furniture	1 space/500 s.f.
Garment	1 space/300 s.f.
General	1 space/300 s.f.
Grocery Store	1 space/300 s.f.
Hardware	1 space/500 s.f.
Home Improvement	1 space/500 s.f.
Lumber and Building Materials	1 space/600 s.f.
Machinery and Equipment	1 space/600 s.f.
School	

Business or Trade	1 space/2 employees plus 1 space/200 s.f.
High School, College or Junior College	1 space/2 employees plus 1 space/10 students
Kindergarten, Elementary and Middle/Junior High School	1 space/2 employees plus 1 space/classroom
Self-Service Storage Facility	4 spaces/1,000 s.f. of office plus 1 space/employee
Shopping Center	1 space/300 s.f.
Skating Rink	1 space/5 rated patron capacity
Stadium	1 space/5 seats
Studio	1 space/300 s.f.
Tavern	1 space/75 s.f.
Tennis Club	1 space/court
Theater	1 space/6 seats
Vehicle Sales/Rental	1 space/400 s.f. sales area
Veterinary Clinic or Hospital	1 space/300 s.f
Video Arcade	1 space/300 s.f.
Warehousing	1 space/2,000 s.f.
Wholesale Establishment	1 space/1,000 s.f.

(C) *All other uses.* Any use not covered by this chapter shall require one parking space for each three hundred (300) square feet of gross floor area in the building.

(D) *Off-site parking.* The off-street parking requirements set forth in subsection 12-3-1(B) may be provided off-site through a shared parking facility or leased parking facility.

(a) Off-site parking may be provided as specified below:

(1) Shared use parking facility shared by uses ~~which~~that have different principal operating hours. The schedule of operation of all such land uses shall provide that none of the uses sharing the facilities normally require off-street parking facilities at the same time as other uses sharing them. The total number of required off-street parking spaces shall be determined by the combined peak hour parking requirement for all uses sharing the facility.

(2) Off-site parking spaces ~~which~~that are leased on an annual basis from a private owner or public agency.

(3) Off-site parking spaces located on a site owned and controlled by the owner/developer of the building site for which the off-street parking is required.

(4) When a portion or all of the required off-street parking is provided pursuant to one of the options specified above in subparagraphs (1), (2) and (3) a written agreement shall be drawn in a form satisfactory to the city attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve. Such written agreement shall be required as a prerequisite for the approval of a building permit for the new development or redevelopment proposed for which the parking is required. Such written agreement shall be reviewed annually as a condition for renewal of a business license required in Chapter 7-2 of this Code. If a written agreement securing the number of parking spaces is not provided as part of the annual business license certification, the license may be revoked by the city unless the required off-street parking is otherwise provided.

(5) When a portion or all of the required off-street parking is provided pursuant to one of the options specified above in subparagraphs (1), (2) and (3) a sign directing business patrons to the off-street parking shall be required and shall be placed in a clearly visible location in accordance with the provisions of subsection 12-4-4(G)(c).

(6) Off-site parking provided for businesses within the Brownsville Business Core must be located within the Pensacola City limits.

(7) Downtown Pensacola Parking reductions described in Table 12.3-1 shall apply only to the Community Redevelopment Agency's boundaries, as defined in Resolution No. 13-84.

Table 12.3-1

Downtown Pensacola CRA Parking Reductions	
Educational	25%
Lodging	35%
Office	30%
Eating/Drinking Establishments	100%

Indoor Amusement	40%
Services	50%
College	50%
Places of Worship	50%
Indoor Recreation	50%
Apparel/Furniture	50%
Retail < 5,000 s.f.	60%
Community Services	75%
Single Family and Multi family	Only 1 space/unit required

(b) Approval of off-site parking will be based upon consideration of the following factors:

(1) The location of the business and the proposed off-site parking;

(2) The number of off-site parking spaces proposed;

(3) Intended users of the proposed off-site parking (i.e. employees, patrons or both);

(4) The distance of the proposed off-site parking measured along the shortest legal pedestrian route (i.e. along public sidewalks, crosswalks) from the nearest lot line of the building site for which the off-site parking is proposed to the nearest lot line of the off-site parking ~~lot as verified by the City Surveyor~~;

(5) Pedestrian safety;

(6) Nature of the business proposing the off-site parking;

(7) Potential conflicts/overlaps in any off-site shared parking arrangement;

(8) Recommendation of city attorney regarding the form of the written agreement specified in subsection 12-3-1(D)(a)(4).

(E) The number of required parking spaces for the geographic areas and zoning districts identified in subsection 12-3-1(D) may be reduced by the number of on-street parking spaces provided in accordance with the following criteria:

(a) The on-street parking space must be located between the extended property lines of the property requesting the reduction. If a parking space straddles two (2) properties owned by different property owners each property may count the space towards the required parking. Where the right-of-way contains a median and parking is provided along the median, the property owner requesting the reduction may include those spaces provided they are located between the extended property lines and the centerline of the median.

(b) The on-street parking spaces must remain open for use by the public.

(F) New construction, additions to existing buildings and changes in land use of existing buildings within the dense business area resulting in an increase of parking requirements may comply with the parking requirements through an in-lieu payment approved by the city council.

(a) All funds collected through the in-lieu payment process shall be utilized for the express purpose of parking capital improvement projects within the dense business area.

(b) The in-lieu payment will be calculated by the mayor and approved by the city council in accordance with the following formula:

In-lieu parking payment = (total spaces required to meet code - on-site spaces - approved off-site spaces - approved on-street parking spaces) × (in-lieu fee)

The in-lieu fee shall be based upon the cost of construction for parking spaces considering such factors as land acquisition, design fees, engineering, financing, construction, inspection, and other relevant factors.

(Ord. No. 6-93, § 21, 3-25-93; Ord. No. 29-93, § 26, 11-18-93; Ord. No. 44-94, § 6, 10-13-94; Ord. No. 33-95, § 9, 8-10-95; Ord. No. 8-99, § 7, 2-11-99; Ord. No. 44-99, § 3, 11-18-99; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 05-06, § 1, 2-9-06; Ord. No. 16-10, § 212, 9-9-10; Ord. No. 39-13, § 1, 11-14-13; Ord. No. 12-14, § 1, 3-27-14)

Sec. 12-3-2. - Off-street loading.

All manufacturing, industrial, warehouses and similar establishments customarily receiving and distributing goods by motor vehicle shall provide loading and unloading facilities on the premises. No motor vehicle shall be allowed to extend onto a public street, sidewalk or alley while loading or unloading. Off-street loading berths shall be provided as follows:

Floor Area (Square Feet)	Minimum No. of Berths
0 to 20,000	1
20,000 to 40,000	2
40,000 to 100,000	3
100,000 to 200,000	4
200,000 to 320,000	5
320,000 to 400,000	6
Each 90,000 above 400,000	1

Sec. 12-3-3. - Parking lots.

In addition to the provisions in this chapter all parking lots shall comply with tree preservation and landscaping provisions established in Chapter 12-6. The following requirements are applicable to all parking lots and parking spaces, whether or not such lots or spaces are required by the provisions of this chapter.

(A) *Design of parking lots.* All parking lot plans must be reviewed by the city engineer~~ing department~~ or his or her designee. Proper ingress and egress from the lot shall be required and adequate interior drives shall be required for all parking lots.

(B) *Grading and surfacing.*

(1) *Parking lots that include lanes for drive-in windows or contain more than ten (10) parking spaces.* Parking lots that include lanes for drive-in windows or contain more than ten (10) parking spaces shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust.

(2) *Parking lots with ten (10) or less parking spaces.* Parking lots with ten (10) or less parking spaces may be surfaced with alternative surface materials (crushed stone, gravel, or other suitable material) other than those specified in subparagraph (1), with the approval of the city engineer, to provide a surface that is stable and will help to avoid dust and erosion. The perimeter of such parking shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever a parking lot abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the parking area in the public right-of-way), shall be paved as provided in subparagraph (1).

(C) *Demarcation of parking spaces.* Parking spaces in areas surfaced in accordance with subsection (B)(1) shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (B)(2) shall be demarcated whenever practicable.

(D) *Maintenance.* Parking lots shall be properly maintained in all respects. Parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(E) *Lighting.* Lighting shall be provided for parking lots with more than ten (10) spaces, and this lighting shall be arranged to reflect away form the adjoining properties. The minimum illumination level required for the entire paved area shall be an average maintained 1.0 footcandle. The lowest footcandle value at any point on the pavement shall not be less than one-fourth (¼) of the required average.

(F) *Screening.* Where a parking lot adjoins a residential district or fronts on a street adjoining a residential district, directly across said street, a solid wall, fence, or compact hedge not less than four (4) feet high shall be erected along the lot lines(s), except that within a visibility triangle the height requirement shall be reduced to three (3) feet.

(G) *Measurement of parking stalls.* All parking stalls shall measure not less than nine (9) feet by eighteen (18) feet, except as provided for herein. For land uses ~~which~~that assign parking spaces to specific employees or residents, a maximum of thirty (30) percent of all required vehicle parking spaces may be designed for compact cars. A compact car space may be a minimum of seven and one-half (7.5) feet by sixteen (16) feet. The occupant or owner of the principal use for which the parking is required shall enforce the use of such assigned compact car spaces.

(H) *Fencing, wheelstops or bumper guards.* Fencing, wheelstops or bumper guards are required along property and street lines to avoid the chance of encroachment on other properties or sidewalks.

(Ord. No. 6-93, § 22, 3-25-93; Ord. No. 33-95, § 10, 8-10-95; Ord. No. 9-96, § 12, 1-25-96)

Sec. 12-3-4. - Nonresidential parking in R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, PR-1AAA and PR-2 districts.

Accessory off-street parking facilities serving nonresidential uses of property in R-2, PR-2, R-NC, C-1, PC-1, C-2, C-3 or SSD zones may be permitted in R-1AAA, PR-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2 or PR-2 zoning districts where such lot is contiguous to such commercial zoned area or is separated therefrom by an alley, and may be authorized by the planning board, subject to the requirements in section 12-2-64.

(Ord. No. 29-93, § 27, 11-18-93)

Sec. 12-3-5. - Parking vehicles on residential property—Prohibited activity.

It shall be unlawful for any person to park a vehicle on residential property without having proper vehicular ingress and egress curb cuts to the property in order to prevent damage to adjacent sidewalks or curbs and to prevent interference with the free flow of vehicular and pedestrian traffic on adjacent streets, sidewalks and rights-of-way. This section may be enforced through the provisions of section 1-1-8 or section 13-2-2, herein.

(Ord. No. 11-14, § 1, 3-27-14)

CHAPTER 12-4. SIGNS

Sec. 12-4-1. - Purpose.

The purpose of this chapter is to regulate the size, location, construction, and manner of display of signs so as to not confuse, mislead, or obstruct lines of vision necessary for traffic safety, diminish the aesthetic beauty of the city, or otherwise endanger the public health, safety and welfare, and to further the objectives of this title and the Comprehensive Plan.

Sec. 12-4-2. - General sign standards and criteria.

(A) *Permits.* No sign shall be erected without a permit except as provided for herein.

(B) *Sign placement and removal.*

(a) No signs other than those noncommercial signs authorized by the mayor are allowed on public rights-of-way, except as provided herein.

(b) No attached wall sign may project more than twelve (12) inches from a building wall.

(c) Signs projecting from a building or extending over public property shall maintain a clear height of nine (9) feet six (6) inches above the right-of-way and no part of such signs shall be closer than eighteen (18) inches to the vertical plane of the curb line or edge of pavement.

(d) No sign shall be located so as to restrict the view of drivers at an intersection or while entering and leaving a public right-of-way. See section 12-2-35, relating to required visibility triangles.

(e) No sign shall project into the line of vision of any traffic-control sign or signal from any point in a moving traffic line.

(f) Signs on fences and walls are subject to all requirements of freestanding signs including maximum sign area, maximum height and minimum setback, unless otherwise specified herein.

(g) Setback of signs along certain roads is required. See section 12-2-34, relating to street setback requirements.

(C) *Illumination.*

(a) Illuminated signs, other than those identifying churches and schools, are not permitted in residential districts.

(b) Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly onto a public right-of-way or residential premises.

(D) *Installation requirements.*

(a) All permanent nonaccessory signs ~~which~~that exceed fifty (50) square feet must be installed by a licensed contractor or sign contractor.

(b) Accessory signs may be installed by a property owner for ~~his~~ his or her own business on ~~his~~ his or her own lot.

(c) Accessory signs may be installed by a tenant for ~~his~~ his or her own business provided that:

1. The sign must not exceed thirty-two (32) square feet and/or a height of ten (10) feet; and

2. The tenant must obtain written consent of the property owner to install the sign.

(d) All freestanding signs shall be supported by posts or uprights furnished by the installer of said sign and in no case will signs be supported by utility company poles, fences or fence posts, trees or any other structure not furnished specifically for the particular sign.

(Ord. No. 21-93, § 2, 8-16-93; Ord. No. 16-10, § 213, 9-9-10)

Sec. 12-4-3. - Sign area calculations.

The sign face is sum of the areas of any regular geometric shapes ~~which~~that contain the entire surface area of signs upon which copy may be placed. In the case of freestanding or awning signs, the sign face consists of the entire surface area of the sign on which copy could be placed and does not include the supporting or bracing structure of the sign unless such structure or bracing is made a part of the sign message. Where a sign has two (2) display faces back-to-back, the area of the largest face shall be calculated as the sign face area. Where a sign has more than one display face, all areas ~~which~~that can be viewed simultaneously shall be considered in the calculation of the sign face area.

For signs other than freestanding or awning signs whose message is applied to a background ~~which~~that provides no border or frame, the sign face area shall be the sum of the areas of the regular geometric shape ~~which~~that can encompass all words, letters, figures, emblems, and other elements of the sign message.

(Ord. No. 15-92, § 1, 6-25-92)

Sec. 12-4-4. - Permanent accessory signs.

(A) *Number, accessory signs.* Each parcel of property shall be limited to two (2) accessory signs per street frontage, one (1) freestanding or one (1) projecting, and one (1) attached wall sign. In addition, some other signs may be permitted in conjunction with these permitted signs and are described in subsection (G) of this section. If there exists more than one (1) business establishment on the parcel, the provisions of subsections (D) Shopping centers/malls, (E) Office and multifamily residential zones, or (F) Residential zones, herein shall be applicable.

(B) *Major transportation thoroughfares zoned commercial or industrial.* Permanent accessory signs placed in commercially and industrially zoned districts, including R-NC, C-1, C-2, C-2A, ~~R-C,~~ C-3, M-1 and M-2 zones, along the following transportation thoroughfares shall be limited in the manner set forth in paragraphs (1), (2) and (3) below:

- Airport Boulevard.
- Alcaniz Street.

- Barrancas Avenue.
- Bayou Boulevard; Grande Drive to Carpenter's Creek.
- Cervantes Street, including that portion of Scenic Highway south of Mallory Street.
- Chase Street.
- Creighton Road.
- Davis Highway.
- Fairfield Drive.
- Garden Street, including that portion of Navy Boulevard west of the Frisco rail line.
- Gregory Street.
- Main Street.
- 9th Avenue.
- Pace Boulevard.
- Palafox Street.
- 12th Avenue from Bayou Boulevard to Underwood.

(1) *Advertising display area.* Commercial zoning districts (R-NC, R-NCB, C-1, C-2, C-2A, ~~R-C,~~ C-3).

(a) One freestanding or projecting sign not to exceed one hundred (100) square feet.

(b) One attached wall sign or combination of wall signs. Ten (10) percent of the building street front elevation, not to exceed two hundred (200) square feet. The sign may be placed on the front or one side of the building.

(2) *Advertising display area.* Industrial zoning districts (M-1 and M-2).

(a) One freestanding or projecting sign not to exceed one hundred (100) square feet.

(b) One attached wall sign or combination of wall signs not to exceed the following criteria. The signs may be placed on the front or one side of the building.

Buildings set back up to four hundred (400) feet from a paved public road right-of-way line open to the public:

* Ten (10) percent of the building street front elevation, not to exceed two hundred (200) square feet.

Buildings set back between four hundred (400) feet and seven hundred fifty (750) feet from a paved public road right-of-way line open to the public:

* Fifteen (15) percent of the building street front elevation not to exceed four hundred (400) square feet.

Buildings set back over seven hundred fifty (750) feet from a paved public road right-of-way line open to the public:

* Twenty (20) percent of the building street front elevation, not to exceed eight hundred (800) square feet.

(3) *Sign height.* The maximum height for a freestanding sign shall be twenty-five (25) feet. No attached sign shall extend above the eave line of a building to which it is attached. Roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as wall space.

(C) *Other streets in commercial, industrial and ATZ-2 zones.* Permanent accessory signs placed in all commercial, industrial zones and airport transition zone 2 (ATZ-2) shall conform to the following requirements:

(1) *Advertising display area.*

(a) One freestanding or projecting sign of thirty-five (35) square feet or one square foot of sign area per linear foot of street frontage, not to exceed fifty (50) square feet per face of sign.

(b) One attached wall sign. Ten (10) percent of the building street front elevation for attached wall signs, not to exceed one hundred (100) square feet. The sign may be placed on the front or one side of the building.

(2) *Sign height.* The maximum height for freestanding signs shall be twenty (20) feet. No attached sign shall extend above the eave line of a building to which it is attached. However, roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as wall space.

(D) *Shopping centers/malls.* Permanent accessory signs advertising a group of commercial establishments comprised of two (2) or more stores which are planned, developed, owned or managed as a unit shall conform to the following requirements:

(1) *Advertising display area.* The advertising display area noting the name of the mall or center for a freestanding sign shall be one square foot of sign area per one linear foot of street frontage, not to exceed two hundred (200) square feet per face of sign. Attached signs shall conform to the requirements set forth in paragraph (B)(1)(b) of this section.

(2) *Sign height.* The maximum height for a freestanding sign shall be thirty-five (35) feet. No attached sign shall extend above the eave line or building to which it is attached. Roof surfaces constructed at an angle of sixty-five (65) degrees or more from horizontal shall be regarded as wall space.

(E) *Office and multifamily residential zones.* Permanent accessory signs placed in R-2, R-2A and ATZ-1 zones shall conform to the following requirements:

(1) *Advertising display area.* The advertising display area for a freestanding or attached sign identifying a multifamily residential complex shall be no more than thirty-five (35) square feet. The maximum accessory advertising display area for an office, shall be thirty-five (35) square feet, and a six-square-foot sign attached to and identifying each individual office.

(2) *Sign height.* The maximum height for all signs in these districts shall be fifteen (15) feet.

(F) *Residential zones.* The following permanent accessory signs shall be permitted in residential zones, including R-1AAAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, and R-ZL and ATZ-1:

(a) One attached wall sign or combination of wall signs for churches, cemeteries, schools, libraries and community centers serving as identification and/or bulletin boards, not to exceed thirty-six (36) square feet in area or one freestanding sign per street frontage not to exceed thirty-six (36) square feet in area and be no closer than ten (10) feet to any property line and not exceed six (6) feet in height.

(b) Two (2) signs per residential subdivision entrance, identifying said subdivision, of not more than twenty (20) square feet of advertising surface, and shall not exceed six (6) feet in height, identifying the residential subdivision.

(c) One non-illuminated nameplate per street frontage designating the owner or the occupant and address of the property. The nameplate shall not be larger than one hundred (100) square inches and may be attached to the dwelling or be freestanding except the top of a freestanding nameplate shall not be more than eighteen (18) inches above ground level. No permit shall be required for such signs.

(d) Bench signs shall be allowed on public transportation routes at bus stops.

(e) One non-illuminated sign stating "No Peddlers," "No Solicitors," or "No Canvassing" per dwelling. The sign shall not be larger than one hundred forty (140) square inches and may be attached to the dwelling or be freestanding except the top of a freestanding sign shall not be more than eighteen (18) inches above ground level. No permit shall be required for such signs.

(G) *Other permanent signs.* Other signs allowed, without the requirement to obtain a permit, in conjunction with signs permitted by subsections (A), (B), and (C) of this section include:

(a) Signs advertising the acceptance of credit cards not exceeding two (2) square feet and which are attached to buildings or permitted freestanding signs.

(b) On-premise menu signs at fast-food restaurant ordering stations not in excess of twenty-four (24) square feet.

(c) Directional/informational signs guiding traffic and parking on private property, bearing no advertising matter. Such signs shall not exceed two (2) square feet in size.

(d) One permanent sign located on or over a showroom window or door indicating only the proprietor and/or nature of the business is permitted, provided it does not exceed a total sign area of four (4) square feet.

(e) Official traffic signs or signals, informational signs and historical markers erected by a government agency. These signs are allowed to be placed on or above a public right-of-way.

(f) Signs advertising the price of gasoline may be installed according to the following conditions:

1. One sign, not to exceed twelve (12) square feet, may be attached to permitted freestanding sign(s) on the premises.

2. Signs may be placed on each gasoline pump to provide required information to the public regarding price per gallon or liter, type of fuel and octane rating. Such signs shall not exceed an aggregate area of three (3) square feet.

(Ord. No. 15-92, § 2, 6-25-92; Ord. No. 25-92, § 4, 7-23-92, Ord. No. 21-93, § 3, 8-16-93; Ord. No. 44-99, § 4, 11-18-99)

Sec. 12-4-5. - Permanent nonaccessory signs.

Permanent nonaccessory signs include outdoor advertising signs (also known as billboards and off-premises signs), wayfaring signs, hospital directional signs, and public transit bus shelter and bench signs.

(A) *Outdoor advertising signs.*

(1) *Permitted sign locations.*

(a) Outdoor advertising signs are generally permitted in the commercial and industrial zoning districts (C-1, C-2, ~~R-C,~~ C-3, M-1, and M-2) with the exception of the Community Redevelopment Area, the Airport Development Corridor Overlay District and the Bayou Texar Shoreline Protection District.

(b) Outdoor advertising signs are permitted in the residential-neighborhood commercial district (R-NC) if located along an interstate highway or an arterial roadway. Signs shall be located within one hundred twenty-five (125) feet of the rights-of-way of interstate highways and within fifty (50) feet of the rights-of-way of arterial roadways, as measured from the edge of the right-of-way to the base of the sign.

Outdoor advertising signs are not permitted in the residential-neighborhood commercial district (R-NC) within the Community Redevelopment Area.

(2) *Prohibited sign locations.*

(a) Outdoor advertising signs are prohibited in the following zoning districts:

Conservation (CO)

Low-density Residential (R-1AAAAA, R-1AAAA, and R-1AAA)

Medium-density Residential (R-1AA and R-1A)

High-density Residential (R-ZL, R-2A, and R-2B)

Residential/Office (R-2 and R-NCB)

Downtown Retail Commercial District (C-2A)

Pensacola Historic District (HR-1, HR-2, HC-1, and HC-2)

North Hill Preservation District (PR-1AAA, PR-2, and PC-1)

Old East Hill Preservation District (OEHR-2, OEHC-1, OEHC-2, and OEHC-3)

Airport Land Use District (ARZ, ATZ-1 and ATZ-2)

Gateway Redevelopment (GRD and GRD-1)

Waterfront Redevelopment (WRD, WRD-1)

South Palafox Business (SPBD)

(b) Outdoor advertising signs are prohibited within a five hundred-foot radius of the nearest edge of the rights-of-way of Scenic Highway, any roadway classified as scenic in the City of Pensacola Comprehensive Plan or any roadway classified as a scenic highway pursuant to F.S. § 335.093.

(3) *Sign design.*

(a) Outdoor advertising signs shall have a maximum of two (2) sign faces per sign structure. When two (2) sign faces are used, the sign faces shall be mounted in a V-type or back-to-back configuration. Each sign face shall not exceed the maximum sign area permitted at the specific location.

(b) Outdoor advertising signs with sign faces in a V-type configuration shall not have an interior angle exceeding sixty (60) degrees where the sign faces converge.

(c) Tri-faced outdoor advertising signs, as defined in chapter 12-14, shall be allowed.

(d) Outdoor advertising signs with side-to-side and stacked sign faces are prohibited.

(4) *Sign area.*

(a) Interstate highways and four-lane roadways. Along interstate highways and four-lane roadways, the sign area of each sign face on an outdoor advertising sign shall not exceed three hundred seventy-eight (378) square feet.

(b) Two-lane roadways. Along two-lane roadways, the sign area of each sign face on an outdoor advertising sign shall not exceed one hundred (100) square feet.

(5) *Sign height.*

(a) Interstate highways. Along interstate highways, the height of an outdoor advertising sign shall not exceed a height of fifty (50) feet measured from the base of the sign at normal grade to the top of the sign.

(b) Four-lane and two-lane roadways. Along two-lane roadways and four-lane roadways, the height of an outdoor advertising sign shall not exceed a height of thirty-five (35) feet measured from the base of the sign at normal grade to the top of the sign.

(6) *Sign spacing.*

(a) Interstate highways. Along interstate highways, outdoor advertising signs shall not be located within one thousand five hundred (1,500) feet of any other outdoor advertising sign on the same side of the right-of-way.

(b) Four-lane and two-lane roadways. Along two-lane roadways and four-lane roadways, outdoor advertising signs shall not be located within one thousand (1,000) feet of any other outdoor advertising sign on the same side of the right-of-way or within a three hundred-foot radius of any other outdoor advertising sign as measured in any direction.

(7) *Nonconforming signs.* Outdoor advertising signs that do not conform to the location, design, area, height, and spacing requirements above shall be deemed non-conforming signs and subject to section 12-4-11 of these regulations.

(8) *Cap and replace provisions.*

(a) Maximum number of outdoor advertising signs. The maximum number of outdoor advertising signs allowed within the City of Pensacola shall be limited to the number of outdoor advertising signs existing, or having received a building permit, as of September 30, 2009.

(b) New outdoor advertising signs. After September 30, 2009, a building permit for the construction of an outdoor advertising sign shall only be issued following the removal of an existing outdoor advertising sign located within the City of Pensacola.

(c) Proof of sign removal. A demolition permit from the City of Pensacola shall be required prior to the removal of an outdoor advertising sign. The removal of a sign will be verified through an inspection by the building official or ~~his~~ his or her designee. The sign removal shall be documented under the demolition permit number in the computerized permitting system.

(d) Proof of replacement. When applying for a building permit to erect a new outdoor advertising sign, an applicant shall be required to provide the demolition permit number of the previous outdoor advertising sign being used to meet these replacement provisions. Through documentation in the computerized permitting system, the permitting clerk shall cross-reference the demolition permit for the previous sign with the building permit for the new sign.

(e) Removal of nonconforming outdoor advertising signs. Applicants are requested to remove a nonconforming outdoor advertising sign in lieu of a conforming outdoor advertising sign to meet these replacement provisions.

(B) *Wayfaring signs.* Wayfaring signs shall be allowed within multi-family residential and multi-parcel commercial developments, of three (3) acres or more, having an internal driveway network. The wayfaring signs shall be located at driveway intersections to direct motorist to destinations within the development that are not readily visible from adjacent public rights-of-way. When using two (2) or more wayfaring signs in a development, a master sign plan is required.

Wayfaring signs shall also be allowed on public rights-of-way within the dense business district to assist motorist in finding destinations and shall be planned and sponsored by the Community Redevelopment Agency.

Wayfaring signs shall also comply with the following requirements:

(1) *Sign design.* The number of sign faces at any one (1) intersection shall be the minimum necessary to provide directional information. Typically, this will be one (1) sign face per direction from which driveways or streets approach the intersection. Sign faces in opposite directions shall be mounted in a back-to-back configuration. One (1) or more sign structures may be used at each intersection as long as the total number of sign faces meets the criteria above. Each individual sign face shall not exceed the maximum sign area permitted at the specific location.

(2) *Sign area.* The sign area of any sign face shall not exceed twelve (12) square feet.

(3) *Sign height.* Wayfaring signs shall have a sign height not to exceed twelve (12) feet.

(4) *Sign information.* Wayfaring signs shall contain the names of the applicable destinations and the applicable directional arrow. A small recognizable business logo may be included, but advertising is not permitted.

(5) *Lighting.* The sign may be internally or externally-lit and shall not shine directly onto a public right-of-way or adjacent residential premises.

(6) *Line of sight.* All signs shall comply with section 12-2-35 relating to the required visibility triangles.

(C) *Hospital directional signs.* Directional signs for hospitals having a state-certified trauma center and/or emergency center are permitted in the R-2 through M-2 zoning districts. No more than two (2) directional signs shall be permitted per hospital. Hospital directional signs shall meet the following requirements:

(1) *Sign design.* Hospital directional signs shall be free-standing signs and have a maximum of two (2) sign faces per sign structure. When two (2) sign faces are used, the sign faces shall be mounted in a V-type or back-to-back configuration.

(2) *Sign area.* Hospital directional signs shall not to exceed fifty (50) square feet

(3) *Sign height.* The maximum height shall not exceed twelve (12) feet.

(4) *Sign information.* The sign shall contain the name of the hospital, directions to the hospital and one (1) of the following descriptors:

Emergency

Emergency care

Emergency room

Trauma care

Trauma center

(5) *Lighting.* The sign may be internally or externally lit and shall not shine directly onto a public right-of-way or adjacent residential premises.

(6) *Line of sight.* All signs shall comply with section 12-2-35 relating to the required visibility triangles.

(D) *Public transit bus shelter and bench signs.* Public transit bus shelters and benches shall be located along active bus routes at bus stops designated by Escambia County Area Transit (ECAT). Designated bus stops shall be identified by an ECAT bus stop sign.

No public transit bus shelter or bench with an advertising display may be placed within three hundred (300) feet of another bus shelter or bench with an advertising display on the same side of the street.

Public transit bus shelters and benches located along bus routes that are no longer active shall be removed by their owner within thirty (30) days of the route becoming inactive. Such signs would be defined as prohibited signs instead of nonconforming signs under these provisions.

The placement of bus shelters and benches and the size and number of advertising displays shall also comply with the requirements set forth in chapter 14-20, Florida Administrative Code.

The design of public transit bus shelters and benches to be located in historic, preservation or aesthetic districts shall be subject to review by the city board responsible for that district and shall not have an advertising display area.

(Ord. No. 35-92, § 3, 10-22-92; Ord. No. 29-93, § 28, 11-18-93; Ord. No. 28-97, § 1, 8-14-97; Ord. No. 8-99, § 8, 2-11-99; Ord. No. 23-00, § 1, 4-27-00; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 30-09, § 1, 9-10-09)

Sec. 12-4-6. - Temporary signs.

The following temporary signs are allowed without a permit, unless otherwise required below:

(A) *Signs advertising the sale, lease or rental of real estate.* Non-illuminated signs advertising the sale, lease or rental of the real estate (including buildings) on which the sign is located provided such signs meet the following conditions:

(a) Such signs shall not exceed six (6) square feet in surface area within R-1AAAAA, R-1AAAA, R-1AAA, R-1AA, R-1A, R-ZL zones.

(b) Real estate in all other zones except the special districts identified in section 12-4-6 may be advertised by a sign not to exceed thirty-two (32) square feet.

(c) Such signs shall be removed immediately upon closing.

(d) Such signs shall be no closer than seven (7) feet to the curb or edge of the pavement of the road.

(B) *Construction site identification signs.* Non-illuminated construction site identification sign identifying the project, the owner or developer, architect, engineer, contractor, subcontractors, and funding sources, and may contain related information provided such signs meet the following conditions:

(a) One sign per street frontage of the site may be erected and the sign(s) shall not exceed fifty (50) square feet in area.

(b) All such signs shall be removed within five (5) days after the completion of construction.

(c) Such signs shall be no closer than seven (7) feet to the curb or edge of the pavement of the road.

(C) *Holiday displays.* Displays, including lighting, erected in connection with the observance of official holidays. Such displays shall be removed within five (5) days following the holidays.

(D) *Political signs* ~~which~~that meet the following requirements:

(a) The maximum size of any political sign erected in the city shall be sixteen (16) square feet.

(b) All political signs shall be supported by posts or uprights furnished by the installer of said sign and in no case will signs be supported by power poles, telephone poles, fence or fence posts, trees or any other structure not furnished specifically for the particular sign.

(c) All political signs shall be located only on private property except as provided herein. This applies to all public property located within the city limits.

(d) Political signs are allowed on public right-of-way adjacent to occupied homes or businesses with the consent of the occupant, but no closer than three (3) feet to the curb or edge of the road.

Provided, however, a political sign shall not be allowed on any public right-of-way unless the person whose candidacy is advertised thereby shall first agree in writing to indemnify, defend and save harmless the city from and against any and all claims for property damage or bodily injury, including death, arising out of or in connection with the presence of such political sign advertising ~~his~~ his or her candidacy in any public right-of-way.

(e) Political signs shall not be installed in any required visibility triangle, as described in section 12-2-35, where the sign will obstruct the view of the motorist at an intersection.

(f) No political sign shall be placed on a vacant lot or on a lot with a uninhabited primary structure unless a letter from the property owner is on file with the inspection division indicating that permission has been granted.

(g) All political signs installed in the city shall be removed within ninety (90) days of installation or within five (5) working days of the time a candidate is elected or eliminated from the race, whichever occurs first.

(h) Any political sign not in compliance with this subsection shall be removed by the candidate within twenty-four (24) hours of notification or the sign shall be removed by the city at the direction of the mayor. When signs are removed by the city, the candidate's name and number of signs collected will be recorded against the specific complaint. Candidates shall pay a service charge of two dollars ($2.00) for each sign removed by the city before the election and fifteen dollars ($15.00) for each sign removed after the election for which the candidacy is advertised.

(i) For the purposes of this subsection, a political sign is a sign ~~which~~that promotes or endorses the nomination or election of a candidate for political office.

(E) *Portable signs.* One portable sign, limited to two (2) sign faces back-to-back and not exceeding thirty-two (32) square feet each, shall be permitted at any location, except in residential districts and where prohibited otherwise in this title, provided that the display of such sign not exceed a period of seven (7) calendar days within any six-month period. The sign owner is required to obtain a permit for portable signs.

(F) *Garage sale signs* which meet the following requirements:

(a) No more than two (2) signs advertising such garage sale shall be permitted.

(b) Such signs shall be located only on the premises of the applicant upon which the sale is conducted or on the street right-of-way immediately adjacent to the premises.

(c) Such signs shall be no more than two (2) feet by two (2) feet in size.

(G) *Temporary banners* indicating that a special event, i.e., public or community event, such as a fair, carnival, festival or similar activity is to take place with the following conditions:

(a) Such banner shall be erected no sooner than two (2) weeks before the event.

(b) Such banner must be removed no later than three (3) calendar days after the event.

(c) Banners extending over street rights-of-way require approval of the ~~city manager~~mayor.

(H) *Architectural signs.* Permanent banners, murals and other decorative features of buildings which are determined to be architectural in nature and approved by the appropriate review board shall be allowed on buildings in the gateway review district, the governmental center district, the Palafox historic business district, the waterfront redevelopment district, the ~~West~~ Old East Hill preservation district, the South Palafox business district, the Pensacola historic district, and the North Hill preservation district. Such architectural features which also serve the purpose of informing the public about the building or events therein may be changed periodically provided they remain in compliance with the design approved by the appropriate review board.

Commented [JW26]: Correct name of district

(I) *Other temporary signs.* Temporary signs not covered in the foregoing categories, so long as such signs are allowed within the district, meet the following restrictions, and a permit has been granted by the ~~city manager~~mayor or ~~his~~ his or her designee:

(a) Not more than one (1) such sign may be located on any lot.

(b) No such sign may exceed thirty-two (32) square feet in surface area, unless prior approval is granted by the mayor or ~~his~~ his or her designee.

(c) Such sign may not be displayed for longer than fourteen (14) consecutive days, prior to the activity or event.

(d) All sign locations must have the prior approval of the mayor or ~~his~~ his or her designee.

(e) If a sign is located within the public right-of-way, a certificate of insurance acceptable to the city shall be provided.

(Ord. No. 6-93, § 23, 3-25-93; Ord. No. 45-96, § 8, 9-12-96; Ord. No. 16-10, §§ 214, 215, 9-9-10)

Sec. 12-4-7. - Prohibited signs.

It shall be unlawful to erect or maintain the following signs within city limits:

(a) Any sign containing or illuminated by flashing or intermittent lights of changing degrees of intensity, except for digital signs.

(b) Those with visible motion, except for tri-faced nonaccessory signs.

(c) Those that incorporate projected images or emit sound.

(d) Strings of light bulbs other than holiday decorations.

(e) The use of gas or hot-air balloons, except on a temporary basis as provided for in section 12-4-6.

(f) The use of banners, pennants and streamers except on a temporary basis as provided for in section 12-4-6.

(g) Rooftop signs.

(h) Signs ~~which~~that are posted, painted, or otherwise affixed to any rock, fence, tree or utility pole.

(i) Signs ~~which~~that are not securely fixed on a substantial structure.

(j) Signs ~~which~~that are not in good repair or ~~which~~that may create a hazardous condition.

(k) Signs ~~which~~that are illegal under state laws and regulations.

(l) Nonaccessory signs attached to any craft or structure in or on a water body designed or used for the primary purpose of displaying advertisements. Provided, however, that this section shall not apply to any craft or structure ~~which~~that displays an advertisement or business notice of its owner, so long as such craft or structure is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisement.

(Ord. No. 33-93, § 2, 12-16-93; Ord. No. 10-96, § 2, 2-8-96; Ord. No. 45-96, § 9, 9-12-96; Ord. No. 28-97, § 2, 8-14-97)

Sec. 12-4-8. - Regulation within special districts.

In addition to the general provisions of this chapter, the regulation of signs within any of the following districts shall also be governed by the applicable provisions of this title pertaining to such district, noted as follows:

- Pensacola Historic District, subsection 12-2-10(A).
- North Hill Preservation District, subsection 12-2-10(B).

