



City of Pensacola

Planning Board

Agenda - Final

Tuesday, May 9, 2023, 2:00 PM

Hagler-Mason Conference Room,
2nd Floor

QUORUM / CALL TO ORDER

APPROVAL OF MEETING MINUTES

1. [23-00355](#) PLANNING BOARD MEETING MINUTES FROM APRIL 11, 2023

Attachments: [Planning Board Minutes April 11, 2023](#)

REQUESTS

2. [23-00356](#) PROPOSED AMENDMENT TO THE LAND DEVELOPMENT CODE -
FOOD TRUCK COURTS

Attachments: [Sec. 12-3-95_Food Truck Courts_PB FINAL REVISED_4.25.2023](#)
[Sec. 12-3-8, Sec. 12-3-10, and Sec. 12-3-12 AMENDING EXISTING](#)

OPEN FORUM

DISCUSSION

ADJOURNMENT

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

ADA Statement

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 850-435-1670 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.

If any person decides to appeal any decision made with respect to any matter considered at such meeting, he will need a record of the proceedings, and that for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The City of Pensacola adheres to the Americans with Disabilities Act and will make reasonable accommodations for access to City services, programs and activities. Please call 435-1606 (or TDD 435-1666) for further information. Request must be made at least 48 hours in advance of the event in order to allow the City time to provide the requested services.



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00355

Planning Board

5/9/2023

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 5/2/2023

CITY COUNCIL DISTRICT: ALL

SUBJECT:

Planning Board Meeting Minutes from April 11, 2023



MINUTES OF THE PLANNING BOARD

April 11, 2023

MEMBERS PRESENT: Chairperson Paul Ritz, Vice Chairperson Larson Board Member Grundhoefer, Board Member Villegas, Board Member Sampson, Board Member Van Hoose, Board Member Powell

MEMBERS ABSENT: None

STAFF PRESENT: Planning & Zoning Manager Cannon, Assistant Planning & Zoning Manager Harding, Deputy City Administrator Forte, Help Desk Technician Russo, Development Services Director Morris, Development Services Coordinator Statler

STAFF VIRTUAL: Assistant City Attorney Lindsay

OTHERS PRESENT: Dean Dalrymple, Amir Fooladi

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from March 14, 2023
- **New Business:**
- Request for Aesthetic and Site Plan Approval – 17 S. 9th Avenue / Zone GRD-1 – Council District 6
- Open Forum
- **Discussion:**
- Proposed Amendment to the Land Development Code – Food Truck Courts
- Adjournment

Call to Order / Quorum Present

Chairperson Paul Ritz called the meeting to order at 2:00 pm with a quorum present and explained the procedures of the meeting including requirements for audience participation.

Approval of Meeting Minutes – Board Member Powell made a motion to approve the March 14, 2023, minutes, seconded by Board Member Sampson, and it carried unanimously.

New Business –

Request for Aesthetic and Site Plan Approval – 17 S. 9th Avenue / Zone GRD-1 – District 1

Assistant Planning & Zoning Manager Harding introduced the application and provided the board with hardcopies of Aragon ARB's comments proving preliminary approval (attached to meeting minutes). Final approval by Aragon ARB will be required prior to permitting. Chairperson Ritz reviewed the comments by Aragon ARB and noticed that all were design suggestions rather than requirements. Mr. Dalrymple stated that this structure would be infill between two existing structures. He provided additional information on the design choices and finished floor elevation since the area was a flood zone. Chairperson Ritz echoed the Aragon ARB comments and Mr. Dalrymple stated they had addressed all comments and that the revisions had been forwarded to the committee. Chairperson Ritz stated that it would be a nice addition and looked forward to the streetscape being continued. He had no additional comments and Board Member Grundhoefer thought the design was handsome. Commercial uses were encouraged here, but residential was also acceptable and that the use could not be denied.

Board Member Larson made a motion to approve, seconded by Board Member Villegas and it carried unanimously.

Open Forum – None.

Discussion – Proposed Amendment to the Land Development Code – Food Truck Courts.

The board moved on to the discussion item and Chairperson Ritz stated that there would be no vote on the proposed language today.

Assistant Planning & Zoning Manager Harding introduced the discussion item and a hardcopy of the proposed ordinance for discussion was provided to the board (attached to minutes). It was clarified that this was a discussion item only and that this item was meant to continue dialog and to publicly introduce language. Development Services Coordinator Statler has been the primary point of contact for the proposed language.

Development Services Coordinator Statler provided an overview of the proposed ordinance. The intent of the document is to propose an amendment to the Land Development Code (LDC) to develop a permitted land use category for food truck courts. There has been a lot of interest from the public in this type of development which is not currently allowed. The ordinance would designate zoning districts where food truck courts could be allowed by right or by conditional use and it would establish commercial development standards within the criteria itself. Per the proposed document, food truck courts would be first allowed in zoning district C-1 and would subsequently be allowed in less restrictive zones such as C-2, C-2A, C-3, M-1, and M-2, as well as GRD and WRD. In PC-1, food truck courts would mirror the restaurant land use for that district and be allowed by conditional use. They would also be allowed as a conditional use within the area defined by Ord. No. 26-21 which provides a prohibited area downtown for food trucks in public rights-of-ways (boundary attached to minutes). The number of allowed 10' x 20' pads for food trucks would be between one and six and setbacks would be consistent with fire code requirements. Permanent restroom facilities would also be required. Development Services Coordinator Statler continued with an overview and touched on proposed seating requirements, exterior modification provisions, and licensing requirements. Several examples of existing food truck courts were provided including those in Florida such as

Gulf Breeze, Jacksonville, St. Augustine, and Naples, as well as Knoxville, Tennessee, and several locations in Texas. Assistant Planning & Zoning Manager Harding added that many more cities were included in research, but a number of developments appearing as “food truck courts” were actually classified as restaurants or bars with food trucks as an accessory use. The purpose of this ordinance would allow for food trucks to be the primary land use. It was pointed out that food trucks were briefly discussed at the March meeting and that staff anticipated several more meetings of discussion on this topic and before it would be an action item. Board Member Powell inquired on The Garden, and it was clarified that the food vendors at that location are permanently fixed to the ground and are accessory to a brick-and-mortar restaurant. Additionally, there is a conditional use allowance per Sec. 12-3-107(3) which geographically permits mobile restaurant facilities as accessory uses on private property and subject to certain conditions. But in appearance, it would be somewhat similar, though the food trucks in a food truck court could be drive-on and drive-off. Board Member Larson recommended adding terminology so there would be less confusion about the term “permanent” as it related to food truck tenants. He wanted to make sure there would be no confusion in the event of storms or scenarios in which the food trucks needed to be relocated. Board Member Sampson asked how the licensing would work between the development owner and the food trucks, and it was clarified that the city would not regulate that function since operational measures would be a part of the private business operation. Board Member Villegas asked for clarification that this would pertain to private property and private businesses and staff confirmed that it would. The ordinance speaks to standards and guidelines if a commercial property was developed into such a use. The development would go through typical commercial site plan development review and enforcement would fall to the typical departments depending on the issue. The ordinance discusses LDC elements of the proposed development. Cordova Mall was used as an example of a property owner leasing out spaces to individual businesses who would be required to have their own licenses. Chairperson Ritz stated that questions for the board were related to LDC concerns such as if C-1 was an appropriate district to introduce this use and whether 50% lot coverage was amenable. Board Member Powell asked why staff settled on the specific number of pads and on the lot coverage calculation and staff confirmed that the ordinance reflects existing food truck courts, ordinances from other jurisdictions, and what seemed to work well elsewhere.

Board Member Villegas asked about the proposed restroom requirements. As proposed, permanent restroom facilities meeting the Florida Building Code would be required for the food truck court use. Board Member Villegas was concerned about the proposed 25' setback for dumpsters and staff confirmed that was a minimum requirement so that dumpsters would not be located at the front of a property and hidden as much as possible. Chairperson Ritz stated that these numbers could be adjusted as part of the discussion process. Board Member Villegas also asked if there would be requirements for when the businesses are closed – such as gates. There were no such requirements included at this time since the visuals of each business is assumed to be different. Some businesses do close off their sites and others do not. Board Member Villegas brought up the point that this might create vacant spaces at night. Board Member Van Hoose asked if local food truck owners had been contacted for input and staff stated that would be a goal as part of the process going forward. This was the first time the proposed ordinance had been made publicly available and there are plans to reach out to as many stakeholders as possible. Board Member Powell asked about off-street parking and what if off-street parking was already existing on the site. Staff thought that off-street parking would still be required

unless there were exemptions or reductions from being in the Dense Business Area or the Urban Core CRA. Staff could add specific language regarding what kind of screening or how high the screening should be in regards to landscaping and buffer requirements. Some districts and overlays are more specific than others.

It was clarified that the proposed ordinance would not impact the use of food trucks as an accessory use. This ordinance would only apply to developments where food trucks would be the primary use.

There was a question about the food truck operation on Tippin Avenue and that was determined to be in the County. Board Member Van Hoose asked whether aesthetics should be considered in the ordinance. Subsection number eight did address some aesthetics as far as the development's visual harmony with its surroundings, and those developments in special review districts would be subject to those respective boards – such as ARB. Outside those areas, Board Member Grundhoefer didn't think the board should regulate aesthetics too much. There were general guidelines also in Sec. 12-3-121 and by which most commercial developments would be subject to. Board Member Grundhoefer offered the following – in (c)(1)a., adding language to the effect of “notwithstanding any applicable landscape buffers *or more stringent setback requirements*”. Staff mentioned that the 10' provision was consistent with fire code and nearly all commercial districts where this would apply have no or minimal setback requirements. In the case of the development being adjacent to residential lots, there would be a standard 10' required buffer yard. In (c)(1)d., it was suggested to add, “Outdoor refuse and storage areas shall not be allowed within the 25 feet of the front property line *and shall be screened per (c)(8)b of this section.*” The maximum coverage of 50% was questioned and it was clarified that coverage referenced all structures, and in this instance, also pads, but not hardscape for parking which is typical for how the LDC views coverage. Board Member Grundhoefer asked if a provision for open areas should be included and it was confirmed that this ordinance would be in addition to the underlying district and development requirements. Typical commercial development standards would also apply regardless of the type of land use. It was understood that this ordinance would not supersede the underlying zoning requirements. Assistant Planning & Zoning Manager Harding clarified that this ordinance is proposed to be placed within the *Specific Uses* section, similar to accessory residential units, bed and breakfast facilities, etc. Introducing this in zoning district C-1 would allow it by right in less restrictive commercial zoning districts since the LDC's land use districts are cumulative. Board Member Grundhoefer asked if there was a maximum size proposed for the truck pad and staff answered that the requirement was just a minimum at this time. Staff also clarified that the proposed ordinance only allows for six food truck pads per development / parcel. If a food truck court was developed next to another food truck court, both would require separate parcels, separate bathroom facilities, separate infrastructure and utilities, etc. It was asked if the seating requirements addressed whether the seating would need to be permanently affixed, or if it could be portable lawn chairs. Modification of the language to, “seating at tables and chairs”, or “intended for dining”, or adding “seats for dining” was discussed. However, it was determined that the type and aesthetic of chairs and tables should not be restricted.

Board Member Villegas asked to add verbiage which might suggest that tables and chairs are to be used for dining.

Board Member Van Hoose asked that language on screening dumpster enclosures be included. She did not think the board needed to dictate seating.

Board Member Sampson offered to conduct research on seating and parking options elsewhere and was happy with the ordinance draft so far.

Board member Powell suggested adding language to address the difference between primary and accessory uses, and to add language clarifying that this ordinance is for principal land uses only. It does not apply to food trucks as accessory uses. Staff clarified that the use will also be added to the list of allowed primary uses in C-1, so those concerns should be satisfied. Board Member Powell was amenable to that solution. It was clarified that total “gross floor area” referenced truck pads and any on-site structures.

Chairperson Ritz asked if the exclusion zone would be referenced in the ordinance and staff answered, “yes”. He asked if any other jurisdictions had requirements for electrical and whether that should be considered. Staff answered that the requirements included in subsection (c)(5) *Mobile food truck pad requirements* were generally deemed permanent utilities for food truck applications.

Board Member Larson thought that noise and curfew issues should at least be considered as the board continued this discussion in other meetings.