- Gateway Redevelopment District, subsection 12-2-12(A).
- Waterfront Redevelopment District, subsection 12-2-12(B).
- South Palafox Business District, subsection 12-2-13.
- Palafox Historic Business District, subsection 12-2-21.
- Governmental Center District, subsection 12-2-22.
- Airport Development Corridor Overlay District, subsection 12-2-23.

Sec. 12-4-9. - Permits.

It shall be unlawful to display, erect, relocate or alter any sign without first filing with the building official an application in writing and obtaining a sign permit, unless otherwise provided for herein. When a sign permit has been issued by the building official, it shall be unlawful to change, modify, alter or deviate from the terms of said permit without prior approval of the building official. A written record of such approval shall be entered upon the original permit application and maintained in the files of the building official.

(A) *Application for permit.* The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or ~~his~~ his or her authorized agent, or an appropriately licensed contractor. The building official shall, within five (5) working days of the date of the application, either approve or deny the application or refer the application back to the applicant in any instance where insufficient information has been furnished.

(B) *Plans, specifications and other data.* The application for sign permit shall be accompanied by the following plans and other information:

- The name, address, and telephone number of the owner or person entitled to possession of the sign and of the contractor or erector.
- The location by street address of the proposed sign structure.
- A legal description of the property on which the sign is to be located and the current property owner.
- The structural design of the proposed sign, including the height, size, and materials and a site plan indicating location of the sign on the site.
- The building inspection division may require that plans submitted be prepared by a registered professional engineer of Florida.

(C) *Revocation of sign permit.* The building official may revoke any permit issued under this chapter in any instance in which it shall appear that the application for the permit contains knowingly false or misleading information. If the work authorized under a sign permit has not been completed within six (6) months after date of issuance, said permit shall become null and void.

Sec. 12-4-10. - Maintenance.

All signs shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of said sign. The owner of any property on which a sign is located and those responsible for maintenance of the sign shall be equally responsible for the conditions of the area in the vicinity of the sign and shall be required to keep this area clean, sanitary and free from noxious or offensive substances, rubbish, and flammable waste materials.

Sec. 12-4-11. - Administration and enforcement.

This chapter shall be administered and enforced by the building official.

(A) *Nonconforming signs.* Within requirements established by this section, there may exist signs which would be prohibited, regulated or restricted under the terms of this title. It is the intent of this title to allow these nonconformities to exist, but not to encourage their continuation. Such signs are declared by this title to be incompatible with permitted sign regulations.

(B) *Modification/replacement of nonconforming signs.* The following limitations apply to nonconforming signs:

(1) An existing nonconforming sign shall not be changed to another nonconforming sign by modifying the words or symbols used, the message displayed or any other change to the advertising display area of the sign. Nonaccessory signs are exempt from this provision;

(2) 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;

(3) An existing nonconforming sign shall not be repaired after being damaged if the repair of the sign would cost more than fifty (50) percent of the cost of a new sign.

(C) *Abandoned signs.* The message on the advertising surface of a permanent or temporary sign must be removed once the activity it is advertising ceases to exist. Permanent signs applicable to a business temporarily suspended because of a change in ownership or management shall not be deemed abandoned unless the property remains vacant for a period of six (6) months. Signs other than nonaccessory signs on any parcel of property unoccupied for a period of six (6) months shall be deemed to have been abandoned. If the owner fails, refuses or neglects to comply with the provisions of this subsection the building official shall initiate removal procedures as follows:

(a) The building official shall post on each sign a legal notice which shall notify the public that the sign is condemned and scheduled to be demolished.

(b) Furthermore, with the posting of the sign, said building official shall cause a legal notice to be published once a week for two (2) consecutive weeks in a newspaper published and circulated in the city, which also meets the requirements of the applicable Florida law. Said legal notice shall set forth a description of the property where the sign is located and shall notify the public that the sign is condemned and scheduled to be demolished

(c) Fourteen (14) days after the initial date of posting the sign, the building official shall prepare bids and specifications for the competitive bidding for demolishing the sign by private contract in the following manner:

1. Advertisement shall comply with section 2-4-66 of this code.

2. The city shall award the contract to the successful bidder.

3. The successful contractor shall, upon notice to proceed as initiated by the authorized official, commence the specified demolition and site clean-up.

4. Upon satisfactory completion of the work, the contractor shall be paid from a revolving sign demolition fund.

(d) The building official shall certify to the city treasurer that the specific work has been completed. The city treasurer shall then prepare and process a complete assessment of all costs including, but not limited to, all administrative costs, attorney fees or other legitimate expenses that may have occurred before, during, or after the proceedings necessary to eliminate the illegal condition of signs described herein.

(e) Said assessment shall be declared a lien upon such land until paid and to have equal dignity with other liens for ad valorem taxes. The mayor shall file on public record such claims of liens against the property cleared of such condemned sign setting forth the amount of such lien, a description of the property involved, and that such lien is claimed pursuant to the provisions of this section. Such lien shall be signed and sworn to by the mayor. Monies received from enforcement of lien shall be collected and deposited in the revolving fund provided for herein. The lien shall be enforced as otherwise provided for by law.

(Ord. No. 13-92, § 4, 5-28-92; Ord. No. 28-97, § 3, 8-14-97; Ord. No. 16-10, § 216, 9-9-10)

Sec. 12-4-12. - Insurance.

The owner of any sign erected within or on a public right-of-way in the city shall indemnify, defend and hold harmless the city from and against any and all claims, demands, actions, judgments, costs, attorney's fees, or expenses for bodily injury, including death, or property damage arising out of or in connection with the construction or existence of said sign, except to the extent that such injury or damage may be directly caused by the negligence or misconduct of other persons. Prior to the issuance of any sign permit and before any sign is erected within or on such right-of-way, the owner of the sign shall execute an agreement, in a form satisfactory to the city attorney, to indemnify the city in the aforesaid manner and shall file with the city a certificate issued by an insurance company authorized to do business in the State of Florida evidencing the existence of premises liability insurance, in an amount satisfactory to the building inspections superintendent and the risk manager, said insurance to remain in force for so long as such signs remain in existence, and the certificate of insurance shall indicate that the city is named as an additional insured and that the insurance company shall not cancel or change the coverage under the insurance policy without giving thirty (30) days prior written notice to the department of risk management.

(Ord. No. 45-96, § 10, 9-12-96)

CHAPTER 12-6. TREE/LANDSCAPE REGULATIONS[4]

Footnotes:

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Editor's note— Ord. No. 31-09, § 1, adopted Sept. 10, 2009, amended Ch. 12-6, in its entirety to read as herein set out. Prior to inclusion of said ordinance, 12-6, pertained to similar subject matter. See also the Code Comparative Table.

Sec. 12-6-1. - Purpose.

The purpose of this chapter is to establish protective regulations for trees and landscaped areas within the city. Such areas preserve the ecological balance of the environment, control erosion, sedimentation and stormwater runoff, provide shade and reduce heat and glare, abate noise pollution, and buffer incompatible land uses. The intent of this chapter is to encourage the preservation of existing trees. It is critical that a balance be maintained between developed areas and natural/landscaped areas with appropriate existing and/or newly planted trees and other vegetation. The intent is also to provide for the future of our citizens through maintaining vital vegetative species that will reproduce for future generations.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-2. - Applicability.

(A) *Zoning districts.* The provisions of this chapter shall be applicable within the following zoning districts:

(1) *Residential districts.*

(a) R-1AAAAA through R-1A districts

(b) R-ZL (zero lot line dwelling district)

(c) R-2A and R-2B (multiple-family)

(2) *Mixed residential districts.*

(a) R-2 (residential/office)

(b) R-NC and R-NCB (residential/neighborhood commercial)

(3) *Commercial districts.*

(a) C-1 (local commercial)

(b) C-2 (general commercial)

~~(c) R-C (residential commercial)~~

(d) C-3 (general commercial and limited industry)

(4) *Industrial districts.*

(a) M-1 (wholesale/light industry)

(b) M-2 (light industry)

(5) *Other districts.* The provisions of this chapter shall also be used as guidelines in reviewing site plans in site specific zoning and development (SSD) amendment applications, airport transition zone (ATZ-1 and ATZ-2) districts and in applications for special planned developments.

(B) *Public institutional uses and churches.* The provisions of this chapter shall be applicable to public institutional uses and churches. Public institutional uses and churches located in R-1AAAAA through R-1A zones shall not be exempt from the provisions of this chapter. In addition, these uses shall conform with the requirements of subsection 12-6-3(A) and all other sections of this title applicable to the R-ZL, R-2A, R-2B and R-2 zones.

(C) *Exemptions.* All single-family and duplex uses are exempt from the provisions of this chapter, except as provided for in section 12-2-32 (buffer yards), subsection 12-6-2(D) (heritage trees) and subsection 12-6-6(D) (new subdivisions). The C-2A downtown retail commercial district is exempt from the provisions of this chapter, except as provided for in subsections 12-6-6(A), (E). (F), and (G). All healthcare related uses of property owned or controlled by an entity ~~which~~that is licensed as an acute care hospital under F.S. Ch. 395, owned or controlled by a parent company of an entity ~~which~~that is licensed as an acute care hospital under F.S. Ch. 395 are exempt from the provisions of this chapter, except as provided for in section 12-6-3 and subsections 12-6-6(A), (C), (E), (F), and (G). In conjunction with the development of any such healthcare related use, a payment of five thousand dollars ($5,000.00) per acre of new developed impervious surface area shall be made to the tree planting trust fund. The designated clear zone areas around the ~~Pensacola Regional Airport~~Pensacola International Airport and any other area identified by the airport manager and approved by the city council as critical to aircraft operations shall be exempt from this chapter.

(D) *Heritage trees.* A protected tree identified by species in Appendix A of this chapter which is thirty-four (34) inches or greater in diameter as measured at Diameter Breast Height (DBH). Heritage trees are protected in all the zoning districts listed in section 12-6-2, and for all land uses. Removal, cutting or pruning of heritage trees on proposed development sites may be permitted upon approval of a landscape and tree protection plan (section 12-6-4). Removal, cutting or pruning of heritage trees on developed property may be authorized upon issuance of a permit per section 12-6-7. A permit will be required for removal of a heritage tree in all zoning districts listed in section 12-6-2, and for all land uses, including single-family or duplex as set out in section 12-6-7.

(E) *DBH.* All tree measurements shall be taken at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (54 inches) above ground. If the tree has a bump or branch at four and one-half (4½) feet above ground then DBH shall be measured immediately below the bump or branch. If the tree is growing vertically on a slope, DBH shall be measured from the midpoint of the trunk along the slope. If the tree is leaning, DBH shall be measured from the midpoint

of the lean. If the tree forks below or near DBH the tree shall be measured at the narrowest part of the main stem below the fork. If the tree splits into more than one (1) trunk close to ground level, DBH shall be determined by measuring each of the trunks separately and then taking the square root of the sum of all squared stem DBHs.

(F) Notwithstanding any other provision of this chapter, the mitigation cost to a residential property owner (single-family and duplex uses) shall not exceed one thousand dollars ($1,000.00).

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-3. - Landscaping requirements.

The following landscaping requirements apply to all types of land uses and zoning districts listed in section 12-6-2 of this chapter:

(A) *Landscape area requirements.* The minimum percentage of the total developable site, which shall be devoted to landscaping, unless otherwise specified in this chapter, shall be as follows:

ZONING DISTRICT		PERCENT
R-ZL, R-2A, R-2B, R-2	.....	25
R-NC, C-1, C-2~~, R-C~~	.....	25
C-3, M-1, M-2	.....	20
SSD, ATZ-1, ATZ-2	.....	25

(B) *Off-street parking and vehicle use areas.* Off-street parking regulations apply to all parking facilities of twenty (20) spaces or more. Off-street parking facilities and other vehicular use areas shall meet the following requirements:

(1) *Perimeter requirements.* A ten-foot wide strip of privately owned land, located along the front and/or side property line(s) adjacent to a street right-of-way shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Width of sidewalks shall not be included within the ten-foot wide perimeter landscape area. This perimeter landscape requirement shall be credited toward the percentage required for the total developable site in subsection 12-6-3(A), above. Material requirements in perimeter area are as follows:

(a) One (1) tree for each thirty-five (35) feet of linear foot frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three (3) inches DBH. The trees shall be container grown if planted during the months of March through October. During the remaining months, balled and burlapped (B&B) material may be used. Appropriate documentation shall be provided to the ~~parks and recreation department~~parks and recreation director. An automatic irrigation system shall be required with a separate zone with bubblers to each tree planted on site. When multiple trunk trees are specified, such as crape myrtle, each stem must be a minimum of one and one-half (1½) inches DBH, with a minimum of three (3) stems. These type trees shall not be cut back prior to planting. Seventy (70) percent of the trees for any site shall be shade trees, unless a lesser percentage is

approved by the ~~parks and recreation department~~parks and recreation director. The remaining area within the perimeter strip shall be landscaped with other landscape materials.

(b) Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three (3) [feet] and nine (9) feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.

(c) If trees are required where overhead utilities exist, and such trees may create a maintenance potential, only species whose expected height at maturity will not create interference may be planted.

(2) *Interior planting areas.* Interior planting areas within parking lots shall be determined by subtracting the area set aside in the ten-foot perimeter strip from the total minimum area required to be landscaped in subsection 12-6-3(A), above. This remaining percentage shall be allocated throughout the parking lot or in areas, which are adjacent to the parking lot other than in the perimeter strip. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic. Minimum sizes of interior planting areas are as follows:

(a) A minimum of one hundred (100) square feet of planting area shall be required for each new species type A tree identified in Appendix "A" and small species identified in Appendix "B".

(b) A minimum of two hundred (200) square feet of planting area shall be required for each new species type B and type C tree identified in Appendix "A" and medium and large species identified in Appendix "B".

(c) A twelve-foot by thirty-six-foot planting island shall be required on each end of every double row of parking and a twelve-foot by eighteen-foot island on each end of a single row of parking shall be required. Also, a minimum of one (1) additional island at the midpoint of the parking bays for rows having over ten (10) parking spaces shall be required. The additional island shall be centered in each row. Any adjustment to this requirement must have written approval from the building official.

(d) A minimum planting area of seventy-five (75) percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than seventy-five (75) percent is needed to preserve the tree, the city shall have the right to require up to one hundred (100) percent of the dripline. Approved pavers may be used in certain situations, if approved by the building official. Pervious surfaces are strongly encouraged.

(3) *Vehicle overhang.* Vehicles shall not overhang any interior planting area or perimeter strip. Tire stops are required to be used in these situations.

(4) *Curbs; protection of vegetation.* Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation of the water to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the tree(s).

(C) *Buffer yards between zoning districts and uses.* Regulations applicable to buffer yards are specified in section 12-2-32 of this Code.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-4. - Landscape and tree protection plan.

A landscape and tree protection plan shall be required as a condition of obtaining any building permit or site work permit for townhouse residential, multi-family residential, commercial and industrial development as specified in section 12-6-3. The plan shall be submitted to the ~~community development department~~planning services department ~~inspection services division~~inspection services department. A fee shall be charged for services rendered in the review of the required plan (see chapter 7-14 of this Code).

No building permit or site work permit shall be issued until a landscape and tree protection plan has been submitted and approved. Clearing and grubbing is only permitted after a site has received development plan approval and appropriate permits have been issued. The building official may authorize minimal clearing to facilitate surveying and similar site preparation work prior to the issuance of permits. No certificate of occupancy shall be issued until the building official has determined after final inspection that required site improvements have been installed according to the approved landscape and tree protection plan. In lieu of the immediate installation of the landscaping material and trees, the city may require a performance bond or other security in an amount equal to the cost of the required improvements in lieu of withholding a certificate of occupancy, and may further require that improvements be satisfactorily installed within a specified length of time.

(A) *Contents of landscape and tree protection plan.* The landscape and tree protection plan shall be drawn to scale by a landscape architect, architect or civil engineer licensed by the State of Florida, and shall include the following information unless alternative procedures are approved per sections 12-6-8 or 12-6-9:

- Location, size and species of all trees and shrubs to be planted.

- Location of proposed structures, driveways, parking areas, required perimeter and interior landscaped areas, and other improvements to be constructed or installed.

- Location of irrigation system to be provided. All planted areas shall have an underground irrigation system designed to provide one hundred-percent coverage.

- Landscape and tree protection techniques proposed to prevent damage to vegetation, during construction and after construction has been completed.

- Location of all protected trees noting species and DBH.

- Identification of protected trees to be preserved, protected trees to be removed, including dead trees, and trees to be replanted on site.

- Proposed grade changes ~~which~~that might adversely affect or endanger protected trees with specifications on how to maintain trees.

- Certification that the landscape architect, architect or civil engineer submitting the landscape and tree protection plan has read and is familiar with Ch. 12-6 of the Code of the City of Pensacola, Florida, pertaining to Tree and Landscape Regulation.

(B) *Installation period.* All landscape materials and trees depicted on the approved landscape plan shall be installed within one (1) year of the date of issuance of the building permit for the site.

(C) *Quality.* All plant materials used shall conform to the standards for Florida No. 1 or better as given in "Grades and Standards for Nursery Plants", current edition, State of Florida, Department of Agriculture and Consumer Services, Division of Plant Industry, Tallahassee, Florida, a copy of which shall be maintained for public inspection in the ~~department of leisure services~~city.

(D) *Notice.* If removal is sought for two (2) or more heritage trees or for more than ten (10) protected trees (including heritage trees sought to be removed) and/or if removal of more than fifty (50) of existing protected trees is sought within any property in any zoning district identified in section 12-6-2, a sign shall be posted no further back than four (4) feet from the property line nearest each respective roadway adjacent to the property. One (1) sign shall be posted for every one hundred (100) feet of roadway frontage. Each sign shall contain two (2) horizontal lines of legible and easily discernable type. The top line shall state: "Tree Removal Permit Applied For." The bottom line shall state: "For Further Information Contact the City of Pensacola." The top line shall be in legible type no smaller than six (6) inches in height. The bottom line shall be in legible type no smaller than three (3) inches in height. There shall be a margin of at least three (3) inches between all lettering and the edge of the sign. The signs shall be posted at by the applicant at their expense, and shall remain continuously posted until the requisite building, site work, or tree removal permit has issued.

(Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-5. - Maintenance.

The legal owner of record as appears on the current tax assessment roll or the designated lessee or agent shall be responsible for the maintenance of all landscape areas which shall be maintained so as to present a healthy, neat and orderly appearance at all times and shall be kept free from refuse and debris. Within three (3) months of a determination by the building official or other city-designated official, that a protected tree required to be retained on a development site (as part of an approved site development plan) or required landscaping is dead or severely damaged or diseased, the protected tree or landscaping shall be replaced by the owner in accordance with the standards specified in this chapter (chapter 12-6). The building official may approve additional time appropriate to the growing season of the species in question, not to exceed one (1) year.

All portions of any irrigation system shall be continuously maintained in a condition such that the intent of an irrigation design is fulfilled. Uncontrolled emission of water from any pipe valve, head, emitter, or other irrigation device shall be considered evidence of non-maintenance.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-6. - Protected trees.

Protected trees are those trees identified by species and size in Appendix A of this chapter if living and viable. Where protected trees are identified on a site proposed for lot clearing within the applicable zoning districts identified in section 12-6-2, the number of protected trees to be preserved on the site shall be determined based upon the final approved location of proposed structures, driveways, parking areas, and other improvements to be constructed or installed.

(A) *Preservation Incentives.*

(1) *Parking space reduction.* A reduction of required parking spaces may be allowed when the reduction would result in the preservation of a protected tree with a trunk of twelve (12) inches DBH or greater. Such reduction shall be required when the reduction would preserve a heritage tree. The following reduction schedule shall apply:

REDUCTION SCHEDULE

Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
1—4	0
5—9	1
10—19	2
20 or above	10 percent of total number of spaces (total reduction regardless of number of trees preserved).

(2) *Consideration of park and open space requirement.* A reduction or waiver of the required park and open space (or payment in lieu of land dedication) for new residential subdivisions specified in section 12-8-6 may be approved by the mayor ~~or their designee~~ when it is determined that said waiver will result in the preservation of five (5) or more protected trees with a trunk of twelve (12) inches DBH or greater.

(3) *Sidewalks.* Modifications to sidewalks, their required location, and width and curb requirements, may be allowed as necessary to facilitate the preservation of any protected tree.

(4) *Credit for additional landscaping.* The mayor ~~or his or her designee~~ may authorize up to one-half (½) of the total calculated mitigation cost (as determined according to subsection 12-6-6(B)(4), (5)) to be used by the applicant for additional landscaping, which is defined as landscaping that is not required by this chapter or any other law. Additional landscaping shall meet the following minimum standards:

(a) A minimum of seventy-five (75) percent of all required plant material shall consist of evergreen species.

(b) All landscape material shall be placed so as to maximize its screening and/or coverage potential at maturity.

(c) All shrub material shall be a minimum height of thirty (30) inches and have a minimum crown width of twenty-four (24) inches when planted and shall be a species capable of achieving a minimum height of eight (8) feet at maturity.

(B) *Retention, relocation, removal, replacement, and mitigation of protected trees.*

(1) *Retention of protected trees.* Every effort must be made to protect and retain existing protected trees on proposed development sites. A minimum of ten (10) percent of the total combined trunk diameter of protected trees on a proposed development site not located within jurisdictional wetlands shall be retained in place or relocated on site.

(a) Credit for retention of protected trees above minimum requirements. For each inch of trunk diameter above the minimum ten (10) percent requirement that is protected in place or relocated on site, an equivalent trunk diameter inch credit shall be given against replacement and mitigation requirements as provided is subparagraphs (4) and (5) below.

(b) *Barrier zones.* All protected trees not designated for removal shall be protected by barrier zones erected prior to construction of any structures, road, utility service or other improvements. Barriers shall be placed at the outside of the dripline for all heritage trees and at a minimum two-thirds (2/3) of the area of the dripline for all other protected trees. Barricades must be at least three (3) feet tall and must be constructed of either wooden corner posts at least two by four (2 × 4) inches with at least two (2) courses of wooden side slats at least one by four (1 × 4) inches with colored flagging or colored mesh attached, or constructed of one-inch angle iron corner posts with brightly colored mesh construction fencing attached.

(2) *Removal of protected trees.* Subject to the requirements of (1) above, protected trees may be approved for removal if one (1) or more of the following conditions are present:

(a) *Visibility hazard.* Necessity to remove trees ~~which~~that will pose a safety hazard to pedestrians or vehicular traffic upon completion of the development.

(b) *Safety hazard.* Necessity to remove trees ~~which~~that will threaten to cause disruption of public services or ~~which~~that will pose a safety hazard to persons or buildings or adjacent property or structures.

(c) *Construction of improvements.* Necessity to remove trees in order to construct proposed improvements as a result of the location of driveways, if the location of a driveway or ingress/egress is specified and required by DOT or other regulations, buildings, utilities, stormwater/drainage facilities, or other permanent improvements. The architect, civil engineer, or planner shall make every reasonable effort to locate such improvements so as to preserve any existing tree.

(d) *Site conditions.* Necessity to remove trees as a result of characteristics of the site such as site dimensions, topographic conditions and grading requirements necessary to implement standard engineering and architectural practices. Grading shall be as limited as possible. In order to justify the removal of protected trees on the ground of site conditions, the request must be reviewed by the appropriate city staff and must be approved by the mayor ~~or his or her designee~~. Appeals from the decision of the mayor ~~or his designee~~ shall be to the Zoning Board of Adjustment.

(e) *Diseased or weakened trees.* Necessity to remove diseased trees or trees weakened by age, storm, fire or other injury;

(f) *Compliance with other ordinances or codes.* Necessity for compliance with other city codes such as building, zoning, subdivision regulations, health provisions, and other environmental ordinances.

(3) *Relocation of protected trees.* Where feasible, when conditions necessitate removal of protected trees, said trees shall be relocated on the site in the required perimeter or interior landscaped areas. Should the relocated tree expire within a specified period of time, the appropriate mitigation (planting of replacement trees or payment to the tree planting trust fund) shall be required. For each protected tree that cannot feasibly be relocated (or all of them), a written statement from a qualified professional shall be provided stating for each tree (or all of them) that relocation is not feasible and briefly explaining why relocation is not feasible.

(4) *Replacement of protected trees.* When a protected tree is approved for removal, it shall be replaced with a like species of the tree removed. The prescribed number of trees shall be planted for each tree removed. The minimum diameter of a replacement tree shall be three (3) inches DBH. The replacement formula is:

(a) A trunk diameter of four (4) inches to eleven (11) inches = Two (2) three-inch DBH trees planted for each one removed.

(b) A trunk diameter of twelve (12) inches to nineteen (19) inches = Three (3) three-inch DBH trees planted for each one removed.

(c) A trunk diameter of twenty (20) inches to twenty-nine (29) inches = Five (5) three-inch DBH trees planted for each one removed.

(d) A trunk diameter of thirty (30) inches to thirty-five (35) inches = Eight (8) three-inch DBH trees planted for each one removed.

(e) A trunk diameter of thirty-six (36) inches to forty-three (43) inches = Ten (10) three-inch DBH trees planted for each one removed.

(f) A trunk diameter of forty-four (44) inches or greater = Eleven (11) three-inch DBH trees planted for each one removed.

(5) *Mitigation of protected trees.* Any replacement trees that cannot be planted on site because of lack of space, once agreed to by the city, shall be valued at four hundred dollars ($400.00) each and the owner shall pay that total to the tree planting trust fund. Trees identified as dead and verified as such in writing by the city shall not be required to be replaced or mitigated.

(C) *New planting of protected trees.* On sites proposed for development or redevelopment where no existing protected trees are identified, the owner or ~~his~~ his or her agent shall be required to plant one (1) new tree species identified in the protected tree list (Appendix "A") or the tree replant list (Appendix "B"), a minimum of three (3) inches DBH, for each one thousand (1,000) square feet of impervious surface area. New trees or replacement trees shall be planted during the year as indicated in subsection 12-6-3(B)(1)(a) of this chapter.

(D) *New residential subdivisions.* In new residential subdivisions the private property owner of each lot shall plant one (1) tree in the front yard within ten (10) feet of the right-of-way, provided there is no existing tree in the front yard. If the existing tree is not within ten (10) feet of the right-of-way, then one (1) additional tree shall be required (sized as noted in (1) below).

(1) Where a protected or replant tree species is required to be replanted, such tree shall be a minimum of three (3) inches DBH.

(2) The location of an existing protected tree on the lot or the proposed location of a new protected or replant species, where required in this subsection, shall be identified on the plot plan submitted as part of the information submitted for a building permit.

(E) *Road right-of-way tree protection.* No person or agency shall cut, prune, remove, or in any way damage any protected tree in any street right-of-way or create any condition injurious to any such tree without first obtaining a permit to do so from the ~~parks and recreation department~~parks and recreation director as specified in section 12-6-7.

(1) The ~~parks and recreation department~~parks and recreation director ~~director~~ may issue an annual permit to public utility companies exempting them from the provisions of this subsection concerning tree preservation. In the event of flagrant or repeated disregard for the intent and purpose of this chapter, the department may revoke said permit. The reasons for revoking such a permit shall be provided in writing to the offender.

(2) Prior to entering a targeted area for pruning by the utility, the utility representative shall submit for approval to the city a clearly marked plan of the area, showing location of trees and noting what is being requested by the utility company. The ~~parks and recreation department~~parks and recreation director ~~director~~ shall approve the plan and an additional permit fee of seventy-five dollars ($75.00) shall be paid to the City of Pensacola for the specific area noted on the plan submitted (see chapter 7-14 of this Code).

(3) All public utilities, governmental agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees on public or private property. Notice shall be provided to landowners at least one (1) week in advance of pruning and/or removing landowners' trees on private property. Emergency removal requiring immediate action to protect the health and safety of the public is not subject to this chapter. In no case

shall the utility company be permitted to prune more than thirty (30) percent of the existing tree canopy.

(F) *Tree protection.* Removing, pruning, or cutting tree growth away from a permanent nonaccessory sign (billboard) on public or private property shall be permitted only if a permit is obtained from the ~~parks and recreation department~~parks and recreation director. All agencies and their subcontractors shall comply with the American National Standards Institute, ANSI A300-1995, Tree, Shrub and Other Woody Plant Maintenance—Standard Practices, when pruning trees.

(G) *Canopy road tree protection zone.* All lands within ten (10) feet of the outer boundary of the right-of-way of the below described roads are hereby declared to be canopy tree protection zones:

- Blount Street from "A" Street to Bayview Park.
- Lakeview Avenue from 9th Avenue to 20th Avenue.
- Garden Street from Alcaniz Street to Jefferson Street and from "J" Street to "N" Street.
- 17th Avenue from Gregory Street to Texar Drive.
- 12th Avenue from Barcia Drive to Fairfield Drive.
- Baylen Street from LaRua Street to Jordan Street.
- Spring Street from LaRua Street to Jordan Street.
- Bayou Boulevard from Lee Street to Strong Street.
- Cervantes Street/Scenic Highway from the eastern side of Bayou Texar to the city limits.

No person or agency shall cut, remove, prune or in any way damage any protected tree in any canopy road tree protection zone or create any condition injurious to any such tree without first obtaining a permit to do so from the ~~parks and recreation department~~parks and recreation director as specified in section 12-6-7. The exemption for utility companies noted in subsection (E), above shall also apply to the canopy road tree protection zone.

(H) *Heritage trees.* No person or agency shall cut, remove, prune or in any way damage any heritage tree in any zoning district without first obtaining approval of a landscape and tree protection plan per section 12-6-4 for new development sites or a permit from the ~~parks and recreation department~~parks and recreation director as specified in section 12-6-7 for developed property. The provisions of this subsection related to pruning do not apply to existing single-family and duplex uses.

(Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 217, 218, 9-9-10)

Sec. 12-6-7. - Tree removal and pruning permit in right-of-way and canopy road tree protection zones and heritage trees on developed property.

No person shall cut, remove, prune, or in any way damage any heritage tree on developed property or protected tree within the road right-of-way and canopy road tree protection zones identified in

subsections 12-6-6(E) and (G), without first obtaining a tree removal and pruning permit from the ~~parks and recreation department~~parks and recreation director as provided below. An inspection fee of seventy-five dollars ($75.00) shall be charged for services rendered by the ~~parks and recreation department~~parks and recreation director in the required review and on-site inspection for tree removal or pruning permits (see chapter 7-14 of this Code.

(A) *Canopy road tree protection zone and road right-of-way tree protection zone.* Prior to cutting, removing, pruning or in any way damaging a protected tree in the canopy road tree protection zone and road right-of-way tree protection zone, an owner, developer or ~~his~~ his or her agent must submit a copy of an accurately scaled drawing including the following information:

(1) Location of the subject protected tree, noting species, size and general condition.

(2) The ~~parks and recreation department~~parks and recreation director may issue an annual permit to public utilities exempting them from this requirement as specified in subsection 12-6-6(E).

(B) *On-site inspection.* Prior to the issuance of a tree removal and pruning permit, the ~~parks and recreation department~~parks and recreation director shall conduct an on-site inspection and shall issue a written report setting forth a recommendation for granting or denying the permit including any explanation necessary to clarify the basis for the recommendation.

(C) *Conditions of approval.* The ~~parks and recreation department~~parks and recreation director may approve the permit if one (1) or more of the conditions set forth in subsections 12-6-6(B)(2)(a)—(f) is present.

(D) *Review.* In the event an application is denied, the ~~parks and recreation department~~parks and recreation director shall specify to the applicant in writing the reason for said action.

(E) *Heritage tree removal mitigation.* In the event that a heritage tree is approved for removal, tree replacement shall be provided per subsection 12-6-6(B)(4)(f) or a fee shall be paid into the tree planting trust fund per subsection 12-6-6(B)(5).

(F) *Pruning permitted on residential properties.* Notwithstanding any contrary provision, pruning of heritage trees on properties with existing single-family and duplex land uses shall not require compliance with this section. However, no more than one-third (1/3) of the existing, healthy tree crown may be removed. If trimming of any heritage tree on a residential property results in substantial and irreparable harm or death to the heritage tree, such trimming shall be deemed an unauthorized and unpermitted removal of such heritage tree and shall be subject to penalties as such.

(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-8. - Best management practices.

The mayor ~~or his or her designee~~ may determine that the required irrigation percentage for a site may be reduced, and may also reduce the required mitigation payment into the Tree Planting Trust Fund when it has been demonstrated and set forth in writing that Best Management Practices have been employed in the proposed plans for development of a site. Areas in which the utilization of Best Management Practices would be applicable include, but are not limited to: Enviroscaping; Xeriscaping; Landscape Irrigation; and LEED/Green Building Techniques such as, but not limited to, green roofs, rain garden landscape design, shading constructed surfaces on the site with landscape features, and minimizing the overall building footprint and parking area; which are designed to reduce heat islands (thermal gradient differences between developed and undeveloped areas) to minimize impact on the environment.

Best Management Practices for a site include a demonstrating to the mayor ~~or his or her designee,~~ that the property owner has met the minimum requirements of this section in addition to the proposed best management practices to be utilize.

** "Waterwise Florida Landscapes" is the required reference guide for Xeriscaping and irrigation techniques.

(Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 219, 9-9-10)

Sec. 12-6-9. - Modifications.

Under certain circumstances, the application of the standards of this chapter may be either inappropriate or ineffective in achieving the purpose of this chapter. When planting is required by this chapter or by other provisions herein, and the site design, topography, unique relationships to other properties, natural vegetation or other special considerations exist relative to the proposed development; the developer may submit a specific alternate plan for the planting. This plan must demonstrate how the purposes and standards of this chapter will be met by measures other than those in sections 12-6-3 and 12-6-6. The building official shall review the alternate proposal and advise the applicant of the disposition of the request within fifteen (15) working days of submission by the applicant. Any appeals by the applicant shall be in accordance with section 12-6-11 of this chapter.

(Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

Sec. 12-6-10. - Enforcement.

(A) *Stop work order.* Whenever the building official determines that a violation of this chapter has occurred, the following actions shall be initiated:

(1) *Written notice.* Immediately issue written notice by personal delivery or certified mail to the person violating this chapter of the nature and location of the violation, specifying what remedial steps are necessary to bring the project into compliance. Such person shall immediately, conditions permitting, commence the recommended remedial action and shall have ten (10) working days after receipt of said notice, or such longer time as may be allowed by the building official, to complete the remedial action set forth in said notice.

(2) *Remedial work and stop work orders.* If a subsequent violation occurs during the ten (10) working days referred to in subsection (A)(1) above, or if remedial work specified in the notice of violation is not completed within the time allowed, or if clearing and development of land is occurring without a permit, then the building official shall issue a stop work order immediately. Said stop work order shall contain the grounds for its issuance, and shall set forth the nature of the violation. The stop work order shall be directed not only to the person owning the land upon which the clearing and development is occurring, but also a separate stop work order shall be directed to the person or firm actually performing the physical labors of the development activity or the person responsible for the development activity, directing ~~him~~ them forthwith to cease and desist all or any portion of the work upon all or any geographical portion of the project, except such remedial work as is deemed necessary to bring the project into compliance. If such person fails to complete the recommended remedial action within the time allowed, or fails to take the recommended action after the issuance of such stop work order, then the building official may issue a stop work order on all or any portion of the entire project.

(3) *Notice of compliance.* Upon completion of remedial steps required by notice the building official shall issue a notice of compliance and cancellation of said notice or stop work order.

(B) *Penalty.* The fine for violating this chapter shall be based on the size of limb(s) or the tree(s) removed without a permit. The measurement to establish said fine shall be based on the remaining tree material left intact on the site. If a tree is removed, the trunk caliper shall be measured at DBH and at the point of removal for a limb or each limb. If, in the opinion of the ~~parks and recreation department~~parks and recreation director, the tree has been substantially damaged so that its normal growth character will never return, i.e., a tree is topped and will never recover the original character, then the fine may be based upon the caliper of the tree trunk or each limb removed, whichever is the

greater. Each day a violation of a stop work order continues shall constitute a separate offense (see subsection 7-14-6(2), penalty fees, of this Code). Each protected tree removed without a permit or in violation of a permit shall constitute a separate offence. Any person may seek an injunction against any violation of this chapter, and recover such damages as ~~he~~ he or she may suffer. In addition to the fines and prohibitions contained herein, the provisions of section 1-1-8 of the Code shall apply applicable to willful violations of this chapter.

(C) *Tree planting trust fund.* A tree planting trust fund has been established and funded by the fines pursuant to subsection (B) and mitigation fees paid pursuant to section 12-6-6. Expenditures from the tree planting trust fund are hereby authorized and may be made by the mayor for projects up to twenty-five thousand dollars ($25,000) to replant trees, or to plant new trees and other appropriate landscape vegetation, purchase irrigation supplies and purchase equipment dedicated to the planting and maintaining of the city's trees. The first priority for expenditure of funds deposited in the tree planting trust fund is for restoration of the tree canopy in the area where trees generating the funds were removed. Any expenditure in excess of twenty-five thousand dollars ($25,000) must be approved by the city council following review by the environmental advisory board.

A grant program is hereby established for community organizations such as neighborhood associations, civic organizations, and garden clubs, according to the following criteria:

• Each grant is limited to seventy-five (75) percent of the cost of the proposed project up to seven thousand five hundred dollars ($7,500.00);

• The required twenty-five (25) percent grant match may be waived for projects deemed as a high priority canopy restoration project by the city council;

• The tree planting trust fund must have sufficient funds for the project requested;

• Grant requests must be submitted to the environmental advisory board for review prior to consideration by the city council;

• The city council must approve each grant request; and

• The funds must be utilized for providing trees or other appropriate vegetation along with associated irrigation that will help restore the tree canopy as deemed appropriate by proper planting location requirements and may enhance the natural beauty of the community, serve to deter graffiti or the defacement of public or private property, and may create sound buffers where desirable.

(Ord. No. 50-00, § 5, 10-26-00(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 220, 9-9-10; Ord. No. 21-15, § 1, 12-9-15)

Sec. 12-6-11. - Appeal.