Mr. Fooladi addressed the board. He thanked staff and the mayor for their efforts in bringing this forward. He had concerns the board might place unnecessary restrictions on potential business owners and pointed out that purpose for this was “to allow innovative development options”. More layers of restriction may hamper innovative and creative businesses. He was fine with the proposed locations but questioned the 10’ x 20’ minimum pad requirement as well as the proposed 50% lot coverage maximum. He also had concerns on how this ordinance would relate to the CRA Urban Design Overlay District (CRAUDOD) and didn’t know how this would work there. Chairperson Ritz offered that the CRA requirements would likely apply to any permanent structures and not the actual food trucks themselves. Development Services Coordinator Statler mentioned that developments in the CRAUDOD are offered a modification process if a hardship is present. Mr. Fooladi suggested that this type of development be exempt from CRAUDOD design requirements altogether. Development Services Coordinator Statler stated that there are other CRAUDOD requirements not related to buildings – such as stormwater management placement and enhanced landscaping. The CRAUDOD modification process is not as arduous as one might think that this type of development would be an appropriate application if a modification was needed. Chairperson Ritz clarified that since a food truck is not a permanent structure, a food truck would not have to meet CRAUDOD standards. Those would just apply to permanent structures and the site. Regarding Mr. Fooladi’s comments on the truck pad, staff clarified that a regular legal parking stall is 9’ x 18’. So, 10’ x 20’ for a larger vehicle like a food truck was not viewed as inappropriate. Mr. Fooladi responded that he was concerned with parking and that less parking was desirable. Staff stated that the parking provision in the proposed food truck court ordinance could be modified. Staff also clarified that these developments would be considered as eating and drinking establishments which receive a 100% parking reduction if located in the Urban Core CRA (that area bounded by A Street to the west, Cervantes Street to the north, and 17th Avenue to the east).

Chairperson Ritz confirmed with staff that they would see this again as a discussion item in May and that staff would contemplate changes based on the discussion.

Deputy City Administrator Forte suggested that Planning Board could request this item to be added to the May agenda as an action item. If at that time, the Planning Board is not comfortable to make a recommendation to City Council, it could always be postponed to the next meeting. If it remains a discussion, Planning Board would not be able to take

action since it wouldn't have been properly noticed. If added as an action item, it could either be postponed or sent to Council for review. It was clarified that two readings at City Council would be required.

Board Member Villegas made a motion to place the proposed amendment to the Land Development Code on the next agenda as an action item, seconded by Board Member Larson and it carried unanimously. Staff clarified that this item will likely be the only item on the May meeting agenda, and that they would correspond with administration regarding the board's comments. Board Member Grundhoefer asked if the board could receive a statement from the mayor to indicate his support of revisions. Assistant Planning & Zoning Manager Harding clarified that although the board cannot table items, they could still vote to postpone the item if they are not comfortable with the proposed document at that time. A vote will still be required.

An overview of past Planning Board items which have gone, or are going to, City Council was provided by Planning & Zoning Manager Cannon.

Adjournment – With no further business, the Board adjourned at 3:34 p.m.

Respectfully Submitted,



Gregg Harding, RPA
Assistant Planning & Zoning Manager
Secretary of the Board

From: Michael Crawford

Sent: Tuesday, February 28, 2023 7:01 AM

To: Dean Dalrymple <dean@dalsal.com>

Cc: kelly.wieczorek@gmcnetwork.com; Michelle MacNeil <michellemacneil22@gmail.com>

Subject: RE: Nall Residence - Revised Preliminary Review

Dean – I apologize for the delay in this review response. Your Preliminary Review for the Nall residence has been approved with the following comments:

1. Consider taller front door to align with adjacent windows.
2. We appreciate that the front elevation wall height is similar to the neighbors.
3. Columns and windows on front elevation should be related. See if you can adjust the balcony width so that it aligns with the openings beyond.
4. Floor to ceiling height for 1st floor is required to be 12', but because of the height of the first floor above grade, a variance for this would be acceptable.
5. Verify math on lot coverage calculations.
6. Building footprint indicated in lot coverage calculations does not match that provided in the building area totals
7. What is material of rear trash gate? Consider rear gate design to coordinate more with balcony rail horizontal pattern.
8. Rear gate shows conflicting materials at 6/A101 and 1/A101
9. Indicate finish of north wall of neighbor's adjacent property (currently left exposed with design). This is addressed in the memo, but not in the drawings.
10. Include detail of how steel frames terminate at sidewalk. An exposed baseplate would not be appropriate.
11. Suggest height of entry door/transom to align with head of 1st floor windows
12. Are horizontal lines on elevations a change in brick pattern or projection, or simply the result of printing/graphics?
13. Suggest aligning control joint with 2nd floor window head (joints reflect previous brick detailing)
14. Rear canopy supports appear too close to scuppers, suggest supports align with outer edge of windows. (Additional supports may be necessary for pre-manufactured canopy system – if so, suggest aligning additional supports with inner edge of windows)

Thank you and we look forward to seeing this project develop.

MICHAEL CRAWFORD

AIA, LEED AP, CPTED

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PART II - CODE OF ORDINANCES
TITLE XII - LAND DEVELOPMENT CODE
CHAPTER 12-3. - ZONING DISTRICTS
ARTICLE V. SPECIFIC USES

Sec. 12-3-95. Food Truck Courts.

- (a) *Purpose.* The purpose of allowing food truck courts which provides parking pads for one or more mobile food trucks and may also include other site development features, such as parking and seating, is to allow for innovative development options within the commercial zoning district.
- (b) *Permitted locations.*
 - a. Food truck courts shall be allowed as a permitted use in the C-1, C-2, C-2A, C-3, M-1, M-2, GRD, and WRD zoning districts, exclusive of the area defined by Ordinance 16-21.
 - b. Food truck courts shall be allowed as a conditional use within PC-1 and the area defined within Ordinance 16-21 and must comply with the conditional use requirements established within section 12-3-120.
- (c) *General requirements.*
 - (1) *Site development requirements.* The development of the site shall comply with the requirements of the zoning district and any applicable overlay district, with the exception of the following:
 - a. Food truck stalls and additional structures shall observe a minimum setbacks of ten (10) feet from any side or rear property line, notwithstanding any applicable landscape buffers.
 - b. Food truck stalls and additional structures shall be located at least ten (10) feet from any other space or structure.
 - c. Drive-thru services are prohibited.
 - d. Outdoor refuse and storage areas shall not be allowed within the 25 feet of the front property line.
 - (2) *Number of food truck parking pads.* A minimum of one stationary food truck pad shall be developed with each food truck court. The maximum number of mobile food truck pads shall be six (6).
 - (3) *Lot coverage, landscaping, and buffers.*
 - a. The maximum lot coverage for the mobile food truck pads, all structures, and defined outdoor dining areas shall be 50%.
 - b. Landscaping and buffer requirements shall be subject to the minimum provisions set forth in chapter 12-6. When off-street parking is located at a street frontage, a year-round landscape hedge or low fence or wall along the street edge of the parking lot must be used as a means of buffering and subject to visibility triangle requirements in section 12-3-58.
 - (4) *Off-street parking.* One off-street parking space shall be provided for the food truck court for each 100 square feet of gross floor area, or fraction thereof, of the mobile food truck pads and all buildings on the site with the exception of those located within the Dense Business Area or the Urban Core CRA.

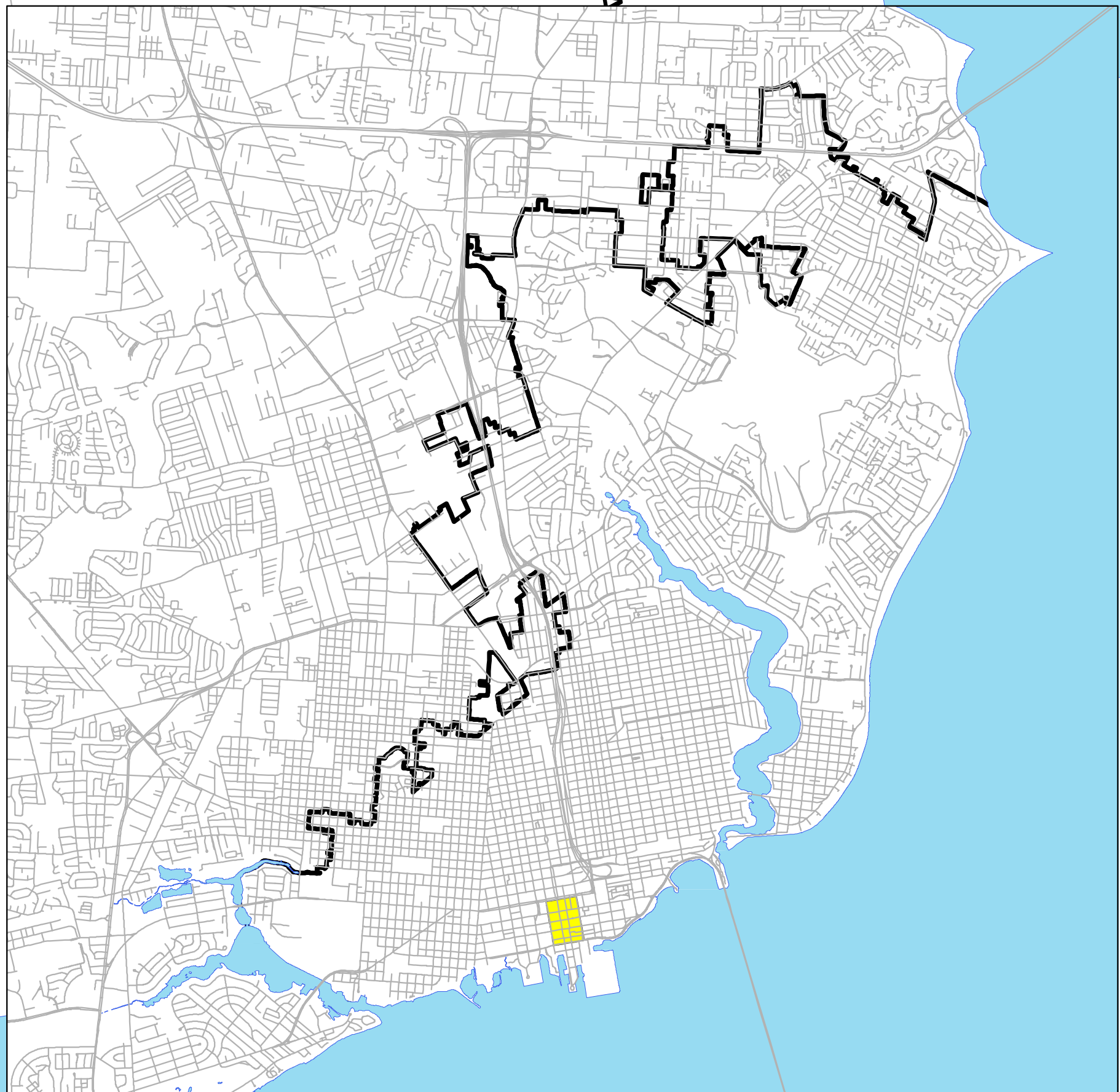
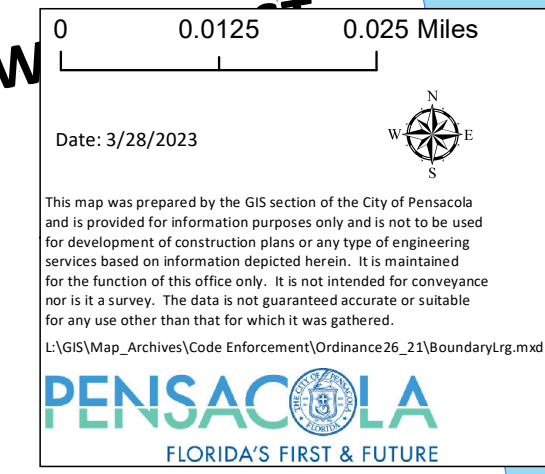
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ARTICLE V. SPECIFIC USES

- (5) *Mobile food truck pad requirements.* Each food truck space shall provide the following:
 - a. A connection to a water source.
 - b. A connection to a sewer system and a grease trap.
 - c. A solid surface pad measuring at least 10 feet in width and 20 feet in length.
- (6) *Restrooms.* Permanent restrooms are required as part of the food truck court. This facility must be within the same parcel as the mobile food truck pad(s). The minimum requirement shall be 2 stalls each for male and female.
- (7) *Seating.* Four seats shall be required for every mobile food truck pad.
- (8) *Exterior modifications.*
 - a. Architectural design and building elements. All buildings, structures, fences, walls, etc. shall follow design standards and guidelines in section 12-3-121(d) and shall strive to achieve visual harmony with the surrounding area. If located in a district subject to Architectural Review Board or Planning Board review, or located in the CRA Urban Design Overlay, the project shall be subject to the standards applicable to the relevant district.
 - b. Fencing and screening. Approved materials include wood, brick, stucco finished masonry, stone, or wrought iron, and combinations of these materials. Black powder-coated chain-link fences will be permitted if screened in their entirety by appropriate vegetation. Exposed concrete block and barbed wire are prohibited. All service areas (i.e. trash collection containers, compactors, etc.) shall be screened from street and adjacent buildings by a fence, wall, and/or vegetation.
 - c. Site lighting. Exterior lighting shall follow standards set forth in section 12-3-121(c)(9).
- (9) *Food truck requirements.*
 - a. Each food truck must meet the requirements of the Florida Fire Prevention Code, NFPA 1, section 50.7 Mobile and Temporary Cooking Operations. Section 50.7.1.5 Separation. Mobile or temporary cooking operations shall be separated from building or structures, combustible materials, vehicles, and other cooking operations by a minimum of 10 ft. Section 50.7.1.7 Fire Department Access. Mobile or temporary cooking operations shall not block fire department access roads, fire lanes, fire hydrants, or other fire protection devices and equipment.
 - b. A copy of the Commissary Agreement should be maintained on the food truck or mobile food vending establishment.
 - c. The food truck owner should obtain a license from DBPR, then an inspection from the fire department before obtaining a City BTR.