Any person directly and adversely affected by a decision of the ~~parks and recreation department~~parks and recreation director, the building official, or the mayor or his or her designee in the interpretation or enforcement of the provisions of this chapter may appeal such decision to the zoning board of adjustment. Such appeal shall be submitted in writing to the planning administrator within thirty (30) days of the rendering of the subject order, requirement, decision or determination.

(Ord. No. 50-00, § 5, 10-26-00(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09; Ord. No. 16-10, § 221, 9-9-10)

APPENDIX A

PROTECTED TREE LIST*

Species Type A (Small, 4" + diameter trunk)	
1.	Dogwood *(Cornus florida)*
2.	Redbud *(Cercis canadensis)*
3.	Crape Myrtle *(Lagerstroemia indica)*
4.	Fringe Tree *(Chionanthus virginicus)*
5.	Flatwoods Plum *(Prunus umbellata)*
6.	Crabapple *(Malus angustifolia)*
7.	Sand Oak *(Quercus geminata)*
Species Type B *(Medium, 6" + diameter trunk)*	
1.	American Holly *(Ilex opaca)*
2.	Dahoon Holly *(Ilex cassine)*
3.	Southern Magnolia *(Magnolia grandiflora)* **
4.	Eastern Red Cedar *(Juniperus virginiana)* **
5.	Southern Red Cedar *(Juniperus silicicola)* **
6.	White Cedar *(Chamaecyparis thyoides)*
7.	River Birch *(Betula nigra)*
Species Type C *(Large, 8" + diameter trunk)*	
1.	Live Oak *(Quercus virginiana)***

2.	Laurel Oak *(Quercus laurifolia)***
3.	Sweet Gum *(Liquidambar styraciflua)***
4.	Sycamore *(Platanus occidentalis)***
5.	Pecan *(Carya illinoensis)***
6.	Red Maple *(Acer rubrum)***
7.	Hickory *(Carya spp.)***
8.	White Oak *(Quercus alba)***
9.	Southern Red Oak *(Quercus falcata)*
10.	Florida Sugar Maple *(Acer barbatum)*
11.	Black Tupleo *(Nyssa sylvatica)*
12.	Silver Maple *(Acer saccharinum)*

* When measuring a tree to determine if it meets the trunk diameter criteria, it shall be measured at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (fifty-four (54) inches) above ground. The scientific name controls for compliance purposes. Common names are furnished for reference purposes only.

** Shade trees.

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APPENDIX B

TREE REPLANT LIST

A. Small Trees:	
1.	Crape Myrtle *(Lagerstroemia indica)*
2.	Holly, Dahoon *(Ilex cassine)* **

3.	Hop-hornbeam *(Ostrya virginiana)*
4.	Hornbeam *(Carpinus caroliniana)*
5.	Fringe Tree *(Chionanthus virginicus)*
6.	Smooth Redbay *(Persea borbonia)* **
7.	Glossy Privet *(Ligustrum lucidum)*
8.	Loquat *(Eriobotrya japonica)*
9.	Red Buckeye *(Aesculus pavia)*
10.	Hawthorne *(Crataegus spp.)*
11.	American Holly *(Ilex opaca)*
12.	Savannah Holly *(Ilex attenuata/cassine × opaca)*
13.	East Palatka Holly *(Ilex attenuata/cassine × opaca)*
14.	Eagleston Holly *(Ilex attenuata/cassine × opaca)*
15.	Fineline Holly *(Ilex cornuta)*
16.	Emily Bruner Holly *(Ilex latifolia × cornuta)*
17.	East Bay Holly *(Ilex latifolia × cornuta)*
18.	Mary Neil Holly *(Ilex/cornuta × pernyi)*
19.	Nellie R. Stevens Holly *(Ilex aquifolium × cornuta)*
20.	Green Japanese Maple *(Acer palmatum)*
21.	Eastern Red Bud *(Cercis canadensis)*
22.	Drake Elm *(Ulmus parvifolia)*

23.	Yaupon Holly *(Ilex vomitoria)*
24.	Ashe Magnolia *(Magnolia ashei)*
25.	Wax Myrtle *(Myrica cerifera)*
26.	Flatwoods Plum *(Prunus umbellata)*
27.	Myrtle Oak *(Quercus myrtifolia)*
28.	Rusty Blackhawk *(Viburnum rufidulum)*
29.	Dogwood *(Cornus florida)*
30.	Red Bud *(Cercis canadensis)*

Trees listed 13 through 34 are native. [*Note discrepancy in number 34 here and below.]

Trees listed 11 through 34 are suitable for planting beneath utility lines.

B. Medium and Large Trees:

1.	American Sycamore *(Plantanus occidentalis)*
2.	Ash, White *(local) (Fraxinus americana)* **
3.	Birch, River *(Betula nigra)* **
4.	Cedar, Atlantic White *(Chamaecyparis thyoides)*
5.	Cedar, Southern Red *(Juniperus silicicola)*
6.	Chalkbark Maple *(Acer leucoderme)*
7.	Chinese Pistache *(Pistacia chinensis)*
8.	Bald Cypress *(Taxodium distichum)*
9.	Eastern Poplar *(Populus deltoides)*

10.	Elm, Florida *(Ulmus americana var. floridana)* **
11.	Elm, Winged *(Ulmus alata)* **
12.	Hickory *(Carya spp.)* **
13.	Holly, American *(Ilex opaca)*
14.	Loblollybay *(Gordonia lasianthus)* **
15.	Loblolly Pine *(Pinus taeda)*
16.	Maple, Florida Sugar *(Acer barbatum floridanum)* **
17.	Mulberry, Red *(Morus rubra)*
18.	Oak, Nuttall *(Quercus nuttallii)*
19.	Oak, Post *(Quercus stellata)* **
20.	Oak, Shumard *(Quercus shumardii)* **
21.	Oak, Southern Red *(Quercus falcata)* **
22.	Oak, White *(Quercus alba)* **
23.	Oak, Overcup *(Quercus lyrata)*
24.	Live Oak *(Quercus virginiana)* **
25.	Palm, Cabbage *(Sabal palmetto)*
26.	Palm, Pindo *(Butia capitata)*
27.	Red Maple *(Acer rubrum)*
28.	Swamp Red Maple *(Acer rubrum var. drummondii)*
29.	Sweetbay *(Magnolia virginiana)* **

30.	Sweet Gum *(Liquidambar styraciflua)*
31.	Tulip Tree *(Liriodendron tulipifera)*
32.	Tupelo, Water *(Nyssa aquatica)*
33.	Walnut, Black *(Juglans nigra)* **
34.	Willow Oak *(Quercus phellos)*
35.	Windmill Palm *(Trachycarpus fortunei)*
36.	Southern Magnolia *(Magnolia grandiflora)* **

* When measuring a tree to determine if it meets the trunk diameter criteria, it shall be measured at Diameter Breast Height (DBH), which is the diameter of the tree at four and one-half (4½) feet (fifty-four (54) inches) above ground. The scientific name shall control for compliance purposes. Common names are furnished for reference purposes only.

** Shade Trees.

Source: Native Trees for North Florida, Florida Cooperative Extension Service, University of Florida. Florida-Friendly Plant List 2006, Florida Yards and Neighborhoods, Cooperative Extension Service, University of Florida.

(Ord. No. 50-00, § 5, 10-26-00(Ord. No. 44-99, § 5, 11-18-99; Ord. No. 50-00, § 5, 10-26-00; Ord. No. 31-09, § 1, 9-10-09)

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CHAPTER 12-8. SUBDIVISIONS

Sec. 12-8-1. - Purpose.

The purpose of this chapter is to provide that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other hazards. Subdivision development which adversely affects functioning natural systems shall be minimized or prevented pursuant to regulations in this chapter. Land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, and capital improvements such as coordinated transportation facilities, parks, and other public improvements consistent with the Comprehensive Plan.

Sec. 12-8-2. - Prohibition.

No person shall subdivide land within the city, nor commence construction of any building or public improvement on such land prior to the approval and recording of a final plat or, in the case of a two-lot

division of land a boundary survey, in accordance with the provisions thereof; nor shall any person construct or build any building on any land not legally surveyed and set aside by plat or boundary survey as a building site. Provided, however, that nothing in this chapter shall be deemed to require the approval and recording of public acquisition of strips of land for the widening of existing streets or the combination or recombination of portions of previously platted and recorded lots where no new parcels or residual parcels are created which are smaller than minimum restrictions required by this title in the district in which such parcels are located.

(Ord. No. 21-93, § 4, 8-16-93)

Sec. 12-8-3. - Procedure for subdivision approval.

(A) *Procedure for subdivision requiring a plat.*

(1) *Approval of preliminary plat by the planning board.*

(a) Any person desiring to divide land into three (3) or more lots shall first file with the planning board a preliminary plat of the subdivision prepared in accordance with the requirements of section 12-8-8.

(b) Accompanying the preliminary plat shall be a general location sketch map showing the relationship of the proposed subdivision to existing community facilities ~~which~~that serve or influence it. On such sketch map, the main traffic arteries, shopping centers, schools, parks, and playgrounds, principal places of employment and other principal features should be noted.

(c) Where the preliminary plat submitted covers only a part of the total contiguous property under the subdivider's ownership, a sketch of the prospective future street system of the unsubdivided part shall be required if not shown on a previously approved conceptual plan or plans for the entire property. The street system of the unplatted portion shall be planned to coordinate and connect with the street system of the platted portion.

(d) A master drainage plan at a scale not smaller than one (1) inch equals two hundred (200) feet, shall be prepared. The master drainage plan shall be for the entire property and shall be reviewed by the city engineer in relation to the entire drainage basin. It is the specific intent of this requirement that rights-of-way and easements of all drainage improvements including but not limited to, retention ponds, ditches, culverts, channels, and the like required for the drainage of the site for both on-site and off-site improvements, shall be provided for the master drainage plan. Instruments shall be submitted fully executed in sufficient form for recording for all off-site drainage rights-of-way and easements not included on the final plat. These instruments shall be submitted with the final plat for recordation.

(e) ~~Eleven (11) copies of t~~The preliminary plat shall be submitted to the ~~community development department~~planning services department at least thirty (30) calendar days prior to the meeting at which it is to be considered.

(f) Prior to the examination of the preliminary plat, the planning board shall be furnished with reports from the city engineer, traffic engineer, energy services, ~~Escambia County~~Emerald Coast Utilities Authority, fire department, and the secretary to the planning board to the effect that said plat does or does not conform to the Comprehensive Plan, the provisions of this chapter, and with sound principles and practices of planning and engineering and with such other items that may affect the health, safety and welfare of the people.

(g) When, after examination, the planning board finds as fact that the aforementioned requirements have been met, the preliminary plat may be approved; however, such approval shall not constitute an approval of the final plat. If the preliminary plat is rejected, the planning board shall provide the applicant in writing a detailed list of reasons for rejection.

(2) *Approval of final plat by the planning board and city council.*

(a) The final plat shall conform substantially to the preliminary plat. The applicant shall submit only that portion of the approved preliminary plat ~~which~~that ~~he~~ he or she proposes to record and develop. Such portion shall conform to all requirements of this chapter. Such final plat shall be submitted within one-year (three hundred sixty-five (365) days) of the date of the approval of the preliminary plat. If more than one-year has elapsed since the approval of the preliminary plat, the preliminary plat must be resubmitted to the planning board for their review and approval prior to submission of the final plat.

(b) ~~Eleven (11) copies of t~~The final plat shall be submitted to the ~~community development department~~planning services department at least thirty (30) calendar days prior to the meeting of the planning board at which it is to be considered. Before granting final approval of the plat, the planning board shall receive reports from the secretary to the planning board, the city engineer, the traffic engineer, ~~Energy Services of Pensacola~~Pensacola Energy, the ~~Escambia County~~Emerald Coast Utilities Authority and the fire department.

(c) After approval by the planning board, the final plat shall be transmitted to the city council for approval. Approval of the plat shall be granted by the city council upon its finding that all the requirements of this chapter have been met.

(3) *Approval of a combined preliminary/final plat of a subdivision by the planning board and city council.* Subdivisions containing no more than four (4) lots fronting on an existing public street, right-of-way or an access easement, not involving any new street or road, or the extension of governmental facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision of this Code or the Comprehensive Plan, may be reviewed and approved through an abbreviated procedure ~~which~~that provides for the submittal of both the preliminary and final plat concurrently. All design standards, plat information and recording requirements as set forth in this chapter shall be complied with when exercising the abbreviated minor subdivision procedure.

(B) *Procedure for division of land requiring a boundary survey.* A division of land into no more than two (2) lots fronting on an existing public street, or an access easement not involving any new street or road, or the extension of governmental facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision of this Code or the Comprehensive Plan, may be reviewed and approved by the city engineer~~, city surveyor~~ and ~~city planner~~planning services department through an abbreviated procedure ~~which~~that provides for the submittal of a metes and bounds description and a legal boundary survey of the property.

(1) *Submission requirements.*

(a) Any person desiring to divide land into no more than two (2) lots shall first submit ~~three (3) copies of~~ a metes and bounds description and a legal boundary survey of the property (equal to that required by F.S. § 472.27, pertaining to minimum technical standards for surveys, and having a minimum of four (4) concrete permanent reference monuments set) to the ~~community development department~~planning services department. The boundary survey shall be drawn at a scale of one hundred (100) feet to the inch, or less, and shall depict all information required by subsections 12-8-8(a) through (j).

(b) If an access easement is required for the subdivision, this document shall be attached to ~~each of the three (3) copies of~~ the boundary survey.

(c) All stormwater drainage requirements set forth in this chapter shall be complied with when exercising this procedure.

(2) *Final approval.*

(a) The ~~community development department~~planning services department shall notify the applicant of the approval or disapproval of the subdivision boundary survey within nine (9) working days from submission.

(b) If the subdivision boundary survey is rejected the ~~community development department~~planning services department shall provide the applicant, in writing, a detailed list of reasons for rejection.

(c) Upon submission of the corrected subdivision boundary survey the ~~community development department~~planning services department shall notify the applicant of the approval or disapproval of the corrected boundary survey within nine (9) days. If the subdivision boundary survey is not approved, the minor subdivision must be resubmitted.

(d) After the survey has been approved by city staff ~~fourteen (14) blueprints and~~ one (1) copy~~mylar~~ of the survey shall be filed with the ~~community development department~~planning services department. In addition, one (1) copy each of any applicable recorded access easements shall be filed with the ~~community development department~~city.

(e) Furthermore, no building permit shall be issued until the survey has been approved by city staff and any accompanying documentation has been recorded.

(Ord. No. 35-92, § 2, 10-22-92; Ord. No. 21-93, § 5, 8-16-93; Ord. No. 9-96, § 13, 1-25-96; Ord. No. 12-09, § 2, 4-9-09)

Sec. 12-8-4. - Design standards.

Land ~~which~~that the planning board has found to be unsuitable for subdivision due to flooding, bad drainage, or other features likely to be harmful to the health, safety and general welfare of future residents, shall not be subdivided, unless adequate methods of correction are formulated by the developer and approved by the city engineer. Appendix A, at the end of this chapter, illustrates selected design standards described herein.

(A) *Streets.*

(a) Wherever a tract or parcel to be subdivided embraces any part of a street designated in the Comprehensive Plan, such part shall be platted in the location and width indicated on such plan.

(b) The arrangement, character, extent, width, grade, and location of all streets shall conform to the Comprehensive Plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, in their appropriate relation to the proposed uses of the land to be served by such streets and the most advantageous development of the surrounding neighborhood.

(c) Where such is not shown in the Comprehensive Plan, the arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

2. Conform to a plan for the neighborhood approved or adopted by the planning board.

(d) Minor streets shall be so laid out that their use by through traffic will be discouraged.

(e) Where a subdivision abuts or contains an existing or proposed arterial street, the planning board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Residential and nonresidential subdivisions located along arterial streets shall be encouraged to provide consolidated access points for all uses within the subdivision.

(f) Where a subdivision borders on or contains a railroad right-of-way or limited access highway (super highway) right-of-way, the planning board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades of future grade separations.

(g) Reserve strips (nonaccess easements) controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the ~~Department of Planning and Neighborhood Development~~Planning services department.

(h) Street jogs with centerline off-sets of less than one hundred twenty-five (125) feet shall be avoided.

(i) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.

(j) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no streets shall intersect any other street at less than sixty (60) degrees.

(k) Property lines at street intersections shall be rounded with a radius of twenty-five (25) feet, or of greater radius where the planning board may deem it necessary.

(l) Street right-of-way widths shall be shown on the Comprehensive Plan and where not shown therein shall be not less than as follows:

Street Type	Right-of-Way in Feet
Arterial	100
Collector	80
Minor	60 (50' w/two five-foot easements sidewalks are provided within R/W by the developer)
Marginal Access	40
Alley in commercial or industrial areas	24
Alley in residential areas	20

(m) Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the planning board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(n) Dead-end streets are prohibited except those designed to be so permanently. Permanent dead-end streets shall be not longer than five hundred (500) feet and shall be provided at the closed

end with a turnaround having an outside roadway diameter of at least eighty (80) feet and a street property line diameter of at least one hundred (100) feet. At the intersection of the turnaround and the straight portion of the right-of-way there shall be a twenty-five-foot radius as a transition.

(o) *Street names.* A proposed new street, which is in alignment with a continuation of an existing street, with or a continuation of an existing street, shall have the same name as the existing street. In no case (including numbered or lettered streets) shall new streets have names or numbers ~~which~~that duplicate or ~~which~~that are phonetically similar to existing streets' names, regardless of the prefix or suffix used as "Avenue," "Boulevard," "Court," "Crescent," "Drive," "Place," "Street," and "Terrace." All street names shall be subject to approval of the planning board.

Note: In this respect, it is suggested that the developer check over ~~his~~ his or her proposed street names with the postal authorities, before submitting ~~his~~ his or her plat to the planning board for approval.

(p) Grades and transition of grades must be approved by the city engineer and in no case shall be less than two-tenths (0.2) percent.

(q) Private streets. Private streets may be approved provided they are constructed according to the street design standards specified in sections 12-8-4 and 12-8-5 except that required private ingress and egress easements, private rights-of way or private common area widths and pavement widths may be less than required for public rights-of-way and street widths. In the event that a private street is approved, the following statement shall be shown on the preliminary and final plats: "All roads and rights-of-way shown on this plat are private and are not subject to maintenance by the City of Pensacola." Maintenance of private streets shall be as provided in section 12-2-38.

(B) *Drainage easements.*

(a) Easements along lot lines shall be provided for drainage where necessary and shall be at least twelve (12) feet wide.

(b) Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

(C) *Blocks.*

(a) The length, width and shape of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
2. Zoning requirements.
3. Needs for convenient access, circulation, control, and safety of street traffic.
4. Limitations and opportunities of topography.

(b) Block length shall not exceed fourteen hundred (1,400) feet, or be less than four hundred (400) feet. Where blocks are seven hundred (700) feet or more in length, the planning board may require a twenty-foot pedestrian easement through the block. Long blocks should be oriented for drainage and toward such focal points as a shopping center or a school.

(c) Block width. Blocks should be at least wide enough to allow two (2) tiers of lots and should be a minimum width of two hundred and forty (240) feet, except when reverse frontage is used.

(D) *Lots; building site area and yard restrictions.*

(a) Minimum building site area and yard restrictions shall be governed by the requirements of Chapter 12-2. Every lot or parcel of land shall abut a public street, or private street where permitted by this chapter.

(b) Insofar as practical, side lot lines shall be at right angles to straight right-of-way lines or radial to curved right-of-way lines.

(c) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development of use contemplated.

(d) Double frontage and reverse frontage lots shall be avoided except where desirable to provide separation of residential developments from traffic arteries or to overcome specific disadvantages of topography and orientation. A nonaccess easement with a planting screen or solid fence shall be provided along the line of lots abutting such a traffic artery.

(Ord. No. 13-06, § 16, 4-27-06)

Sec. 12-8-5. - Required improvements.

(A) *Grading, paving and drainage.* The owner or developer shall prepare and submit to the city engineer for approval, plans for adequate storm drainage and street improvements ~~which~~that shall be installed by the owner or developer(s) in accord with specifications of the city set forth herein.

Where a subdivision includes an arterial or collector street, the city shall pay the cost of all pavement over twenty-four (24) feet in width and fifty (50) percent of the cost of pavement adjoining parks and playgrounds. The cost of fifty (50) percent of the pavement adjoining school sites shall be assessed to the Escambia County School Board.

If oversized storm drainage is required in a subdivision to serve an area beyond the project, these facilities shall be built and/or paid for by the subdivider and the city in such reasonable manner as the subdivider and the mayor shall agree to and shall be a proratable charge against the area to be benefitted. This shall apply to areas outside the project area that are owned by the city or for which the city has maintenance responsibility.

The design of all required improvements shall conform to the following standards or an approved equal and detailed specifications obtainable from the city engineer's office.

(1) *Clearing, grubbing and grading.* Clearing and grubbing shall be for the full width of the right-of-way except as permitted by the city engineer. Grading shall be done to plans approved by the city engineer.

(2) *Arterial streets.*

(a) Right-of-way. One hundred (100) feet if not determined otherwise on the Comprehensive Plan.

(b) Pavement width. See arterial street cross-section of the city engineer.

(c) Materials. Specifications of the city engineer.

(d) Curb and gutter. Specifications of the city engineer.

(3) *Collector streets.*

(a) Right-of-way. Eighty (80) feet.

(b) Pavement width. Thirty-five (35) feet.

(c) Materials. Double layer of bituminous surface treatment over a six-inch compacted clay base.

(d) Curb and gutter. Layback type.

(4) *Minor street.*

(a) Right-of-way. Sixty (60) feet (50 feet with two (2) five-foot easements permitted where sidewalks are provided within R-O-W).

(b) Pavement width. Twenty-four (24) feet.

(c) Materials. Double layer of bituminous surface treatment over a six-inch compacted clay base.

(d) Curb and gutter. Layback type.

(5) *Marginal access streets.*

(a) Right-of-way. Forty (40) feet.

(b) Pavement width. Twenty-four (24) feet.

(c) Materials. Double layer of bituminous surface treatment over a six-inch compacted clay base.

(d) Curb and gutter. Layback type.

(6) *Construction plans and profiles.* Construction plans and profiles shall be submitted for approval to the city engineer's office for all street and storm drainage improvements. The drawings shall have a sheet size of twenty-four (24) inches by thirty-six (36) inches. The drawings shall have a horizontal scale of twenty (20) feet to the inch and a vertical scale of two (2) feet to the inch. The drawings, upon approval of the city engineer, shall become the possession of the city.

(a) Street paving plans and profiles shall show:

- Centerline stationing.
- Curve data.
- Rights-of-way dimensions.
- Roadways widths.
- Elevations on a datum approved by the city engineer at centerline stationing.
- Existing water lines, gas lines, underground cables, and any other features in the right-of-way as required in section 12-8-8.
- Lot lines.
- Typical sections of roadway, curbing and any other details as may be necessary to clearly express intent.
- Existing ground centerline on the profile as a long broken line separated by dots, north and east property lines by medium long dashed lines, and south and west property lines as a short dashed line, and the proposed centerline as a solid line.
- The gradient of the centerline and elevations of all vertical curves.
- Title, scale, north arrow, benchmarks, date, name of developer and engineer who prepared plan.

(b) Storm sewer plan and profiles shall show:

- Centerline stationing.
- Location of sewer line with respect to curb line.
- Location of manholes and inlets and type to be used.
- Elevations of manhole inverts and inlets inverts on plan view.
- Existing ground profile along centerline of sewer.

- Profile of proposed sewer inverts as heavy solid line.
- Gradient of proposed sewer invert.
- Title, scale, north arrow, benchmarks, date, name of developer and engineer who prepared plan.

(B) *Sanitary sewers.* Any subdivision ~~which~~that has a public sewer system available for extension within three hundred (300) feet of its boundary shall have such available system extended by the subdivider to provide service to each lot in the subdivision. Construction plans and profiles shall be submitted for approval to the city engineer's office for all street and storm drainage improvements. The drawings shall have a sheet size of 24″ by 36.″ The drawings shall have a horizontal scale of twenty (20) feet to the inch and a vertical scale of two (2) feet to the inch. The drawings, upon approval of the city engineer, shall become the possession of the city. Sanitary sewer plan and profiles shall show:

- Centerline stationing.
- Location of manholes and lampholes.
- Elevations of manhole inverts and inlets inverts on plan view.
- Location of sewer line with respect to curb line.
- Existing ground profile along centerline of sewer.
- Profile of proposed sewer line invert as heavy solid line.
- Gradient of proposed sewer line invert.
- Title, scale, north arrow, benchmarks, date, name of developer and engineer who prepared plan.

(Ord. No. 13-06, § 17, 4-27-06; Ord. No. 16-10, § 222, 9-9-10)

Sec. 12-8-6. - Sites for public use.

(A) *School sites.* The planning board may, where necessary require reservation of suitable sites for schools; and further, which sites shall be made available to the Escambia County School Board for their refusal or acceptance. If accepted by the school board, it shall be reserved for future purchase by the school board from the date of acceptance for a period of one year.

(B) *Sites for park and recreation or open space.* Each subdivision plat shall be reviewed by the planning and leisure services departments in order to assess the following: park and recreational or open space needs for the recreation service area within which the subdivision is located and for the city as a whole; and characteristics of the land to be subdivided for its capability to fulfill park, recreation or open space needs. Based on this review the city staff shall recommend one of the following options:

(1) *Dedication of land for park, recreation or open space needs.* The subdivider(s) or owner(s) shall dedicate to the city for park and recreation or open space purposes at least five (5) percent of the gross area of the residential subdivision. In no case shall the aggregate acreage donated be less than one-quarter (¼) acre.

(2) *Payment of money to an escrow account for park, recreation or open space needs in lieu of dedication of land.* The subdivider(s) or owner(s) shall pay unto the city such sum of money equal in value to five (5) percent of the gross area of the subdivision thereof, which sum shall be held in escrow and used by the city for the purpose of acquiring parks and developing playgrounds and shall be used for these purposes and no others. The aforementioned value shall be the value of the land subdivided without improvements and shall be determined jointly by the mayor and the subdivider. If the mayor and subdivider cannot agree on a land value, then the land value shall be established by arbitration. The mayor shall appoint a professional

land appraiser, the subdivider shall appoint a professional land appraiser, and these two (2) shall appoint a third.

(C) *Public streets.* All streets delineated on all plats submitted to the city council shall be dedicated to all public uses including the use thereof by public utilities, unless otherwise specified herein.

(Ord. No. 9-96, § 14, 1-25-96; Ord. No. 16-10, § 223, 9-9-10)

ec. 12-8-7. - Variances.

Where strict adherence to any of the provisions of this chapter would cause unnecessary hardship due to topographical or other conditions peculiar to the site, the planning board may recommend, and the city council approve, a variance.

All variances from the provisions of this chapter ~~which~~that are proposed as part of a subdivision plat must be identified and justified in a letter by the applicant to be attached to ~~each of the copies of~~ the plat being submitted (e.g., Variance Requested: Non-Standard Street R.O.W.—Justification: Preservation of large live oak trees throughout the property). The reasons for the granting of any such variance shall be clearly specified and entered into the minutes of the city council.

Sec. 12-8-8. - Preliminary plat.

Appendix B, at the end of this chapter, illustrates a sample preliminary plat. The preliminary plat shall be drawn to a scale of one hundred (100) feet to the inch, or less, and shall show the following:

(a) Subdivision or development name, name of the owner(s) or developer(s), name(s) of surveyor and designer, north arrow, date and scale.

(b) The boundary line of the tract to be subdivided drawn accurately to scale and with accurate linear and angular dimensions.

(c) Streets: Names, right-of-way and roadway width; similar data for alleys, if any.

(d) The location and size of water, gas and sanitary sewer mains, fire hydrants, storm drains, and all structures on the land to be subdivided and on the land within ten (10) feet of it.

(e) Other rights-of-way or easements; location; width and purpose, including navigation easements and maintenance easements for zero lot line dwellings (refer section 12-2-5(A).

(f) Lot lines, lot numbers and block numbers.

(g) Sites, if any, to be reserved or dedicated for parks, playgrounds or other public use.

(h) Sites, if any, for multiple-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.

(i) Reference to recorded subdivision plats of adjoining platted land by record name, book and page number.

(j) Minimum building setback lines (front, side and rear), as required in the zoning regulations.

(k) Site data including number of residential lots, typical lot size and areas in parks, etc.

(l) Ground contours at intervals not greater than two (2) feet.

(m) Orientation of subdivision or development in relation with surveyors bench marks and monuments.

(n) The above information may be graphical except where detailed computations are required.

(o) All plats located in the one hundred-year floodplain or within airport impact district shall state such information on the face of the plat.

Sec. 12-8-9. - Final plat.

The final plat shall conform fully to the requirements of F.S. Ch. 177, and shall depict thereon all information required by subsections (a), (b), (c), (e), (f), (g), (i), (j), (m), and (o) of section 12-8-8.

(Ord. No. 6-93, § 24, 3-25-93)

Sec. 12-8-10. - Final approval.

Approval of the final plat by the city council shall be granted upon the finding that the developer(s) have complied with applicable laws and provisions of this code. A true copy of the plat as approved shall be recorded by the applicant in the public records of Escambia County, Florida, within one hundred eighty (180) days of city council approval. Furthermore, no building permits may be issued until the plat has been so recorded.

All improvements shall be completed by the developer(s) and accepted by the city engineer prior to the issuance of any building permits, provided, however that in lieu of the immediate installation of the required improvements, the subdivider(s) shall either file with the city, a performance bond or surety bond or deposit with the city in escrow cash or a certified check in an amount to be determined by the mayor with sureties satisfactory to the city guaranteeing the installation of the required improvements.

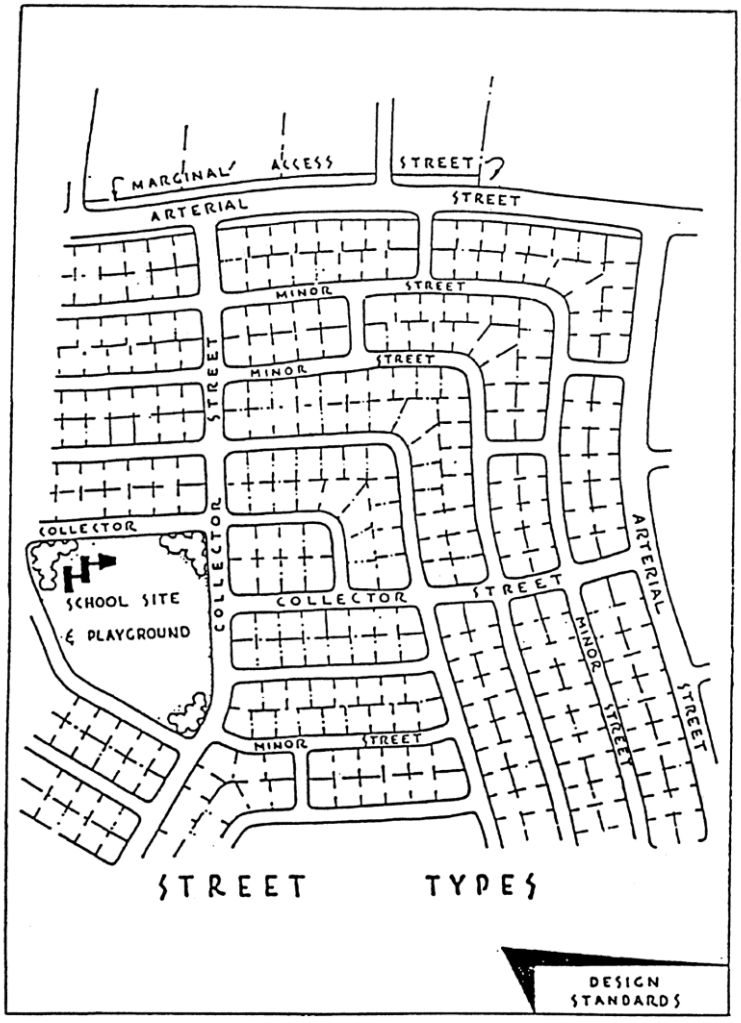
All improvements shown on the plat shall be completed within one (1) year from the date the city council grants approval of the final plat, regardless of when said plat is recorded. For good cause shown, the city council may grant a reasonable extension of this one-year time period.

No certificate of occupancy for a building shall be issued until all subdivision improvements are installed and approved by the city engineer.

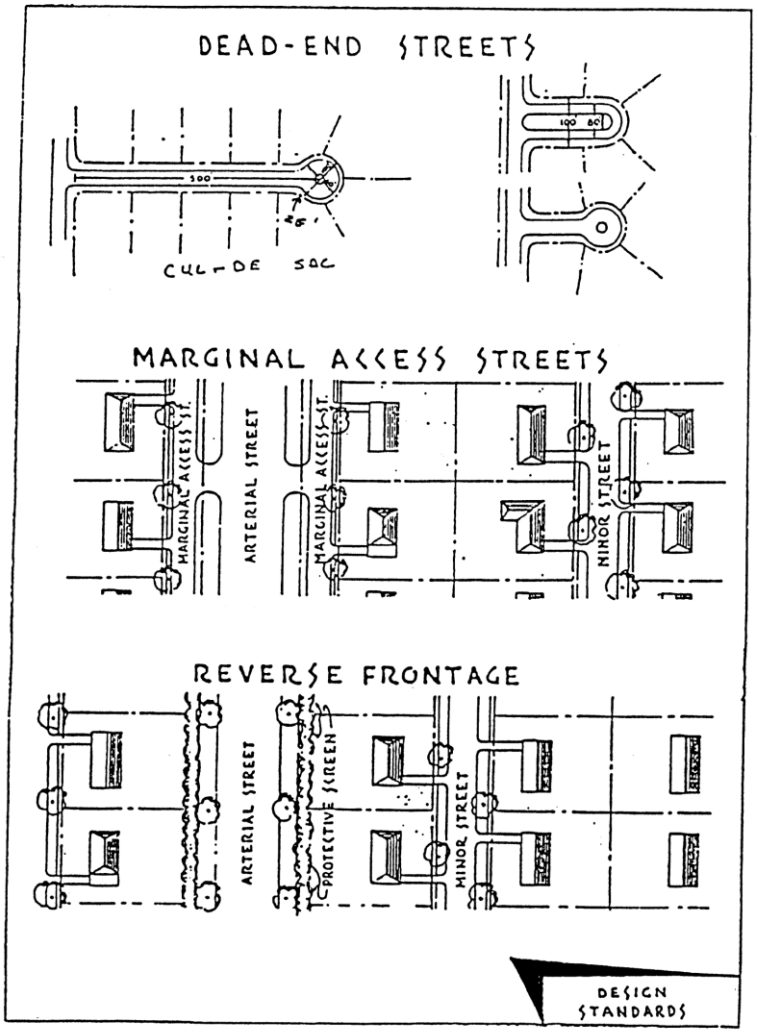
After the plat has been recorded in the public records of Escambia County, ~~fourteen (14) blueprints, one (1) mylar and one (1) linen copy thereof~~one (1) copy of the plat shall be filed with the ~~Department of Planning and Neighborhood Development~~inspections services department within fifteen (15) days after the date of record.

(Ord. No. 6-93, § 25, 3-25-93; Ord. No. 16-10, § 224, 9-9-10)

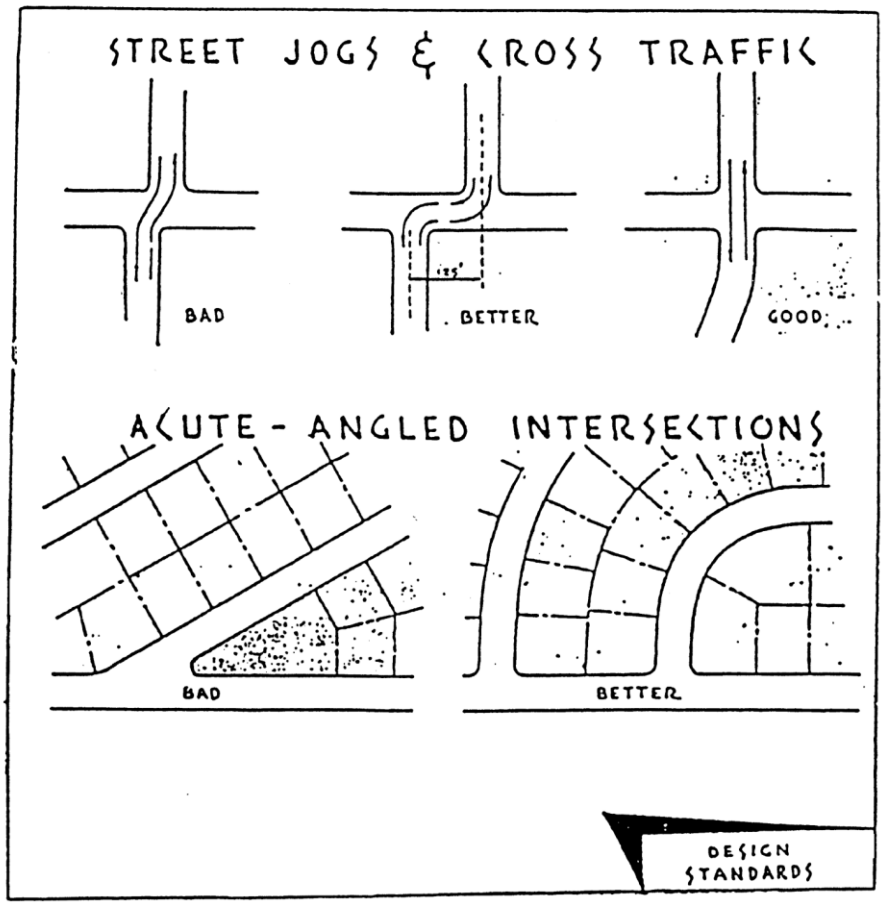
APPENDIX A
DESIGN STANDARDS



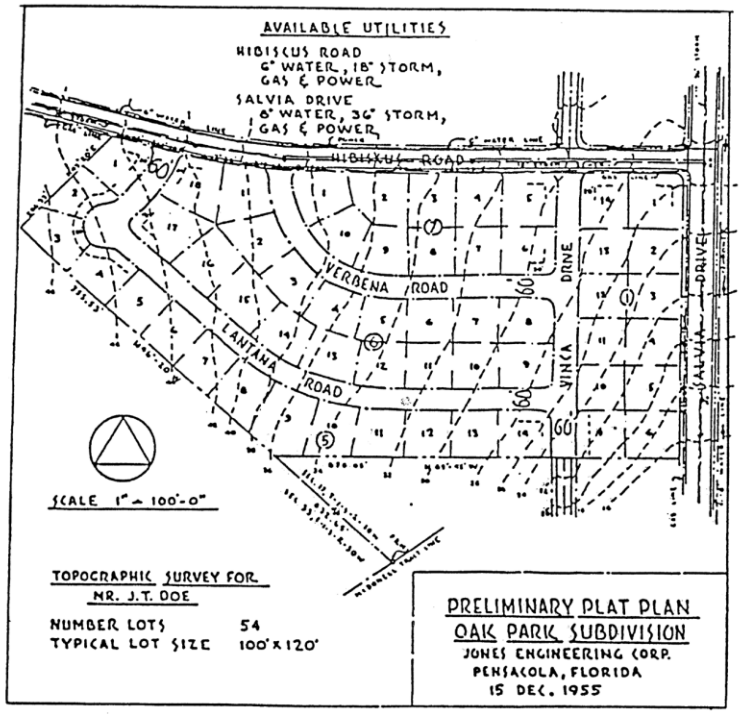
APPENDIX A
DESIGN STANDARDS

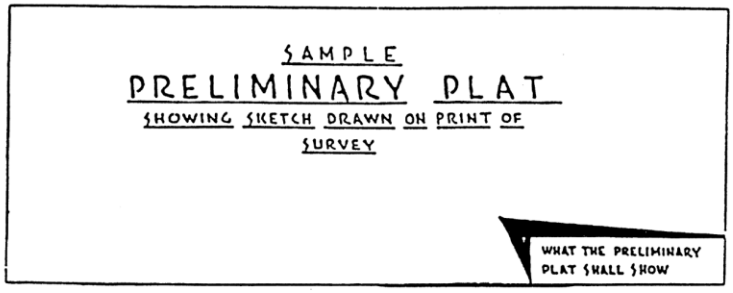


APPENDIX A
DESIGN STANDARDS



APPENDIX B
SAMPLE PRELIMINARY PLAT





CHAPTER 12-9. STORMWATER MANAGEMENT AND CONTROL OF EROSION, SEDIMENTATION AND RUNOFF

Sec. 12-9-1. - Purpose.

It is the purpose of this chapter to establish responsibility for the alleviation of the harmful and damaging effects of on-site generated erosion, sedimentation, runoff, and the accumulation of debris on adjacent downhill and/or downstream properties, and to avert the attendant deterioration of downstream bodies of water. Stormwater runoff peak rates after development should approximate existing predevelopment conditions.

Sec. 12-9-2. - Applicability.

This chapter shall apply to all developments or property improvements within the city.

Sec. 12-9-3. - Activities requiring a stormwater management plan.

No person may subdivide or make any change in the use of land or construct or change the size of a structure except as exempted in section 12-9-4 without first submitting a stormwater management plan to the city engineer and obtaining a stormwater management permit from the building official.

(A) *Activities ~~which~~that may alter or disrupt existing stormwater runoff patterns.* The following activities may alter or disrupt existing stormwater runoff patterns and, unless exempted will require submittal of a stormwater management plan prior to initiation of a project:

(a) Clearing and/or drainage of land prior to construction of a project;

(b) Subdividing land;

(c) Replatting recorded subdivisions;

(d) Changing the use of land causing a change in natural flow patterns or predevelopment conditions;

(e) Construction of a structure or substantial alteration to the size of one or more structures causing a change in natural flow patterns or preexisting conditions;

(f) Altering the shoreline or bank of any surface waterbody;

(g) Altering of any ditches, dikes, terraces, berms, swales, or other water management facility.

(B) *Property within the Bayou Texar and Escambia Bay shoreline protection districts.* For all property within the Bayou Texar and Escambia Bay shoreline protection districts (sections 12-2-27 and 12-2-28), a stormwater management plan must be submitted to the city engineer prior to the issuance of a building permit.

Sec. 12-9-4. - Exemptions.

(A) *Individual single-family and duplex homes.* Individual single-family and duplex home construction plans shall be exempt from the required stormwater management plan providing the lot is in an approved platted subdivision. However, the owner, developer, or builder will be required to submit a description of the methods they will utilize to ensure that no erosion or sedimentation will occur during construction. They will be required to clear the lot in stages such that a siltation barrier of natural vegetation around the lot perimeter will be maintained until lot stabilization is completed. If a siltation or erosion problem develops during construction, the owner developer or builder will be required to provide an additional siltation barrier and will be responsible for restoring the affected area to predevelopment condition. This exemption does not apply within the Bayou Texar or Escambia Bay shoreline protection districts.

(B) *Other exempted operations.* Operations which shall, in any case, be exempt from this chapter are the following. However, any exemption from this chapter does not relieve responsibility to take all action necessary to prevent erosion and sedimentation from occurring.

- Home gardening or other similar activity not expected to contribute to any on-site generated erosion.
- Emergency repairs such as those on public and private utilities and roadway systems.

- Maintenance, alteration or improvement of an existing structure ~~which~~that will not change the rate or volume of stormwater runoff from the site on which that structure is located.

Sec. 12-9-5. - Stormwater management plan.

It is the responsibility of the applicant to include in the stormwater management plan sufficient information for the city engineer to evaluate the volume of stormwater runoff. The stormwater management plan shall be prepared by a professional engineer registered in the State of Florida.

The stormwater management plan shall be subject to the approval of the city engineer and permitted by the city building official. The design standards delineated in section 12-9-6 shall be utilized in the review and approval of each drainage plan. Additional pertinent information ~~which~~that may be requested by the city engineer shall be provided.

(A) *Contents of the stormwater management plan:*

(a) A topographic map at a one-foot contour interval for the entire property to be developed, per existing engineering standards of the city.

(b) A topographic map based on generally available contours of areas adjacent to the property to be developed.

(c) The existing environmental and hydrologic conditions on the site and/or receiving waters and wetlands described in detail, including the following:

1. The direction, flow rate, and volume of stormwater runoff for existing conditions and, to the extent practicable, predevelopment conditions.
2. The location of areas on the site where stormwater collects or percolates into the ground.
3. Vegetation.
4. Soils.
5. The size and location of any existing buildings or other structures.

(d) Any proposed alterations of the site described in detail including:

1. Changes in topography.
2. Areas where vegetation will be cleared or killed.
3. Areas that will be covered with an impervious surface with a description of the surfacing material.
4. The size and location of any proposed buildings or other structures.

(e) Predicted impacts of the proposed development on existing conditions, described in detail, including changes in the incidence and duration of flooding on the site and upstream and downstream from it.

(f) All components of the stormwater management system and any measure for the detention, retention, or infiltration of water or for the protection of water quality, described in detail, including:

1. The channel, direction, flow rate and volume of stormwater that will be conveyed from the site, with a comparison to existing conditions and, to the extent practicable, postdevelopment conditions.
2. Detention and retention areas, including plans for the discharge of contained water, maintenance plans, and predictions of water quality in those areas.
3. Areas of the site to be used or reserved for percolation.

4. A plan for the control of erosion and sedimentation ~~which~~that describes in detail the type and location of control measures, the stage of development at which they will be put into place or used, and provision for their maintenance.

5. Any other information ~~which~~that the applicant or the city engineer believes is reasonably necessary for an evaluation of the proposed development.

(g) Construction plans and specifications for all components of the stormwater management system.

(h) A listing setting forth scheduled maintenance needs and including an operation and maintenance manual to be provided to the entity responsible for maintenance of the stormwater management system.

(B) *Landscape plan required.* For projects other than single-family subdivisions, a copy of the approved landscape plan must be submitted identifying all protected trees to be preserved or replanted and all other landscaping improvements. A copy of any tree removal permit, if issued, shall also be submitted.

Sec. 12-9-6. - Design standards for stormwater management system.

(A) *General.*

(a) The design of stormwater management facilities including all water retention or detention structures and flow attenuation devices shall comply with applicable state regulations (i.e., Chapter 62-330, Florida Administrative Code) and shall be subject to approval of the city engineer pursuant to the following requirements. In the event of conflict between the provisions of this chapter and the provisions of the applicable state regulations, the more strict requirements shall prevail.

(b) All stormwater management facilities shall be designed for a minimum of fifty-year life, have low maintenance cost and easy legal access for periodic maintenance.

(c) All proposed stormwater management facilities shall be designed to prevent flooding, safety or health hazards and shall not contribute to the breeding of mosquitoes and arthropods.

(d) The use of drainage facilities and vegetated buffer zones for open space, recreation, and conservation areas shall be encouraged.

(e) The use of alternative permeable surface materials are encouraged for private parking lots will be given due consideration in drainage plan review.

(B) *Water quality.*

(a) The first one (1) inch of runoff shall be retained on the development site. At the discretion of the city engineer, retention standards may be increased beyond the one-inch minimum standard on a site-specific basis to prevent flooding and drainage problems, and to protect environmentally sensitive water bodies.

(b) Stormwater management facilities that receive stormwater runoff from areas containing a potential source of oil and grease contamination including, but not limited to, any land use involving the sale or handling of petroleum products or any land use involving the repair, maintenance or cleaning of motor vehicles shall include a baffle, skimmer, grease trap, or other suitable oil and grease separation mechanism.

(c) Channeling runoff directly into water bodies is prohibited. Runoff shall be routed through stormwater management systems designed to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle, and remove pollutants.

(C) *Erosion and sedimentation.*

(a) Erosion and sediment control best management practices shall be used during construction to retain sediment on-site. These management practices shall be designed by an engineer or

other competent professional experienced in the fields of soil conservation or sediment control according to specific site conditions and shall be shown or noted on the plans of the stormwater management system. The engineer or designer shall furnish the contractor with information pertaining to the construction, operation and maintenance of the erosion and sediment control practices.

(b) The area of land disturbed by development shall be as small as practicable. Those areas that are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, natural vegetation shall be retained and protected.

(c) No clearing, grading, cutting, filling or alteration to the site of any kind shall be commenced until adequate erosion and sedimentation structural controls have been installed as per plan between the disturbed area and waterbodies, watercourses, and wetlands and inspected by the building official. Limited clearing shall be permitted as necessary to allow the installation of the structural controls.

(d) Land that has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to temporarily stabilize the areas.

(e) Sediment shall be retained on the site of the development, unless discharged into an approved off-site drainage facility as provided for in section 12-9-7.

(f) Erosion and sedimentation facilities shall receive regular maintenance during construction to ensure that they continue to function properly.

(g) Vegetated buffer strips shall be created or, where practicable, retained in their natural state along the banks of all watercourses, waterbodies, or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, maintain natural drainage patterns to the waterbody, and allow for periodic flooding without damage to structures.

(D) *Design frequency.*

(a) Stormwater management facilities with approved positive outfall shall be designed to attenuate the one hundred (100) year/critical duration storm event. The city engineer may waive or reduce this requirement if the stormwater management facility discharges directly into a natural outfall after treatment, does not contribute to potential or existing flooding conditions and does not increase pollutant loading.

(b) Retention facilities that fall within a closed drainage basin and have no positive outfall shall retain the entire runoff volume from a one-hundred (100) year storm event and shall include all storm durations up to and including the twenty-four-hour duration. This retention volume must be recovered within seventy-two (72) hours of the contributing storm event by natural percolation or other approved means.

(c) Detention and/or retention facilities that connect directly to the city's storm drainage system shall be designed so that the post-development discharge rate does not exceed the pre-development discharge rate for a ten (10) year/critical duration storm event. Where the existing capacity of the city storm drainage system is not adequate to accept the discharge from a ten (10) year storm event, the city engineer may reduce the allowable post-development discharge rate from the detention facility to an acceptable level. Detention and/or retention facilities ~~which~~that do not connect directly to the city storm system or have a direct impact on the system shall be allowed to discharge up to the pre-development rate for the one hundred (100) year/critical duration storm event or as otherwise approved by the city engineer.

(d) The drainage area used in runoff calculations shall be the total natural watershed area including areas beyond proposed site limits (offsite runon).

(E) *Stormwater retention and/or detention facilities.*

(a) General requirements.

1. Recovery time for treatment/retention volume shall be a maximum of seventy-two (72) hours. Recovery time for facilities that are underdrained or side drained shall be thirty-six (36) hours.
2. Minimum freeboard for retention and/or detention facilities shall be one (1) foot between design high water and top of facility. The city engineer may waive or reduce this requirement for shallow ponds and swales.
3. Stormwater retention and/or detention facilities shall include appropriate access for periodic maintenance as approved by the city engineer.
4. Stormwater retention and/or detention facilities located adjacent to a public right-of-way shall be landscaped with a visual screen installed in accordance with the provisions of section 12-2-32(D) through (G) or landscaped as a part of the overall landscaping for the development with plant species that are suitable for individual pond characteristics and that provide an effective and visually pleasing screen for the retention and/or detention facility. All landscaping shall be maintained in accordance with the provisions of section 12-6-5.
5. Designs for stormwater detention and/or retention facilities that use predominantly non-angular, freeform, curvilinear contouring that functions to visually integrate the facility into the overall design and landscaping of the development shall be encouraged.

(b) Public facilities. Stormwater retention and/or detention facilities to be dedicated to the city for maintenance shall comply with the following requirements in addition to the general requirement specified in section 12-9-6(E)(a) above.

1. Slide slopes of facilities shall be no steeper than four (4) horizontal feet for every one (1) vertical foot (4:1) out to a depth of two (2) feet below the control elevation. Grades steeper than 4:1 may be allowed where unique circumstances exist as approved by the city engineer.
2. Side slopes shall be stabilized with sod or other materials as approved by the city engineer.
3. Dry stormwater retention and/or detention facilities that contain side slopes that are steeper than 4:1 and have a retention depth greater than thirty (30) inches shall be completely enclosed by a six-foot fence constructed of chain link, wrought iron or other material as approved by the city engineer. Chain link fences and related appurtenances (posts, gates, etc.) shall be vinyl-coated (dark green or black). The fence shall have a minimum twelve (12) foot wide (fifteen (15) foot maximum) gate opening. The maximum clearance from the bottom of the fence to existing grade shall be no more than three (3) inches. This provision does not apply to shallow swales with a retention depth of thirty (30) inches or less.
4. Permanently wet retention and/or detention facilities that contain side slopes that are steeper than 4:1 shall be fenced or otherwise restricted from public access in accordance with Chapter 62-330 of the Florida Administrative Code. Where a fence is proposed it shall be constructed according to the provisions of section 6(E)(b)3. above.

(c) Private facilities. Stormwater retention and/or detention facilities to be maintained shall comply with the following requirements in addition to the general requirement specified in section 12-9-6(E)(a) above.

1. Slide slopes of facilities with earthen slopes shall be no steeper than two (2) horizontal feet for every one (1) vertical foot (2:1). Grades steeper than 2:1 may be allowed where unique circumstances exist as approved by the city engineer.
2. Side slopes shall be stabilized with sod or other material as approved by the city engineer.
3. Private facilities with side slopes that are steeper than 4:1 shall be fenced or otherwise restricted from public access in accordance with Chapter 62-330 of the Florida Administrative Code. Private stormwater retention and detention facilities that are located

adjacent to a public right-of-way or easement shall be fenced in accordance with section 12-9-6(E)(b)3. above.

(F) *Redevelopment.*

(a) The following redevelopment activities will not be subject to the requirements of section 12-9-6:

1. Alterations to the interior of an existing structure.
2. Alterations of an existing structure that do not result in a net increase in impervious surface area.
3. Routine building repair including adding a facade to a building.
4. Resurfacing an existing paved area such as a parking lot, driveway or other vehicle use area.

(b) Redevelopment activities including, but not limited to, alterations of existing buildings or structures or new construction following demolition of existing buildings and structures shall be subject to the requirements of section 12-9-6 only for the stormwater runoff that results from a net increase in impervious surface area provided that the new construction is under construction within two (2) years of demolition. For the purpose of this section (section 12-9-6(F)), under construction shall mean that a legal building permit has been issued and that actual construction has been or will be started within the period of validity of the permit, exclusive of any time extensions. Previously developed sites where buildings and structures were demolished and construction was not commenced within two (2) years shall be considered new construction and subject to the requirements of section 12-9-6. The following locations shall be excluded from the two (2) year time restriction:

1. All properties located in the C-2A downtown retail commercial district, SPBD South Palafox business district or HC-2 historical commercial district.
2. The area generally described as the Belmont/DeVillers Business Core area bounded by LaRua Street, Wright Street, Coyle Street, and Reus Street.
3. The area generally described as the Brownsville Commercial Area that is within the city limits bounded by Strong Street, Gadsden Street, Pace Boulevard and the city limits.

(c) The city engineer may require certification from a licensed engineer that there is adequate capacity in the downstream stormwater conveyance system for the redevelopment site and that any known flooding or drainage problem will not be worsened.

(Ord. No. 3-02, § 1, 1-10-02; Ord. No. 11-15, § 2, 6-18-15)

Sec. 12-9-7. - Off-site drainage facilities.

Surface water runoff discharged into drainage facilities for treatment and/or attenuation off the site of development if the following conditions are met:

- It is not practicable to completely manage runoff on the site in a manner consistent with the design standards set forth in section 12-9-6;
- An adequate conveyance system to the facility exists or is to be provided;
- The off-site drainage facilities are designed, constructed, and maintained in accordance with the requirements of this chapter; and
- The city engineer approves the use of such off-site drainage facility.

(Ord. No. 3-02, § 1, 1-10-02)

Sec. 12-9-8. - Permits, inspection and enforcement.

~~The provisions of this chapter shall be enforced by the city engineer and the building official.~~ All stormwater management plans shall be reviewed and approved by the city engineer.

(A) *Development other than single-family and two-family lots.* All development other than single-family subdivision and two-family lots is subject to the following provisions:

• The building official shall be notified by the owner, developer or builder to inspect the installation of the erosion and sedimentation controls prior to any clearing, grading, cutting, filling or alterations of any kind to the site.

• The building official shall monitor the installation of temporary stormwater control devices during construction. At the completion of construction, the city engineer shall be notified by the owner, developer or builder to inspect and assure that permanent stormwater control devices are installed as shown and approved on the plan.

• During the construction phase of the project, if the city engineer determines that construction is not in compliance with the approved stormwater management plan, a notice of noncompliance shall be issued, specifying the nature of the noncompliance and the remedial actions necessary to bring the project into compliance within twenty-four (24) hours.

• If the remedial action specified above is not completed within the time allowed, then the building official or the city engineer may issue a stop-work order immediately. Upon completion of the action set forth in the notice of noncompliance, the building official shall issue a notice of compliance.

(B) *Single-family and two-family subdivision.* As part of the subdivision plat process, the city engineer shall review and approve, approve with modification, or deny the stormwater management plan for the subdivision. The building official shall monitor the construction of individual single-family and duplex homes in order to assure compliance with provisions stated in section 12-9-4(A).

(a) The city engineer shall be notified by the owner, developer or builder to inspect the installation of the erosion and sedimentation controls prior to any clearing, grading, cutting, filling or alteration of any kind to the site.

(b) The city engineer shall monitor the construction of the subdivision, including the installation of temporary and permanent stormwater control devices during construction and at completion of construction.

(c) During the construction phase of the project, if the city engineer determines that construction is not in compliance with the approved stormwater management plan, a notice of noncompliance shall be issued specifying the nature of the noncompliance and the remedial action necessary to bring the project into compliance within forty-eight (48) hours.

(d) If the remedial action specified above is not completed within the time allowed, then the city engineer will issue a stop-work order immediately. Upon completion of the action set forth in the notice of noncompliance, the city engineer shall issue a notice of compliance.

(e) Prior to final acceptance of improvements in the subdivision, the city engineer shall determine if the improvements are in compliance with the approved stormwater management plan. If the improvements are not in compliance, the city engineer shall specify the necessary revisions to be undertaken within a set time period.

(f) The owner and/or developer of the lot(s) in the subdivision shall be responsible for stabilizing and maintaining rights-of-way disturbed during and after the installation of utilities and other services.

(C) *Construction delays.* Where a stormwater management plan has been approved by the city engineer, clearing occurs and construction is delayed, the city engineer shall review the site to

determine if interim stormwater control devices are required. The building official may also require remedial action be taken to stabilize eroding areas of the site.

(Ord. No. 3-02, § 1, 1-10-02)

Sec. 12-9-9. - Maintenance.

Maintenance of on-site stormwater control devices shall be the responsibility of the owner and/or developer of the site, unless such facilities are dedicated and accepted by the city or maintained under the authority of a homeowners' association.

Sec. 12-9-10. - Illicit discharges findings and determinations.

(A) Pursuant to the Federal Clean Water Act, 33 U.S.C. 1251, et seq., the United States Environmental Protection Agency has published rules for stormwater discharge permits and the city has been issued, as a co-permittee with Escambia County, Florida Department of Transportation, and the Town of Century, such a permit (NPDES Permit No. FLS000019 with issuance date of January 1, 1999).

(B) The contribution of pollutants through discharges from storm sewer systems has a significant impact on receiving waters in the city.

(C) Improperly treated discharges from industrial activities, interconnected municipal separate storm sewer system, illicit discharges and discharges from spilling, dumping or disposal of material other than stormwater to the municipal storm sewer system of the city will adversely affect the quality of water receiving such discharges. The control of the discharge of pollutants from stormwater is of benefit to and provides for the health, safety, and welfare of the citizens of the city.

(D) The United States Environmental Protection Agency, pursuant to 40 C.F.R. 122.26, has mandated the city through the issuance of National Pollution Discharge Elimination System (NPDES) Permit No. FLS000019 that the city must provide legal authority to control discharges to the municipal separate storm sewer system in order to control the quality of discharges from the city's storm sewer system to waters of the United States.

(Ord. No. 53-00, § 1, 11-16-00)

Sec. 12-9-11. - Definitions.

For purposes of this chapter, the following definitions shall apply. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

Best management practices or *BMPs* mean schedules or activities, prohibitions of practices, maintenance procedures, treatment methods and other management practices to prevent or reduce pollutants from entering the MS4 or being discharged from the MS4.

Clean Water Act means Public Law (PL) 92-500, as amended PL 95-217, PL 95-576, PL 96-483, and PL 97-117, 33 U.S.C. 1251, et seq., as amended by the Water Quality Act of 1987, PL 100-4.

Construction activities means the alteration of land during construction and includes such activities as clearing, grading, and excavation.

Discharge means the release of liquid, solid or gaseous material and includes, but is not limited to, a release, spilling, leaking, seeping, pouring, emitting, emptying, and dumping of any substance or material.

Illicit connection means point source discharges to the city's MS4 or to waters of the United States, ~~which~~that are not composed entirely of stormwater and are not authorized by a permit.

Illicit discharge means discharge to the city's MS4 or to waters of the United States ~~which~~that is not composed entirely of stormwater, unless exempted pursuant to section 12-9-18, or the discharge to the

city's MS4 or to waters of the United states ~~which~~that is not in compliance with federal, state, or local permits.

Industrial activities means activities at facilities identified by the United States Environmental Protection Agency as requiring an NPDES stormwater permit in accordance with 40 C.F.R. 122.26 or amendments thereto.

Municipal separate storm sewer system or *MS4* mean a conveyance, storage area or system of conveyances and storage areas (including, but not limited to, roads with drainage systems, streets, catch basins, curbs, gutters, ditches, manmade channels, storm drains, treatment ponds, and other structural BMPs) owned or operated by a local government that discharges to waters of the United States or to other MS4s, that is designed solely for collecting, treating or conveying stormwater, and that is not part of a publicly owned treatment works (POTW) as defined by 40 C.F.R. 122.2 or any amendments thereto.

National pollutant discharge elimination system or *NPDES* means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, pursuant to the provisions of the Clean Water Act, 33 U.S.C. 1251, et seq.

Point source means any discernible and confined conveyance including, but not limited to, any pipe, ditch, channel, conduit, well, container, rolling stocks, concentrated animal feeding operation, vessel, or other floating craft from which pollutants are discharged. This term does not include return flows from irrigated agriculture.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended, 43 U.S.C. 2011, et seq.), heat, wrecked or damaged equipment, rock, sand, and industrial, municipal and agricultural waste discharged into the MS4.

Reclaimed water means water that has received at least advanced secondary treatment and basic disinfection and is reused after flowing out of a wastewater treatment facility.

Reuse means the deliberate application of reclaimed water, in compliance with the Florida Department of Environmental Protection and Northwest Florida Water Management District rules, for a beneficial purpose.

Runoff means the surface flow of water ~~which~~that results from, and occurs following, a rainfall event.

Significant construction activities means construction activities ~~which~~that result in the disturbance of five (5) acres or more of total land area.

Significant redevelopment means the alteration of an existing development ~~which~~that results in the increase of the discharge of a stormwater facility beyond its previously designed and constructed capacity, or increased pollution loading, or changed points of discharge, except emergency repairs.

Spill means illicit discharge.

Stormwater means surface runoff and the discharge of runoff water resulting from rainfall.

Waters of the United States means surface and ground waters as defined by 40 C.F.R. 122.2.

(Ord. No. 53-00, § 1, 11-16-00)

Sec. 12-9-12. - Control of stormwater discharges to the MS4 and waters of the United States.

(A) Discharges to the city's MS4 shall be controlled to the extent that such discharges will not impair the operation of the MS4 or contribute to the failure of the MS4 to meet any local, state, or federal requirements, including, but not limited to, NPDES Permit No. FLS000019. Discharges to the waters of the United States shall be controlled to the extent that the discharge will be controlled to the maximum extent practicable as defined in the NPDES Permit No. FLS000019.

(B) Stormwater discharges to the MS4 from new development or site of significant redevelopment are required to obtain appropriate local, state, or federal permits prior to discharging to the MS4 or to waters of the United States within the city.

(C) Any person responsible for discharges determined by the city to be contributing to the failure of the city's MS4 or waters within the city to comply with the provisions and conditions of NPDES Permit No. FLS000019 shall provide corrective measures as approved by the ~~city manager~~mayor, or his or her designee, and may be subject to paying fines and damages.

(Ord. No. 53-00, § 1, 11-16-00)

Sec. 12-9-13. - Stormwater discharges from industrial and construction activities.

(A) Stormwater discharges from industrial activities shall be treated or managed on site, in accordance with appropriate federal, state, or local permits and regulations, prior to discharge to the city's MS4 or to waters of the United States.

(B) Stormwater discharges from significant construction activities shall be treated or managed on site in accordance with appropriate federal, state or local permits and regulations, prior to discharge to the city's MS4 or to waters of the United States. Erosion, sediment, and pollution controls for the construction site shall be properly implemented, maintained, and operated according to a pollution prevention plan required by the NPDES permit for the discharge of stormwater from construction activities, or according to a state permit issued by the Florida Department of Environmental Protection.

(C) Any construction activity ~~which~~that is not significant is an illicit connection or illicit discharge if the activity causes an impairment of the operation of the MS4 or contributes to the failure of the MS4 to meet any local, state, or federal requirements, including, but not limited to, NPDES Permit No. FLS000019.

(D) The owners or operators of industrial facilities and construction sites ~~which~~that will discharge stormwater to the city's MS4 or to waters of the United States within the city limits shall provide written notification to the ~~city manager~~mayor or his or her designee of the connection or discharge prior to the discharge from the industrial activity or construction activity.

(Ord. No. 53-00, § 1, 11-16-00)

Sec. 12-9-14. - Control of pollutant contributions from interconnected MS4s.

The discharge of stormwater between interconnected state, county, city or other MS4s shall not cause the city's MS4 to be in violation of the provisions of NPDES Permit No. FLS000019. Owners of any section of interconnected MS4 shall be responsible for the quality of discharge from their portion of the MS4 in accordance with interlocal agreements controlling the discharge of stormwater from one MS4 to another.

(Ord. No. 53-00, § 1, 11-16-00)

Sec. 12-9-15. - Prohibition of illicit discharges and illicit connections.

(A) Illicit discharges and illicit connections, not exempt under the provisions of section 12-9-18, are prohibited.

(B) Failure to report a connection from industrial activities or construction activities to the city's MS4 or to waters of the United States constitutes an illicit connection.

(C) Failure to report a discharge from industrial activities or construction activities to the city's MS4 or to waters of the United States constitutes an illicit discharge.

(D) Any discharge to the city's MS4 or to waters of the United States ~~which~~that is in violation of federal, state, or local permits or regulations constitutes an illicit discharge.

(E) Persons responsible for illicit discharges or illicit connections shall immediately, upon notification or discovery, initiate procedures to cease the illicit discharge or illicit connection, or obtain appropriate federal, state, or local permits for such discharge or connection.

(Ord. No. 53-00, § 1, 11-16-00)

Sec. 12-9-16. - Inspection and monitoring for compliance.

City personnel shall be granted access for inspection of facilities discharging or suspected of discharging to the city's MS4 or waters of the United States in order to effectuate the provisions of this chapter and to investigate violations or potential violations of any of the terms herein. All structures and processes ~~which~~that allow discharges to the city's MS4, as well as records concerning them, shall be made accessible to city personnel for this purpose. Failure to provide access for inspection as provided herein shall constitute a violation of this chapter.

(Ord. No. 53-00, § 1, 11-16-00)

Sec. 12-9-17. - Maintenance of BMPs.

Structural controls and other BMPs used for controlling the discharge of pollutants to the city's MS4 or to waters of the United States shall be operated and maintained so as to function in accordance with permitted design or performance criteria and in compliance with federal, state, or local permit conditions and regulations.

(Ord. No. 53-00, § 1, 11-16-00)

Sec. 12-9-18. - Illicit discharges exemptions.

The following activities shall not be considered either an illicit discharge or illicit connection unless such activities cause, or significantly contribute to the impairment of the use of the city's MS4 or the violation of the conditions of NPDES Permit No. FLS000019.

(A) Discharges from:

1. Water line flushing;
2. Flushing of reclaimed water lines;
3. Street cleaning;
4. Construction dust control;
5. Landscape irrigation;
6. Diverted stream flows;
7. Rising ground waters;
8. Foundation and footing drains;
9. Swimming pool discharges;
10. Uncontaminated ground water infiltration [as defined at 40 C.F.R. 35.2005(20)];

11. Uncontaminated pumped groundwater;
12. Discharges from potable water sources;
13. Air conditioning condensate;
14. Irrigation waters;
15. Springs;
16. Lawn watering;
17. Individual residential car washing;
18. Flows from riparian habitat and wetlands;
19. Discharges or flows from emergency fire fighting activities; and, emergency fire response activities done in accordance with an adopted spill response/action plan; and
20. Decanted water from MS4 cleaning operations.

(B) Discharges which have obtained appropriate federal, state, and local permits and are in compliance with the conditions of these permits.

(Ord. No. 53-00, § 1, 11-16-00)

Sec. 12-9-19. - Enforcement, penalties, and legal proceedings.

(A) Sections 12-9-10 through 12-9-18 shall be administered by the ~~city manager~~mayor, or his or her designee. All persons in violation of these sections shall address such violations immediately upon written notification by the city. Violations shall be addressed by providing a written response to the ~~city manager~~mayor, outlining the temporary and permanent measures that will be taken to correct the violation and a proposed schedule for completion of the corrective measures. Proposals for corrective action are subject to the approval of the ~~city manager~~mayor.

(B) The ~~city manager~~mayor is authorized to issue cease and desist orders, and orders requiring reasonable remedial actions(s) in the form of written notices sent by registered mail or by hand delivery to the person(s) responsible for the violation of sections 12-9-10 through 12-9-18.

(C) Any person who violates sections 12-9-10 through 12-9-18 and/or fails to comply with the requirements of any provision of these sections may be subject to issuance of a civil citation or a notice to appear pursuant to Chapter 13-2 of the City Code, or shall be subject to prosecution before the Code Enforcement Board of the City of Pensacola, pursuant to Chapter 13-1 of the City Code. Any person violating any of the provisions of sections 12-9-10 through 12-9-18 shall, upon conviction thereof by a court, be punished by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed sixty (60) days or by both such fine and imprisonment. Each day of violation shall constitute a separate violation.

(D) Persons responsible for violation of sections 12-9-10 through 12-9-18 shall be liable for all sampling and analytical costs incurred in monitoring the discharge, and state and/or federal fines imposed as a result of the discharge and costs of removing or properly treating the discharge. All expenses incurred by the city in taking remedial actions shall be reimbursed by the legal or beneficial owner of the property upon which remedial action was taken, and shall constitute a lien against the property until paid, including statutory interest. The city may recover such expenses by any means authorized by law or equity. "Expenses" may include, but not be limited to, costs incurred in ascertaining ownership, consultation fees, mailing or delivery of notices, recording fees, taxable costs of litigation including reasonable attorney's fees, removing or treating the discharge, or other cost of remedying any violation of this section.

(E) If the persons responsible for the violation fail to take action required herein, the city has the right to take remedial action. All costs incurred by the city in taking such actions shall be reimbursed by the persons responsible for the violation.

(F) The ~~city manager~~mayor ~~or his or her designee~~ shall certify ~~to the city's director of finance~~ that the specific work has been completed and~~. The director of finance~~ shall then prepare and process a complete assessment of all costs including, but not limited to, all expenses listed in the preceding paragraph or other legitimate expenses that may have occurred before, during, or after the proceedings necessary to eliminate the illicit discharge or illicit connection.

(G) Furthermore, the costs imposed pursuant to this section shall be declared a lien upon the land until paid, and to have equal dignity with other liens for ad valorem taxes. The ~~city manager~~mayor shall file for public record the claims of liens against the property cleared of the illicit discharge or illicit connection, setting forth the amount of the lien, a description of the property involved, and that the lien is claimed pursuant to the provisions of this section. Monies received from enforcement of the lien shall be collected and deposited in the city's general fund. The lien shall be enforced as otherwise provided for by law.

(H) In addition to the remedies provided herein, the city is authorized to make application to a court of appropriate jurisdiction for an injunction restraining any person from violating, or continuing to violate, the provisions of sections 12-9-10 through 12-9-18; affirmatively requiring restoration and mitigation for any impacted land or waters, and/or requesting any other appropriate, applicable legal remedy, including reimbursement of court costs.

(I) The city may elect to take any or all of the above remedies concurrently, and the pursuance of one (1) shall not preclude the pursuance of another.

(J) Any fines or other funds received as a result of enforcement under sections 12-9-10 through 12-9-18 ~~which~~that are not used for specific purposes set forth in this chapter shall be deposited in the city's general fund.

(Ord. No. 53-00, § 1, 11-16-00)

CHAPTER 12-10. FLOODPLAIN MANAGEMENT[6]

Footnotes:

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Editor's note— Ord. No. 16-19, § 1, adopted August 8, 2019, repealed the former Ch. 12-10, §§ 12-10-1—12-10-6, and enacted a new Ch. 12-10 as set out herein. The former Ch. 12-10 pertained to similar subject matter and derived from Ord. No. 26-06, § 1, 9-28-06; Ord. No. 16-10, § 225, 9-9-10.

Sec. 12-10-1. - Statutory authorization, findings of fact, purpose and objectives—General.

(A) *Title.* These regulations shall be known as the Floodplain Management Ordinance of City of Pensacola, hereinafter referred to as "this chapter."

(B) *Scope.* The provisions of this chapter 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.

(C) *Intent.* The purposes of this chapter 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~~that 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 Title 44 Code of Federal Regulations, Section 59.22.

(D) *Coordination with the Florida Building Code.* This chapter 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.

(E) *Warning.* The degree of flood protection required by this chapter 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 chapter 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 chapter.

(F) *Disclaimer of liability.* This chapter shall not create liability on the part of the City Council of the City of Pensacola or by any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 16-19, § 1, 8-8-19)

Sec. 12-10-2. - 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 chapter applies.* This chapter shall apply to all flood hazard areas within the City of Pensacola as established in section 12-10-2(C) of this chapter.

(C) *Basis for establishing flood hazard areas.* 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 chapter and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at Inspection Services at the City of Pensacola.

(D) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 12-10-5 of this chapter 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 chapter 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 chapter shall not be deemed to nullify any provisions of local, state or federal law.

(F) *Abrogation and greater restrictions.* This chapter supersedes any ordinance in effect for management of development in flood hazard areas. 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 this chapter and any other ordinance, the more restrictive shall govern. This chapter shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this chapter.

(G) *Interpretation.* In the interpretation and application of this chapter, 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.

(Ord. No. 16-19, § 1, 8-8-19)

Sec. 12-10-3. - Duties and powers of the floodplain administrator.

(A) *Designation.* The building official 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 chapter. The floodplain administrator shall have the authority to render interpretations of this chapter consistent with the intent and purpose of this chapter 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 chapter without the granting of a variance pursuant to section 12-10-7 of this chapter.

(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 chapter;

(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 chapter 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 chapter.

(D) *Substantial improvement 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; 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 chapter 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 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 12-10-7 of this chapter.

(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 chapter.

(G) *Inspections.* The floodplain administrator shall make the required inspections as specified in section 12-10-6 of this chapter 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) Establish procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to section 12-10-3(D) of this chapter;

(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 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 six (6) months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this chapter and the Florida Building Code to determine that such certifications and documentations are complete;

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of City of Pensacola 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 ordinance and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map 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 chapter; 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 chapter and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Inspection Services of the City of Pensacola.