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- d. Each food truck operating on the site is required to have a City BTR, business tax receipt, but is not required to obtain any other City permits or licenses.
 - e. A copy of the appropriate license(s) from the Florida department of Business and Professional Regulation (Division of Hotels and Restaurants) shall be maintained on the food truck or mobile food vending establishments at all times along with a copy of a valid City business tax receipt when the vehicle is in operation in the City, and shall be made available for inspection upon request by the City's law or code enforcement officers.
- (10) *Alcohol*. If alcohol is to be sold on-site, the provisions within Chapter 7 shall apply.
- (11) *Signs*. Signage shall comply with the standards for the respective zoning district.
- (d) *Review and approval process*. All applications for food truck courts shall comply with development standards and guidelines established in section 12-3-121.

Secs. 12-3-96—12-3-104. Reserved.





City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 23-00356

Planning Board

5/9/2023

TO: Planning Board Members

FROM: Gregg Harding, Assistant Planning & Zoning Division Manager

DATE: 4/20/2023

CITY COUNCIL DISTRICT: ALL

SUBJECT:

Proposed Amendment to the Land Development Code - Food Truck Courts

BACKGROUND:

The Mayor's Office has requested Planning Board to discuss and take action on a proposed ordinance allowing food truck courts as a commercial land use. This item was discussed at the March and April 2023 Planning Board meetings and feedback from the board was incorporated into the revised document. The proposed ordinance would allow food truck courts as a primary use in zoning districts C-1, C-2, C-2A, C-3, M-1, M-2, GRD, and WRD, and as a conditional use in PC-1. The proposed ordinance also outlines general site development requirements for the specific use, including brick-and-mortar bathrooms, seating requirements, and landscaping and buffers. Approval of this proposed ordinance would also require the amendments of Sec. 12-3-8(2)a. to include "food truck courts" as a permitted use in C-1, Sec. 12-3-10(2)c.3.viii. to include "food truck courts" as a permitted conditional use in PC-1, and Sec. 12-3-12(3)b.8. to include "food truck courts" as a permitted use in WRD.

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~~Secs. 12-3-95—12-3-104. Reserved.~~

Sec. 12-3-95. Food Truck Courts.

- (a) Purpose. The purpose of allowing food truck courts which provides parking pads for one or more mobile food trucks and may also include other site development features, such as parking and seating, is to allow for innovative development options within the commercial zoning district.
- (b) Permitted locations.
- a. Food truck courts shall be allowed as a permitted use in the C-1, C-2, C-2A, C-3, M-1, M-2, GRD, and WRD zoning districts, exclusive of the area defined by Ordinance 26-21.
 - b. Food truck courts shall be allowed as a conditional use within PC-1 and the area defined within Ordinance 26-21 and must comply with the conditional use requirements established within section 12-3-120(a)(3).
- (c) General requirements.
- (1) Site development requirements. The development of the site shall comply with the requirements of the zoning district and any applicable overlay district, with the exception of the following:
 - a. Food truck stalls and additional structures shall observe a minimum setbacks of ten (10) feet from any side or rear property line, notwithstanding any applicable landscape buffers or setbacks from a residential zoning district as outlined in Table 12-3.7.
 - b. Food truck stalls and additional structures shall be located at least ten (10) feet from any other space or structure.
 - c. Drive-thru services are prohibited.
 - d. Outdoor refuse & utilities, and storage areas shall not be allowed within the 25 feet of the front property line and shall be screened per Sec. 12-3-121.
 - (2) Number of food truck parking pads. A minimum of one stationary food truck pad shall be developed with each food truck court. The maximum number of mobile food truck pads shall be six (6).
 - (3) Lot coverage, landscaping, and buffers.
 - a. The maximum lot coverage for the mobile food truck pads, all structures, and defined outdoor dining areas shall be 50%.
 - b. Landscaping and buffer requirements shall be subject to the minimum provisions set forth in chapter 12-6. When off-street parking is located at a street frontage, a year-round landscape hedge or low fence or wall along the street edge of the parking lot must be used as a means of buffering and subject to visibility triangle requirements in section 12-3-58.
 - (4) Off-street parking. One off-street parking space shall be provided for the food truck court for each food truck pad plus on per 100 square feet of gross floor area, or fraction thereof, of all buildings on the site with the exception of those located within the Dense Business Area or the Urban Core CRA.
 - (5) Mobile food truck pad requirements. Each food truck space shall provide the following:
 - a. A connection to a water source.
 - b. A connection to a sewer system and a grease trap or a gray-water system with off-site

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disposal.

c. A solid surface pad measuring at least 10 feet in width and 20 feet in length.

(6) Restrooms. Permanent restrooms are required as part of the food truck court. This facility must be within the same parcel as the mobile food truck pad(s). The minimum requirement shall be 2 stalls each for male and female.

(7) Seating. Table seating, with a minimum of four seats per table, shall be required for every mobile food truck pad.

(8) Exterior modifications.

a. Architectural design and building elements. All buildings, structures, fences, walls, etc. shall follow design standards and guidelines in section 12-3-121(d) and shall strive to achieve visual harmony with the surrounding area. If located in a district subject to Architectural Review Board or Planning Board review, or located in the CRA Urban Design Overlay, the project shall be subject to the standards applicable to the relevant district.

b. Fencing and screening. Approved materials include wood, brick, stucco finished masonry, stone, or wrought iron, and combinations of these materials. Black powder-coated chain-link fences will be permitted if screened in their entirety by appropriate vegetation. Exposed concrete block and barbed wire are prohibited. All service areas (i.e. trash collection containers, compactors, etc.) shall be screened from street and adjacent buildings by a fence, wall, and/or vegetation.

c. Site lighting. Exterior lighting shall follow standards set forth in section 12-3-121(c)(9).

(9) Food truck requirements.

a. Each food truck must meet the requirements of the Florida Fire Prevention Code, NFPA 1, section 50.7 Mobile and Temporary Cooking Operations. Section 50.7.1.5 Separation. Mobile or temporary cooking operations shall be separated from building or structures, combustible materials, vehicles, and other cooking operations by a minimum of 10 ft. Section 50.7.1.7 Fire Department Access. Mobile or temporary cooking operations shall not block fire department access roads, fire lanes, fire hydrants, or other fire protection devices and equipment.

b. A copy of the Commissary Agreement should be maintained on the food truck or mobile food vending establishment.

c. The food truck owner should obtain a license from DBPR, then an inspection from the fire department before obtaining a City BTR.

d. Each food truck operating on the site is required to have a City BTR, business tax receipt, but is not required to obtain any other City permits or licenses.

e. A copy of the appropriate license(s) from the Florida department of Business and Professional Regulation (Division of Hotels and Restaurants) shall be maintained on the food truck or mobile food vending establishments at all times along with a copy of a valid City business tax receipt when the vehicle is in operation in the City, and shall be made available for inspection upon request by the City's law or code enforcement officers.

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f. If a gray-water system is to be used, a contract for off-site disposal must be made available upon request.

(10) Alcohol. If alcohol is to be sold on-site, the provisions within Chapter 7 shall apply.

(11) Signs. Signage shall comply with the standards for the respective zoning district.

(d) Review and approval process. All applications for food truck courts shall comply with development standards and guidelines established in section 12-3-121.

Secs. 12-3-96—12-3-104. Reserved.

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Sec. 12-3-8. - 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, and C-3.

(1) *Purpose of district.*

- a. 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 12-3-121.
- b. 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 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.
- c. 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.
- d. 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.
- e. 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.

(2) *Uses permitted.*

- a. *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:
 1. Retail sales and services.
 2. Motels/hotels.
 3. Vending machine when as accessory to a business establishment and located on the same parcel of land as the business.
 4. Car washes.
 5. Movie theaters, except drive-in theaters.

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6. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
 7. Pet shops with all uses inside the principal building.
 8. Parking lots and parking garages.
 9. Pest extermination services.
 10. Animal hospitals and veterinary clinics with fully enclosed kennels and no outside runs or exercise areas.
 11. Business schools.
 12. Trade schools.
 13. Medical marijuana dispensary.
 14. Recreation or amusement places operated for profit.
 15. Accessory buildings and uses customarily incidental to the above uses.
 - 16. Food truck courts, subject to regulations in Sec. 12-3-95.**
- b. *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:
1. Bars.
 2. Pool halls.
 3. Newspaper offices and printing firms.
 4. Marinas.
 5. Major public utility buildings and structures including radio and television broadcasting station.
 6. Accessory buildings and uses customarily incidental to the above uses.
- c. *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:
1. Cabinet shops and upholstery shops.
 2. Electric motor repair and rebuilding.
 3. Garages for the repair and overhauling of automobiles.
 4. Sign shop.
 5. Accessory buildings and uses customarily incidental to the above uses.
- d. *C-3, commercial zoning district (wholesale and limited industry).*
1. 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

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wall at least eight feet high at installation. Vegetation shall also be used as a screen and shall provide 75 percent opacity. The vegetative screen shall be located on the exterior of the required fence.

2. Outside kennels, runs or exercise areas for animals subject to regulations in section 12-3-83.
 3. Growing and wholesale of retail sales of trees, shrubs and plants.
 4. Bakeries, wholesale.
 5. Ice cream factories and dairies.
 6. Quick-freeze plants and frozen food lockers.
 7. Boat sales and repair.
 8. Outdoor theaters.
 9. Industrial research laboratories and pharmaceutical companies.
 10. Truck sales and repair.
 11. Light metal fabrication and assembly.
 12. Contractors shops.
 13. Adult entertainment establishments subject to the requirements of chapter 7-3.
 14. Industrial laundries and dry cleaners using combustible or flammable liquids or solvents with a flash point of 190 degrees Fahrenheit or less which provide industrial type cleaning, including linen supply, rug and carpet cleaning, and diaper service.
 15. Retail lumber and building materials.
 16. Warehouses.
 17. Plumbing and electrical shops.
 18. New car and used car lots, including trucks which do not exceed 5,000 pounds.
 19. Car rental agencies and storage, including trucks which do not exceed 5,000 pounds.
 20. Pawnshops and secondhand stores.
 21. Mini-storage warehouses.
 22. 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.
 23. Accessory buildings and uses customarily incidental to the above uses.
- (3) *Regulations.* All developments are required to comply with design standards and are strongly encouraged to follow design guidelines as established in section 12-3-121. Table 12-3.7

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describes height, area and yard requirements for the C-1, C-2, C-2A and C-3 commercial zoning districts:

TABLE 12-3.7. REGULATIONS FOR THE COMMERCIAL
ZONING DISTRICTS

Standards	C-1	C-2A	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 20-foot yard unless the two 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 feet.		
Maximum Building Height	No building shall exceed 45 feet in height at the property or setback lines. (See Note 1)	No building shall exceed 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 75 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 65 percent.	Shall not exceed 100 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 90 percent.	Inside the dense business area: shall not exceed 100 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 90 percent (with the exception of the C-2A zoning district). Outside the dense business area: shall not exceed 75 percent of the total site area for buildings up to 100 feet in height. For buildings over 100 feet in height, lot coverage shall not exceed 65 percent.
Maximum Density Multiple-Family Dwellings	35 dwelling units per acre.	135 dwelling units per acre.	Inside the dense business area: 135 dwelling units per acre. Outside the dense business area: 35 dwelling units per acre.

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<p>Note 1: Three 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 150 feet.</p>
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- (4) *Additional regulations.* In addition to the regulations established above in subsection (3) of this section, all developments within the commercial zoning districts will be subject to, and must comply with, the following regulations:
- a. Supplementary district regulations subject to regulations in sections 12-3-55 through 12-3-69.
 - b. Off-street parking subject to regulations in chapter 12-4.
 - c. Signs subject to regulations in chapter 12-5.
 - 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 12-8.
 - f. Alcoholic beverages regulations subject to chapter 7-4.

(Code 1986, § 12-2-8; Ord. No. 25-92, § 1, 7-23-1992; Ord. No. 6-93, § 6, 3-25-1993; Ord. No. 29-93, § 6, 11-18-1993; Ord. No. 3-94, § 4, 1-13-1994; Ord. No. 44-94, § 1, 10-13-1994; Ord. No. 33-95, § 2 (exh. 1), 8-10-1995; Ord. No. 40-99, §§ 2, 3, 10-14-1999; Ord. No. 17-06, § 1, 7-27-2006; Ord. No. 11-09, § 1, 4-9-2009; Ord. No. 13-12, § 1, 6-14-2012; Ord. No. 12-13, § 1, 5-9-2013; Ord. No. 40-13, § 1, 11-14-2013; Ord. No. 01-16, § 1, 1-14-2016; Ord. No. 06-17, § 1, 3-9-2017; Ord. No. 12-19, § 1, 5-16-2019)

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- iii. Churches, Sunday school buildings and parish houses.
 - iv. Home occupations allowing: not more than 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 (1)c.2.vi of this section; two nonfamily members shall be allowed as employees in the home occupation; and a sign for the business not to exceed three square feet shall be allowed.
 - v. Publicly owned or operated parks and playgrounds.
 - vi. Community residential homes licensed by the state department of health and rehabilitative services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 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 500-foot radius.
 - vii. Bed and breakfast subject to regulations in section 12-3-84.
 - viii. Conditional uses permitted:
 - (a) Single-family attached dwellings (townhouses).
 - (b) Multiple-family dwellings.
 - ix. 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.
 - x. Family day care homes licensed by the state department of children and family Services as defined in state statutes.
2. *HR-2, multiple-family and office.*
- i. Any use permitted in the HR-1 district, including conditional uses.
 - ii. Boarding and lodging houses.
 - iii. Offices under 5,000 square feet.
 - iv. Community residential homes licensed by the state department of health and rehabilitative services with seven to 14 residents providing that it is not to be located within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is proposed to be within 1,200 feet of another such home in a multifamily district, measured from property line to property line, and/or within 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 500-foot radius.
 - v. Child care facilities subject to regulations in section 12-3-87.
 - vi. 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.

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- (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.
- vii. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.
3. *HC-1, historical commercial district.*
- i. Any use permitted in the HR-2 district, including the conditional uses, with no size limitations.
 - ii. Small appliance repair shops.
 - iii. Marinas.
 - iv. Restaurants (except drive-ins).
 - v. Motels.
 - vi. Commercial parking lots.
 - vii. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.
4. *HC-2, historical commercial district.*
- i. Any use permitted in the HC-1 district.
 - ii. Private clubs and lodges except those operated as commercial enterprises.
 - iii. Health clubs, spas and exercise centers.
 - iv. Tavern, lounges, nightclubs, cocktail bars.
 - v. Accessory buildings and uses customarily incidental to any of the above uses, including storage garages, when located on the same lot.
 - vi. Adult entertainment establishments subject to the requirements of chapter 7-3 when located within the dense business area as defined in chapter 12-13, Definitions.
- d. *Procedure for review.*

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1. 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 12-12-3. 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.
2. Decisions.
 - i. 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.
 - ii. 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

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compatibility standards such as height, proportion, shape, scale, style, materials and colors.

- iii. 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.
- 3. Plan submission. Every activity 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.
 - i. *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.
 - ii. *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.
 - iii. *Exterior elevations.*
 - (a) Indicate all four 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.

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- (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.

iv. *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.

4. Submission of photographs.

i. *Renovations/additions to existing buildings.*

- (a) Provide at least four 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.

ii. *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.

5. Submission of descriptive product literature/brochures.

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- i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
6. 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.
- e. *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 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 subsections (1)f through h of this section. 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."
1. *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)— 35 feet.
 - i. 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

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30 feet	30 feet
35 feet (maximum height)	35 feet

2. *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:

- i. Any of the following "specimen tree" species having a minimum trunk diameter of eight inches (25.1 inches in circumference) at a height of one foot above grade: Live Oak, Water Oak, Pecan, and Magnolia having a minimum trunk diameter of six inches (18.8 inches in circumference) at a height of one foot above grade; and
- ii. Any of the following flowering trees with a minimum trunk diameter of four inches (12.55 inches in circumference) at a height of one 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 city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.

3. *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 12-3-63(a) through (d), applicable to maximum heights permitted. In addition, the following provisions apply:

- i. 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.
 - ii. 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 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 that use masonry materials in their construction.
4. *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

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the building on the property. The support structure and trim work on a sign was typically ornamental, as well as functional.

Refer to sections 12-5-2 and 12-5-3 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 12-5-7 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 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.

i. *Permitted signs.*

(a) *Temporary accessory signs.*

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

- (1) One 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 12 square feet in area and having a maximum height of eight feet; provided, however, that signs projecting from a building or extending over public property shall maintain a clear height of nine feet six inches above the public property and shall not exceed a height of 12 feet six 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 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.
- (2) One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger

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than three square feet and shall be attached flat against the wall of the building.

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

ii. *Prohibited signs.*

- (a) Any sign using plastic materials for lettering or background.
- (b) Internally illuminated signs.
- (c) Portable signs.
- (d) Nonaccessory signs.

- 5. *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 approved by the board:

- i. Parking lots.
- ii. Dumpsters or trash handling areas.
- iii. Service entrances or utility facilities.
- iv. Loading docks or spaces.

- 6. *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:

- i. 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.
- ii. 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.

- 7. *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:

- i. *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.

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- (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.
- ii. *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.
- iii. *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.
- 8. *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.
- 9. *Residential accessory structures.* Residential accessory structures shall comply with regulations set forth in section 12-3-55 except that the following shall apply: Accessory structures shall not exceed one story in height for a maximum in height of 25 feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.

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10. *Additional regulations.* In addition to the regulations established above in subsections (1)e.1 through 9 of this section, any permitted use within the historic district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.

- f. *Restoration, rehabilitation, alterations or additions to existing contributing structures in the historic district.* 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 the Interior's document to reflect local conditions in the rehabilitation of structures. In the case of a conflict between the Department of the 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 ensure 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.

1. *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.
 - i. 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.
 - ii. 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 12 feet in height.
 - iii. 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.
 - iv. 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.
2. *Exterior walls.* The two building materials basic to the historic district are clapboard style wood siding and brick masonry, the former being most prevalent. In general, the wood

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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.

- i. Vinyl or metal siding is prohibited.
 - ii. 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.
 - iii. 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.
3. *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 on 12, but can be found to slope as much as 12 on 12. Roofing materials typically consisted of wood shingles, tin and corrugated metal panels.
 - i. 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.
 - ii. 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 30-year fiberglass or asphalt dimensional shingles, rolled roofing, and metal shingles. Thirty-year or 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.
 - iii. Eave metal and flashing shall be naturally weathered copper or galvanized steel, or may be painted.
 - iv. Gutters and downspouts are discouraged within the district except on brick commercial buildings.
4. *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.
 - i. Porches are required in any renovation or alteration of a contributing structure that originally had a porch, and are encouraged as additions when the style of the building will allow it.

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- ii. The original materials, method of construction and style of building elements shall be duplicated when making repairs, alterations or additions to existing porches.
 - iii. 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.
5. *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 French creole house type, normally had the front door centered, leading to a center hallway or stair hall.
- i. Doors are to be fabricated of solid wood, with three horizontal rails and two 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.
 - ii. Panel infill may vary slightly from that noted in subsection (1)f.5.i of this section, but usually shall not exceed six panels. Variations must be approved by the architectural review board.
 - iii. Trim or casing shall be used on all doors and sidelights and shall typically range in width between five inches and eight inches.
6. *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 30 inches above finished floor. Typical windows ranged in width from 32 to 36 inches and ranged in height from six to seven 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.
- i. 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.
 - ii. The window proportions/dimensions will be decidedly vertical, following the historic appearance and character of those encountered throughout the district.

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- iii. Window sections shall typically be divided into two to six panes, and in the usual double hung window, the layout of window panes will be six over six. All windows shall have true divided lites. Any variation to this division of the window opening shall be approved by the architectural review board.
 - iv. The window frame will be given a paint finish appropriate to the color scheme of the exterior of the building.
 - v. Window trim or casing is to be a nominal five-inch member at the two sides and the head.
 - vi. 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 and 2½ times the width. The sill height for standard windows shall be approximately 30 inches above finished floor.
 - vii. Glass for use in windows shall typically be clear, but a light tinted glass will be given consideration by the architectural review board.
7. *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.
- i. 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.
 - ii. 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.
 - iii. 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.
8. *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.
- i. 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.
 - ii. 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.

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- iii. The finished exposed surface of chimneys are to be left natural without any paint finish.
 - iv. Flashing shall consist of galvanized steel, copper sheet metal or painted aluminum.
 - v. The extent of simplicity or ornamentation shall be commensurate with the overall style and size of the building on which the chimney is constructed.
 - vi. The use in contributing structures of prefabricated fireplaces with steel chimneys is prohibited.
9. *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, etc.) of the building. Ornament on masonry buildings was typically limited to corbelling or other decorative use of brick at window openings, door openings, columns, parapet walls and on major facades above the windows and doors.
- i. In renovation work, only that decorative trim or ornament historically significant to the specific building will be permitted.
 - ii. The scale and profile/shape of existing ornament used within the district will dictate approval for all new proposals.
 - iii. Trim and ornament, where used, is to be fabricated of wood.
 - iv. 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.*
- i. Air conditioning condensing units shall not be mounted on any roof where they are visible from any street.
 - ii. 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.
 - iii. 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.
 - v. 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.*
- i. Whenever possible, accessibility ramps and outdoor stairways shall be located to the side or the rear of the property.
 - ii. The design of accessibility ramps and outdoor stairs shall be consistent with the architectural style of the building.
 - iii. Building elements, materials and construction methods shall be consistent with the existing structure.

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- g. *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 subsection (1)e of this section, relating to streetscape elements, and paint colors described in subsection (1)f.3 of this section 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 that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.
- h. *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 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 general building style districts as shown on Map 12-3.1: 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 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 subsection (1)e of this section 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 subsection (1)f.1 through 12 of this section 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.

1. Figure 12-3.1 illustrates the scale and characteristics of building types I and II for the wood cottages district.
2. Figure 12-3.2 illustrates the scale and characteristics of building type III for the brick structures district.
3. Aragon subdivision Block "L" & "N" and lots within Privateer's Alley shall conform to section 12-3-12(2)e.10, GRD-1 Architectural Review Standards, with the exception of section 12-3-12(2)e.10.v, Doors. Exterior doors shall comply with subsection (1)f.5 of this section.

MAP 12-3-1-HISTORIC BUILDING
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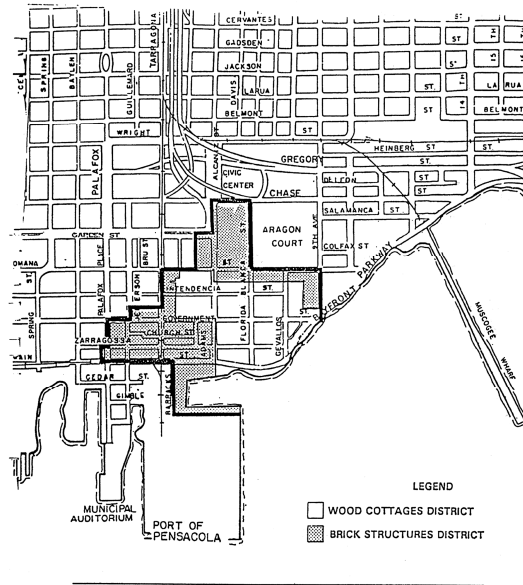