(Ord. No. 16-19, § 1, 8-8-19)

Sec. 12-10-4. - 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 chapter, 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 shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this chapter 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 chapter 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 chapter:

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

(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 F.S. § 366.02, 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 two hundred fifty (250) square feet in area ~~which~~that are prefabricated and assembled onsite 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 F.S. § 553.73(10)(k), 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 city. 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 12-10-5 of this chapter.

(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 chapter shall not be construed to be a permit for, or approval of, any violation of this chapter, the Florida Building Codes, or any other ordinance of the city. 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 one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (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 chapter or any other ordinance, regulation or requirement of the city.

(H) *Other permits required.* Floodplain development 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; F.S. § 373.036.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 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; F.S. § 161.141.

(4) Florida Department of Environmental Protection for activities subject to the joint coastal permit; F.S. § 161.055.

(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.

(Ord. No. 16-19, § 1, 8-8-19)

Sec. 12-10-5. - 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 chapter 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 12-10-5(B)(2) or (3) of this chapter.

(3) Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (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 12-10-5(B)(1) of this chapter.

(4) 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.

(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 chapter 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 chapter.

(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 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 two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

(4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(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 12-10-5(D) of this chapter 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, hydrologic and hydraulic analyses that demonstrate 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~~that 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~~that preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in section 12-10-5(D) of this chapter.

(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.

(Ord. No. 16-19, § 1, 8-8-19)

Sec. 12-10-6. - 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 chapter 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 chapter 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 12-10-5(B)(3)(b) of this chapter, 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 12-10-6(D) of this chapter.

(F) *Manufactured homes.* The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this chapter 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 floodplain administrator.

(Ord. No. 16-19, § 1, 8-8-19)

Sec. 12-10-7. - Variances and appeals.

(A) *General.* The construction board of adjustments and appeals shall hear and decide on requests for appeals and requests for variances from the strict application of this chapter. Pursuant to F.S. § 553.73(5), the construction board of adjustments and appeals shall hear and decide 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 construction board of adjustments and appeals 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 chapter. Any person aggrieved by the decision may appeal such decision by certiorari appeal to the circuit court.

(C) *Limitations on authority to grant variances.* Constructions board of adjustments and appeals shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in section 12-10-7(G) of this chapter, the conditions of issuance set forth in section 12-10-7(H) of this chapter, and the comments and recommendations of the floodplain administrator. The construction board of adjustments and appeals has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.

(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 12-10-5(C) of this chapter.

(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 12 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 chapter, provided the variance meets the requirements of section 12-10-5(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 construction board of adjustments and appeals shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, 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.

(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 chapter or the required elevation standards;

(2) Determination by the construction board of adjustments and appeals that:

(a) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

(b) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

(c) The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood 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 twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 16-19, § 2, 8-8-19)

Sec. 12-10-8. - Violations.

(A) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this chapter that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this chapter, shall be deemed a violation of this chapter. 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 chapter 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 chapter 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.

(Ord. No. 16-19, § 2, 8-8-19)

Sec. 12-10-9. - General.

(A) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this chapter, have the meanings shown in this section.

(B) *Terms defined in the Florida Building Code.* Where terms are not defined in this chapter 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 chapter or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

(Ord. No. 16-19, § 2, 8-8-19)

Sec. 12-10-10. - Definitions.

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~~that 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 chapter.

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. [Also defined in FBC, B, Section 202.] 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). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "basement (for flood loads)".]

Coastal construction control line. The line established by the State of Florida pursuant to F.S. § 161.053, 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.

Design flood. The flood associated with the greater of the following two (2) areas:

(a) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

(b) *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. In areas designated as zone

AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet.

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~~that may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before September 15, 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) is completed before September 15, 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:

(a) The overflow of inland or tidal waters.

(b) 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 (2) areas:

(a) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

(b) 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 chapter (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~~that authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this chapter.

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 referenced in F.S. ch. 553, 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. Freeboard tends to compensate for many unknown factors, such as wave action, bridge openings and hydrological effect of urbanization of the watershed, ~~which~~that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

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.

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 12 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:

(a) *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.

(b) *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.

(c) *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.

(d) *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 eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

(a) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or

(b) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or

(c) 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 (1) 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 (2) 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 chapter, 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 chapter and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 15, 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 15, 1977.

Park trailer. A transportable unit ~~which~~that 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:

(a) Built on a single chassis;

(b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

(c) Designed to be self-propelled or permanently towable by a light-duty truck; and

(d) Designed primarily not for use as a permanent dwelling but 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 one hundred eighty (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, or 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 fifty (50) percent of the market value of the building or structure before the damage occurred.

Substantial improvement. Any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (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:

(a) *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.*

(b) 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 chapter, 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 chapter 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.

(Ord. No. 16-19, § 2, 8-8-19)

Sec. 12-10-11. - Buildings.

(A) Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to section 12-10-4(C) of this chapter, 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 12-10-17 of this chapter.

(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 F.S. § 161.54, shall be designed and constructed to comply with the intent and applicable provisions of this chapter and ASCE 24.

(Ord. No. 16-19, § 2, 8-8-19)

Sec. 12-10-12. - 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;

(2) Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 12-10-5(B)(1) of this chapter; and

(3) Compliance with the site improvement and utilities requirements of section 12-10-13 of this chapter.

(Ord. No. 16-19, § 2, 8-8-19)

Sec. 12-10-13. - 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 onsite waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, Florida Administrative Code 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, Florida Administrative Code 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 12-10-5(C)(1) of

this chapter 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 chapter, 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 12-10-5(C)(4) of this chapter 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 12-10-17(H)(3) of this chapter.

(Ord. No. 16-19, § 2, 8-8-19)

Sec. 12-10-14. - Manufactured homes.

(A) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, Florida Administrative Code and the requirements of this chapter. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(B) *Limitations on installation in floodways.* New installations of manufactured homes shall not be permitted in floodways.

(C) *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 chapter. Foundations for manufactured homes subject to section 12-10-14(G) of this chapter are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(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 chapter.

(D) *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.

(E) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with section 12-10-14(F) or 12-10-14(G) of this chapter, as applicable.

(F) *General elevation requirement.* Unless subject to the requirements of section 12-10-14(G) of this chapter, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (zone A) or Section R322.3 (zone V).

(G) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to section 12-10-14(F) of this chapter, 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 six (6) feet in height above grade.

(H) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

(I) *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.

(Ord. No. 16-19, § 2, 8-8-19)

Sec. 12-10-15. - Recreational vehicles and park trailers.

(A) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

(1) Be on the site for fewer than one hundred eighty (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.* Recreational vehicles and park trailers that do not meet the limitations in section 12-10-15(A) of this chapter for temporary placement shall meet the requirements of section 12-10-14 of this chapter for manufactured homes.

(C) *Limitations on installation in coastal high hazard areas (zone V).* Owners of existing recreational vehicle parks in coastal high hazard areas shall not expand or increase the number of parking sites unless a plan for removal of units from the coastal high hazard area prior to a predicted flood event is prepared and submitted to Escambia County Emergency Management. Recreational vehicle park owners shall notify vehicle owners of the plan for removal.

(Ord. No. 16-19, § 2, 8-8-19)

Sec. 12-10-16. - 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 12-10-16(C) of this chapter 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 elevated to or above the design flood elevation and attached to 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.

(Ord. No. 16-19, § 2, 8-8-19)

Sec. 12-10-17. - 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 chapter or the Florida Building Code, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of section 12-10-13(D) of this chapter 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 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) *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 12-10-13(D) of this chapter.

(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 12-10-13(D) of this chapter.

(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 (1) side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 12-10-13(D) of this chapter. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 12-10-5(C)(3) of this chapter.

(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 runup 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 runup 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 runup 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) Onsite sewage treatment and disposal systems defined in 64E-6.002, Florida Administrative Code, as filled systems or mound systems.

(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 (1) unit vertical to five (5) units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup 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 runup 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. 16-19, § 2, 8-8-19)

CHAPTER 12-11. AIRPORT[7]

Footnotes:

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Editor's note— Ord. No. 13-17, § 2, adopted June 8, 2017, amended chapter 12-11 in its entirety to read as herein set out. Former chapter 12-11, §§ 12-11-1—12-11-9, pertained to similar subject matter. See Code Comparative Table for complete derivation.

Sec. 12-11-1. - Purpose.

The purpose of this chapter is to prevent obstructions ~~which~~that are potentially hazardous to aircraft operations as well as persons or property in the vicinity of the obstruction; for the prevention of incompatible land use within certain airport noise zones where aircraft noise may be an annoyance or objectionable to the residents within said zones; to provide for the prevention of these obstructions and incompatible land uses, to the extent legally possible. The elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which the political subdivision may raise and expend public funds and acquire land or interests in land.

(Ord. No. 13-17, § 2, 6-8-17)

Sec. 12-11-2. - Airport zoning protection regulations.

No structure or obstruction will be permitted within the City of Pensacola or Escambia County that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised or would be permitted that was determined to be a hazard to air navigation by a Federal Aviation Administration aeronautical study (7460-1) or conflict with Title 14 of the Code of Federal Regulations Part 77.

(A) *Airport land use restrictions.* Notwithstanding any provision to the contrary in this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

(1) *Lights or illumination.* All lights or illumination used in conjunction with street, parking, signs or use of land structures shall be arranged and operated in such a manner that is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.

(2) *Electronic interference.* No operations of any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

(3) *Visual hazards.* No continuous commercial or industrial operations of any type shall produce smoke, glare or other visual hazards, within three (3) statute miles of any usable runway of a public airport, which would limit the use of the airport.

(4) *Sanitary landfills.* Sanitary landfills will be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:

(a) Landfills located within ten thousand (10,000) feet of any runway used or planned to be used by turbine aircraft.

(b) Landfills located within five thousand (5,000) feet of any runway used only by nonturbine aircraft.

(c) Landfills outside the above perimeters but within conical surfaces described by FAR Part 77 and applied to an airport will be reviewed on a case-by-case basis.

(d) Any landfill located and constructed in a manner that attracts or sustains hazardous bird movements from feeding, water, or roosting areas into, or across, the runways or approach and departure patterns of aircraft. The landfill operator must incorporate bird management techniques or other practices to minimize bird hazards to airborne aircraft.

(5) *Obstruction lighting.* Notwithstanding the preceding provisions of this section, the owner of any structure over one hundred fifty (150) feet above ground level shall install lighting on such structure in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto. Additionally, the high-intensity white obstruction lights shall be installed on a high structure which exceeds seven hundred forty-nine (749) feet above mean sea level. The high-intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70/7460-1 and amendments thereto.

(6) *Hazard marking and lighting.* Any permit or variance granted shall require the owner to mark and light the structure in accordance with FAA Advisory Circular 70/7460-1 or subsequent revisions. The permit may be conditioned to permit Escambia County or the city at its own expense, to install, operate and maintain such markers and lights as may be necessary to indicate to pilots the presence of an airspace hazard if special conditions so warrant.

(7) *Nonconforming uses.* The regulations prescribed by this subsection shall not be construed to require the removal, lowering or other changes or alteration of any existing structure not conforming to the regulations as of the effective date of this chapter. Nothing herein contained shall require any change in the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted and completed within two (2) years thereof.

Before any nonconforming structure may be replaced, substantially altered, repaired or rebuilt a permit must be secured from the building official. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming structure to become a greater hazard to air navigation than it was as of the effective date of this chapter. Whenever the building official determines that a nonconforming use or nonconforming structure has been abandoned or that the cost of repair, reconstruction, or restoration exceeds the value of the structure, no permit shall be granted that would allow said structure to be repaired, reconstructed, or restored except by a conforming structure.

(B) *Airport obstruction notification zone.*

(1) *Purpose:* The purpose of the Airport Obstruction Notification Zone is to regulate obstructions to air navigation ~~which~~ that affect~~s~~ the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.

(2) *Location and map of zone:* An Airport Obstruction Notification Zone is established around Pensacola International Airport (PNS) and consists of an imaginary surface extending from any point of PNS runway at a slope 100 to 1 for a horizontal distance of twenty thousand (20,000) feet and a height of two hundred (200) feet above ground level. The airport obstruction notification zone map may be reviewed annually by the airport staff and updated/amended by the airport executive director as needed to ensure currency.

(3) *Development Compliance:* No object, structure, or alteration to a structure will be allowed within an airport obstruction notification zone at a slope exceeding 100 to 1 for a horizontal distance of twenty thousand (20,000) feet from the nearest PNS runway or two hundred (200) feet above ground level without an approved permit issued by the building inspections department.

(Ord. No. 13-17, § 2, 6-8-17)

Sec. 12-11-3. - Structure permit.

(A) *Permitting.*

(1) Building inspection services (BIS) will make the initial determination with respect to whether proposed development exceeds the height and surface within the airport obstruction notification zone based upon on the maps in appendix C as an element of the zoning, development order and building permit application process. If BIS determines the proposed development, including associated use of temporary construction equipment, exceeds an airport obstruction notification zone surface or height threshold, then the applicant is required to obtain a structures permit from BIS prior to the issuance of any further development orders or permits. This provision applies to all development or improvements to land, including new development, redevelopment, building or use modifications, etc.

(2) The permitting procedures for a structures permit are outlined as follows. If a structures permit application is deemed necessary by BIS as determined through the use of the airport obstruction notification zone map, the following procedures will apply:

a. PSD will give a written notice to the applicant that a structures permit is required and that no further permits or development orders can be issued until a structures permit is obtained.

b. The applicant must then submit a completed structures permit application to Inspections Services, 222 W. Main Street, Pensacola, FL 32502. The BIS will complete a sufficiency review and then route the application to Pensacola International Airport. The airport will review the application, and provide comment within a timely manner.

c. Upon receipt of a complete permit application, BIS shall provide a copy of the application to the Florida Department of Transportation's (FDOT) aviation office by certified mail, return receipt requested, or by a delivery service that provides a receipt evidencing delivery. To evaluate technical consistency with this subsection, the department shall have a 15-day review period following receipt of the application, which must run concurrently with the local government permitting process. Cranes, construction equipment, and other temporary structures in use or in place for a period not to exceed eighteen (18) consecutive months are exempt from the FDOT's review, unless such review is requested by the department. Temporary structures are still to be reviewed by the PSD.

(3) In determining whether to issue or deny a permit, BIS will consider the following, as applicable:

a. The safety of persons on the ground and in the air.

b. The safe and efficient use of navigable airspace.

c. The nature of the terrain and height of existing structures.

d. The effect of the construction or alteration on the state licensing standards for a public-use airport contained in chapter 330 and rules adopted thereunder.

e. The character of existing and planned flight operations and developments at public-use airports.

f. Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the Federal Aviation Administration.

g. The effect of the construction or alteration of the proposed structure on the minimum descent altitude or the decision height at the affected airport.

h. The cumulative effects on navigable airspace of all existing structures and all other known proposed structures in the area

(4) Approval of a permit will not be based solely on the determination by the Federal Aviation Administration that the proposed structure is not an airport hazard.

(B) *Appeals and variances.* Appeals and variances from the provisions of this chapter shall be considered by the zoning board of adjustment established in section 12-13-1 in accordance with the procedures established in section 12-12-2. The Florida Department of Transportation (FDOT) shall be notified of all variance requests from the provisions of this chapter.

(Ord. No. 13-17, § 2, 6-8-17)

Sec. 12-11-4. - Sound level reduction.

It is hereby declared that the purpose of this section is to provide for the health, safety and welfare of the general public located in proximity to the ~~Pensacola Regional Airport~~Pensacola International Airport by establishing standards for construction materials for sound level reduction with respect to exterior noise resulting from the legal and normal operations at the ~~Pensacola Regional Airport~~Pensacola International Airport. This section establishes noise zones in the vicinity of ~~Pensacola Regional Airport~~Pensacola International Airport; establishes permitted land uses and construction materials in these noise zones; and establishes notification procedures to prospective purchasers of real estate within the noise zones.

(A) *Noise zones.*

(1) *Establishment of noise zones.* There are hereby created and established three (3) land use noise zones; zone A, zone B, and zone C. Such zones are shown on the airport noise zone maps, dated November 1993, for the City of Pensacola and Escambia County which are adopted by reference and are on file and available for review at the city planning office. The noise zones contained herein are based on the ~~Pensacola Regional Airport~~Pensacola International Airport FAR part 150 Study adopted in 1990.

(2) *Definition of noise zone boundaries.*

(a) *Zone A.* A land use noise zone is hereby established and designated as zone A, being that area commencing at the outer boundary line indicated on the noise zone map as "B" and extending outward therefrom to the furthermost boundary line indicated on the noise zone map. The outer contour of noise zone A approximates a noise level of 65 Ldn.

(b) *Zone B.* A land use noise zone is hereby established and designated as zone B, being that area commencing at a boundary line indicated on the noise zone map as the outer boundary line of noise zone C and extending outward therefrom to a boundary line indicated on the noise zone map as "A." The outer contour of noise zone B approximates a noise level of 70 Ldn.

(c) *Zone C.* A land use noise zone is hereby established and designated as zone C, being that area commencing at the outermost boundary line of the airport and extending outward therefrom to a boundary line indicated on the noise zone map as "B." The outer boundary line of noise zone C approximates a noise level of 75 Ldn.

(3) *Definition of overflight areas.* Overflight areas are those areas that lie directly below and five hundred (500) feet on either side of the centerline of runways 17/35 and 08/26 and extend three thousand (3,000) feet from the runway ends. No new residential construction will be allowed in these overflight areas.

(4) *Noise zone boundaries.* The boundaries of noise zones A, B, and C are depicted on the airport impact district map located in the city planning office. A complete legal description of the boundaries of each noise zone is on file in the city clerk's office and the ~~department of planning and neighborhood development~~Airport. In determining the location of noise zone boundaries on the map accompanying and made a part of these regulations, the following rules shall apply:

(a) Where boundaries are shown to follow streets or alleys, the centerline of such streets or alleys, as they exist at the time of adoption of these regulations shall be the noise zone boundary; or

(b) Where boundaries are shown to enter or cross platted blocks, property lines of lots, as they exist at the time of adoption of these regulations, shall be the noise zone boundary; or

(c) Notwithstanding the above, where a noise zone boundary line is shown dividing a platted lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the legal description appearing in this chapter. Where a noise zone boundary line divides a lot into equal sections, the higher noise zone requirements shall apply. If a lot is divided into unequal sections, the noise zone shall be the same as that in the largest section;

(d) Where a noise zone boundary line is shown dividing an unsubdivided piece of property, less than ten (10) acres in area, into equal sections, the higher zoning classification shall regulate. If this acreage is divided into unequal sections, the noise zone shall be the same as that in the largest section; or

(e) Where boundaries are shown on unsubdivided property, ten (10) or more acres the location shall be determined by scale shown on the map unless dimensions are given on the map.

(B) *Land use activities permitted and restricted.* Residential land uses shall be permitted in the several noise zones as provided in Table 12-11.1, and residential uses and other types of land uses shall be permitted as specified in section 12-2-11.

(C) *Noise reduction standards, methods and construction list.* The provisions of this subsection shall apply to new construction and moving of buildings into said noise zones A, B and C, as described herein. Noise reduction standards, construction and methods are specified in Appendix G of the Part 150 study, which is available for review in the inspection services department.

(1) *Noise Zone A.* Appendix G of the Part 150 Study recommends a sound reduction twenty-five (25) decibels (dB) for residential construction within the 65—70 Ldn noise contour. The standards specified in Appendix G for a reduction of twenty-five (25) dB are recommended in Noise Zone A.

(2) *Noise Zone B.* Appendix G of the Part 150 Study recommends a sound reduction of thirty (30) decibels (dB) for residential construction within the 70—75 Ldn noise contour. The standards specified in Appendix G for a reduction of thirty (30) dB are required in Noise Zone B.

(3) *Noise Zone C.* No residential construction is permitted in Noise Zone C within the city.

Any existing residence may be added to, structurally altered or repaired without conforming to the referenced specifications provided the property owner signs a waiver acknowledging notification of said specifications.

TABLE 12-11.1
~~PENSACOLA REGIONAL AIRPORT~~PENSACOLA INTERNATIONAL AIRPORT NOISE IMPACT DISTRICT
RESIDENTIAL LAND USE GUIDANCE CHART

Land Use Guidance	Noise Exposure	Ldn Day-Night	Pensacola Residential	Suggested Noise Controls

Zones (LUG)	Class	Average Sound Level	Development Guidelines	
A	Minimal Exposure	65 to 70	Normally Acceptable	Normally no Special Considerations, Suggest Noise Attenuation Materials
B	Moderate Exposure	70 to 75	Provisionally Acceptable	Site Specific Analysis, Aviation Easements, Sound Level Reduction Measures
C	Significant Exposure	75 and Higher	Unacceptable	No Additional Residential Development, Containment Within Airport Boundary or Compatible Non-Residential Land Use

NOTES:

1. This chart has been tailored to the specific conditions at ~~Pensacola Regional Airport~~Pensacola International Airport.

2. See Chapter 12-14 for definition of terms.

(D) *Filing of maps.* Maps depicting noise impacted areas shall be available for public inspection~~s at the department of planning and neighborhood development,~~ and filed in the Official Records of Escambia County.~~delivered for filing in the office of the County Comptroller of Escambia County.~~

(Ord. No. 13-17, § 2, 6-8-17)

Sec. 12-11-5. - Administration and enforcement.

It shall be the duty of the building official to administer and enforce the regulations prescribed in this chapter within the territorial limits over which the city has jurisdiction. Prior to the issuance or denial of a tall structure permit by the building official, the Federal Aviation Administration must review the proposed structure plans and issue a determination of hazard/no hazard. In the event that the building official finds any violation of the regulations contained herein, ~~he~~ he or she shall give written notice to the person responsible for such violation. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. The building official shall, prior to granting approval of any alternate materials other than those listed in the noise reduction materials, methods and construction list, require a qualified acoustical consultant to certify, at the owner's expense, that the alternate materials and methods are either equal to or greater than the noise reduction capabilities of the materials and methods itemized in the approved noise reduction materials, methods and construction list.

(Ord. No. 13-17, § 2, 6-8-17)

Sec. 12-11-6. - Appeals.

An appeal from any interpretation or administrative decision of the building official may be taken, and requests for variance or exception may be made to the zoning board of adjustment as provided in section 12-12-2 of this title.

(a) A person, a political subdivision or its administrative agency, or a joint airport zoning board that contends a decision made by a political subdivision or its administrative agency is an improper application of airport zoning regulations may use the process established for an appeal.

(b) All appeals must be made within a reasonable time as provided by the rules of the zoning board of adjustment. The building official shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the appeal was taken.

(c) An appeal shall stay all proceedings in the furtherance of the action appealed unless the building official certifies to the zoning board of adjustment, after the notice of appeal has been filed that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the zoning board of adjustment on notice to the building official and after due cause is shown.

(d) The zoning board of adjustment shall fix a reasonable time for hearings appeals, give public notice and due notice to the interested parties and render a decision within a reasonable time. The zoning board of adjustment shall notify in writing, the airport ~~manager~~ director and ~~NAS~~ Naval Air Station facilities management office of all meetings. During the hearing, any party may appear in person, by agent, or by attorney.

(e) The zoning board of adjustment may, in conformity with the provisions of this chapter, reverse or affirm, in whole, or in part, or modify, the order, requirement, decision or determination, as may be appropriate under the circumstances.

(Ord. No. 13-17, § 2, 6-8-17)

Sec. 12-11-7. - Future uses.

No change shall be made in the use of land, and no structure shall be altered or otherwise established in any zone hereby created except in accordance with this chapter.

(Ord. No. 13-17, § 2, 6-8-17)

Sec. 12-11-8. - Variances.

A variance may be granted by the zoning board of adjustment where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship, and would prevent the substantial enjoyment of property rights as shared by nearby properties ~~which~~that do conform to this chapter.

(Ord. No. 13-17, § 2, 6-8-17)

Sec. 12-11-9. - Exemptions.

All single-family development proposals located in ATZ-1 and ATZ-2 zones in existing subdivisions are exempt from the provisions of this chapter, except for sections 12-11-2 and 12-11-3(C).

(Ord. No. 13-17, § 2, 6-8-17)

Sec. 12-11-10. - Required reevaluation.

Permitted use, regulations of land and other development requirements set forth in this chapter shall be reviewed within one year of the date of completion of the update to the airport master plan. This review shall be undertaken to determine if any parts herein require amendment in order to be made consistent with the most current airport master plan. When such amendment is deemed necessary, it will be promulgated by official city council action, with due public notice.

(Ord. No. 13-17, § 2, 6-8-17)

CHAPTER 12-12. ADMINISTRATION AND ENFORCEMENT

Sec. 12-12-1. - Enforcement.

Enforcement of the provisions of this title shall be administered by the mayor through the following city officials:

- Chapters 12-1 through 12-4, 12-10 and 12-11. Enforced by the building official.
- Chapter 12-6. Enforced by the ~~director of~~ parks and recreation director.
- Chapter 12-8. Enforced by the ~~city planner~~planning services department.
- Chapter 12-9. Enforced by the city engineer and the building official.

These city officials may be provided with assistance of such other officers and employees of the city as may be necessary to enforce the provisions of this title. If the applicable official finds that any of the provisions of this title are being violated, ~~he~~ he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall take any other action authorized by this chapter to ensure compliance with or to prevent violation of its provisions.

(Ord. No. 12-09, § 3, 4-9-09)

Sec. 12-12-2. - Appeals and variances.

(A) *Duties and powers of zoning board of adjustment.* The zoning board of adjustment, created pursuant to section 12-13-1 of this title shall, have the following duties and powers:

(1) *Appeals.* To hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any provision of this title.

(a) Appeals to the zoning board of adjustment may be filed by any person aggrieved or by any officer or board of the city affected by any decision of an administrative official under this title. Such appeal shall be filed within thirty (30) days after rendition of the order, requirement, decision, or determination appealed from by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof.

(b) The administrative official from whom the appeal is filed shall, upon notification of the filing of the appeal, forthwith transmit to the zoning board of adjustment all the documents, plans, papers, or other materials constituting the record upon which the action appealed from was made.

(c) An appeal to the zoning board of adjustment stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the official from whom the appeal was filed shall certify to the board that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceeding or work shall not be stayed except by a restraining order, which may be granted by the board or by a court of competent jurisdiction on application, on notice to the officer from whom the appeal is filed and on due cause shown.

(2) *Variances.*

(a) To authorize upon appeal such variance from the terms of this title as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary and undue hardship. In order to authorize any variance from the terms of this title, the board must find:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;

2. That the special condition and circumstances do not result from the actions of the applicant;

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, buildings, or structures in the same zoning district;

4. That literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this title and would work unnecessary and undue hardship on the applicant;

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure;

6. That the grant of the variance will be in harmony with general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare;

7. That the variance will not constitute any change in the districts shown on the zoning map, will not impair an adequate supply of light and air to adjacent property, will not increase the congestion of public streets, or increase the danger of fire, will not diminish or impair established property values within the surrounding area, and will not otherwise impair the public health, safety, and general welfare of the city.

(b) In granting any variance, the board may prescribe appropriate conditions and safeguards in conformity with this title. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of the code.

(c) The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both.

(d) Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally permitted in the zoning district involved or any use expressly or by implication prohibited by the terms of this title in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

(3) *Interpretation for Historic and Preservation Districts.* To hear and decide administrative applications for uses not expressly permitted by district regulations within the Pensacola Historic District, North Hill Preservation District and Old East Hill Preservation District.

(4) *Nonconforming uses.* To hear and decide requests for time extensions beyond the eighteen-month time period for the continuation of nonconforming uses that are damaged or destroyed as

the result of fire, explosion or other casualty, or act of God, or the public enemy. Such time extensions may be granted by the zoning board of adjustment upon proof by the landowner that the landowner has proceeded with diligence to restore the use and circumstances beyond the landowner's control have made the period of time inadequate.

(B) *Hearing of applications.*

(1) *Application procedure.*

(a) Any appeal or application for variance, interpretation for historic and preservation district or continuation of nonconforming use must be submitted to the ~~planning department~~planning services department at least twenty-one (21) days prior to the regularly scheduled meeting of the zoning board of adjustment.

(b) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.

(c) Any party may appear in person, by agent, or by attorney.

(d) Any application may be withdrawn prior to action of the zoning board of adjustment at the discretion of the applicant initiating the request upon written notice to the board secretary.

(2) *Application submission requirements.* No application shall be considered complete until all of the following have been submitted:

(a) The application shall be submitted on a form provided by the board secretary.

(b) Each application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.

(c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(3) *Public notice requirements.*

(a) A sign shall be prominently posted on the property to which the application pertains at least ten (10) days prior to the scheduled zoning board of adjustment meeting. The sign shall state the date, time and place of the zoning board of adjustment meeting.

(b) Notice of the appeal or application for variance, interpretation for historic and preservation district or continuation of nonconforming use shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least ten (10) days prior to the scheduled zoning board of adjustment meeting.

(c) The ~~community development department~~city shall notify addresses within a three hundred-foot radius, as identified by the current county tax roll maps, of the property for which an appeal or application for variance or continuation of nonconforming use is sought with a public notice by postcard, at least ten (10) days prior to the zoning board of adjustment meeting. The public notice shall state the date, time and place of the board meeting.

(d) The ~~community development department~~city shall notify addresses within a five hundred-foot radius, as identified by the current county tax roll maps, of the property for which an interpretation in a historic or preservation district is sought with a public notice by postcard, at least ten (10) days prior to the zoning board of adjustment meeting. The public notice shall also be mailed to the appropriate neighborhood, homeowner, or property owner association at least ten (10) days prior to the zoning board of adjustment meeting. The public notice shall state the date, time and place of the board meeting.

(C) *Decisions of the zoning board of adjustment.* In exercising its powers, the board may, in conformity with provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination made by an administrative official in the enforcement of this title, and may make any necessary order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a

majority of all the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which the board is required to pass under this section.

(D) *Judicial review of decision of board of adjustment.* Any person or persons, jointly or severally, aggrieved by any decision of the board, or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within thirty (30) days after rendition of the decision by the board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.

(E) *Administrative variances.* Subject to the criteria in section 12-12-2(A)(2), the planning administrator or their designee may grant administrative variances to the following provisions of this chapter:

(1) Setback requirements may be varied up to ten (10) percent or two feet, whichever is less.

(2) Parking requirements may be varied up to ten (10) percent.

These requests must be submitted in writing and must include a to-scale site plan along with a detailed explanation and justification for the variance. Only one administrative variance per property may be granted. Denial of a request for an administrative variance under the provisions of this section may be appealed to the board of adjustment under the provisions of section 12-12-2(A)(1).

(Ord. No. 15-94, § 1, 6-9-94; Ord. No. 15-00, §§ 4—6, 3-23-00; Ord. No. 17-07, § 2, 4-26-07; Ord. No. 12-09, § 3, 4-9-09; Ord. No. 40-13, § 3, 11-14-13)

Sec. 12-12-3. - Amendments.

The city council may, from time to time on its own motion, or on petition, or on recommendation of the planning board or the zoning board of adjustment or any department or agency of the city, amend, supplement, or repeal the regulations and provisions of this title and the Comprehensive Plan.

(A) *Authorization and responsibility.* Every such proposed amendment or change, whether initiated by the city council or by petition, shall be referred to the planning board who shall study such proposals and make recommendation to the city council.

If a rezoning of a parcel of land is proposed by the owner of the parcel or another interested person, it shall be the responsibility of such owner or other interested person to comply with the provisions of this chapter. If such rezoning of a parcel or parcels of land is proposed by the city, its staff, or the planning board, it shall be the responsibility of the ~~city planner~~planning services department to comply with the provisions of this section.

(B) *Initiation.* An amendment may be initiated by:

(a) The city.

(b) The owners of the area involved in a proposed zoning or future land use amendment.

(C) *Application.*

(a) An application for zoning or Comprehensive Plan future land use amendment must be submitted to the ~~community development department~~planning services department at least thirty (30) days prior to the regularly scheduled meeting of the planning board.

(b) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.

(c) No application shall be considered complete until all of the following have been submitted:

1. The application shall be submitted on a form provided by the board secretary.

2. Each application shall be accompanied by the following information and such other information as may be reasonably requested to support the application:

(a) A legal description of the property proposed to be rezoned or its land use changed;

(b) Proof of ownership of the property, including a copy of the deed and a title opinion, title insurance policy, or other form of proof acceptable to the city attorney;

(c) Existing zoning and future land use classification;

(d) Desired zoning and future land use classification;

(e) Reason for the rezoning or Comprehensive Plan future land use amendment.

3. The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(d) Any party may appear in person, by agent, or by attorney.

(e) Any application may be withdrawn prior to action of the planning board or city council at the discretion of the applicant initiating the request upon written notice to the board secretary.

(D) *Planning board review and recommendation.* The planning board shall review the proposed rezoning or Comprehensive Plan future land use amendment at the advertised public meeting and make a recommendation to the city council. Such recommendation:

1. Shall be for approval, approval with modification, or denial, including its reasons for any modifications or denial.

2. Shall include consideration of the following criteria:

a. Whether, and the extent to which, the proposal would result in incompatible land use considering the type and location of the proposed amendment and the surrounding land use.

b. Whether, and the extent to which, the proposed amendment would affect the carrying capacity of public facilities and services.

c. Whether the proposed amendment would be in conflict with the public interest and welfare.

d. Whether, and the extent to which, the proposed amendment would adversely affect the property values in the area.

e. Whether, and the extent to which, the proposed amendment would result in significant adverse impact on the natural environment.

f. The relationship of the proposed amendment to proposed public and private projects (i.e., street improvements, redevelopment projects, etc.).

(E) *City council review and action.*

(a) *Public hearing.* The city council shall hold up to two (2) public hearings, depending on the type of amendment, after 5:00 p.m. on a weekday to review the proposed zoning amendment. Public notice shall be provided, through applicable procedures as outlined in subsection (F) below.

(b) *Action.* The city council shall review the proposed zoning amendment, and the recommendation of the planning board and the recommendation of the department of community affairs, if applicable, and either approve, approve with modification or deny the proposed amendment at the city council public hearing. If the zoning amendment is approved by council, the adoption ordinance will be read two (2) times following the first public hearing. For Comprehensive Plan amendments, the adopted ordinance will not

become effective until the department of community affairs has completed its forty-five-day compliance review.

(F) *Procedures.*

(1) *Zoning amendments.*

(a) Rezoning requests must be submitted to the ~~community development department~~planning services department at least thirty (30) days prior to the planning board meeting.

(b) The ~~community development department~~city shall publish a notice in the newspaper announcing the planning board meeting at least seven (7) days prior to the planning board meeting.

(c) The ~~community development department~~city shall place a sign on the property to be rezoned at least seven (7) days prior to the planning board meeting.

(d) Notice shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least seven (7) days prior to the scheduled board meeting at the expense of the applicant.

(e) The ~~planning department~~city shall notify property owners within a five hundred-[foot] radius, as identified by the current the county tax roll maps, of the property proposed for rezoning with a public notice by post card, at least seven (7) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.

(f) The planning board shall review the proposed rezoning request and make a recommendation to the city council.

(g) The city ~~clerk~~ council shall set a date for a public hearing ~~to be conducted during a regularly scheduled city council meeting~~.

(h) The ~~community development department~~city shall notify property owners within a five hundred-foot radius of the property proposed to be rezoned with a public notice (letter and a map) mailed certified with return receipt at least thirty (30) days prior to the scheduled city council public hearing dates. The public notice shall state the date, time and place of the public hearing.

(i) The ~~community development department~~city shall place a sign on the property to be rezoned announcing date, time and location of the city council public hearing at least fifteen (15) days prior to the hearing.

(j) A legal notice of the city council public hearing shall be published in the newspaper at least ten (10) days prior to the hearing.

(k) The city council shall review the proposed amendment and take action as described in subsection (E) above.

(l) In addition to subsections (a) through (f) the city strongly encourages that the applicant hold an informational meeting with any applicable neighborhood groups and/or property owners associations prior to proceeding with an application involving a zoning and/or Comprehensive Plan amendment.

(m) For proposals initiated by the city to rezone ten (10) or more contiguous acres, subsections (a) through (f) shall be applicable in addition to the following. The city shall hold two (2) advertised public hearings on the proposed ordinance as follows:

1. Public notice of actual zoning changes, including zoning district boundary changes; consolidation or division of existing zones involving substantive changes; and the addition of new zoning districts shall be mailed by first class mail at least thirty (30) days prior to the first city council public hearing to consider the change, to every owner of real property, as identified by the current tax roll, within five hundred (500) feet of the boundaries of the subject parcel(s) to be changed.

2. The ~~community development department~~city shall place a sign on the property to be rezoned announcing date, time and location of the first city council public hearing at least fifteen (15) days prior to the hearing.

3. The first public hearing shall be held at least seven (7) days after the day that the first advertisement is published. The second hearing shall be held at least ten (10) days after the first hearing and shall be advertised at least five (5) days prior to the public hearing. At least one (1) hearing shall be held after 5:00 p.m. on a weekday.

4. The required advertisements shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

   The city council shall review the proposed zoning amendment, and the recommendation of the planning board and either approve, approve with modification or deny the proposed amendment at the first city council public hearing. If the zoning amendment is approved by council, the adoption ordinance will be read two (2) times following the first public hearing.

(2) *Small scale development Comprehensive Plan future land use map amendments.* Future land use map amendments ~~which~~that comply with the small scale development criteria in F.S. § 163.3187, may be considered by the planning board and the city council at any time during the calendar year until the annual maximum acreage threshold is met. The petitioner shall be required to complete the steps listed above in subsections 12-12-3(F)(1)(a) through (l).

(3) *Comprehensive plan future land use map amendments for other than small scale development activities.* Comprehensive plan future land use map amendments for other than small scale development activities shall be considered twice a year by the planning board and the city council.

(a) Comprehensive plan future land use map amendment requests must be submitted to the ~~planning department~~planning services department at least thirty (30) days prior to the planning board public hearing.