FIGURE 12-3.1. WOOD COTTAGES DISTRICT-STREETScape, TYPE 1

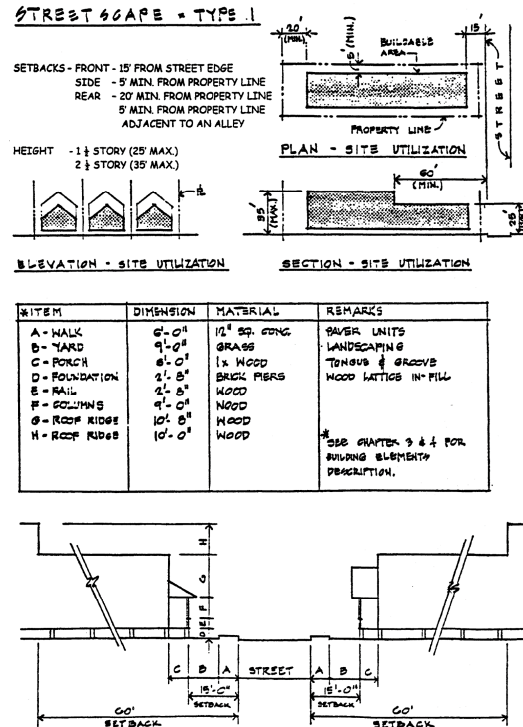


FIGURE 12-3.1. WOOD COTTAGES DISTRICT-STREETScape, TYPE 1

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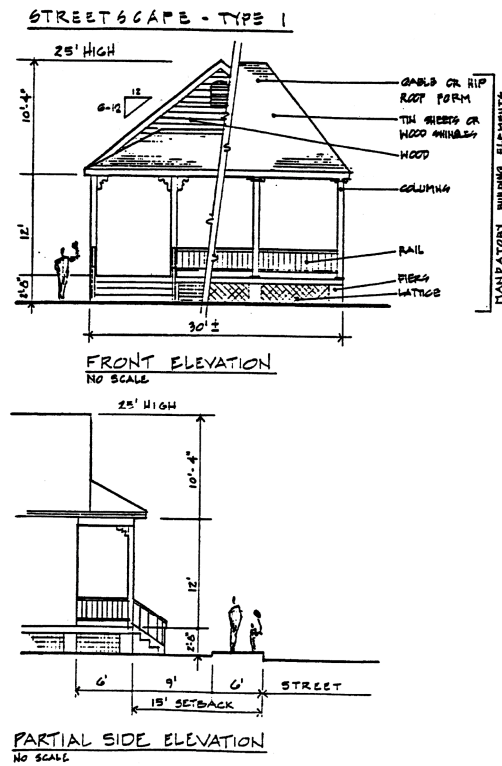


FIGURE 12-3.1. WOOD COTTAGES DISTRICT-STREETScape, TYPE 2

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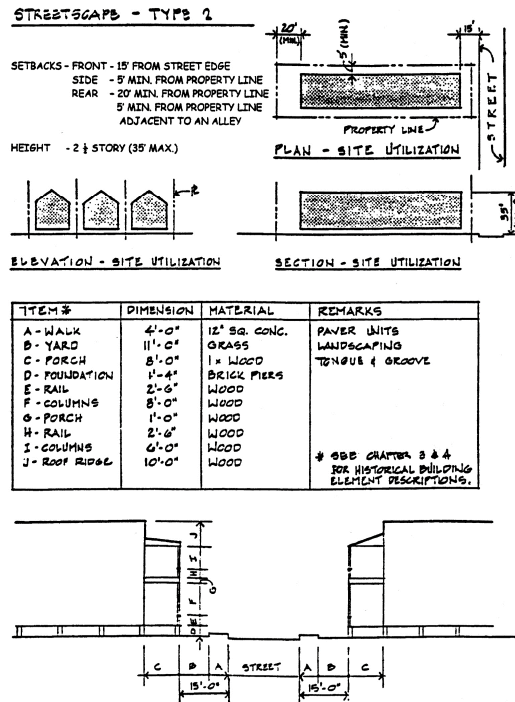


FIGURE 12-3.1. WOOD COTTAGES DISTRICT-STREETSCAPE, TYPE 2

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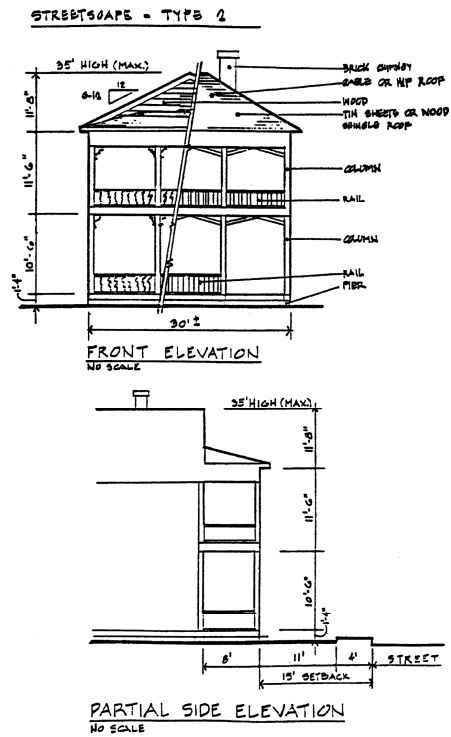


FIGURE 12-3.2. BRICK STRUCTURES DISTRICT-STREETSCAPE, TYPE 3

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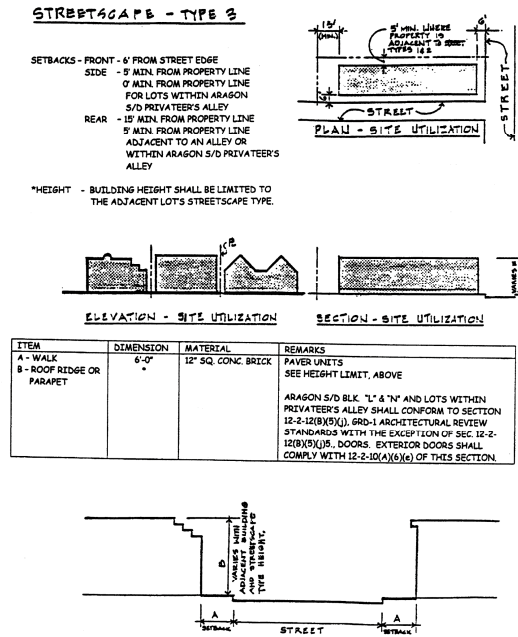
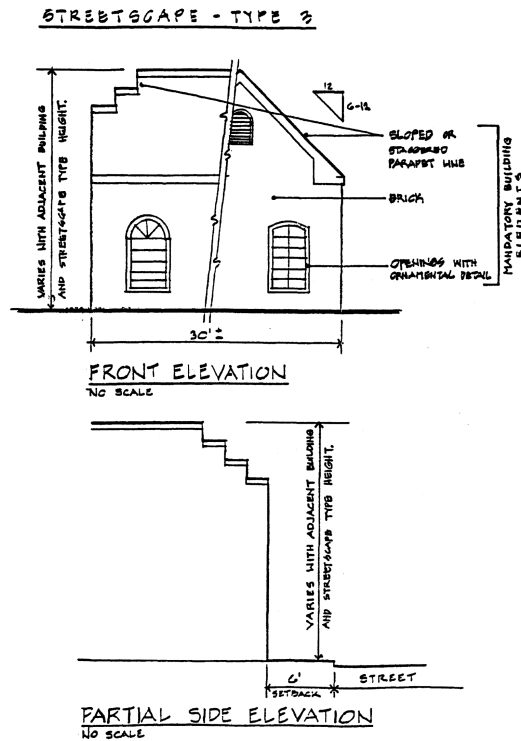


FIGURE 12-3.2. BRICK STRUCTURES DISTRICT-STREETSCAPE, TYPE 3

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- i. *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 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.

1. *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:

- i. *For all property:*

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- (a) The assessed value of the land and improvements thereon according to the two most recent assessments;
- (b) Real estate taxes for the previous two 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 years;
- (e) All appraisals obtained within the previous two years by the owner or applicant in connection with 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 independent appraisals made by appraisers with competent credentials.

ii. *For income-producing property:*

- (a) Annual gross income from the property for the previous two years;
- (b) Itemized operating and maintenance expenses for the previous two years, including proof that adequate and competent management procedures were followed;
- (c) Annual cash flow, if any, for the previous two years; and
- (d) Proof that efforts have been made by the owner to obtain a reasonable return on his or her investment based on previous service.

The applicant shall submit all necessary materials to the board at least 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.

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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 or her affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.

2. *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 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:
 - i. The historic or architectural significance of the structure;
 - ii. The importance of the structure to the integrity of the historic district;
 - iii. The difficulty or the impossibility of reproducing such a structure because of its design, texture, material, detail, or unique location;
 - iv. Whether the structure is one of the last remaining examples of its kind in the historic district;
 - v. 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
 - vi. Whether reasonable measures can be taken to save the structure from further deterioration, collapse, arson, vandalism or neglect.
3. *Recommendation of demolition.*
 - i. Should the applicant for demolition of a contributing structure satisfy the board that 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 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.
 - ii. 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 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 buildings or cause their preservation, then the board shall recommend approval of the demolition.

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- iii. 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 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.
 - iv. 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.
4. *Prevention of demolition by neglect.*
- i. 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 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 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 that list, bulge or settle due to defective materials or deterioration. Fireplaces or chimneys 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 that renders same structurally unsafe or not properly watertight.

In addition, the owner or other person having legal custody and control of a historic landmark or a building, object, site, or structure located in a historic

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district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse.

- ii. The board, on its own initiative, may file a petition with the building official requesting that he or she proceed to require correction of defects or repairs to any structure covered by subsection (1)i.4.i of this section so that such structure shall be preserved and protected in accordance with the purposes of this section and the public safety and housing ordinance.
- j. *Other demolition permits.*
 - 1. 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 subsections (1)i.2.i through vi of this section.
 - 2. The board shall make such determination within 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.
 - 3. 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 subsections (1)i.2.i through vi of this section, the board shall recommend to the city council that the structure be designated a contributing structure.
 - 4. Upon such a recommendation by the board, issuance of any permit shall be governed by subsection (1)i.3 of this section.
- k. *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 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.
- (2) *North Hill preservation zoning districts: PR-1AAA, PR-2, PC-1.*
 - a. *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 that complements and enhances the architecture of this area of the city.
 - b. *Character of the district.* The North Hill preservation district is characterized by mostly residential structures built between 1870 and the 1930s. Queen Anne, Neoclassical, Tudor Revival, Craftsman Bungalow, Art Moderne and Mediterranean Revival are among the

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architectural styles found in North Hill. North Hill is listed on the National Register of Historic Places.

c. *Uses permitted.*

1. *PR-1AAA, single-family district.*

- i. Single-family dwellings at a maximum density of 4.8 units per acre.
- ii. Home occupations, as regulated in section 12-3-57.
- iii. Community residential homes licensed by the state department of health and rehabilitative services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 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 500-foot radius.
- iv. Municipally owned or operated parks or playgrounds.
- v. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges.
- vi. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and city government for public purposes.
- vii. Churches, Sunday school buildings and parish houses.
- viii. Conditional uses permitted: two-family dwellings (duplex) at a maximum density of 9.6 units per acre.
- ix. Accessory buildings and uses customarily incidental to the above uses not involving the conduct of a business.
- x. Family day care homes licensed by the state department of children and family services as defined in state statutes.

2. *PR-2, multiple-family district.*

- i. Any use permitted in the PR-1AAA district.
- ii. Single-family, two-family and multifamily residential attached or detached units with a maximum density of 35 dwelling units per acre.
- iii. Community residential homes licensed by the state department of health and rehabilitative services with seven to 14 residents providing that it is not to be located within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is proposed to be within 1,200 feet of another such home in a multifamily district and/or within 500 feet of a single-family zoning district it shall be permitted with city council approval after public notification of property owners in a 500-foot radius.
- iv. Bed and breakfast subject to regulations in section 12-3-84.
- v. Conditional uses permitted:
 - (a) Private clubs and lodges except those operated primarily as commercial enterprises.
 - (b) Office buildings (under 5,000 square feet).
 - (c) Antique shops—No outside displays.

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- (d) Art galleries—No outside displays.
 - (e) Social services homes/centers.
 - (f) Boarding and lodging houses.
 - (g) Child care facilities subject to regulations in section 12-3-87.
- vi. 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.
- 3. *PC-1, preservation commercial district.*
 - i. Any use permitted in the PR-2 district, including conditional uses.
 - ii. Hand craft shops for custom work or making custom items not involving unreasonable noise, odor or chemical waste.
 - iii. Office buildings (under 7,000 square feet).
 - iv. Barbershops and beauty parlors.
 - v. Florists.
 - vi. Studios.
 - vii. Vending machines when an accessory to a business establishment and located inside the same building as the business.
 - viii. Conditional uses permitted:
 - (a) Gas stations.
 - (b) Other retail shops.
 - (c) Office buildings (over 7,000 square feet).
 - (d) Restaurants, with the exception of drive-in restaurants.
 - (e) Food truck courts, subject to regulations in Sec. 12-3-95.
 - ix. Accessory buildings and uses customarily incidental to the above uses.
- d. *Procedure for review.*
 - 1. *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 12-12-3. 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.
 - 2. *Decisions.*

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- i. General consideration. The board shall consider plans for existing buildings based on 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 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.
 - ii. 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.
 - iii. 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.
3. *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 (1)d.3 through 5 of this section, applicable to the historic district.

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- e. *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 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 subsections (2)f through h of this section.
1. *Off-street parking.* All development within the North Hill preservation district shall comply with the regulations established in chapter 12-4. 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 feet high shall be erected along the lot lines when autos or lots are visible from the street or from an adjacent residential lot.
 2. *Signs.* Refer to sections 12-5-2 and 12-5-3 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:
 - i. *Temporary accessory signs.*
 - (a) One non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six square feet of area.
 - (b) One non-illuminated sign not more than 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.
 - ii. *Permanent accessory signs.*
 - (a) One 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 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 attached or one freestanding sign per street frontage not to exceed 12 square feet provided that the freestanding sign be no closer to any property line than five 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

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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 12 square feet.