(b) The ~~community development department~~city shall publish a display advertisement in a standard size or a tabloid size newspaper with type no smaller than eighteen (18) point in the headline announcing the planning board and city council public hearings at least seven (7) days prior to the planning board hearing. The advertisement shall be no less than two (2) columns wide by ten (10) inches long. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(c) The ~~community development department~~city shall place a sign on the property to be rezoned at least seven (7) days prior to the planning board hearing.

(d) The planning board shall review the proposed future land use map amendment at the advertised public hearing and make a recommendation to the city council.

(e) The ~~appropriate~~ city council ~~committee~~ shall ~~review the planning board recommendation and report to city council with recommendation for transmittal to the department of community affairs for review and action~~schedule a public hearing.

(f) The city council shall review the Comprehensive Plan future land use map amendment at the advertised public hearing and either approve the request for transmittal to the department of ~~community affairs~~economic opportunity or disapprove the request for transmittal and further consideration.

(g) The ~~community development department~~planning services department shall transmit the future land use map amendment request to the department of ~~community affairs~~economic opportunity, the appropriate regional planning council and water management district, the

Department of Environmental Protection and the Department of Transportation. The city shall also transmit a copy of the plan amendment to any other unit of local government or government agency in the state that has filed a written request with the city for the plan amendment.

(h) After a sixty-day review period, the department of ~~community affairs~~economic opportunity shall transmit in writing its comments to the city, along with any objections and any recommendations for modifications.

(i) The ~~appropriate~~ city council ~~committee~~ shall review the department of ~~community affairs~~economic opportunity comments and forward to city council for review and action.

(j) The city ~~clerk~~ council shall set a date for a public hearing ~~to be conducted during a regularly scheduled city council meeting~~.

(k) The ~~community development department~~city shall notify property owners within a five hundred-foot radius of the property where the land use is to be changed with a public notice (letter and a map) mailed certified with return receipt at least thirty (30) days prior to the scheduled city council public hearing dates. The public notice shall state the date, time and place of the public hearing.

(l) The ~~community development department~~city shall place a sign on the property where the land use is to be changed announcing date, time and location of the city council public hearing at least fifteen (15) days prior to the hearing.

(m) The ~~community development department~~city shall publish a display advertisement in a standard size or a tabloid size newspaper, with type no smaller than eighteen (18) point in the headline. The advertisement shall be no less than two (2) columns wide by ten (10) inches long. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published at least five (5) days prior to the final city council public hearing.

(n) Subsection (k) above shall not be applicable to proposals initiated by the city to change the future land use of ten (10) or more contiguous acres. In such cases, the procedure shall be as follows: Public notice of Comprehensive Plan future land use map, including future land use district boundary changes; consolidation or division of existing future land use districts involving substantive changes; and the addition of new future land use districts shall be mailed by first class mail at least thirty (30) days prior to the city council public hearing to consider the change to every owner of real property, as identified by the current tax roll, within five hundred (500) feet of the boundaries of the subject parcel to be changed.

(o) The city council shall review the proposed amendment and take action as described in subsection (E) above.

(4) *Amendments to the land development code.*

(a) Requests for amendments to the land development code shall be filed in the form of a letter to the secretary of the planning board submitted at least thirty (30) days prior to the planning board meeting.

(b) Planning board review and recommendation. The planning board shall review the proposed language amendment at a regularly scheduled planning board meeting and make a recommendation to the city council.

(c) The ~~appropriate~~ city council ~~committee~~ shall ~~review the planning board recommendation and forward to city council for review and action~~schedule a public hearing.

~~(d) The city clerk shall set a date for a public hearing to be conducted during a regularly scheduled city council meeting.~~

(e) A legal notice of the city council public hearing shall be published in the newspaper at least ten (10) days prior to the hearing.

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(f) The city council shall review the proposed amendment and take action as described in subsection (E) above.

(g) In cases in which the land development code amendment changes the actual list of permitted, conditional, or prohibited uses within a zoning category subsections (a) through (d) shall be applicable in addition to the following.

1. The city shall hold two (2) advertised public hearings. The first public hearing shall be held at least seven (7) days after the day that the first advertisement is published. The second public hearing shall be held at least ten (10) days after the first hearing and shall be advertised at least five (5) days prior to the public hearing.

2. The required advertisement shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

The city council shall review the proposed land development code amendment, and the recommendation of the planning board and either approve, approve with modification or deny the proposed amendment at the first city council public hearing. If the land development code amendment is approved by council, the adoption ordinance will be read two (2) times following the first public hearing.

(5) *Amendments to the Comprehensive Plan other than future land use map amendments.* Comprehensive plan amendments other than future land use map amendments shall be considered twice a year by the planning board and the city council.

(a) Requests for amendments to the Comprehensive Plan shall be filed in the form of a letter to the secretary of the planning board submitted at least forty-five (45) days prior to the planning board hearing.

(b) A legal notice announcing the planning board and city council public hearings shall be published at least seven (7) days prior to the planning board hearing. If the proposed Comprehensive Plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category, the required advertisement shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(c) The planning board shall review the proposed amendment at the advertised public hearing and make a recommendation to the city council.

(d) The ~~appropriate~~ city council ~~committee~~ shall ~~review the planning board recommendation and report to city council with recommendation for transmittal to the state department of community affairs~~ schedule a public hearing for review and action.

(e) The city council shall review the Comprehensive Plan amendment at the advertised public hearing and either approve the request for transmittal to the department of ~~community affairs~~economic opportunity or disapprove the request for transmittal and further consideration.

(f) The ~~community development department~~city shall transmit the Comprehensive Plan amendment request to the department of ~~community affairs~~economic opportunity, the appropriate regional planning council and water management district, the Department of Environmental Protection and the Department of Transportation. The city shall also transmit a copy of the plan amendment to any other unit of local government or government agency in the state that has filed a written request with the city for the plan amendment.

(g) At least sixty (60) days from receipt of the Comprehensive Plan amendment, the department of ~~community affairs~~economic opportunity shall transmit in writing its comments to the city, along with any objections and any recommendations for modifications.

(h) The ~~appropriate~~ city council ~~committee~~ shall ~~review the department of community affairs comments and forward to city council~~schedule a public hearing for review and action.

~~(i) The city clerk shall set a date for a public hearing to be conducted during a regularly scheduled city council meeting.~~

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(j) A legal notice of the city council public hearing shall be published in the newspaper at least ten (10) days prior to the hearing. If the proposed Comprehensive Plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category, the required advertisement shall be no less than two (2) columns wide by ten (10) inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than eighteen (18) point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

(k) The city council shall review the proposed amendment and take action as described in subsection (E) above.

(G) *Limitation on subsequent application.* Whenever amendment is denied by the city council, no new application for identical rezoning or Comprehensive Plan future land use change of the same parcel shall be accepted for consideration within a period of twelve (12) months of the decision of denial unless such consideration is necessitated by judicial action.

(Ord. No. 29-93, § 29, 11-18-93; Ord. No. 3-94, § 9, 1-13-94; Ord. No. 33-95, §§ 11—13, 8-10-95; Ord. No. 9-96, § 15, 1-25-96; Ord. No. 15-00, § 7, 3-23-00; Ord. No. 12-09, § 3, 4-9-09)

Sec. 12-12-4. – Vacation of Streets, Alleys.

This section is established to provide for the vacation of streets, alleys or other public rights-of-way by official action of the city council.

(A) Application. An application for vacation of streets, alleys or other public right-of-way shall be filed with the planning services department and shall include the reason for vacation and a legal description of the property to be vacated. Application for an alley vacation shall be in petition form signed by all property owners abutting the portion of the alley to be vacated. If all property owners do not sign the petition requesting such alley vacation, city staff shall determine the portion of the alley to be vacated.

(1) An application for vacation of streets, alleys or other public right-of-way must be submitted to the planning services department at least thirty (30) days prior to the regularly scheduled meeting of the planning board.

(2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.

(3) No application shall be considered complete until all of the following have been submitted:

(a) The application shall be submitted on a form provided by the board secretary.

(b) Each application shall be accompanied by the following information and such other information as may be reasonably requested to support the application:

1. Accurate site plan drawn to scale;

2. A legal description of the property proposed to be vacated;

3. Proof of ownership of the adjacent property, including a copy of the deed and a title opinion, title insurance policy, or other form of proof acceptable to the city attorney;

4. Reason for vacation request;

5. Petition form signed by all property owners abutting the portion of the right-of-way or alley to be vacated.

(c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(d) Any party may appear in person, by agent, or by attorney.

(e) Any application may be withdrawn prior to action of the planning board or city council at the discretion of the applicant initiating the request upon written notice to the board secretary.

(B) *Planning board review and recommendation.* ~~The planning department will distribute copies of T~~the request to vacate will be distributed to the appropriate city departments and public agencies for review and comment.: Said departments shall submit written recommendations of approval, disapproval or suggested revisions, and reasons therefore, to the city planning services department. The planning board shall review the vacation request and make a recommendation to the city council at a regularly scheduled planning board meeting. When a request for vacation of a right of way adjacent to a street or alley is made, the vacation shall be limited to a minimum of no less than ten (10) feet from the existing back-of-curb. Any existing sidewalk on a right of way must be maintained or rebuilt by an owner granted such a vacation in order to preserve ADA accessibility to the public.

(1) Public notice for vacation of streets, alleys.

(a) A sign shall be prominently posted on the property to which the application pertains at least seven (7) days prior to the scheduled board meeting.

(b) The ~~planning department~~city shall notify property owners within a three hundred-[foot] radius, as identified by the current county tax roll maps, of the property proposed for vacation with a public notice by post card at least five (5) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.

(C) *City council review and action.* The planning board recommendation shall be forwarded to the city council for review and action.

(1) *Notice and hearing.* The city council shall set a date for a public hearing to be conducted during a regularly scheduled city council meeting. Planning staff shall post a sign specifying the date and time of the public hearing at least seven (7) days prior to the hearing. A public notice shall be published in a local newspaper of general distribution stating the time, place and purpose of the hearing at least ten (10) days prior to the public hearing. The ~~planning department~~city shall notify property owners by certified mail, as identified by the current county tax roll, at least fifteen (15) days prior to the city council public hearing.

(a) In case of an alley vacation request all adjacent owners shall be notified.

(b) In the case of a street vacation request, all property owners within three hundred (300) feet of the request shall be notified.

(2) *Action.* The city council shall approve, approve with modifications, or deny the vacation request at the council public hearing. If the request is approved by the council, an ordinance will be drawn and read two (2) times following the public hearing, at which time the vacation becomes effective. When a request for vacation of a right of way adjacent to a

street or alley is made, the vacation shall be limited to a minimum of no less than ten (10) feet from the existing back-of-curb. Any existing sidewalk on a right of way must be maintained or rebuilt by an owner granted such a vacation in order to preserve ADA accessibility to the public.

(D) *Easements retained.* If the city council determines that any portion of a public street or right-of-way is used or in the reasonably foreseeable future will be needed for public utilities, the street may be vacated only upon the condition that appropriate easements be reserved for such public utilities.

(E) *Zoning of vacated property.* Whenever any street, alley or other public right-of-way is vacated, the district use and area regulations governing the property abutting upon each side of such street, alley or public right-of-way shall be automatically extended to the center of such vacation and all area included within the vacation shall thereafter be subject to all appropriate regulations of the extended use districts.

(F) *Ownership of property.* Whenever any street, alley or public right-of-way is vacated, ownership of said property conferred by such action shall extend from the right-of-way line to the center of said property, unless otherwise specified.

(Ord. No. 6-93, § 26, 3-25-93; Ord. No. 44-94, § 7, 10-13-94; Ord. No. 15-00, § 8, 3-23-00; Ord. No. 12-09, § 3, 4-9-09; Ord. No. 01-19, § 1, 2-14-19; Ord. No. 23-20, 7-16-20)

Sec. 12-12-5. - Building permits.

This section is established to provide for building permits for review of compliance with the provisions of this land development code. A "building permit" means any building or construction permit required by Chapter 14-1.

(A) *Application.* Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Standard Building Code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. All applications for building permit shall be accompanied by the following information and materials:

(a) Two (2) complete sets of building construction plans shall be required. In addition, a plot plan drawn to scale depicting the following information shall be required for residential and commercial building permits:

1. Lot dimensions, boundary lines, area of the lot, and its legal description.
2. The locations and dimensions of buildings, structures or additions, including all overhangs, eaves and porches.
3. The yard requirements indicating distance from all property lines to the proposed buildings, structures or additions in feet.
4. The existing and proposed uses of each building, structure or addition.
5. Access and parking layout, including driveway location. Where applicable, required loading and unloading spaces should be indicated.
6. Elevations showing architectural features of each side of the existing and proposed construction.
7. Where application is made to build upon a lot nonconforming in size or dimensions (lot of record), the application shall be accompanied by a recorded deed giving description of the property as of July 23, 1965.

8. For all plans except single-family or duplex dwellings a landscape plan is required pursuant to section 12-6-4.

(b) Proof of sewer tap from ~~Escambia County~~Emerald Coast Utilities Authority.

(c) Completed current Florida Model Energy Efficiency Code Building Construction.

One (1) copy of the plans shall be returned to the applicant by the building official after ~~he~~ he or she has marked such copy either as approved or disapproved and attested same by ~~his~~ his or her signature on such copy. The original, similarly marked, shall be retained by the building official.

(B) *Issuance of building permits.* No application for a building permit shall be approved by the building official for any building, structure, or addition on any lot in violation of this chapter or not in compliance with any provisions of this chapter, unless authorized under subsection 12-12-2(A)(2), Variances.

(C) *Construction and occupancy to be as provided in applications.* Building permits issued on the basis of plans and applications approved by the building official authorize only the occupancy, arrangement, and construction set forth in such approval plans and applications, and no other occupancy, arrangement, or construction. Occupancy, arrangement, or construction in variance with that authorized shall be deemed a violation of this chapter, unless such change is reviewed and approved by the building official.

(D) *Expiration of building permits.* Every permit issued shall become invalid unless the work authorized by such permit is commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that, for cause, one or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed, and such extensions shall be in writing by the building official.

(E) This section shall be known and cited as the City of Pensacola's Historic Building Demolition Review Ordinance. The purpose of this section is to establish a predictable process for reviewing requests to demolish certain historic buildings not located within historic and preservation land use districts in order to establish an appropriate waiting period during which the city and the applicant can propose and consider alternatives to the demolition of a building of historical, architectural, cultural or urban design value to the city.

(1) *Definitions.* For the purposes of this section only, the following words and phrases, whether or not capitalized, shall have the following meanings:

Applicant means the person or persons filing an application for review under this section.

Application means a demolition permit application for review under this section, filed with the city's inspection services division.

Application filing date means the date on which the application was filed with the city's inspection services division.

Architectural review board means the city's architectural review board as advisors to the city council.

Contributing structure means any building adding to the historic significance of a property or district.

Day means any day, including Saturdays, Sundays, and holidays.

Demolition means any act of pulling down, destroying, razing, or removing a building.

Demolition permit means a permit issued by the inspection services division authorizing the demolition of a building pursuant to an application.

Florida Master Site File means the State of Florida's official inventory of historical, cultural resources including archaeological sites, historical structures, historical cemeteries, historical bridges and historic districts, landscapes and linear resources.

Historic building means a building or structure that is:

(a) At least fifty (50) years in age or more; or

(b) Individually listed in the National Register of Historic Places; or

(c) A contributing property in a National Register of Historic Places listed district; or

(d) 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; or

(e) Determined potentially eligible as meeting the requirements for listing in the National Register of Historic Places, either individually or as a contributing property in a district, by the Secretary of the Interior.

Historic site means a place, or associated structures, having historic significance.

Historic structure means a building, bridge, lighthouse, monument, pier, vessel or other construction that is fifty (50) years in age or more and is designated or that is deemed eligible for such designation by a local, regional or national jurisdiction as having historical, architectural or cultural significance.

National Register of Historic Places means the official Federal list of districts, sites, buildings, structures and objects determined significant in American history, architecture, archaeology, engineering and culture.

Neighborhoods means all the areas of the city.

Significant building means a building with respect to which the architectural review board has made a determination, that further examination, is warranted to determine whether a delay in demolition should be required.

(2) *Buildings subject to review.* The following buildings are subject to review by the architectural review board for the purpose of determining whether such buildings are historically significant:

Any building located in the neighborhoods of the City of Pensacola if:

(a) Such building, or the portion thereof to which the application relates, is fifty (50) years old or older; or

(b) Such building is listed on the City of Pensacola's "Local Registry of Historic or Significant Buildings" and/or the Florida Division of Historical Resource's Florida Master Site File; or

(c) Such building or the portion thereof is determined to be a historically significant building pursuant to subsection (E)(5)(c), herein.

(3) *Exemptions.* Demolition of historic buildings, whether contributing or noncontributing, located in the following districts shall be exempt from this section.

(a) Pensacola Historic District, refer to section 12-2-10(A)(9) to (11);

(b) North Hill Preservation District, refer to section 12-2-10(B)(9);

(c) Old East Hill Preservation District, refer to section 12-2-10(C)(10);

(d) Palafox Historic Business District, refer to section 12-2-21(F)(2)(d); and

(e) Governmental center district.

(4) *Enforcement.*

(a) *Issuance of demolition permit.* With exception to the districts listed in subsection (E)(4)(a)3., herein, the requirements set forth in this section are in addition to, and not in lieu of, the requirements of any other codes, ordinances, statutes, or regulations applicable to the demolition of buildings. The building official shall not issue any demolition permit relating to a building that is subject to review, unless:

1. The building official has determined that the building is unsafe in accordance with City Code section 14-1-139;
2. The building official: (i) has received a notice issued by the architectural review board, that the building is not subject to review under this section, or is not a historically significant building, or (ii) has not received such notice within the time period set forth in subsection (E)(5)(a); or
3. The building official: (i) has received a notice issued by the architectural review board that no demolition delay is required; or (ii) has not received such notice within the time period set forth in subsection (E)(5)(a); or
4. The building official has received a notice issued by the architectural review board that there is no feasible alternative to demolition; or
5. The demolition delay period set forth in subsection (E)(5)(a) has expired.

(b) *Required demolition or repair.*

1. *Demolition.* Nothing in this section shall restrict the authority of the building official to order the building owner, or the city, to demolish a building at any time if the building official determines that the condition of a building or part thereof presents an imminent and substantial danger to the public health or safety.

(5) *Procedure.*

(a) *Application.* An application for review under this section shall be made in the manner provided below. The process, from start (application) to finish (determination and/or permit issuance) shall not exceed one hundred twenty (120) days. If the applicant is not the owner of record of the building, the owner or owners of record shall co-sign the application.

1. *Time for filing application.* The applicant (or building owner) is encouraged to apply for review under this section as early as possible, so that any necessary review, and any delay period required by this section, may be completed prior to, or during, any other review to which the building or its site may be subject.
2. *Application for early review.* At any time prior to filing an application for a demolition permit, the applicant may apply for review under this section by submitting a request in writing to the architectural review board.
3. *Informational evidence.* The applicant must submit for review sufficient information to enable the architectural review board to make their determination, including an accurate site plan showing the footprint, photos of all sides of the subject building and the site to indicate all existing site features, such as trees, fences, sidewalks, driveways and topography, and photos of the adjoining streetscape, including adjacent buildings to indicate the relationship of the existing structure to the surrounding properties.

(b) *Determination: Applicability of review and significance of building.* After its receipt of an application from planning staff, the architectural review board shall determine: (1) whether the building is subject to review under this section, and (2) whether the building is a historically significant building. The architectural review board may seek the assistance of city staff or the University of West Florida's Historic Trust or the University of West Florida Archaeological Institute.

The initial review process shall be handled as an abbreviated review involving staff, the ~~chairman~~chairperson or his/her designee of the architectural review board, and a staff member of West Florida Historic Preservation, Inc. If it is determined by the abbreviated review panel to be potentially historically significant, the application would then go to the full architectural review board for review.

However, if the building is determined by the abbreviated review panel to not be historically significant by not meeting the criteria set forth in subsection (E)(5)(c), the historic building demolition review will end.

The architectural review board shall issue a notice of its determination within sixty (60) days of an application being received. If the architectural review board determines that the building is historically significant, such notice shall:

1. Invite the applicant to submit any information that the applicant believes will assist the architectural review board in: (i) determining whether the building is subject to demolition delay according to the criteria set forth herein, and (ii) evaluating alternatives to demolition.
2. Set forth the criteria for requiring demolition delay. The architectural review board shall make its determination concerning the requirement of demolition delay according to the following criteria: To determine that a historically significant building is subject to the demolition delay, the architectural review board must find that, in the public interest, it is preferable that the building be preserved or rehabilitated rather than demolished. In making such finding, the architectural review board shall consider the criteria for determining historical significance.

   The applicant is encouraged to present any information the applicant believes will assist the architectural review board in making its determination.

3. *Provide information regarding the early determination of no feasible alternative.* At the determination meeting or within the demolition delay period, the applicant may present any information the applicant believes will assist the architectural review board in evaluating alternatives to demolition. If, at such hearing, the architectural review board finds that demolition delay is required, and also finds that the information presented at such hearing is sufficient for the board to issue a determination that there is no feasible alternative to demolition, the board shall issue such determination within the time period set forth in this subsection for the issuance of the architectural review board's hearing determination.

(c) *Criteria for determining significance.* The architectural review board shall determine that the building to which the application relates is a historically significant building if:

1. The building is associated with events that have made a significant contribution to the broad patterns of our national, regional or local history; or
2. The building is associated with the lives of persons significant in our national, regional or local past; or
3. The building embodies the distinctive characteristics of a type, period or method of construction, or that represents the work of a master, or that possess high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or
4. The building has yielded, or may be likely to yield, information important in national, regional or local history.

(d) *Criteria for determination that building is subject to demolition delay.* To determine that a historically significant building is subject to the demolition delay, the architectural review board must find that, in the public interest, it is preferable that the building be

preserved or rehabilitated rather than demolished. In making such finding, the architectural review board shall consider the criteria for determining historical significance.

(e) *Demolition delay.*

1. *Delay period.* If the architectural review board has issued a determination that a historically significant building is subject to demolition delay, the building official shall not issue a demolition permit until sixty (60) days have elapsed from the date of determination but in no case exceeding the aggregate of one hundred twenty (120) days from the date of application.

   Upon expiration of the delay period, the architectural review board shall issue a notice in writing stating that such delay period has expired, and the date of such expiration, unless the architectural review board has issued a determination that there is no feasible alternative to demolition.

2. *Invitation to consider alternatives.* If the architectural review board has determined that a historically significant building is subject to demolition delay, and has not determined, at the hearing that there is no feasible alternative to demolition, the architectural review board shall invite the applicant (or the owner of record, if different from the applicant) to participate in an investigation of alternatives to demolition. The architectural review board also may invite the participation, on an advisory basis, of city staff, as well as any individual or representative of any group whose participation the applicant (or owner) requests, to assist in considering alternatives.

(f) *Evaluation of alternatives to demolition.* In evaluating alternatives to demolition, the architectural review board may consider such possibilities as: the incorporation of the building into the future development of the site; the adaptive re-use of the building; the use of financial or tax incentives for the rehabilitation of the building; the removal of the building to another site; and, with the owner's consent, the search for a new owner willing to purchase the building and preserve, restore, or rehabilitate it.

In evaluating alternatives to demolition, the architectural review board shall consider, and shall invite the applicant to present, the following information:

1. The cost of stabilizing, repairing, rehabilitating, or re-using the building;
2. A schematic, conceptual design drawing;
3. Any conditions the applicant proposes to accept for the redevelopment of the site that would mitigate the loss of the building; and
4. The availability of other sites for the applicant's intended purpose or use.

(g) *Determination of no feasible alternative.* If, based on its evaluation of alternatives to demolition, the architectural review board is satisfied that there is no feasible alternative to demolition, the architectural review board may issue a determination prior to the expiration of the delay period, authorizing the building official to issue a demolition permit.

(h) *Notice.* Any determination or notice issued by the architectural review board or its staff shall be transmitted in writing to the applicant, with copies to the building official and, where applicable, to any individual or group that the architectural review board has invited to participate in an exploration of alternatives to demolition.

(Ord. No. 12-09, § 3, 4-9-09; Ord. No. 19-19, § 1, 9-26-19)

Sec. 12-12-6. - Certificate of occupancy.

This section is established to provide for the processing of applications for certificates of occupancy for review of compliance with this land development code.

(A) *Certificate of occupancy required.* A new building or existing building undergoing a change in occupancy classification shall not be occupied until after the building official has issued a certificate of occupancy. A certificate of occupancy is required in order to obtain an occupational license for a business to be located in any new building or existing building undergoing a change in occupancy classification. An occupational license inspection certificate shall be required in order to obtain an occupational license for a business to be located in an existing nonresidential building involving a change in land use.

(B) *Issuance of certificate of occupancy.* Upon completion of a building erected in accordance with approved plans, and after the final inspection and upon application therefore, the building official shall issue a certificate of occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, the allowable load per square foot for each floor in accordance with the provisions of the Standard Building Code.

(C) *Temporary/partial certificate of occupancy.* A temporary or partial certificate of occupancy may be issued for a portion or portions of a building ~~which~~that may safely be occupied prior to final completion of a building.

(D) *Existing buildings.* A certificate of occupancy for any existing building or part thereof may be obtained by applying to the building official and supplying the information and data necessary to determine compliance with this Code for the occupancy intended. Where necessary, in the opinion of the building official, two (2) sets of detailed drawings, or a general description, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of this Code for such occupancy, a certificate of occupancy shall be issued.

(Ord. No. 8-99, § 9, 2-11-99; Ord. No. 11-00, § 2, 2-10-00; Ord. No. 12-09, § 3, 4-9-09)

Sec. 12-12-7. - License to use right-of-way.

(A) *Application.*

(1) An application for license to use right-of-way must be submitted to the ~~planning department~~planning services department at least thirty (30) days prior to the regularly scheduled meeting of the planning board.

(2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.

(3) No application shall be considered complete until all of the following have been submitted:

(a) The application shall be submitted on a form provided by the board secretary.

(b) Each application shall be accompanied by the following information and such other information as may be reasonably requested to support the application:

1. Accurate site plan drawn to scale;

2. Reason for license to use request;

(4) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(5) Any party may appear in person, by agent, or by attorney.

(6) Any application may be withdrawn prior to action of the planning board or city council at the discretion of the applicant initiating the request upon written notice to the board secretary.

(B) *Planning board review and recommendation.* The ~~community development department will distribute copies of the request for a license to use right-of-way~~request will be distributed to the appropriate city departments and public agencies for review and comment. Said departments shall submit written recommendations of approval, disapproval or suggested revisions, and reasons therefore, to the ~~community development department~~planning services department. The planning board shall review the license to use right-of-way request and make a recommendation to the city council.

(1) *Public notice for license to use right-of-way.*

(a) The ~~community development department~~city shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the right-of-way proposed to be licensed with a public notice by post card at least five (5) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.

(C) *City council review and action.* The planning board recommendation shall be forwarded to the city council for review and action.

(1) *Notice ~~and hearing~~.* The ~~community development department~~city shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the right-of-way proposed to be licensed with a public notice by post card at least five (5) days prior to the council meeting. The public notice shall state the date, time and place of the council meeting.

Commented [JW29]: No hearing is held

(2) *Action.* The city council shall approve, approve with modifications, or deny the license to use right-of-way request. If the request is approved by city council, a license to use agreement will be drawn, at which time the license becomes effective upon execution by the applicant and the city and payment by the applicant of any required fee.

(D) *Approval of outdoor seating areas.* Outdoor seating areas shall be approved by the city via an annual permit, and must comply with the following outdoor seating area standards and regulations.

(1) *Outdoor seating area standards and regulations City of Pensacola.* The issuance of an outdoor seating area permit is a privilege granted by the City of Pensacola. The City of Pensacola requires compliance with all rules and regulations outlined or referenced in this set of standards as well as respect for the community in which the establishment is located. The City of Pensacola will monitor and enforce the proper operation of outdoor seating areas and is empowered to issue citations for ordinance or rule and regulation violations.

(a) An outdoor seating area permit is valid from the date of issuance for one (1) year.

(b) Outdoor seating areas shall not operate earlier or later than the hours of operation of the licensed establishment.

(c) All establishments offering an outdoor seating area and their employees shall be subject to and comply with all applicable requirements and standards for a retail food establishment.

(1) Patrons must wear shoes and shirts at all times.

(2) All outdoor seating areas must have an opening for ingress and egress at all times.

(3) All outdoor seating areas must adhere to the size, design, and any other specifications approved by the city at all times. Strict adherence to required design standards as set forth herein is mandatory.

(4) Strict adherence to hours of operation, approved layout of all components of the outdoor seating area, clear space for pedestrians and required landscaping is mandatory.

(d) Where the city has installed a permanent structure such as a parking meter, planter, light pole or other device, the permittee of the outdoor seating area shall make accommodation for the required clearance for pedestrian passage. All establishments granted a license to use permit, shall remain in compliance with approved design standards. Permittees of outdoor seating areas shall be mindful of the rights of pedestrians traveling past their

outdoor seating area at all times during the operation of the outdoor seating area. Complaints regarding outdoor seating areas will be investigated by the city, and violations of the ordinance or the rules and regulations promulgated will result in citations being issued to the permittee and/or revocation of permittee's outdoor seating area permit. Permittee shall be required to fully abide by all federal, state, and local laws, rules and regulations applicable to the operation of an outdoor seating area in the City of Pensacola.

(e) All areas within and surrounding the outdoor seating area must be maintained in a clean, neat and sanitary condition and shall be policed routinely by permittee to ensure removal of all wrappings, litter, debris, spills, and food therefrom. Permittee shall be responsible for sanitary cleaning of the sidewalk between pressure washing scheduled by the City of Pensacola or its designated agent.

(f) Establishments permitted to have outdoor seating areas offering amplified and/or live music must control and limit the ambient noise in conformance with the City of Pensacola noise ordinance. Any projection of music within or upon any part of the license-to-use area shall be done in such a way as to direct the sound transmission towards the face and interior of the permittee's building and away from the street and adjoining businesses.

(g) All tables, chairs, plants, planters, and any other items of the outdoor seating area, hereinafter defined as outdoor seating area elements, shall be approved as part of the permit approval process as set forth in the Ordinance regulating outdoor seating areas.

(h) The approved outdoor seating area plan shall be displayed inside the establishment in a prominent and conspicuous location clearly visible to permittee, his or her employees and all of the public so that the approved location of outdoor seating area elements is evident. Permittee and his or her employees are responsible for immediately returning outdoor seating area elements to their approved locations if they are moved by patrons or become otherwise dislocated.

(i) A portion of the annual outdoor seating area permit fee will be used to periodically pressure wash, steam clean, or sanitary clean the sidewalk areas used for outdoor seating and adjacent rights-of-way. The City of Pensacola or its designated agent may contract for such services, but such service in no way exempts the permittee from maintaining the cleanliness and upkeep of the sidewalk. The permittee will be expected to cooperate with periodic appropriate washing and cleaning by removing outdoor seating area elements with notice for cleaning.

(j) The city will inspect all outdoor seating areas after permits have been issued, and also enforce outdoor seating area permit standards. Any violations of the provisions of these rules and regulations, or any deviation from approved plans or willful omissions of the application may result in citations being issued to the operator and/or revocation of permittee's outdoor seating area permit.

(k) Any permittee or his or her employees, agents or contractors who violate or resist enforcement of any provision of the outdoor seating area ordinance and/or these rules and regulations may be subject to immediate permit revocation by the city. Any expenses incurred for restoration or repair of the public right-of-way to its original condition, reasonable wear and tear excepted, shall be the responsibility of the permittee.

(l) The outdoor seating area permit may be terminated by the city without cause and for any reason by giving ninety (90) days prior written notice to permittee. In the event that the permittee receives notice from the city of termination of the outdoor seating area permit, the city shall not be liable for any claim from permittee, its legal representatives, successors or assigns arising out of the termination. The permittee may also terminate the outdoor seating area permit by giving written notice of its intention to do so to the city, removing any outdoor seating area elements, and restoring the sidewalk to its original condition, reasonable wear and tear excepted. When the city has acknowledged in writing its satisfaction therewith, this permit shall be terminated, and the city and permittee shall have no further obligation arising hereunder.

(m) Permittee shall be required to maintain a current City of Pensacola business license.

(2) *Design standards outdoor seating areas.* In order to remain consistent with the City of Pensacola's objective of developing attractive outdoor dining spaces, including the furniture, objects, structures and décor associated therewith, in as much that applicants desiring to use public space for semiprivate use are enhancing the private interests of their enterprise as well that of the city, the following design standards shall apply to establishments seeking permission to erect outdoor seating areas throughout the City of Pensacola.

(a) *Space and clearances.*

(1) The area designated for the outdoor seating area shall be considered an extension of the permittee's establishment; therefore, the location of the outdoor seating area must be directly in front of the permittee's establishment.

(2) An outdoor seating area is required to maintain a clear unimpeded pedestrian path of six (6) feet minimum at all times that is free from any permanent or semi-permanent structure or other impediment. In areas of higher pedestrian traffic or other activity, or in conditions that suggest the need for additional clearance, a clear pedestrian path greater than six (6) feet may be required. This area shall also be free of any obstructions such as trees, parking meters, utility poles and the like in order to allow adequate pedestrian movement.

(3) Outdoor seating areas shall not interfere with any utilities or other facilities such as telephone poles, fire hydrants, signs, parking meters, mailboxes, or benches located on the sidewalk or public right-of-way.

(4) The outdoor seating area shall maintain clear distances for maneuvering around entrances or exits. The outdoor dining area shall be accessible to disabled patrons and employees, and buildings adjacent to these areas shall maintain building egress as defined by the state and federal accessibility standards.

(5) When an outdoor seating area is located at a street corner or adjacent to an alley or driveway, visual clear-zone requirements shall be maintained and specified through the permit review process. This requirement may be modified at the discretion of the city in locations where unusual circumstances exist and where public safety could be jeopardized.

(b) *Furniture, objects, structures and décor.* Tables, chairs, umbrellas, awnings, barriers and any other object associated with an outdoor seating area ("outdoor seating area elements") shall be of quality design, materials and workmanship both to ensure the safety and convenience of users and to enhance the visual and aesthetic quality of the urban environment. All outdoor seating area elements shall be reviewed by the city and as a part of the outdoor seating area permitting process. In reviewing outdoor seating area elements, the city shall consider the character and appropriateness of design including but not limited to scale, texture, materials, color and the relation of the outdoor seating area elements to the adjacent establishments, to features of structures in the immediate surroundings, as well as to the streetscape and adjacent neighborhood(s), if applicable.

Tables and chairs for sidewalk dining shall be placed in the area designated for sidewalk dining only. Appropriate density of tables and chairs is to be reviewed by the city and may be affected by specific conditions of the location. Table sizes should be kept to a minimum so as not cause crowding, a disturbance or a nuisance.

Permanent structures in outdoor seating areas are not permitted. All furniture, umbrellas or other outdoor seating area elements shall not be attached permanently to the sidewalk or public right-of-way. The permittee shall be responsible for the restoration of the sidewalk or public right-of-way if any damage is caused as a result of the issuance of the outdoor seating area permit.

(c) *Overhead structures.* Umbrellas and any type of temporary overhead structure may be utilized if approved by the City of Pensacola as part of the outdoor seating area permitting process. The use of overhead structures over the outdoor dining areas and removable umbrellas may be permitted provided they do not interfere with street trees. No portion of the umbrella shall be less than six (6) feet above the sidewalk. Umbrellas and any type of overhead structure shall be designed to be secure during windy conditions and shall be weather resistant.

Awnings, either permanent or temporary, may be utilized if approved by the city and the appropriate review board, if applicable, through a separate license to use the right-of-way approval process. Awnings shall have no support posts located within the public right-of-way, and no portion of an awning shall be less than eight (8) feet above the sidewalk. A building permit must be obtained prior to the installation of an awning and is subject to all applicable code sections of the Code of the City of Pensacola.

(d) *Signage.* Aside from properly permitted sandwich boards, signs ~~advertising sale of goods or services~~ at an outdoor seating area shall be prohibited. This prohibition includes but is not limited to banners, writing, or signs as part of the furniture or on umbrellas, pamphlets, podiums, or any other outdoor seating area element containing a sign or advertisement. ~~Menus shall be restricted to a maximum size not to exceed nine (9) inches wide and twelve (12) inches long and shall be secured to tabletops or designed in order to prevent debris. If the outdoor seating area is licensed for alcohol consumption through the Department of Business and Professional Regulation Division of Alcoholic Beverages and Tobacco, a sign posted in a visible location is required at every outdoor seating area stating, "It is unlawful to consume alcoholic beverages not purchased at permittee's establishment or its outdoor seating area or to remove alcoholic beverages from the licensed outdoor seating area."~~

(e) *Lighting.* Lighting for outdoor seating areas may be utilized if approved by the city as a part of the outdoor seating area permitting process. Any such lighting shall complement the existing building and outdoor seating area design and shall not cause a glare to passing pedestrians or vehicles. Temporary electrical wires shall not be permitted to access the outdoor seating area. Possible lighting sources include tabletop candles or low wattage battery operated fixtures. Additional lighting may be attached to the permittee's establishment provided permittee obtains all necessary approvals for such lighting from the city and any applicable review boards.

(f) *Outdoor heaters.* Outdoor heaters may be utilized upon the approval by the city as a part of the outdoor seating area permitting process.

(g) *Vending machines, carts prohibited.* No vending machines, carts, or objects for the sale of goods shall be permitted in an outdoor seating area

(h) *Service and use.* All services provided to patrons of an outdoor seating area and all patron activity (i.e., sitting, dining, waiting, etc.) shall occur within the designated outdoor seating area, and shall not impinge on the required clear distance for pedestrian passage at any time.

No alcoholic beverages may be stored or mixed in the outdoor seating area. Equipment necessary for the dispensing of any other items should be reported as part of the operation of the outdoor seating area and is subject to review.

The permittee must provide supervision of the outdoor seating area to ensure the conduct of patrons and operations of the area are in compliance with this ordinance at all times.

(i) *Insurance required.* Each permittee of an outdoor seating area permit shall furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than one million dollars ($1,000,000.00) in the aggregate combined single limit, for bodily injury, personal injury and property damage liability. The insurance shall provide for

thirty (30) days prior written notice to be given to the City of Pensacola if coverage is substantially changed, canceled, or nonrenewed. The city will give permittee at least ninety (90) days prior written notice of any increase in the required limits of liability. The permittee will agree to have in force, by the end of such ninety (90) day period, the newly required limits of liability.

The City of Pensacola shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of an outdoor seating area; and the permittee shall indemnify, defend and hold the city harmless from any loss that results directly or indirectly from the permit issuance or the operation of the outdoor seating area.

Each permittee shall maintain the insurance coverage required under this section during the permit period. The certificate(s) of insurance shall be presented to the City of Pensacola prior to the issuance of a permit under this section. Failure of the permittee to maintain the insurance required by this section shall result in the revocation of the outdoor seating area permit.

In order to receive a permit for an outdoor seating area on a public right-of-way, the applicant must demonstrate that the provisions of these guidelines will be met. Documentation demonstrating that the provisions of this guideline will be complied with must accompany the application in order to receive a permit. An outdoor seating area permit will not be issued to a permittee until after the City of Pensacola has conducted a site inspection of the approved outdoor seating area and all outdoor seating area elements placed therein to ensure that the outdoor seating area and all outdoor seating area elements are in compliance with the approved permit and that the permittee is in compliance with all other requirements of the permit.

(j) *Indemnification.* Permittee shall indemnify and hold harmless the city from any and all liability, claims, demands, damages, expenses, fees, fines, penalties, expenses (including attorney's fees and costs), suits, proceedings, actions or causes of action, of every kind and nature whatsoever, arising out of or occurring in connection with the occupancy and/or use of the permitted area by permittee, its successors, assigns, officers, employees, servants, agents, contractors, or invitees, of whatsoever description, or resulting from any breach, default, non-performance, or violation of any of permittee's obligations. The permittee shall at his or her own expense defend any and all actions, suits, or proceedings ~~which~~that may be brought against the city or in which the city may be impleaded with others in any such action or proceeding arising out of the use or occupancy of the outdoor seating area. This paragraph shall survive the termination of this permit.

(k) *Transferability.* A permit to allow an outdoor seating area is not transferable from one owner or ownership group to another due to a sale or transfer of the property or business. Each new ownership entity shall be required to apply for a permit to allow outdoor seating as set forth in the ordinances of the City of Pensacola and its standards and regulations for outdoor seating.

(l) *Application.* Applications for a permit to have outdoor seating shall be made jointly by the property owner and the business owner for the respective property that is seeking an extension of its business premises.

(E) *Approval of minor encroachments.* Minor encroachments into the right-of-way may be approved administratively if the conditions of this section are met. Minor encroachments allowed under this section include, but are not limited to, awnings, driveways, and out-swinging doors.

(1) *Design standards and regulations.* The request shall be reviewed to ensure the minor encroachment does not pose any safety concerns, that a six-foot wide pedestrian path is maintained, and that the minor encroachment does not interfere with any utilities or facilities within the right-of-way.

a. For out-swinging doors, the permittee must demonstrate a physical barrier has been provided to prevent the door from swinging into anyone within the public right-of-way.

b. Awnings that project over the right-of-way but do not require support columns in the right-of-way may be considered a minor encroachment.

c. The building official or city engineer will determine the boundaries of the minor encroachment area.

d. Failure to maintain the minor encroachment area may result in citations being issued.

(2) *Insurance required.* Each permittee of a minor encroachment area permit shall furnish a certificate of insurance evidencing commercial general liability insurance with limits of not less than one million dollars ($1,000,000.00) in the aggregate combined single limit, for bodily injury, personal injury and property damage liability. The insurance shall provide for thirty (30) days prior written notice to be given to the City of Pensacola if coverage is substantially changed, canceled, or nonrenewed. The city will give permittee at least ninety (90) days prior written notice of any increase in the required limits of liability. The permittee will agree to have in force, by the end of such ninety-day period, the newly required limits of liability. The City of Pensacola shall be named as an additional insured on a primary, noncontributory basis for any liability arising directly or indirectly from the operation of a minor encroachment area; and the permittee shall indemnify, defend and hold the city harmless from any loss that results directly or indirectly from the permit issuance or the operation of the minor encroachment area. Each permittee shall maintain the insurance coverage required under this section during the permit period. The certificate(s) of insurance shall be presented to the City of Pensacola prior to the issuance of a permit under this section. Failure of the permittee to maintain the insurance required by this section shall result in the revocation of the minor encroachment area permit.

(3) *Transferability.* A permit for a minor encroachment area is transferable from one owner or ownership group to another due to a sale or transfer of the property or business so long as the new owner provides the City of Pensacola a new proof of insurance for the minor encroachment area.

(4) *Indemnification.* Permittee shall indemnify and hold harmless the city from any and all liability, claims, demands, damages, expenses, fees, fines, penalties, expenses (including attorney's fees and costs), suits, proceedings, actions or causes of action, of every kind and nature whatsoever, arising out of or occurring in connection with the occupancy and/or use of the permitted area by permittee, its successors, assigns, officers, employees, servants, agents, contractors, or invitees, of whatsoever description, or resulting from any breach, default, non-performance, or violation of any of permittee's obligations. The permittee shall at his or her own expense defend any and all actions, suits, or proceedings ~~which~~that may be brought against the city or in which the city may be impleaded with others in any such action or proceeding arising out of the use or occupancy of the minor encroachment area. This paragraph shall survive the termination of this permit.

(5) *Application.* Applications for minor encroachments shall be made jointly by the property owner and the business owner for the respective property that is seeking an extension of its business premises.

Minor encroachments shall be reviewed by the building official or ~~his~~ his or her designee prior to the issuance of building permits. For minor driveway encroachments, the city engineer or ~~his~~ his or her designee shall review the request prior to the issuance of a permit.

If the request is denied or if it is determined that the encroachment is major and therefore administrative approval is not allowed, the permittee may either withdraw the request or may submit a request for a License-to-Use pursuant to section 12-12-7(A)—(C).

(Ord. No. 15-00, § 9, 3-23-00; Ord. No. 12-09, § 3, 4-9-09; Ord. No. 16-10, § 226, 9-9-10; Ord. No. 26-12, § 1, 12-13-12; Ord. No. 06-14, § 1, 2-27-14; Ord. No. 23-20, 7-16-20)

Sec. 12-12-8. - Regulation of patrons' dogs at permitted food service establishments.

Pursuant to the authority granted by F.S. § 509.233, patrons' dogs may be permitted within certain designated outdoor portions of permitted public food service establishments, notwithstanding the provisions of section 4-2-33 of the Code of the City of Pensacola, Florida, or the provisions of F.S. § 509.032(7), provided that each of the following requirements and criteria have been complied with:

(A) Any public food service establishment desiring to allow patrons' dogs within certain designated outdoor portions of its public food service establishment, must apply for and receive a permit from the city council before allowing patrons' dogs on its premises.

(B) Each applicant shall supply the following information in order to receive a permit:

(1) The name, location, and mailing address of the public food service establishment.

(2) The name, mailing address, and telephone contact information of the permit applicant.

(3) A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information as may reasonably be required by the city council. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

(4) A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(5) Proof that the applicant possesses liability insurance in the minimum amount of twenty-five thousand dollars ($25,000.00) in the event of a dog biting a staff member, patron, guest or passerby while on the premises.

(6) With respect to restaurants located adjacent to another restaurant or licensed establishment, proof that the applicant has provided the neighboring establishment with notification of the applicant's intent to seek a permit under this section.

(C) In order to protect the health, safety, and general welfare of the public, the following measures shall be continuously applied by the permitted establishment:

(1) All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs. Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment.

(2) Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

(3) Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

(4) Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control.

(5) Dogs shall not be allowed on chairs, tables, or other furnishings.

(6) All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

(7) Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor areas.

(8) A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

(9) A sign or signs reminding patrons of the applicable rules shall be prominently posted on premises.

(10) A sign or signs shall be prominently posted that places the public on notice that the designated outdoor area is available for the use of patrons and patrons' dogs.

(11) Dogs shall not be permitted to travel through indoor or nondesignated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor areas of the food establishment.

(D) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

(E) The application for a permit shall be accompanied by a nonrefundable permit fee of one hundred dollars ($100.00).

(F) This provision shall be enforced by sworn law enforcement officers employed by the City of Pensacola, and the civil fine penalty provided by section 1-1-8 of the Code of the City of Pensacola, Florida shall apply. Such officers shall enforce the provisions of this section of the code through issuing a Notice to Appear, a Civil Citation or other means of enforcement pursuant to Chapter 13 of this code; to be acknowledged and received by the patron, restaurant owner, managing agent, property owner or employee receiving the notice. Failure to sign acceptance of the Notice to Appear or Civil Citation shall be a first degree misdemeanor as defined by Florida law. Any permitted establishment accumulating three (3) or more Notices to Appear shall have its permit subject to suspension or revocation at the discretion of the Pensacola City Council.

(G) In the event of a violation of this section at a permitted establishment, all costs of enforcement and prosecution shall be assessed against the establishment by the city council and shall constitute a special assessment against such establishment, for which a lien on all personal and real property may be imposed, recorded and foreclosed upon by the City of Pensacola.

(Ord. No. 11-10, § 1, 4-22-10; Ord. No. 23-17, § 1, 8-10-17)

CHAPTER 12-13. BOARDS AND COMMISSIONS

Sec. 12-13-1. - Zoning board of adjustment.

The zoning board of adjustment is hereby established.

(A) *Membership.* The zoning board of adjustment shall consist of nine (9) members appointed by the city council. Members must be residents or property owners of the city. No member shall be a paid or elected official or employee of the city.

(B) *Terms of office; removal from office; vacancies.* Members of the board shall serve overlapping terms of not less than three (3) nor more than five (5) years or thereafter until their successors are appointed. Not more than a minority of the terms of such members shall expire in any one year. Any member of the board may be removed from office in accordance with Florida Statute Sec. 112.501 and/or the policy and procedures set forth by the City Council ~~for just cause by the city council upon written charges and after public hearing.~~ Any vacancy occurring during the

Commented [DK30]: Consistent with Handbook

unexpired term of office of any member shall be filled by the city council for the remainder of the term. ~~Such vacancy shall be filled within thirty (30) days after the vacancy occurs.~~ Such vacancy shall be filled as soon as is practical.

(C) *Officers, rules of procedure, employees.* The board shall elect a ~~chairman~~chairperson and a vice-~~chairman~~chairperson from among its members. The ~~city planner~~planning services department~~, or his representative,~~ shall serve as secretary to the board. The building official, or ~~his~~ his or her representative, shall serve as an advisor to the board. The board may create and fill such other offices as it may determine to be necessary for the conduct of its duties. Terms of all such offices shall be for one (1) year, with eligibility for reelection. The board shall adopt rules for transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Meetings of the board shall be held once a month at the call of the ~~chairman~~chairperson and at such times as the board may determine.

(D) *Duties and powers.* The board shall have the power and duty to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the building official in the enforcement of this title, and to consider and act upon applications for variances pursuant to the provisions of section 12-12-2, and to consider applications under subsection 12-12-2(A)(3).

(E) *Vote required.* The concurring vote of five (5) members of the board shall be necessary to reverse any order, requirement, decision or determination of the building official, or to decide in favor of the applicant on any matter upon which it is required to pass under this title, or to effect any variance in the application of this title.

(Ord. No. 8-99, § 10, 2-11-99; Ord. No. 15-00, § 10, 3-23-00; Ord. No. 12-09, § 4, 4-9-09)

Sec. 12-13-2. - Planning board.

The planning board is hereby established.

(A) *Membership.* The planning board shall consist of seven (7) members appointed by the city council. One (1) appointee shall be a licensed Florida Architect. No member shall be a paid employee or elected official of the city.

(B) *Term of office; removal from office; vacancies.* Members of the planning board shall serve for terms of two (2) years or thereafter until their successors are appointed. Any member of the board may be removed from office during the two-year term in accordance with Florida Statute Sec. 112.501 and/or the polity and procedures set forth by City Council. ~~for just cause by the city council upon written charges and after public hearing.~~ Any vacancy occurring during the unexpired term of office of any member shall be filled by the city council for the remainder of the term. ~~Such vacancy shall be filled within thirty (30) days after the vacancy occurs.~~ Such vacancy shall be filled as soon as is practical.

(C) *Officers; employees; technical assistance.* The board shall elect a ~~chairman~~chairperson and a vice-~~chairman~~chairperson from among its members on an annual basis. The Board being staffed by a member of Planning Services. ~~and shall appoint as secretary a person of skill and experience in city planning who may be an officer or employee of the city.~~ The board may create and fill such other offices as it may determine to be necessary for the conduct of its duties. Terms of all ~~such~~ offices shall be for one (1) year, with eligibility for reelection. The city engineer shall serve as chief engineer for the planning board. The board shall be authorized to call upon any branch of the city government at any time for information and advice ~~which~~that in the opinion of the board will ensure efficiency of its work.

(D) *Rules of procedure, meetings and records.* The board shall adopt rules of procedure for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations. The board shall hold regular meetings once a month, and special meetings at

Commented [DK31]: At times 30-days is not practical

Commented [JW32]: Per Don Kraher: To be consistent with the language in the Handbook (although not fully approved yet)

Commented [JW33]: Per Don Kraher: To be consistent with the language in the Handbook (although not fully approved yet)

such times as the board may determine or at the call of the ~~chairman~~chairperson thereof, or the ~~city planner~~planning services department for the consideration of business before the board. All regular and special meetings of the board shall be open to the public. A written record of the proceedings of the board shall be kept showing its actions on each question considered, and filed in the office of the secretary of the board. Any matter referred to the board shall be acted upon by the board within forty-five (45) days of the date of reference, unless a longer or shorter period is specified.

(E) *Vote required.* Four (4) members of the board shall constitute a quorum, and the affirmative vote of majority of the quorum shall be necessary for any action thereof.

Commented [JW34]: Per Don Kraher: We are proposing a change in this language, stating that "the affirmative vote of the majority of the existing membership shall be necessary for any action to pass" - This has not been approved by Council yet.

(F) *Authority and duties of the planning board.* The planning board shall have the following authority and duties:

(a) To advise the city council concerning the preparation, adoption and amendment of the Comprehensive Plan;

(b) To review and recommend to the city council ordinances designed to promote orderly development as set forth in the Comprehensive Plan;

(c) To hear applications and submit recommendations to the city council on the following land use matters:

1. Proposed zoning change of any specifically designated property;
2. Proposed amendments to the overall zoning ordinance;
3. Proposed subdivision plats;
4. Proposed street/alley vacation.

(d) To initiate studies on the location, condition and adequacy of specific facilities of the area. These may include, but are not limited to, studies on housing, commercial and industrial facilities, parks, schools, public buildings, public and private utilities, traffic, transportation and parking;

(e) To schedule and conduct public meetings and hearings pertaining to land development as required in other sections of the code.

(f) To grant zoning variances from the land development regulations of the Waterfront Redevelopment District and the Gateway Redevelopment District, under the conditions and safeguards provided in subsection 12-12-2(A)(2).

(1) *Conditions for granting a zoning variance.* In order to authorize any zoning variance from the terms of this title, the board must find in addition to the conditions specified in subsection 12-12-2(A)(2):

(a) That the variance granted will not detract from the architectural integrity of the development and of its surroundings;

(b) That the grant of the variance will be in harmony with general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(c) That the decision of the planning board is quasi-judicial in nature and is final subject to judicial review in accordance with subsection 12-13-2(F)(f)(4). Hearings on variance applications under section 12-13-2(F)(f) shall be conducted as a quasi-judicial hearing in accordance with the requirements of law.

(2) *Hearing of variance applications.*

(1) *Application procedure.*

(a) An application for a variance must be submitted to planning services at least thirty (30) days prior to the regularly scheduled meeting of the planning board.

(b) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.

(c) Any party may appear in person, by agent, or by attorney.

(d) Any application may be withdrawn prior to action of the planning board at the discretion of the applicant initiating the request upon written notice to the board secretary.

(2) *Application submission requirements.* No application shall be considered complete until all of the following have been submitted:

(a) The application shall be submitted on a form provided by the board secretary.

(b) The application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.

(c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable.

(3) *Public notice for variance.*

(a) A sign shall be prominently posted on the property to which the application pertains at least ten (10) days prior to the scheduled board meeting.

(b) Notice of the request(s) for variances shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least ten (10) days prior to the scheduled board meeting.

(c) ~~Planning services~~The city shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the property proposed for a variance with a public notice by post card, and appropriate homeowners association, at least ten (10) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.

The agenda will be mailed to the board members and applicants and other interested parties. The applicant or their authorized agent shall appear at the meeting in order for the request to be considered by the board.

(4) *Judicial review of decision of planning board.* Any person or persons, jointly or severally, aggrieved by any quasi-judicial decision of the planning board on an application for a variance under section 12-13-2(F)(f), or the city, upon approval by the city council, may apply to the circuit court of the First Judicial Circuit of Florida within thirty (30) days after rendition of the decision by the planning board. Review in the circuit court shall be by petition for writ of certiorari or such other procedure as may be authorized by law.

(G) *Procedure for submission of plans.*

(1) An application to erect, construct, renovate, demolish and/or alter an exterior of a building located or to be located in a district within the review authority of the planning board must be submitted to the planning services division at least twenty-one (21) days prior to the regularly scheduled meeting of the board.

(2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.

(3) No application shall be considered complete until all of the following have been submitted:

(a) The application shall be submitted on a form provided by the board secretary.

(b) Each application shall be accompanied by accurate site plans, floor plans, exterior building elevations and similar information drawn to scale in sufficient detail to meet the plan submission requirements specified within the gateway districts.

(c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(d) Any party may appear in person, by agent, or by attorney.

(e) Any application may be withdrawn prior to action of the planning board at the discretion of the applicant initiating the request upon written notice to the board secretary.

(H) *Review and decision.* The board shall promptly review such plans and shall render its decision on or before thirty-one (31) days from the date that plans are submitted to the board for review.

(I) *Notification, building permit.* Upon receiving the order of the board, the secretary of the board shall thereupon notify the applicant of the decision of the board. If the board approves the plans, and if all other requirements of the city have been met, the building official may issue a permit for the proposed building. If the board disapproves the plans, the building official may not issue such a permit. In a case where the board has disapproved the plans, the secretary of the board shall furnish the applicant with a copy of the board's written order, together with a copy of any recommendations for changes necessary to be made before the board will reconsider the plans.

(J) *Reconsideration.* The planning board ~~chairman~~chairperson or vice-~~chairman~~chairperson, together with the ~~city planner~~planning services department acting as a committee, shall review any minor revisions to determine whether the revisions made are in accordance with the articles and minutes of the applicable meeting. If the minor revisions required do not conform with the above requirements, no action may be taken. If, for some unforeseen reason, compliance is impractical, the item will be resubmitted at the next regularly scheduled meeting.

(K) *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs ~~which~~that are consistent with the guidelines set forth in subsection 12-2-12(A), may be approved by letter to the building official from the board secretary and the ~~chairman~~chairperson of the board. This provision is made in an effort to save the applicant and the board time for routine approval matters. If agreement cannot be reached as it pertains to such requests by the board secretary and ~~chairman~~chairperson, then the matter will be referred to the board for a decision.

(L) *Procedure for city council review.* Any person or entity whose property interests are substantially affected by a decision of the board may, within fifteen (15) days thereafter, apply to the city council for review of the board's decision. A written notice shall be filed with the city clerk requesting the council to review said decision. If the applicant obtains a building permit within the fifteen-day time period specified for review of a board decision, said permit may be subject to revocation and any work undertaken in accordance with said permit may be required to be removed. The appellant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(Ord. No. 34-99, § 5, 9-9-99; Ord. No. 16-10, § 227, 9-9-10; Ord. No. 06-16, § 3, 2-11-16; Ord. No. 20-19, § 2, 9-26-19; Ord. No. 23-20, 7-16-20)

Sec. 12-13-3. - Architectural review board.

The architectural review board is hereby established.

(A) *Membership.* The architectural review board shall be composed of the following members appointed by city council:

• Two (2) members nominated by West Florida Historic Preservation, Inc, each of whom shall be a resident of the city.

• One (1) member who is either from the city planning board, or is a resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District.

• Two (2) registered architects, each of whom shall be a resident of the city.

• One (1) member who is a resident property owner of the Pensacola Historic District, North Hill Preservation District or Old East Hill Preservation District.

• One (1) member who is a property or business owner in the Palafox Historic Business District or the Governmental Center District.

(B) *Terms of office; vacancies; removal from office.* Members of the architectural review board shall serve for terms of two (2) years or thereafter until their successors are appointed. Any member of the board may be removed from office in accordance with Florida Statute Section 112.501 and/or the policy and procedures set forth by the City Council. ~~for just cause by the city council upon written charges, and after public hearing.~~ Any vacancy occurring during the unexpired term of office of any member shall be filled by the city council for the remainder of the term. ~~Such vacancy shall be filled within thirty (30) days after the vacancy occurs.~~ Such vacancy shall be filled as soon as is practical.

(C) *Officers; and technical assistance.* The board shall elect from among its members a ~~chairman~~chairperson and vice chairperson and such other officers as it may determine. The terms of officers shall be one (1) year, with eligibility for reelection, and officers shall serve until their successors are selected and qualified. The ~~city planner or his representative~~planning services department shall serve as secretary to the board. The building official shall serve as an advisor to the board. The board may call upon any branch of the city government at any time for information and advice which in the opinion of the board will ensure efficiency of its work.

(D) *Rules of procedure, meetings, and records.* The board shall adopt rules of procedure for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations. The board shall hold regular meetings once a month, and special meetings at such times as the board may determine or at the call of the ~~chairman~~chairperson or the ~~city planner~~planning services department. All regular and special meetings of the board shall be open to the public. A written record of the proceedings of the board shall be kept showing its actions on each question considered, and filed in the office of the secretary of the board.

(E) *Duties.* The board shall have as its purpose the preservation and protection of buildings of historic and architectural value and the maintenance and enhancement of the following district:

a. Pensacola Historic District. Refer to subsection 12-2-10(A).

b. North Hill Preservation District. Refer to subsection 12-2-10(B).

c. Old East Hill Preservation District. Refer to subsection 12-2-10(C).

d. Palafox Historic Business District. Refer to section 12-2-21.

e. Governmental Center District. Refer to section 12-2-22.

It shall be the duty of the board to approve or disapprove plans for buildings to be erected, renovated or razed ~~which~~that are located, or are to be located, within the historical district or districts and to preserve the historical integrity and ancient appearance within any and all historical districts established by the governing body of the city, including the authority to grant variances, under the conditions and safeguards provided in subsection 12-12-2(A)(2), from the zoning ordinances of the city applicable in the Pensacola Historic District, the North Hill Preservation District, the Old East Hill Preservation District, and the Palafox Historic Business District.

(1) *Conditions for granting a zoning variance.* In order to authorize any zoning variance from the terms of this title, the board must find in addition to the conditions specified in subsection 12-12-2(A)(2):

(a) That the variance granted will not detract from the architectural integrity and/or historical accuracy of the development and of its surroundings;

(b) That the grant of the variance will be in harmony with general intent and purpose of this title and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(2) *Hearing of variance applications.*

(1) *Application procedure.*

(a) An application for variance must be submitted to the ~~community development department~~planning services department at least twenty-one (21) days prior to the regularly scheduled meeting of the architectural review board.

(b) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.

(c) Any party may appear in person, by agent, or by attorney.

(d) Any application may be withdrawn prior to action of the architectural review board at the discretion of the applicant initiating the request upon written notice to the board secretary.

(2) *Application submission requirements.* No application shall be considered complete until all of the following have been submitted:

(a) The application shall be submitted on a form provided by the board secretary.

(b) The application shall be accompanied by an accurate site plan drawn to scale and such other information as may be reasonably requested to support the application.

(c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(3) *Public notice for variance.*

(a) A sign shall be prominently posted on the property to which the application pertains at least ten (10) days prior to the scheduled board meeting.

(b) Notice of the request(s) for variances shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least ten (10) days prior to the scheduled board meeting at the expense of the applicant.

(c) The ~~community development department~~city shall notify addresses within a three hundred-foot radius, as identified by the current Escambia County tax roll maps, of the property proposed for a variance with a public notice by post card, and appropriate homeowners association, at least ten (10) days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.

The agenda will be mailed to the board members and applicants and other interested parties. The applicant or their authorized agent shall appear at the meeting in order for the request to be considered by the board.

(F) *Procedure of submission of plans.*

(1) An application to erect, construct, renovate, demolish and/or alter an exterior of a building located or to be located in a district within the review authority of the architectural review board must be submitted to the ~~community development department~~planning services department at least twenty-one (21) days prior to the regularly scheduled meeting of the board.

(2) The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.

(3) No application shall be considered complete until all of the following have been submitted:

(a) The application shall be submitted on a form provided by the board secretary.

(b) Each application shall be accompanied by accurate site plans, floor plans, exterior building elevations and similar information drawn to scale in sufficient detail to meet the plan submission requirements specified within the historic and preservation districts.

(c) The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

(d) Any party may appear in person, by agent, or by attorney.

(e) Any application may be withdrawn prior to action of the architectural review board at the discretion of the applicant initiating the request upon written notice to the board secretary.

(4) Public notice requirements.

(a) The ~~planning department~~city shall provide a copy of the monthly architectural review board meeting agenda to the appropriate neighborhood, homeowner, or property owner association at least seven (7) days prior to the board meeting.

(G) *Review and decision.* The board shall promptly review such plans and shall render its decision on or before thirty-one (31) days from the date that plans are submitted, to the board for review.

(H) *Notification; building permit.* Upon receiving the order of the board, the secretary of the board shall thereupon notify the applicant of the decision of the board. If the board approves the plans and if all other requirements of the city have been met, the building official may issue a permit for the proposed building. If the board disapproves the plans, the building official may not issue such permit. In a case where the board has disapproved the plans, the secretary of the board shall furnish the applicant with a copy of the board's written order, together with a copy of any recommendations for changes necessary to be made before the board will reconsider the plans.

(I) *Failure to review plans.* If no action upon plans submitted to the board has been taken at the expiration of thirty-one (31) days from the date of submission of the plans to the board for review, such plans shall be deemed to have been approved, and if all other requirements of the city have been met, the building official may issue a permit for the proposed building.

(J) *General considerations.*

(a) Each respective district referred to in subsection (E) includes specific rules governing ARB decisions.

(b) The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings has been adopted by the ARB for the general review guidelines.

(K) *Reconsideration.* The board shall adopt written rules and procedures for abbreviated review for deviations in projects already approved by the board. This process may authorize the board to designate one of its members to undertake such abbreviated review without the necessity for review by the entire board, provided, however such abbreviated review process shall require review by the staff of West Florida Historic Preservation, Inc. If agreement cannot be reached as it pertains to such request for abbreviated review by the board designee and West Florida Historic Preservation, Inc. staff, then the matter will be referred to the entire board for a decision.

(L) *Voting.* No meeting shall be held without at least four (4) of the board members present. All decisions may be rendered by a simple majority of the board members present and voting.

(M) *Procedure for review.* Any person or entity whose property interests are substantially affected by a decision of the board may within fifteen (15) days thereafter, apply to the city council for review of the board's decision. A written notice shall be filed with the city clerk requesting the council to review said decision. If the applicant obtains a building permit within the fifteen-day time period specified for review of a board decision, said permit may be subject to revocation and any work undertaken in accordance with said permit may be required to be removed. The appellant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.

Commented [JW35]: Per Don Kraher: We are proposing changing this to read …All decisions may be rendered by a majority of the existing membership. – This has not be approved as of yet.

(Ord. No. 15-94, § 2, 6-9-94; Ord. No. 44-94, § 8, 10-13-94; Ord. No. 37-95, § 1, 9-28-95; Ord. No. 44-99, § 6, 11-18-99; Ord. No. 15-00, § 11, 3-23-00; Ord. No. 23-01, § 1, 10-11-01; Ord. No. 12-09, § 4, 4-9-09; Ord. No. 16-10, § 228, 9-9-10)

Editor's note— Section 2 of Ord. No. 23-01, adopted Oct. 11, 2001, states that upon the effective date of § 12-13-3 [Oct. 11, 2001], the existing members of the board shall continue to serve for the remainder of their appointed term of office. Upon expiration of the existing terms of office, members shall be appointed in accordance with the requirements of section 12-13-3(A). The initial members appointed from the West Florida Historic Preservation, Inc. shall serve for the balance of the term of the members previously appointed by the Historic Preservation Board of Trustees.

Sec. 12-13-4. - Reserved.

Editor's note— Ord. No. 20-19, § 1, adopted September 26, 2019, repealed § 12-13-4, which pertained to gateway review board and derived from Ord. No. 33-98, § 3, 9-10-98; Ord. No. 12-09, § 4, 4-9-09; Ord. No. 16-10, § 229, 9-9-10; Ord. No. 06-16, § 4, 2-11-16.

Sec. 12-13-5. - Application deadlines.

Application Deadlines

Hearing Board	Application Type	Deadline (calendar days prior to meeting date)
Architectural Review Board	All applications to ARB	21 (or 3 weeks)
Zoning Board of Adjustment	All applications to ZBA	30
Planning Board		
	Conditional Use, License to Use Right-of-Way, & Vacation of Right-of-Way	30
	Rezoning (conventional, comp plan/FLUM amendment)	30
	Site Plan Approval (preliminary, final, preliminary/final, & nonresidential parking in a residential zone)	30
	Special Planned Development (preliminary, final & preliminary/final)	30
	Subdivisions (preliminary, final, & minor subdivisions)	30
Monthly Board Meeting Schedule:		
Architectural Review Board - 3rd Thursday		
Planning Board - 2nd Tuesday		
Zoning Board of Adjustment - 3rd Wednesday		
*Subject to change. Contact planning services department to verify meeting and deadline dates.		

(Ord. No. 12-09, § 5, 4-9-09; Ord. No. 23-20, 7-16-20)

Sec. 12-13-6. - Minority representation on boards, authorities and commissions.

It is the expressed intent of this city to recognize the importance of balance in the appointment of minority and nonminority persons to membership on all boards, authorities and commissions and to promote that balance through the provisions of this section.

For purposes of this Code Section, *"minority person"* means:

(a) An African American; that is, a person having origins in any of the racial groups of the African Diaspora.

(b) A Hispanic American; that is, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.

(c) An Asian American; that is, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.

(d) A Native American; that is, a person who has origins in any of the Indian Tribes of North America prior to 1835.

(e) An American woman.

In addition, the city recognizes the importance of including persons with physical disabilities on all boards, authorities and commissions. Furthermore, it is recognized that all boards, authorities and commissions play a vital role in shaping public policy for the city, and the selection of the best-qualified candidates is the paramount obligation.

In appointing members to boards, authorities and commissions, the council should select, from among the best-qualified persons, those persons whose appointment would ensure that the membership of the board, authority or commission accurately reflects the proportion that minority persons represent in the population of the city as a whole, unless the law regulating such appointment requires otherwise, or minority persons cannot be recruited. If the size of the board, authority or commission precludes an accurate representation of minority persons, appointments should be made ~~which~~that conform to the requirements of this section insofar as possible.

(Ord. No. 20-12, § 1, 9-13-12)

CHAPTER 12-14. DEFINITIONS

[Sec. 12-14-1. - Definitions enumerated.]

As used in this title and unless the context clearly indicates otherwise:

Abandonment means to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abut means having property or district lines in common.

Access management means a method whereby non-residential property owners limit the number of driveways or connections from individual parcels of property to the major thoroughfare.

Accessory residential unit means an accessory structure built or a portion of a single-family dwelling unit ~~which~~that is converted into a separate housing unit subject to regulations in section 12-2-52 and ~~which~~that may be rented.

Accessory office unit means an accessory structure built or a portion of a single-family dwelling unit ~~which~~that is converted into a separate office unit subject to regulations in section 12-2-51 and ~~which~~that may be rented.

Accessory use means a use or structure which:

(a) Is clearly incidental to, customarily found in association with, and serves a principal use;

(b) Is subordinate in purpose, area, or extent to the principal use served; and

(c) Is located on the same lot as the principal use or on an adjoining lot in the same ownership as that of the principal use.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition ~~which~~that is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent means any property that is immediately adjacent to, touching, or separated from such common border by the width of a right-of-way, alley, or easement.

Adult entertainment establishment means an adult motion picture theater, a leisure spa establishment, an adult bookstore, or an adult dancing establishment.

Airport means any area of land or water designed and set aside for the landing and taking off of aircraft and used or to be used in the interest of the public for such purpose.

Airport hazard means an obstruction to air navigation ~~which~~that affects the safe and efficient use of navigable airspace or the operation of planned or existing air navigation and communication facilities.

Airport obstruction zone means any area of land or water upon which an airport hazard might be established.

Airport protection zoning regulations means airport zoning regulations governing airport hazards.

Airspace height means the height limits in all zones set forth in chapter 12-11, which shall be measured as mean sea level elevation (ASML), unless otherwise specified.

Alleys are roadways ~~which~~that afford only a secondary means of access to abutting property and not intended for general traffic circulation.

Alteration means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically.

Amusement machine complex means a group of three (3) or more amusement games or other amusement machines, in the same place, location or premises.

Anchoring system means an approved system of straps, cables, turnbuckles, chains, ties or other approved materials used to secure a manufactured home.

Animal clinic, veterinary clinic means an establishment where small animals are admitted for examination and treatment by one or more persons practicing veterinary medicine. Animals may be boarded or lodged overnight provided such activity is totally confined within the building. No outside pens or runs shall be allowed. See: Kennel.

NOTE: Small animals shall be deemed to be ordinary household pets excluding horses, monkeys, or other such animals not readily housed or cared for entirely within the confines of a residence.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Antenna array means one (1) or more personal wireless antennas used by a single service provider and designed and installed at the same site in such a way as to operate as a unit.

Antenna support structure means a guyed or lattice-work tower that is designed and constructed for the sole purpose of supporting one (1) or more personal wireless antennas.

Apartment house. See: Dwelling, multiple.

Automobile repair. See: Garage, mechanical.

Appeal means a request for a review of the building official's interpretation of any provision of this title or a request for a variance.

Bar means a structure or part of a structure in which the principal business is the sale or dispensing of alcoholic beverages for consumption on the premises. This term includes lounges, taverns, pubs, bottle clubs, etc.

Bed and breakfast facility means an accessory use in which no more than four (4) rooms or lodging units and breakfast service only is provided to guest clients, for lengths of stay ranging from one night to seasonal, by the owner of the principal structure living on-site.

Block means a parcel of land entirely surrounded by public streets, watercourse, railway, right-of-way, parks, etc., or a combination thereof.

Boardinghouse, lodging house means a dwelling other than an apartment, commercial hotel or motel where, for compensation and by prearrangement for definitive periods, lodging, or lodging and meals are provided for five (5) or more persons; and which is subject to licensing by the Division of Hotels and Restaurants of the Florida Department of Business Regulations as a rooming or boarding house.

Boats and boat trailers means a vessel or craft for use on the water ~~which~~that is customarily mounted upon a highway vehicle designed to be hauled by an automobile vehicle.

Boat sales and service shop means an establishment primarily engaged in the sale or repair of boats, marine engines, marine equipment, and any similar services.

Buffer yard means a ten-foot strip of yard along the property line(s) used to visibly separate incompatible land uses and/or zoning districts as regulated through provisions established in section 12-2-32.

Buildable area means area inside building setback lines.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Building coverage means the area of a site covered by all principal and accessory buildings.

Building height means the vertical distance of a building measured from the lowest habitable floor elevation to the highest point of the roof, except in a special flood hazard area where the height of a building is measured from an elevation established three (3) feet above the required base flood elevation. For all residential zoning districts as defined in this section and the Residential/neighborhood commercial land use district (R-NC), the building height means the vertical distance of a building measured from the average elevation of the finished grade to the highest point of the roof, except in a special flood hazard area where the height of a building is measured from an elevation established three (3) feet above the required base flood elevation.

Building official and building inspector means the individual responsibil~~e~~ity for conducting inspections and issuing permits under the Standard Building Code as amended.

Building setback line means that line that is the required minimum distance from the street right-of-way or any other lot line when measured at right angles that establishes the area within which the principal structure must be erected or placed.

Cabana means a beach or pool-side shelter, usually with an open side facing the water.

Camping trailer means a vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic, or other material for folding compactly while being drawn by

another vehicle and when unfolded at the site or location, providing temporary living quarters, and ~~which~~that is designed for recreation, travel, or camping purposes.

Car wash means a building, or portion thereof, where automobiles are washed, including self-service car washes.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes and including, the sale of burial plots, columbariums and mausoleums, in addition to the operations of a funeral chapel, management office and maintenance facility when operated in conjunction with and within the boundary of such cemetery.

City Engineer means the individual or personnel possessing the qualifications of an engineer who is designated by the mayor as the city official responsible for performing the duties placed upon the city engineer by this code of ordinances and Florida statutes.

City Planner and Planning Director mean the individual or personnel possessing appropriate qualifications as a planner who is designated by the mayor as the city official responsible for performing the duties placed upon the city planner or planning services director by this code of ordinances and Florida statutes.

Incidental cemetery functions shall include the sale of interment rights, caskets, funeral services, monuments, memorial markers, burial vaults, urns, flower vases, floral arrangements and other similar merchandise and services when limited for use in the cemetery in which they are sold. Manufacturing of these items shall be prohibited on the cemetery premises. No outdoor retail displays shall be permitted except for monuments and memorial markers.

No portions of the cemetery or accessory buildings shall be used for purposes of embalming and cremation or the performance of other services used in preparation of the dead for burial.