- (c) One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than 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 feet. No attached sign shall extend above the eave line of a building to which it is attached.

3. *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.

- i. Any of the following species having a minimum trunk diameter of eight inches (25.1 inches in circumference) at a height of one foot above grade: Live Oak and Water Oak; Magnolia having a minimum trunk diameter of six inches (18.8 inches in circumference) at a height of one foot above grade; and any of the following flowering trees with a minimum trunk diameter of four inches (12.55 inches in circumference) at a height of one foot above grade: Redbud, Dogwood, and Crape Myrtle.
- ii. 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 city to do so. Refer to section 12-6-7 for application procedures and guidelines for a tree removal permit.
- iii. In addition to the specific tree preservation provisions outlined in this subsection, the provisions of chapter 12-6 shall be applicable in this district.

4. *Fences.* All developments in the North Hill preservation zoning districts shall comply with fence regulations as established in section 12-3-63. 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.

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5. *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.
 6. *Residential accessory structures.* Residential accessory structures shall comply with regulations set forth in section 12-3-55 except that the following shall apply: Accessory structures shall not exceed one story in height for a maximum in height of 25 feet in order for the accessory structure to match the style, roof pitch, or other design features of the main residential structure.
 7. *Additional regulations.* In addition to the regulations established above in subsections (2)e.1 through 6 of this section, any permitted use within the North Hill preservation district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
- f. *Restoration, rehabilitation, alterations or additions to existing contributing structures in the North Hill preservation district.*
1. The document entitled "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings," published by the United States Department of the Interior in 1983, shall form the basis for rehabilitation of existing contributing buildings. The proper building elements should be used in combinations that are appropriate for use together on the same building.
 2. 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.
 3. Regulations established in Table 12-3.9 shall apply to alterations and additions to contributing structures. The regulations and guidelines established in subsection (2)e of this section, relating to streetscape elements, shall apply to contributing structures.
- g. *Renovation, alterations and additions to noncontributing and modern infill structures within the North Hill preservation district.*
1. 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 subsection (2)e of this section, relating to streetscape elements, shall apply to noncontributing and modern infill structures. Regulations established in Table 12-3.9 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.

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2. In review of these structures the board may make recommendations as to the use of particular building elements that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.
- h. *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 that is complementary to the overall character of the district in scale, building materials and colors. The regulations established in subsection (2)e of this section, relating to streetscape elements, shall apply to new construction. Table 12-3.9 describes height, area and yard requirements for new construction and, where applicable, for additions to existing structures in the North Hill preservation district.

TABLE 12-3.9. REGULATIONS FOR THE
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Standards	PR-1AAA	PR-2	PC-1
Minimum Yard Requirement (Minimum Building Setbacks) Front Yard Side Yard Rear Yard>	*30 feet 9 feet 25 feet	*15 feet 7.5 feet 25 feet	None 5 feet (for dwellings or wood frame structures only) 15 feet
Minimum Lot Area for Residential Uses	9,000 s.f.	5,000 s.f. for single-family and 10,000 s.f. for multifamily	None
Minimum Lot Width at Street Row Line	50 feet	50 feet	None
Minimum Lot Width at Building Setback Line	75 feet	50 feet	None
Maximum Building Height (Except as Provided in Section 12-3-62)	35 feet	35 feet	45 feet
Minimum Floor Area	N/A	600 s.f. per dwelling unit for multifamily	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.			

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- i. *Demolition of structures within the North Hill preservation district.* The demolition provisions established in subsections (1)i through k of this section, applicable to contributing and noncontributing structures within the historic district, shall apply in the preservation district.
- (3) *Old East Hill preservation zoning districts: OEHR-2, OEHC-1, OEHC-2 and OEHC-3.*
- a. *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.
 - b. *Character of the district.* The Old East Hill neighborhood was developed over a 50-year period, from 1870 to the 1920's. The architecture of the district is primarily vernacular, but there are also a few properties that display influences of the major architectural styles of the time, such as Craftsman, Mission and Queen Anne styles.
 - c. *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.
 - d. *Uses permitted.*
 - 1. *OEHR-2, residential/office district.*
 - i. Single-family detached dwellings.
 - ii. 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 12-3-5(1).
 - iii. Two-family attached dwellings (duplex).
 - iv. Multiple-family attached dwellings (three or more dwelling units).
 - v. Community residential homes licensed by the state department of health and rehabilitative services with seven to 14 residents providing that it is not to be located within 1,200 feet of another such home in a multifamily district, and that the home is not within 500 feet of a single-family zoning district. If it is proposed to be within 1,200 feet of another such home in a multifamily district and/or within 500 feet of a single-family zoning district it shall be permitted with city council approval after public notification of property owners in a 500-foot radius
 - vi. Home occupations subject to regulations in subsection (1)c.1.iv of this section.
 - vii. Bed and breakfast subject to regulations in section 12-3-84.
 - viii. Boarding and lodging houses.
 - ix. Office buildings.
 - x. Studios.
 - xi. Municipally owned or operated parks or playgrounds.
 - xii. Public schools and educational institutions having a curriculum the same as ordinarily given in public schools and colleges subject to regulations in section 12-3-94.

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- xiii. Libraries, community centers and buildings used exclusively by the federal, state, regional, county and city government for public purposes subject to regulations in section 12-3-90.
 - xiv. Churches, Sunday school buildings and parish houses subject to regulations in section 12-3-86.
 - xv. Minor structures for the following utilities: unoccupied gas, water and sewer substations or pumpstations, electrical substations and telephone substations subject to regulations in section 12-3-88.
 - xvi. Accessory structures, buildings and uses customarily incidental to the above uses subject to regulations in section 12-3-55, except that the following shall apply:
 - (a) Accessory structures shall not exceed one-story in height for a maximum height of 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 feet to the wall of the main residential structure.
 - xvii. Family day care homes licensed by the state department of children and family services as defined in state statutes.
2. *OEHC-1, neighborhood commercial district.*
- i. Any use permitted in the OEHR-2 district.
 - ii. Child care facilities subject to regulations in section 12-3-87.
 - iii. Nursing homes, rest homes, convalescent homes.
 - iv. Parking lots.
 - v. 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

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this section, 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 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.

- vi. 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 or fewer animals.

3. *OEHC-2, retail commercial district.*

- i. Any use permitted in the OEHC-1 district.
- ii. Open air sales of trees, plants and shrubs. The business shall include a permanent sales or office building (including restrooms) on the site.
- iii. Hospitals, clinics.
- iv. Private clubs and lodges, except those operated as commercial enterprises.
- v. Electric motor repair and rebuilding.
- vi. Appliance repair shop.
- vii. Garages for the repair and overhauling of automobiles.
- viii. Sign shop.
- ix. Photo shop.
- x. Plumbing and electrical shop.
- xi. Pest extermination services.

4. *OEHC-3, commercial district.*

- i. Any use permitted in the OEHC-2 district.
- ii. Dive shop.
- iii. Fitness center.
- iv. Theater, except for drive-in.
- v. Taverns, lounges, nightclubs, cocktail bars.

e. *Procedure for review of plans.*

- 1. *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 subsections (1)d.3 through 5 of this section.

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2. *Review and approval.* All such plans shall be subject to review and approval by the architectural review board established in section 12-12-3. 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.
3. *Decisions.*
 - i. General consideration. The board shall consider plans for existing buildings based on 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 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.
 - ii. 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

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compatibility standards such as height, proportion, shape, scale, style and materials.

- iii. 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.
 - iv. 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 elsewhere in this Code.
- f. *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 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 subsections (3)f through h of this section.
- 1. *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 feet high shall be erected along the lot lines when automobiles or parking lots are visible from the street or from an adjacent residential lot.
 - i. OEHR-2 district. All nonresidential development shall comply with off-street parking requirements established in chapter 12-4.
 - ii. OEHC-1, OEHC-2 and OEHC-3 districts. All nonresidential development shall comply with off-street parking requirements established in chapter 12-4. The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).
 - 2. *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.
 - 3. *Signs.* Refer to sections 12-5-2 and 12-5-3 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:
 - i. *Temporary accessory signs.*
 - (a) One non-illuminated sign advertising the sale, lease or rental of the lot or building, said sign not exceeding six square feet of area.

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- (b) One non-illuminated sign not more than 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.

ii. *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 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 feet, six inches above the public property and shall not exceed a height of 12 feet. Freestanding signs shall not exceed a height of 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 12 square feet in area and eight feet in height; provided, however, that signs projecting from a building or extending over public property shall maintain a clear height of nine feet six inches above the public property and shall not exceed a height of 12 feet six 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 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.

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4. *Fences.* All developments in the Old East Hill preservation zoning districts shall comply with fence regulations as established in section 12-3-63. 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.
 5. *Additional regulations.* In addition to the regulations established above in subsections (1)f.1 through 4 of this section, 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.
- g. *Restoration, rehabilitation, alterations or additions to existing contributing structures in the Old East Hill preservation district.*
1. 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 buildings. The proper building elements should be used in combinations 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.
 2. The regulations established in subsection (3)f of this section, relating to streetscape elements, shall apply to contributing structures. Regulations established in Table 12-3.10 shall apply to alterations and additions to contributing structures.
- h. *Renovation, alterations and additions to non-contributing and modern infill structures within the Old East Hill preservation district.*
1. 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 subsection (3)f of this section, relating to streetscape elements, shall apply to non-contributing and modern infill structures. Regulations established in Table 12-3.10 shall apply to alterations and additions to existing non-contributing structures.
 2. In review of these structures the board may make recommendations as to the use of particular building elements that will improve both the appearance of the individual structure, its relationship with surrounding structures and the overall district character.
- i. *Regulations for new construction in the Old East Hill preservation district.* New construction shall be built in a manner that is complementary to the overall character of the district in height, proportion, shape, scale, style and building materials. The regulations established in subsection (3)f of this section, relating to streetscape elements, shall apply to new construction. Table 12-3.10 describes height, area and yard requirements for new construction in the Old East Hill preservation district.

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- j. *Demolition of structures within the Old East Hill preservation district.* The demolition provisions established in subsections (1)i through k of this section, applicable to contributing and non-contributing structures within the historic district, shall apply in the preservation district.

TABLE 12-3.10. REGULATIONS FOR OLD EAST
HILL PRESERVATION
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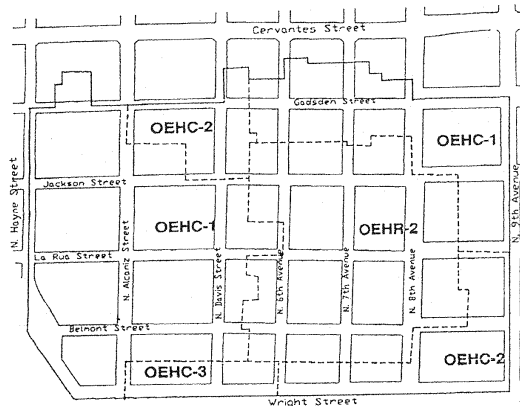
Standards	OEHR-2	OEHC-1	OEHC-2	OEHC-3
Minimum Yard Requirement (Minimum Building Setbacks) Front Yard Side Yard Rear Side	*15 feet 5 feet 15 feet	There shall be a 5-foot side yard setback, but no front or rear yard setbacks, unless this chapter requires a larger yard or buffer yard.		None
Minimum Lot Area For Residential Uses				
Single-family Detached Residential Duplex Residential Multifamily Residential	3,500 s.f. 5,000 s.f. 9,000 s.f.	None		
Minimum Lot Width at Street Row Line	30 feet	None		
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	Residential buildings shall not exceed two stories in height, with a usable attic. No building shall exceed 35 feet in height, except that three feet may be added			

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(except as provided in section 12-3-62)	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 Multifamily 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.	

(Code 1986, § 12-2-10; Ord. No. 6-93, §§ 7, 8, 3-25-1993; Ord. No. 17-93, § 1, 6-10-1993; Ord. No. 29-93, §§ 7—12, 11-18-1993; Ord. No. 32-93, §§ 1, 2, 12-16-1993; Ord. No. 3-94, §§ 5, 6, 1-13-1994; Ord. No. 11-94, § 2, 4-14-1994; Ord. No. 9-96, §§ 5—8, 1-25-1996; Ord. No. 35-97, §§ 1—3, 10-23-1997; Ord. No. 40-99, §§ 6—9, 10-14-1999; Ord. No. 44-99, § 1, 11-18-1999; Ord. No. 13-00, § 1, 3-9-2000; Ord. No. 50-00, §§ 1, 2, 10-26-2000; Ord. No. 2-01, §§ 1—3, 1-11-2001; Ord. No. 6-02, § 2, 1-24-2002; Ord. No. 22-02, § 1, 9-26-2002; Ord. No. 13-06, §§ 5—9, 4-27-2006; Ord. No. 03-09, § 1, 1-8-2009; Ord. No. 16-10, §§ 198, 199, 9-9-2010; Ord. No. 05-17, § 1, 3-9-2017; Ord. No. 11-18, § 1, 9-13-2018; Ord. No. 24-21, § 1, 10-28-2021)

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Sec. 12-3-12. - Redevelopment land use district.