Certificate of occupancy means official certification by the building official that a building conforms to provisions of the zoning ordinance and technical codes, and may be used or occupied. Such certificate is granted for new construction or for a change of occupancy classification in an existing non-residential building. A building or part thereof may not be occupied unless such certificate is issued.

Chapel means a structure whose primary use is assembly for religious purposes.

Child care center. See: Day Care Center.

Childcare facility. Any childcare center or childcare arrangement ~~which~~that provides childcare for more than five (5) children unrelated to the operator and ~~which~~that receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. Examples of a childcare facility include the following:

Drop-in child care means childcare ~~which~~that is provided occasionally in a childcare facility in a shopping mall or business establishment where a child is in care for no more than a four-hour period and the parent remains on the premises of the shopping mall or business establishment at all times. Drop-in childcare arrangements shall meet all requirements for a childcare facility unless specifically exempted.

Evening childcare means childcare provided during the evening hours of 6:00 p.m. to 7:00 a.m. to accommodate parents who work evenings and late-night shifts.

Family day care home means an occupied residence in which childcare is regularly provided for children from at least two (2) unrelated families and ~~which~~that receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit. A family day care home shall be allowed to provide care for one of the following groups of children, which shall include those children under thirteen (13) years of age who are related to the caregiver: a) A maximum of four (4) children from birth to twelve (12) months of age. b) A maximum of three (3) children from birth to twelve (12) months of age, and other children, for a maximum total of six (6) children. c) A maximum of six (6) preschool children if all are older than twelve (12) months of age. d) A maximum of ten (10) children

if no more than five (5) are under preschool age and, of those five (5), no more than two (2) are under twelve (12) months of age.

Large family child care home means an occupied residence in which child care is regularly provided for children from at least two (2) unrelated families, ~~which~~that receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and ~~which~~that has at least two (2) full-time child care personnel on the premises during the hours of operation as defined in the Florida Statutes.

Churches and religious institutions. A building or structure, or groups of buildings or structures, ~~which~~that by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith. Includes temples, synagogues or other places of assembly for the purposes of organized religion.

Clearing or clearing and grubbing means removal of vegetation such as tree stumps, shrubs and roots from the land, but shall not include mowing.

Clinic means a building designed and used for the medical and surgical diagnosis and treatment of patients under the care of doctors and nurses.

Cluster development. A form of development for residential subdivisions that permits a reduction in lot area and setback requirements, provided there is no increase in the density of residential units permitted within the future land use district and the resultant land area is devoted to open space.

Coastal high hazard area means the evacuation zone for a Category 1 hurricane as established in the most current hurricane evacuation study for the area.

Commercial communications antenna means a surface from which television, radio, or telephone communications signals are transmitted or received, but which is neither (i) used primarily for the provision of personal wireless services nor (ii) used exclusively for dispatch communications. The term also includes any microwave or television dish antenna.

Commercial communications tower means a structure on which may be mounted one (1) or more antennas intended for transmitting or receiving television, radio, or telephone communications, but which is neither (i) used primarily for the provision of personal wireless services nor (ii) used exclusively for dispatch communications.

Commercial mobile service means any mobile service that is provided for profit and makes interconnected service available to the public or to such classes of eligible users as to be effectively available to a substantial portion of the public.

Commercial vehicle means any motor vehicle, trailer, or semi-trailer designed or used to carry passengers, freight, materials, or merchandise in the furtherance of any commercial enterprise.

Commercial vehicle—Large means any commercial vehicle greater than seven (7) feet wide, seven (7) feet high or twenty-five (25) feet long including but not limited to the following: construction equipment (bulldozers, graders etc.) semi-tractors and/or trailers, moving vans, delivery trucks, flat-bed and stake-bed trucks, buses (except school buses), and similar vehicles over seven (7) feet wide, seven (7) feet high or twenty-five (25) feet long.

Commercial vehicle—Small means any commercial vehicle less than or equal to seven (7) feet wide, seven (7) feet high or twenty-five (25) feet long including but not limited to the following: automobiles, pick-up trucks, sport utility vehicles, vans, and other vehicles ~~which~~that are also commonly used as personal vehicles.

Communications tower means a commercial communications tower or a personal wireless tower.

Community correctional center means any residential or non-residential facility described in F.S. § 944.033, created to supervise offenders on probation and/or facilitate the reintegration of state inmates back into the community by means of participation in various work-release, study-release, community service, substance abuse treatment and other rehabilitative programs. This includes all non-residential

and residential offender facilities licensed and operated by the State of Florida Department of Corrections or the Federal Bureau of Prisons.

Community residential home means a dwelling unit licensed to serve clients of the Department of Health and Rehabilitative Services, which provides a living environment for up to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of the residents. Types of community residential homes include the following: adult congregate living facilities; adult foster homes; residential treatment facilities for alcohol, drug abuse and mental health services; residential child care agency facilities (excluding runaway and emergency shelters, family foster and maternity homes); intermediate care facilities for the mentally retarded/developmentally disabled; foster care facilities; and group homes.

Comprehensive plan means the Comprehensive Plan for the City of Pensacola and any amendment thereto.

Concurrency means the provision of the necessary public facilities and services required to maintain the adopted level of service standards at the time the impacts of development occur.

Concurrency monitoring report means the data collection, processing, and analysis performed by the City of Pensacola to determine impacts on the established levels of service for potable water, sanitary sewer, drainage, solid waste, recreation and open space, roads, and mass transit. For traffic circulation: data collection, processing, and analysis will be utilized to determine traffic concern areas and traffic restriction areas in addition to impacts on the established levels of service. The traffic circulation data maintained by the concurrency management monitoring report shall be the most current information available to the city.

Conditional use means a use allowed in a particular zoning district only upon complying with all the standards and conditions as specified in the regulations and approved by city council.

Condominium means ownership in fee simple of a dwelling unit, and the undivided ownership, in common with other purchasers, of the common elements in the development.

Construction (Chapter 12-9, Stormwater Management and Control of Erosion, Sedimentation and Runoff) means any on-site activity ~~which~~that will result in the creation of a new stormwater discharge facility, including the building, assembling, expansion, modification or alteration of the existing contours of the site, the erection of buildings or other structures, or any part thereof, or land clearing.

Contiguous means next to, abutting, or touching and having a boundary or portion thereof, ~~which~~that is coterminous.

Cross access driveways mean a method whereby access to property crosses one or more adjoining parcels of property. Cross access driveways will generally be placed at the rear of these properties, but are not limited to that method.

Crown means the main point of branching or foliage of a tree or the upper portion of a tree.

Cul-de-sac means a street terminated at the end by a vehicular turnaround.

Day care center means any establishment ~~which~~that provides care for the day for more than five (5) persons unrelated to the operator and which received a payment, fee or grant for any of the persons receiving care wherever operated and whether or not operated for profit. The term "day care center" shall include child care center, day nursery, day care service and day care agency.

Decision height means the height at which a decision must be made, during an ILS instrument approach, to either continue the approach or to execute a missed approach.

Deck means a flat floored roofless area adjoining a house.

Dense business area means all of that portion of the corporate limits of the city lying south of the north line of Wright Street, west of the east line of Alcaniz Street, east of the west line of Spring Street to the north line of Garden Street and east of the west line of "A" Street south of the north line of Garden Street and the area encompassed in the Gateway Redevelopment District, those properties located on

the north side of Heinberg Street between the east line of 9th Avenue and the west line of 14th Avenue, and C-2A Downtown Retail Commercial District, but excluding all areas zoned HC-1 (Historical Commercial District) and GRD-1 (Gateway Redevelopment District, Aragon redevelopment area).

Density means the number of dwelling units per acre of land. Density figures will be computed by dividing the total number of dwelling units in a contiguous parcel by the total number of acres in a contiguous parcel.

Detention means collection and storage of stormwater for treatment through physical, chemical or biological processes and for attenuating peak discharge with subsequent gradual controlled discharge.

Detention pond (basin) means a storage facility for the detention of stormwater.

Developable area means the total area of a lot or parcel, excluding public rights-of-way.

Development or development activity means:

(a) The construction, installation, alteration, or removal of a structure, impervious surface, or stormwater management facility; or

(b) Clearing, scraping, grubbing, killing, or otherwise removing the vegetation from a site; or

(c) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, mining, drilling or otherwise significantly disturbing the soil, mud, sand or rock or a site; or

(d) The modification or redevelopment of a site.

Development order means any order granting, denying, or granting with conditions an application for a development permit.

Development permit means any permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of the land.

Development plan; site plan means a plan, prepared to scale as regulated in section 12-2-81, showing accurately and with complete dimensioning, the boundaries of a site, and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

Discharge (section 12-2-26, Wellhead Protection) means, but is not limited to, any spilling, leaking, seeping, pouring, misapplying, emitting, emptying or dumping of any pollutants prohibited by lawful statutes or regulation ~~which~~that occurs and ~~which~~that affects surface and ground waters.

Discharge (Chapter 12-9, Stormwater Management and Control of Erosion, Sedimentation and Runoff) means volume of fluid per unit time flowing along a pipe or channel from a project, site, aquifer, stormwater management facility, basin, discharge or outfall point.

Dormitory means a building used as group living quarters for a student body or religious order as an accessory use for a college university, boarding school, orphanage, convent, monastery, or other similar institutional use.

Drain means a channel, pipe or duct for conveying surface, groundwater or wastewater.

Drainage means surface water runoff; the removal of surface water or groundwater from land by drains, grading or other means ~~which~~that include runoff controls, to minimize erosion and sedimentation during and after construction or development.

Drainage area basin means a catchment area drained by a watercourse or providing water for a reservoir.

Dredging means a method for deepening streams, wetlands or coastal waters by excavating solids from the bottom.

Dripline means the circumference of the tree canopy extended vertically to the ground.

Driveways:

(a) Mean any privately owned way or place used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. It shall not include an extension or parking apron that may be an extension of a "driveway."

(b) Mean the connections or curb cuts that permit vehicular access to a site from the roadway.

Dry cleaners means an establishment ~~which~~that cleans and/or drys garments and similar materials using water and/or chemical liquids or solvents.

Dwelling, dwelling unit means an enclosure of one or more rooms and separate bathroom and kitchen facilities designed and constructed as a unit for permanent residential occupancy by one family.

Dwelling, multifamily means a building designed, constructed or reconstructed and used for three (3) or more dwelling units, with each dwelling unit having a common structural or load-bearing wall of at least ten (10) linear feet with any other dwelling unit on the same floor or building level.

Dwelling, single-family means a building designed, constructed or reconstructed and used for one dwelling unit.

- *Attached.* A single-family dwelling that is connected on at least one side by means of a common dividing structural or load-bearing wall of at least ten (10) linear feet to one or more other single-family dwellings, or the end dwelling of a series of such dwellings, each dwelling unit on its own individual lot.
- *Detached.* A single-family dwelling ~~which~~that is completely surrounded by permanent open spaces.

Dwelling, two-family (duplex) means a building designed, constructed or reconstructed and used for two (2) dwelling units that are connected by a common structural or load-bearing wall of at least ten (10) linear feet.

Easement means a grant by the property owner of a nonpossessing right of use of ~~his~~ his or her land by another party for a specific purpose.

Enforcing officer means the mayor or duly authorized representative.

Emergency circumstances means the situation ~~which~~that exists when a single-family residence of a person or persons residing in the city is destroyed by a fire or other disaster to the extent that said person or persons are unable to continue residency in said residence until it is repaired or rebuilt.

Emergency health situation means any situation involving sickness or other physical disability of an individual to the event that ~~he~~ he or she or she requires the assistance of another individual to attend to his or her personal needs, and the use of a manufactured home becomes necessary or desirable in order to care for such individual.

Engineer means a person who is registered to engage in the practice of engineering under F.S. §§ 471.001—471.039, who is competent in the field of hydrology and stormwater pollution control; includes the terms "professional engineer" and "registered engineer."

Equipment cabinet means an enclosed shed or box at the base of a personal wireless tower or associated with a personal wireless antenna within which are housed, among other things, batteries and electrical equipment.

Erosion means the washing away or scour of soil by water or wind action.

Family means one or more persons occupying a dwelling unit and using common utility services, provided that unless all members are related by blood or marriage, no such family shall contain over four (4) persons.

Filling station. See: Service station.

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

Floor area, gross means the sum of all floors of a building as measured to the outside surfaces of exterior walls and including halls, elevator shafts, stairways, interior balconies, mezzanines, open porches, breezeways, mechanical and equipment rooms and storage rooms. Enclosed parking and loading areas below or above grade are excluded from gross floor area.

Floor area, net means the total of all floor areas of a building, excluding halls, elevator shafts, stairways, open porches, breezeways, mechanical and equipment rooms, storage rooms, enclosed parking and loading spaces, and other areas not intended for human habitation or service to the public.

Foundation siding/skirting means a type of wainscoting constructed of fire and weather resistant material enclosing the entire undercarriage of a manufactured home.

Fraternity house, sorority house, or student cooperative means a building occupied by and maintained exclusively for students affiliated with an academic or professional college or university or other recognized institution of higher learning and regulated by such institution.

Frontage means all the property abutting on one side of a street measured along the street line.

Funeral parlor, funeral home means a building used for the preparation of the deceased for burial and the display of deceased and ceremonies connected therewith before burial or cremations. The building may contain space for the storage and display of caskets, funeral urns, and other funeral supplies.

Furniture manufacturing/repair shop means an establishment primarily engaged in the manufacturing and repairing of furniture including cabinets, tables, desks, beds and any similar items.

Garage, residential means building or area used as an accessory to or part of a main building permitted in any residential district, providing for the storage of motor vehicles, and in which no business occupation, or service for profit is in any way conducted.

Garage, parking or storage means any building or premises except those described as a private garage used for the storage of automobiles. Services other than storage shall be limited to refueling, lubrication, washing, waxing and polishing.

Garage, mechanical means buildings where the services of a service station may be rendered, i.e., maintenance, service and repair of automobiles, not to include body work, painting, storage for the purpose of using parts or any other activity ~~which~~that may be classified as a junk yard.

Gas station. See: Service station.

Golf course means a tract of land for playing golf, improved with tees, greens, fairways, hazards and which may include clubhouses and shelters. See golf driving range and golf, miniature.

Golf, miniature means a simplified version of golf, played on a miniature course.

Greenhouse means a structure used for the cultivation or protection of tender plants.

Greenhouse, commercial means a structure in which plants, vegetables, flowers and similar materials are grown for sale.

Ground cover means low growing plants planted in such a manner as to form a continuous cover over the ground (e.g., Confederate Jasmine, English Ivy or other like plants).

Health club, spa, exercise center means an establishment for the exercise and improvement of health, with or without specialized equipment.

Home occupation means an accessory use of a service character customarily conducted within a dwelling by the resident thereof, which is clearly secondary to the use of the dwelling for living purposes and which does not change the character thereof or have any exterior evidence of such secondary use and in connection therewith is not involved in the keeping of a stock-in-trade.

Hospital means a building designed and used for the medical and surgical diagnosis, treatment and housing of persons under the care of doctors and nurses.

Hotel means a building in which lodging, or boarding and lodging, are provided and offered to the public for compensation.

Impervious surface means a surface covered by an impermeable, nonporous material including concrete, asphalt, wood, metal, plastic, fiberglass, compacted clay, and other substances.

Industrial laundry means an establishment ~~which~~that provides industrial type cleaning, including linen supply, rug and carpet cleaning, and diaper service.

Industry, heavy means a use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, light means a use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Interstate corridor means the area within one hundred twenty-five (125) feet of either side of the rights-of-way of Interstate Highways I-10 or I-110.

Irrigation system means the water supply system used to irrigate the landscaping consisting of an underground sprinkler system, outlets for manual watering, or other appropriate technology.

Joint or shared access driveways mean a method whereby adjoining property owners share a common driveway. These driveways will generally be placed along a common property line, but are not restricted to that method.

Joint, shared, and cross access systems mean the driveways and parking areas utilizing these methods.

Junkyard means a parcel of land used for the collecting, storage and/or sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage, salvaging or sale of parts of machinery or vehicles not in running condition.

Kennel means an establishment ~~which~~that is licensed to house dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling of animals is conducted as a business. Outside pens and runs are allowed.

Land use means the specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

Ldn means a day/night average sound level which is the twenty-four-hour average sound level, in decibels on the A scale, obtained after the addition of ten (10) decibels to sound levels during the night from 10:00 p.m. to 7:00 a.m.

Landfill means any solid waste land disposal area for which a permit, other than a general permit, is required by F.S. § 403.707 and which receives solid waste for disposal in or upon land. The term does not include a land-spreading site, an injection well, a surface impoundment, or a facility for the disposal of construction and demolition debris.

Landscape material means living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover; landscape water features; and nonliving durable material commonly used in landscaping, including but not limited to rocks, pebbles, sand, weed barriers including but not limited to polypropylene and jute mesh, brick pavers, earthen mounds, but excluding impervious surfaces for vehicular use. Fifty (50) percent of landscape material shall be living.

Laundromat means an establishment providing coin-operated washing and dry-cleaning machines on the premises.

Local business tax receipt inspection certificate means either (1) for a new building or a change of occupancy classification, a certificate of occupancy issued by the building official or (2) for an existing non-residential building, an official certification by the fire department that such building conforms to the NFPA 1, Fire Prevention Code, and may be used or occupied. Such certificate is granted for a change in tenancy, business ownership, or nature of use in existing non-residential buildings. With respect to existing buildings, such certificate shall mean only that, in the opinion of the official issuing the certificate, the building, or the part thereof for which the certificate is issued, is deemed to be in compliance with applicable codes. No such certificate shall be a warranty of code compliance.

Lodge means the hall or meeting place of a local branch or the members composing such a branch of an order or society.

Lot means a parcel, plot, or tract of land having fixed boundaries and having an assigned number, letter or other name through which it may be identified. For the purpose of this title the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are erected or are to be erected.

Lot, corner means a lot abutting upon two (2) or more streets at their intersection.

Lot, interior means a lot other than a corner lot.

Lot, nonconforming means any lot ~~which~~that does not meet the requirements for minimum lot area, lot width, or yard requirements for any use, for the district in which such lot is located.

Lot, through means an interior lot having frontage on two (2) streets or corner lots having frontage on three (3) or more streets.

Lot coverage means the area of a site covered by all principal and accessory buildings and any parking areas, walkways, drives or other impervious surfaces.

Lot depth means the distance measured in the mean direction of the side line of the lot from midpoint of the front line to the midpoint of the opposite main rear line of the lot.

Lot of record means an area designated and owned as a separate and distinct parcel of land on a legally recorded deed as filed in the Public Records of Escambia County, Florida prior to July 24, 1965.

Lot lines means the property lines bounding a lot.

Lot width means the distance between the side lot lines measured along the street right-of-way lines or the building setback lines.

Maintenance means that action taken to restore or preserve structures, buildings, yards or the functional intent of any facility or system.

Major recreational equipment means all travel trailers, camping trailers, truck campers, motor homes, boats, boat trailers, racecars, utility trailers, dune buggies and similar recreational equipment.

Major subdivision. See: Subdivision.

Manufactured building, modular building means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating or other service systems manufactured in manufacturing facilities for installation or erection, with or without other specified components, as a finished building, or as part of a finished building, and bearing the insignia of approval of the Florida Department of Community Affairs. Manufactured buildings shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. Manufactured buildings are permitted in any zoning district in the city. This does not include mobile homes or manufactured homes.

Manufactured home means a single-family dwelling unit fabricated on or after June 15, 1976 in an off-site manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the U.S. Department of Housing and Urban Development construction and safety standards (HUD Code). Manufactured homes fall into one or the following two (2) categories:

Residential Design Manufactured Home or *RDMH* means a manufactured home ~~which~~that meets certain residential design criteria described in section 12-2-62 and ~~which~~ that is compatible with site-built dwellings.

Standard Design Manufactured Home or *SDMH* means a manufactured home ~~which~~that does not meet the residential design criteria.

Manufactured home park means a parcel of land under single ownership on which more than one manufactured home or space for such is located and available for rent or lease.

Marina means a place for docking boats and/or providing services to boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, and/or provision of food, beverages, and entertainment as accessory uses.

Martial art means pertaining to manual self-defense, unarmed, hand-to-hand combat including karate, judo and jujitsu.

Mean high water line means the line formed by the interaction of the tidal plane of mean high tide with the shore.

Minimum descent altitude means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

Minimum obstruction clearance altitude means the specified altitude in effect between radio fixes or VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assure acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.

Mini-warehouse; mini-storage means a structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

Minor subdivision. See: Subdivision.

Mobile home means a transportable, factory-built home, designed to be used as a year-round residential dwelling but not conforming to the definition of a manufactured home.

Mobile home park means a parcel of land under single ownership on which more than one mobile home or space for such is located and available for rent or lease.

Modular home. See: Manufactured building.

Monopole means a structure consisting of a single steel or concrete shaft that is designed and constructed for the sole purpose of supporting one (1) or more personal wireless antennas.

Mortuary means a place for the storage of human bodies prior to their burial or cremation.

Motel means a building in which lodging, or boarding and lodging, are provided and offered to the public in contradistinction to a boarding or lodging house, or a multiple-family dwelling, same as a hotel, except that the buildings are usually deigned to serve tourists traveling by automobile, ingress to rooms need not be through a lobby or office, and parking usually is adjacent to each unit.

Motor home means a structure built on and made an integral part of a self-propelled motor vehicle chassis, designed to provide temporary living quarters for recreation, camping, and travel use.

Motor hotel. See: Motel.

Noise zones (See Chapter 12-11).

Noise zone A means an area of minimal noise exposure between the 65-70 Ldn noise contour in which land use is normally acceptable for construction of buildings ~~which~~that include appropriate noise attenuation measures.

Noise zone B means an area of moderate noise exposure between the 70-75 Ldn noise contour in which land use should require aviation easements and appropriate sound level reduction measures for the construction of buildings.

Noise zone C means an area of significant noise exposure within the 75 Ldn contour in which land use should be limited to activities that are not noise sensitive.

Nonconforming lot. See: Lot.

Nonconforming structure means any structure ~~which~~that does not meet the limitations on building size and location on a lot, for the district in which such structure is located.

Nonconforming use means any use of land ~~which~~that is inconsistent with the provisions of this chapter or amendments thereto.

Nonprecision instrument runway means a runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in, nonprecision instrument approach procedure has been approved or planned and for which no precision approach facilities are planned or indicated on an FAA planning document or military service's military airport planning document.

Nonresidential use means any use of land ~~which~~that is not defined as an office, commercial or industrial land use and which is permitted within a residential district, including public uses, churches, day care centers, etc.

Obstruction means any existing or proposed object, terrain, or structure construction or alteration that exceeds the federal obstruction standards contained in 14 C.F.R. part 77, subpart C. The term includes:

(a) Any object of natural growth or terrain;

(b) Permanent or temporary construction or alteration, including equipment or materials used and any permanent or temporary apparatus; or

(c) Alteration of any permanent or temporary existing structure by a change in the structure's height, including appurtenances, lateral dimensions, and equipment or materials used in the structure.

Occupational license inspection certificate means either (1) for a new building or a change of occupancy classification, a certificate of occupancy issued by the building official or (2) for an existing non-residential building, an official certification by the fire department that such building conforms to the NFPA 1, Fire Prevention Code, and may be used or occupied. Such certificate is granted for a change in tenancy, business ownership, or nature of use in existing non-residential buildings. With respect to existing buildings, such certificate shall mean only that, in the opinion of the official issuing the certificate, the building, or the part thereof for which the certificate is issued, is deemed to be in compliance with applicable codes. No such certificate shall be a warranty of code compliance.

Opacity means the degree of obscuration of light.

Opaque means the characteristic of excluding or screening visual contact.

Outbuilding means a building located to the rear of a lot, separate from the principal building, whose use is defined in the Urban Regulations section of the Aragon Design Code.

Outdoor storage means the storage or display outside of a completely enclosed building, of merchandise offered for sale as a permitted use or of equipment, machinery and materials used in the ordinary course of a permitted use. Items used in renovation or construction, where a building permit has been issued, are exempt from this definition for purposes of this title.

Parking lot means an area or plot of land used for the storage or parking of vehicles.

Permanent perimeter enclosure means a structural system completely enclosing the space between the floor joists of a home and the ground.

Permitted use. A use by right that is specifically authorized in a particular zoning district.

Personal service shop means an establishment engaged in providing services including the care of a person or ~~his~~ his or her apparel, or any of the following services. Barbershops, beauty shops, tailoring shops, watch repair shops, body tanning centers, weight loss centers or any similar services with the exception of those expressly referenced elsewhere in this chapter.

Personal wireless antenna means a surface from which radio signals are transmitted or received for purposes of providing personal wireless services.

Personal wireless facility means a personal wireless antenna, a personal wireless tower, an equipment cabinet, or any combination thereof.

Personal wireless services means commercial mobile service, unlicensed wireless services, and common carrier wireless exchange access services.

Personal wireless tower means an antenna support structure or a monopole.

Planning office and planning staff mean the personnel employed and assigned by the mayor to perform the responsibilities of the planning services department and planning staff under this code of ordinances.

Planning Board means the board appointed and functioning under this code of ordinances as the "local planning agency" pursuant to the provisions of Sec. 163.3174, Florida Statutes.

Planting area means any area designed for landscape material installation.

Plat means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable sections of this title.

Precision instrument runway means a runway having an instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR).

Predevelopment condition means topography, soils, vegetation, rate, volume and direction of surface or groundwater flow existing immediately prior to development based on best available historical date.

Private club means buildings, facilities and property owned and operated by a corporation or association of persons for social or recreational purposes, including those organized chiefly to promote friendship or welfare among its members, but not operated primarily for profit or to tender a service ~~which~~that is customarily carried on as a business.

Protected tree means native trees protected by Chapter 12-6, as identified by species and size in Appendix A of that chapter.

Public transit bus shelter means a structure or facility located at a site designated and approved by the operating transit agency and the City of Pensacola whose purpose is to protect passengers from the elements.

Quadruplex means four (4) attached single-family dwelling units and each unit has two (2) open space exposures and shares two (2) separation walls with an adjoining unit or units.

Receiving bodies of water means waterbodies, watercourses or wetlands into which surface waters flow.

Recharge means inflow of water into a project site, aquifer, drainage basin or facility.

Residential design manufactured home. See: Manufactured home.

Residential districts are those including the following zoning classifications: R1-AAAAA, R1-AAAA, R1-AAA, R1-AA, R1-A, R-ZL, R-2A.

Restaurant means any building or structure or portion thereof, in which food is prepared and served for pay primarily for consumption on the premises.

Restaurant, drive-in or drive-through means a drive-in or drive-through restaurant where provision is made on the premises for the selling, dispensing, or serving of food or beverages to customers in vehicles.

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

Retention pond (basin) means a storage facility for the retention of stormwater.

Right-of-way means the areas of a highway, road, street or way reserved for public use, whether established by prescription, dedication, gift, purchase, eminent domain or any other legal means.

Rooftop mounted antenna means any commercial communications or personal wireless antenna located on the roof or top of any building, public utility structure or permanent nonaccessory sign.

Rooming house. See: Boardinghouse.

Runoff means the amount of water from rain, snow, etc., ~~which~~that flows from a catchment area past a given point over a certain period. It is total rainfall, less infiltration and evaporation losses.

Runway means a defined area on an airport prepared for landing and take-off of aircraft along its length.

Satellite television transmitting and receiving dish means a device commonly concave in shape, mounted at a fixed point for the purpose of capturing and sending television signals transmitted via satellite communications facilities and serving the same or similar function as the common television antenna.

School means an institution primarily for academic instruction, public, parochial or private and having a curriculum the same as ordinarily given in a public school.

Screen or screening means a fence, wall, hedge, earth berm or any combination of these provided to create a visual and/or physical separation between properties, land uses or certain facilities. A screen may be located on the property line or elsewhere on the site, and where required in a buffer yard must be located within the required buffer yard.

Sediment means solid material, mineral or organic in suspension, that is being transported, or has moved from its site or origin by air, water or gravity.

Sedimentation facility means a structure or area designed to retain runoff, as in a retention or holding pond, until suspended sediments have settled.

Service station means a building or lot where gasoline, oil and/or grease are supplied and dispensed to the motor vehicle trade, or where battery, tire and other similar services are rendered.

Shade tree means any species of tree identified in Appendix A and Appendix B of Chapter 12-6.

Sign means any device, display or structure, or part thereof, which advertises, identifies, displays, directs or attracts attention to an object, person, institution, organization, business, product, service, event or location by the use of words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign, abandoned. A sign which advertises a business that is no longer licensed, no longer has a certificate of occupancy, or is no longer doing business at that location.

Sign, accessory. Sign which directs attention to a profession, business, commodity, service, entertainment or other activity conducted, sold or offered on the premises.

Sign, advertising display area. The advertisement display surface area as measured from the outside edge of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes and are of an area equal to or less than the permitted sign area.

Sign, attached or wall sign. Any sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of, the outside wall of any building or supported by such wall or building and which displays only one advertising surface.

Sign, freestanding. A sign which is supported by one or more columns, uprights, or braces in or upon the ground and is not attached to a building.

Sign, nonaccessory. A sign which directs attention to a business, profession, commodity, service, entertainment or other activity conducted, sold or offered off the premises.

~~*Sign, political.*~~

Sign, portable. A sign or advertising device designed to be temporary in nature and movable including those mounted on a trailer-type vehicle, with or without wheels. A-frame signs, balloon signs and all other similar type signs not permanently attached to the ground or a building.

~~*Sign, real estate.*~~

Sign, temporary. A sign erected ~~intended to advertise community or civic projects, construction projects, property for sale, lease or rent, or special events~~ on a temporary basis for a designated period of time.

Sign, tri-faced nonaccessory. A sign composed of sections which rotate to display a series of advertisements, each advertisement being displayed for at least five (5) seconds continuously without movement and the movement of the sections between displays being not more than two (2) seconds.

Site plan. See: Development plan.

Social services home/center means a home/center for individuals requiring supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of the resident. Types of social services homes/centers include the following: residential treatment facilities for alcohol, drug abuse and mental health services; intermediate care facilities for the mentally retarded/developmentally disabled; and similar foster care facilities or group homes. These homes/centers shall be regulated by the Department of Health and Rehabilitative Services.

Specialty shop means a retail shop specializing in books, cards, jewelry, newspapers and magazines, gifts, antiques, stationery, tobacco, candy, craft distilleries, breweries and microbreweries (with an accessory use area allowing direct retail sale and consumption on premises), and any similar specialty items and hand craft shop for custom work or making custom items not involving noise, odor or chemical waste.

Stable, private means a structure where horses are kept by the owners or occupants of the premises and are not kept for hire or sale.

Standard design manufactured home. See: Manufactured home.

Stealth technology means the use of both existing and future technology and techniques through which a personal wireless facility may be caused to blend in with its surroundings or resemble an object other than a personal wireless facility, including, without limitation, architectural screening of antennas, integration of antennas into architectural elements, painting of antennas, and disguising personal wireless towers to closely resemble trees, street lights, telephone poles, and similar objects. One example of existing technology is the use of small panel antennas concealed behind fiberglass panels.

Stormwater management plan means the detailed analysis required by section 12-9-5.

Stormwater management system means the designed features of the property ~~which~~that treat stormwater, or collect, convey, channel, hold, inhibit, or divert the movement of stormwater. Examples are canals, ditches, culverts, dikes, storm sewers, swales, berms or other manmade facilities ~~which~~that control flow of surface water.

Stormwater runoff means the flow of water ~~which~~that results from, and ~~which~~that occurs immediately following, a rainfall event.

Street means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. The word "street" includes the following terms, further described as follows:

Streets, major arterial means streets ~~which~~that provide for through traffic movement between areas and across the city, and direct access to major employment locations and commercial uses.

Streets, minor arterial means streets ~~which~~that provide for traffic movement between major neighborhoods.

Streets, collector means streets ~~which~~that provide for the movement of traffic between major arterials and local streets and direct access to abutting property.

Street, local means streets ~~which~~that provide for direct access to abutting land and used for local traffic movements only.

Streets, marginal access are minor streets ~~which~~that are parallel to and adjacent to arterial streets and highways; and ~~which~~that provide access to abutting properties and protection from through traffic.

Street line means the line between the street right-of-way and abutting property.

Structural alteration means any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, or in the dimensions or configurations of the roof or exterior walls.

Structure means anything constructed or erected on a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to, a building, mobile home, wall, fence, tower, smokestack, utility pole, overhead transmission line or sign.

Studio means a workroom or place of study of an art, including painting, sculpting, photography, dancing, music and the other performing arts with the exception of those expressly referenced elsewhere in this chapter.

Subdivision means the division of a parcel of land into two (2) or more parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The word includes resubdivision and shall relate to the process of subdividing or to the land subdivided. Refer to Chapter 12-8 for subdivision regulations.

Subdivision, nonresidential means any subdivision, other than a residential, such as office, commercial, or industrial.

Tattoo parlor or *studio* means an establishment that performs the placement of indelible pigment, inks, or scarification beneath the skin by use of needles for the purpose of adornment or art. For the purposes of this Code, "tattooing" does not include the practice of permanent makeup and micro pigmentation when such procedures are performed as incidental services in a medical office or in a personal services establishment such as a hair or nail salon.

Townhouse means a single-family residential building attached to one or more single-family residential buildings by a common wall.

Travel trailer means a vehicular portable structure built on a chassis, designed and constructed to provide temporary living quarters for recreation, travel or camping purposes, of such size and weight not to require special highway movement permits when drawn by a passenger automobile.

Tree means any self-supporting, woody plant of a species ~~which~~that normally grows to an overall height of at least fifteen (15) feet.

Tree removal means any act ~~which~~that causes a tree to die within a period of two (2) years; such acts including, but not limited to, cutting; inflicting damage upon a root system by machinery, storage of materials, or soil compaction; changing of the natural grade above or below a root system or around the trunk; inflicting damage on a tree; permitting infection or pest infestation; excessive pruning; or paving with concrete, asphalt or other impervious material within such proximity as to be harmful to a tree.

Truck camper means a portable structure, designed to be loaded onto or affixed to the bed or chassis of a truck, constructed to provide temporary living quarters for recreation, camping or travel use.

Understory vegetation means any shrubs or small trees ~~which~~that will grow beneath large trees.

Unlicensed wireless service means the offering of telecommunications using duly authorized devices ~~which~~that do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

Used car lot means any parcel of land used for the storage, display, and sale of used automobiles in running condition.

Variance means relaxation of the literal terms of this title where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the terms of this title would result in unnecessary and undue hardship. As used in this title, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.

Vehicle means every device, in, upon, or by which any person or property is or may be transported or drawn upon a highway.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures and no instrument designation indicated on FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

Wall means a vertical element with a horizontal length-to-thickness ratio greater than three, used to enclose space.

Waterbodies means the natural or artificial watercourses, lakes, ponds, bays, bayous and coastal waters of the city ~~which~~that ordinarily or intermittently contain water and have discernible shorelines.

Water management structure means a facility ~~which~~that provides for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm.

Wetlands means fresh or salt water marshes, swamps, bays, or other areas characterized by specific vegetation types and plant communities, either flooded at all times, flooded seasonally or having a water table within six (6) inches of the ground surface for at least three (3) months of the year, or areas ~~which~~that support a dominance of wetland vegetation types listed in or meeting the conditions in DER Rules, Chapter 17-25, Florida Administrative Code.

Yard means any area on the same lot with a building or building group lying between the building or the building group and the nearest lot line.

Yard, required means the minimum distance, measured at right angles from the lot line, which a building or structure must be placed from the lot line. The required yard is the open space area that is unobstructed from the ground upward and unoccupied except by specific uses and structures allowed in such area by the provisions of this title.

Yard, required front means a yard situated between the front lot line and the front building setback line, extending the full width of the lot.

Yard, required rear means a yard situated between the rear lot line and the rear building setback line, extending the full width of the lot, except for corner lots. On corner lots the rear yard extends from

the interior side lot line to the streetside setback line. The minimum width of any required rear yard, at the building setback line, shall be equal to the minimum width required for the front yard at the street right-of-way line.

Yard, required side means a yard situated between a side lot line and side building setback line, extending from the required front yard to the required rear yard or the rear lot line, where there is no rear yard. On a corner lot the required side yard setback line extends from the front building setback line to the rear lot line on the street side of the lot.

Yard, required streetside means a yard situated between a street right-of-way and side building setback lines and extends from the front building setback line to the rear lot line.

Zero lot line dwelling means a detached single-family dwelling sited on one side lot line with zero side yard building setback, and a required side yard setback on the opposite side.

(Ord. No. 27-92, § 3, 8-13-92; Ord. No. 44-94, § 9, 10-13-94; Ord. No. 9-96, § 16, 1-25-96; Ord. No. 45-96, § 11, 9-12-96; Ord. No. 28-97, § 4, 8-14-97; Ord. No. 27-98, § 1, 7-23-98; Ord. No. 8-99, § 11, 2-11-99; Ord. No. 40-99, § 17, 10-14-99; Ord. No. 43-99, § 2, 11-18-99; Ord. No. 11-00, § 3, 2-10-00; Ord. No. 14-00, § 4, 3-9-00; Ord. No. 6-02, § 2, 1-24-02; Ord. No. 23-02, § 1, 9-26-02; Ord. No. 04-06, § 3, 2-9-06; Ord. No. 05-06, § 2, 2-9-06; Ord. No. 26-06, §§ 2, 3, 9-28-06; Ord. No. 31-06, § 2, 12-14-06; Ord. No. 17-09, § 1, 5-14-09; Ord. No. 16-10, § 230, 9-9-10; Ord. No. 13-12, § 2, 6-14-12; Ord. No. 01-15, § 2, 2-12-15; Ord. No. 07-17, § 1, 3-9-17; Ord. No. 13-17, § 3, 6-8-17; Ord. No. 06-18, § 2, 4-12-18)

Editor's note— Section 4 of Ord. No. 31-06 provided for an effective date of Jan. 1, 2007.