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

(1) *GRD, Gateway Redevelopment District.*

- a. *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.
- b. *Uses permitted.*
 1. Single-family residential (attached or detached) at a maximum density of 17.4 units per acre. Multifamily residential at a maximum density of 100 dwelling units per acre.
 2. Home occupations, subject to regulations in section 12-3-13.
 3. Offices.
 4. Adult entertainment establishments subject to the requirements of chapter 7-3 when located within the dense business area as defined in chapter 12-13, Definitions.
 5. All commercial uses permitted in the C-2A zone, with no outside storage or repair work allowed, with the exception:
 - i. Mortuaries and funeral parlors.
 - ii. Appliance and repair shops.
 - iii. Public parking lots and parking garages.
 - iv. New car lots or used car lots.
 - v. Public utility plants, transmission and generating stations, including radio and television broadcasting stations.
 - vi. Car or truck rental agencies or storage facilities.
 6. Family day care homes licensed by the state department of children and family services as defined in state statutes.
- c. *Procedure for review of plans.*
 1. *Plan submission.* All development plans must comply with development plan requirements set forth in section 12-3-120(c) and (d), and design standards and guidelines established in section 12-3-121. 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

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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.

2. *Review and approval.* All plans shall be subject to the review and approval of the planning board established in chapter 12-12. 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 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 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 chairperson, then the matter will be referred to the board for a decision.
 4. *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 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 months. The final development plan shall be in basic conformity with the preliminary plan of development and comply with the other provisions of section 12-3-120 pertaining to the final development plan. If the applicant submits a final development plan 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.
- d. *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:
1. Signs. Refer to sections 12-5-2 and 12-5-3 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:
 - i. *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.
 - ii. *Signs extending over public property.* Signs extending over public property shall maintain a clear height of nine feet above the sidewalk and no part of such signs shall be closer than 18 inches to the vertical plane of the curb line or edge of pavement.
 - iii. *Permitted signs.*

(a) Gregory, Chase and Alcaniz Streets, 9th Avenue.

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(1) *Attached signs.*

- a. *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 75 degrees or more from horizontal shall be regarded as wall space.
- b. *Size.* Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 50 square feet.

(2) *Freestanding signs.*

- a. Maximum sign height—20 feet.
- b. Maximum area for sign face—50 square feet.

(b) Bayfront Parkway.

(1) *Attached signs.*

- a. *Height.* No sign shall extend above the roof line of a building to which it is attached.
- b. *Size.* Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 50 square feet.

(2) *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:

(1) *Attached signs.*

- a. *Height.* No sign shall extend above the main roof line of a building to which it is attached.
- b. *Size.* Ten percent of the building elevation square footage (wall area) which fronts on a public street, not to exceed 25 square feet.

(2) *Freestanding signs.*

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Distance from Curb (Feet)	Maximum Area Sign Face (Square Feet)	Maximum Sign Height (Feet)
10	20	5
20	35	7
30	50	9

iv. *Other permitted signs.*

- (a) Signs shall not exceed three square feet in size.
- (b) Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.

v. *Submission and review of sign plans.* It shall be the responsibility of the contractor or owner requesting a sign permit to furnish two plans of sign drawn to scale, including sign face area calculations, wind load calculations and construction materials to be used.

vi. *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 planning services department shall review the sign based on the requirements set forth in this section and the guidelines set forth in subsection (1)e.2.vii of this section 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 30 days of the decision of the planning board.

vii. *Prohibited signs.* Refer to section 12-5-7 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 12-5-6(5).
- (b) Signs that are abandoned or create a safety hazard are not permitted. Abandoned signs are those advertising a business that becomes vacant and is unoccupied for a period of 90 days or more.
- (c) Signs that are not securely fixed on a permanent foundation are prohibited.
- (d) Signs that are not consistent with the standards of this section are not permitted.

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viii. *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:
 - (1) Such signs may be erected no sooner than two weeks before the event.
 - (2) Such signs must be removed no later than three days after the event.
 - (3) 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 12 square feet in size, and shall be removed immediately after occupancy.
- (c) One non-illuminated sign not more than 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 12-5-6(8).

ix. *Nonconforming signs.*

- (a) *Compliance period.* All existing signs 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 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 30 days to comply with the order to remove the nonconforming sign, or bring it into compliance. Upon expiration of the 30-day period, if no action has been taken by the owner, he or she shall be deemed to be in violation of this section and the building official may take lawful enforcement action.

2. Off-street parking. The following off-street parking requirements shall apply to all lots, parcels or tracts in the gateway redevelopment district:

- i. Off-street parking requirements in the district shall be based on the requirements set forth in chapter 12-4. The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).

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- ii. Off-street parking and service areas are prohibited within the Bayfront Parkway setback described in subsection (1)d.3 of this section, unless these requirements cannot be met anywhere else on the site due to its size or configuration.
 - iii. 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 feet that is compatible in design and materials with on-site architecture and nearby development; or an earth berm approximately three feet in height that is landscaped to provide screening effective within three years; or a combination of walls or fences and landscape screening; or landscape screening designed to provide positive screening within three years.
3. Street setback. The following building setbacks shall apply to the district:
- i. Bayfront Parkway setback/height requirements. All buildings located adjacent to the Bayfront Parkway shall be set back a minimum of 50 feet from the northern parkway right-of-way line. At this minimum setback, building height may not exceed 50 feet. Above 50 feet in height, an additional one-foot setback shall be required for each additional two feet in building height. This setback is intended as a landscaped buffer zone that preserves the open space character of the parkway.
 - ii. Gregory, Alcaniz and Chase Streets, 9th Avenue. Ten feet from the right-of-way line.
 - iii. All other streets. Five feet from the right-of-way line.
4. 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 50 feet. Any lot of record on the effective date of this title which is less than 50 feet may be used as a site for only one establishment listed as a permitted use in subsection (1)b of this section.
5. Building height. No building shall exceed a maximum height of 100 feet.
6. Vehicular access. Access to the following streets shall be limited as follows:
- i. Bayfront Parkway. No access shall be permitted from the parkway unless no other means exist for ingress and egress from the site.
 - ii. 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 per street footage if driveway spacing standards can be met pursuant to section 12-3-121(c)(2).
7. 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:
- i. Fence or wall, six feet high;
 - ii. Vegetation, six feet high (within three years);
 - iii. A combination of the above.

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8. 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.
 9. 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 75 percent.
 10. Sidewalks. Developers of new construction or redevelopment projects shall repair, reconstruct, or construct new sidewalks on all sides of property fronting on a street.
 11. Consideration of floodprone areas. Portions of the district are within the 100-year floodplain. Site planning shall consider the special needs of floodprone areas.
 12. 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.
 13. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls, or vegetation.
 14. 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 12-3-4(5), with the exception of the height requirements.
- e. *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 section 12-3-121(d). In addition, the following site planning guidelines shall be used by the planning board in the review and approval of all development plans:
1. *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.
 - i. *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

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should recognize existing topographical variations and maximize this variation to maintain bay views.

- ii. *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.
 - iii. *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.
2. *Architectural design and building elements.*
- i. Buildings or structures 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.
 - ii. 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.
 - iii. Materials such as metal and plastic shall be discouraged on exterior surfaces of buildings.
 - iv. Severe or angular roof lines that exceed a pitch of 12-12 (45-degree angle) are discouraged. Exceptions to this guideline (i.e., churches) shall be considered on a case-by-case basis.
 - v. Bright colors and intensely contrasting color schemes are discouraged within the district.
 - vi. 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.
 - vii. 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) Landscaping. The landscaping and positioning of the sign should compliment the overall site plan and landscaping of the development.

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- f. *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 that do not conform to the maintenance standards described in subsections (1)f.1 through 7 of this section shall be made to comply as required by the city inspections office based on regular inspections or complaints.
1. *Building fronts, rears, and sides abutting streets and public areas.* Rotten or weakened portions shall be removed, repaired or replaced.
 2. *Windows.* All windows must be tight-fitting. All broken and missing windows shall be replaced with new glass.
 3. *Show windows and storefronts.* All damaged, sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.
 4. *Exterior walls.*
 - i. Existing miscellaneous elements on the building walls, such as empty electrical conduit, unused signs and/or sign brackets, etc., shall be removed.
 - ii. Sheet metal gutters, downspouts and copings shall be repaired or replaced as necessary and shall be neatly located and securely installed.
 - iii. All exterior finishes and appurtenances such as paint, awnings, etc., shall be kept in a state of repair.
 5. *Roofs.*
 - i. All auxiliary structures on the roofs shall be kept clean, repaired or replaced.
 - ii. Roofs shall be cleaned and kept free of trash, debris or any other elements that are not a permanent part of the building.
 6. *Front, rear, and side yards, parking areas and vacant parcels.*
 - i. 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.
 - ii. Any landscaping that was installed to comply with regulations of this subsection must be maintained.
 7. *Walls, fences, signs.* Walls, fences, signs and other accessory structures shall be repaired and maintained.
- (2) *GRD-1, Gateway redevelopment district, Aragon redevelopment area.*
- a. *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

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- 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.
- b. *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.
- c. *Uses permitted.*
1. *GRD-1, residential uses.*
 - i. Single-family and multifamily residential (attached or detached) at a maximum overall density of 17.4 units per acre.
 - ii. Bed and breakfast (subject to section 12-3-84).
 - iii. Home occupations allowing: not more than 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 (2)c.3.i of this section; two nonfamily members as employees in the home occupation; and a sign for the business not to exceed three square feet shall be allowed.
 - iv. Community residential homes licensed by the state department of children and family services with six or fewer residents providing that it is not to be located within 1,000 feet of another such home. If it is proposed to be within 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 500-foot radius.
 - v. Limited office space allowed only with residential use occupying a minimum of 50 percent of total building square footage of principal and outbuildings.
 - vi. Family day care homes licensed by the state department of children and family services as defined in state statutes.
 2. *GRD-1, public uses.*
 - i. Meeting hall, U.S. Post Office pavilion, buildings used for community purposes, not to exceed 5,000 square feet.
 - ii. Publicly owned or operated parks and playgrounds.
 - iii. Churches, Sunday school buildings and parish houses.
 3. *GRD-1, commercial uses.*
 - i. The following uses limited to a maximum area of 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).

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- (e) Barbershops and beauty shops.
- (f) Child care facilities (subject to section 12-3-87).
- (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.

4. *GRD-1, miscellaneous uses.*

i. Outbuildings and uses can include:

- (a) Garage apartments.
- (b) Carriage houses.
- (c) Studios.
- (d) Granny flats.
- (e) Storage buildings.
- (f) Garages.
- (g) Swimming pools.
- (h) Hot tubs.
- (i) Offices.

Refer to Aragon Urban Regulations in Aragon Design Code for maximum impervious surface per lot type.

ii. Minor structures for utilities (gas, water, sewer, electric, telephone).

d. *Procedure for review.*

1. *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 section 12-12-2. Abbreviated review for paint colors, minor repairs and minor deviations in projects already approved by the board shall be in accordance with section 12-12-2(11). If agreement cannot be reached as it pertains to such request for abbreviated review by the board secretary and chairperson then the matter will be referred to the planning board for a decision.

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2. *Decisions.*

- i. *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.
- ii. *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.

3. *Plan submission.* Every activity 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.

i. *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.

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- (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.

ii. *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.

iii. *Exterior elevations.*

- (a) Indicate all four 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.

iv. *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.

4. *Submission of photographs.*

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- i. 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.
 - ii. Provide photographs of the adjoining "street scape," including adjacent buildings to indicate the relationship of the new construction to these adjacent properties.
- 5. *Submission of descriptive product literature/brochures.*
 - i. 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.
 - ii. 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.
 - iii. 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.
 - iv. 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.
- e. *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 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. 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 ensure 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.
 - 1. *Building height limit.* No building shall exceed the following height limits: Type I Townhouses and Type III Park Houses shall not exceed 55 feet or 3½ stories. Type II Cottages, Type IV Sideyard House, Type V Small Cottage, and Type VI Row House shall not exceed 45 feet or 2½ stories. No outbuilding shall exceed 35 feet or 2½ stories. Refer to Aragon Design Code.
 - 2. *Landscaping.*
 - i. Landscaping requirements in the GRD-1 district shall be based on Aragon Design Code.

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- ii. 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 of the following:
 - (a) Fence or wall, six feet high;
 - (b) Vegetation, six feet high (within three years);
 - (c) A combination of the above.
- 3. *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:
 - i. Any of the following species having a minimum trunk diameter of eight inches (25.1 inches in circumference) at a height of one foot above grade: Live Oak and Water Oak; Magnolia having a minimum trunk diameter of six inches (18.8 inches in circumference) at a height of one foot above grade; and
 - ii. Any of the following flowering trees with a minimum trunk diameter of four inches (12.55 inches in circumference) at a height of one 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 city to do so. Refer to section 12-6-7 for tree removal permit application procedures and guidelines.
- 4. *Fences.*
 - i. 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.
 - ii. 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 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 feet, and newly planted material with immature crown development allowing visibility, or a post, column, or similar structure that is no greater than one foot in cross-section diameter. Lateral vision shall be maintained between a height of three feet and eight feet above grade. All other streets and intersections within the GRD-1 district

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shall be exempt from the requirements of section 12-3-58, Required Visibility Triangle. In addition the following provisions apply:

- (a) 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.
- (b) 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 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 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.
- (c) Fences in the required front yard will be no higher than four feet and six feet, six inches in the side and rear yards. On corner lots, fences constructed within the required street side yard shall not exceed four 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 feet, six inches.

5. *Signage.*

- i. Informational signs. All informational signs, even if erected on private property, are subject to regulations contained in this section.
- ii. 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.
- iii. 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 12-5-2 and 12-5-3 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 12-5-7 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:

- (a) Permitted signs.
 - (1) Temporary accessory signs.

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- a. One non-illuminated sign advertising the sale, lease, or rental of the lot or building, said sign not exceeding two square feet in area.
 - b. One non-illuminated sign per street frontage, not more than 32 square feet in area in connection with new construction work related to Aragon's development, community sites, parks, or Privateer's Alley.
- (2) Permanent accessory signs.
 - a. Each mixed-use or commercial property shall be limited to one 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 sign per street and one 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 feet six 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 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.
 - b. Advertising display area.
 - 1. GRD-1, Type II through Type VI residential home occupation and mixed-use lots are not to exceed ten square feet.
 - 2. GRD-1, Type I commercial lots are not to exceed 35 square feet per street front.
 - 3. A combination of two attached wall signs may be used, but shall not exceed a total of 35 square feet.
 - 4. If fronting an alley the size shall not exceed 12 square feet.
 - c. One non-illuminated nameplate designating the name of the occupant of the property; the nameplate shall not be larger than three square feet and shall be attached flat against the wall of the building.

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- d. Municipal or state installed directional signs, historical markers and other signs of a general public interest when approved by the mayor and board.
 - (b) Prohibited signs.
 - (1) Any sign using plastic materials for lettering or background.
 - (2) Internally illuminated signs.
 - (3) Portable signs.
 - (4) Nonaccessory signs.
 - (5) Back lit canvas awnings.
 - (6) Flashing, strobe, or neon signs.
 - (7) Neon signs placed inside a window.
- 6. *Driveways and sidewalks.* The following regulations and standards apply to driveways and sidewalks in the GRD-1 district:
 - i. 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.
 - ii. 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.
- 7. *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.
 - i. Residential uses.
 - (a) Single-family and accessory unit—One space/unit.
 - (b) Townhouse and multifamily—One space/unit.

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- (c) Bed and breakfast—One space per owner plus one space/sleeping room.
 - (d) Home occupation—One space/nonfamily employee.
 - (e) Community residential home—One space/two beds.
- ii. Public uses.
 - (a) Meeting hall, U.S. Post Office pavilion, buildings used exclusively for federal, state, county or city governments for public purposes—One space/500 square feet.
 - (b) Publicly owned or operated parks and playgrounds—None required.
 - (c) Churches, Sunday school buildings and parish houses—One space/four fixed seats.
- iii. Commercial uses.
 - (a) Antique shops—One space/500 square feet.
 - (b) Art galleries—One space/500 square feet.
 - (c) Bakeries (retail only)—One space/500 square feet.
 - (d) Barbershops and beauty shops—One space/station and one space/employee.
 - (e) Day care centers—One space/employee plus one space/classroom.
 - (f) Health clubs, spas and exercise centers—One space/300 square feet.
 - (g) Jewelers—One space/500 square feet.
 - (h) Laundry and dry-cleaning pick-up stations—One space/employee.
 - (i) Office buildings—One space/500 square feet.
 - (j) Restaurants (except drive-ins)—One space/500 square feet.
 - (k) Retail sales and services—One space/500 square feet.
 - (l) Retail food and drugstore—One space/500 square feet.
 - (m) Specialty shops—One space/500 square feet.
 - (n) Studios—One space/50 square feet unless owner occupied.
- iv. For Type I Townhouse the uses identified in subsections (2)e.7.i through iii of this section, on-street parking on Romana Street and 9th Avenue within 500 feet of the building may be used towards this requirement for nonemployee parking only. One off-street parking space shall be required for each employee in the building.

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- v. 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.
 - vi. 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.
 - viii. For Type I Townhouse as an option to providing the required off-street parking as specified in subsections (2)e.7.i through iii of this section, the required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4).
8. *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.
9. *Outbuildings.* Outbuildings shall not exceed a maximum height of 35 feet. The accessory structure shall match the style, roof pitch, and other design features of the main residential structure.
10. *Architectural review standards.*
- i. *Exterior lighting.* Exterior lighting in the district will be post-mounted street lights and building-mounted lights adjacent to entryways or landscaping lights 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 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 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.
 - ii. *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

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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 18 to 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.
- iii. *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 eight on 12 on one- and two-story buildings and six on 12 on buildings with three 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, dentils, or other moldings. The maximum size of the roof deck, window's walks, towers, turrets, etc., is 200 square feet, with the maximum height of ten 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" or Hardipanel" vertical siding panels). Eaves shall be appropriate for architectural style and type.
 - (b) Flashing may be anodized or pre-finished aluminum, galvanized steel or naturally weathered copper.
 - (c) Gutters and downspouts may be anodized or pre-finished aluminum, galvanized steel or naturally weathered copper.
- iv. *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 feet. See the below figures for balcony and porch dimensions.

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- v. *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.
- vi. *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-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.
- vii. *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.

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- (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) Shutters to be fabricated of wood or vinyl.
- (e) Shutters are to be appropriate for building style and type. Refer to Aragon Design Code, Architectural Styles.

viii. *Chimneys.* Chimneys constructed of brick masonry, exposed or cement plastered, are architecturally compatible.

- (a) The 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.

ix. *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.

x. *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

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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.

xi. *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.

xii. *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.

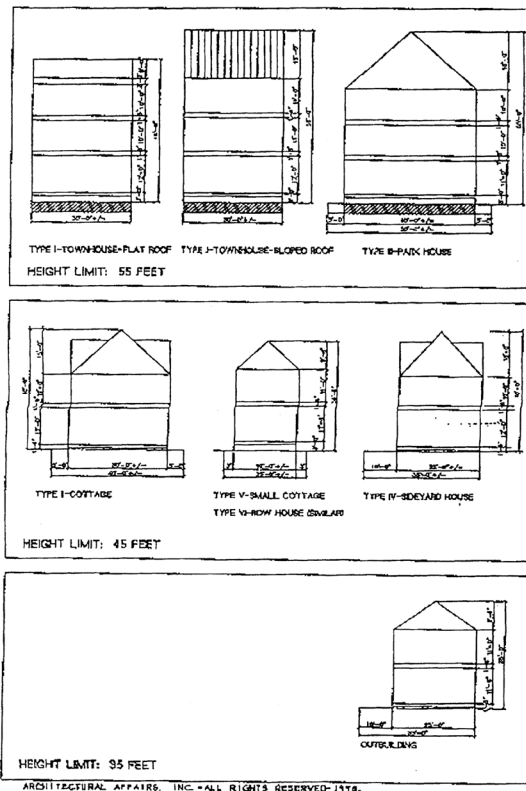
11. *Additional regulations.* In addition to the regulations established above in subsections (2)e.1 through 10 of this section, any permitted use within the GRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4, Alcoholic Beverages.

f. *Procedures for review of renovation, alterations, and additions to structures within the GRD-1 district.* The regulations and standards established in subsections (2)a through e of this section, shall apply to all plans for the renovation, alteration and addition to structures within the GRD-1 district.

- 1. Abbreviated review. Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and standards set forth in subsection (2) of this section may be approved by letter to the building official from the board secretary and the chairperson of the planning board. If agreement cannot be reached as it pertains to such request for abbreviated review by the board secretary and chairperson, then the matter will be referred to the entire board for a decision.

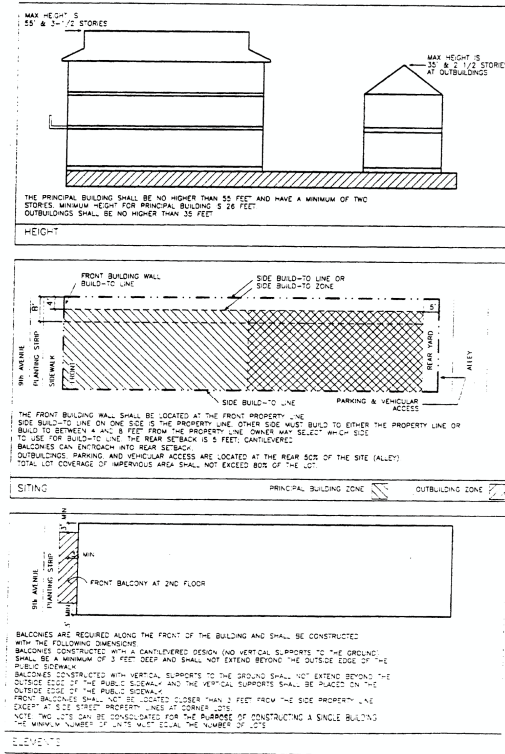
ARAGON MAXIMUM HEIGHTS

PART II - CODE OF ORDINANCES
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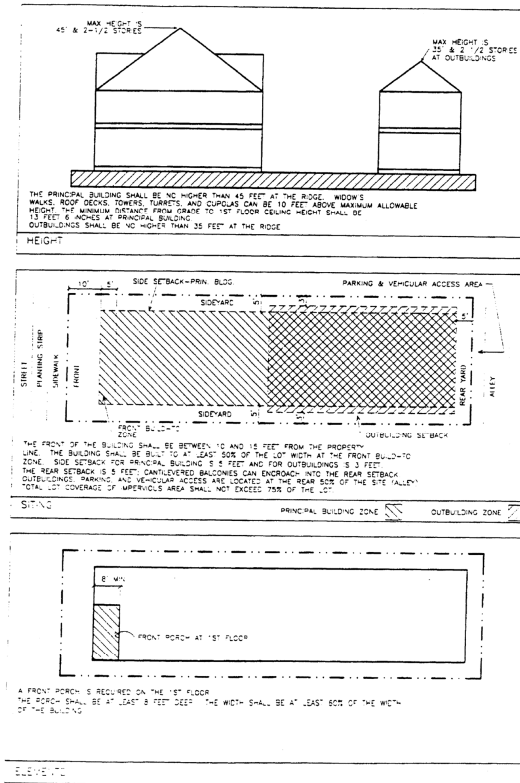
ARAGON TOWNHOUSE-TYPE I

PART II - CODE OF ORDINANCES
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ARTICLE I. IN GENERAL



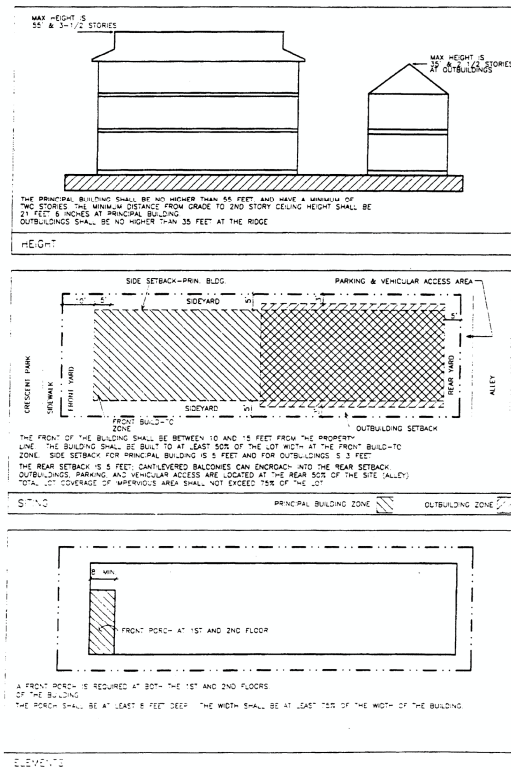
ARAGON COTTAGE-TYPE II

PART II - CODE OF ORDINANCES
TITLE XII - LAND DEVELOPMENT CODE
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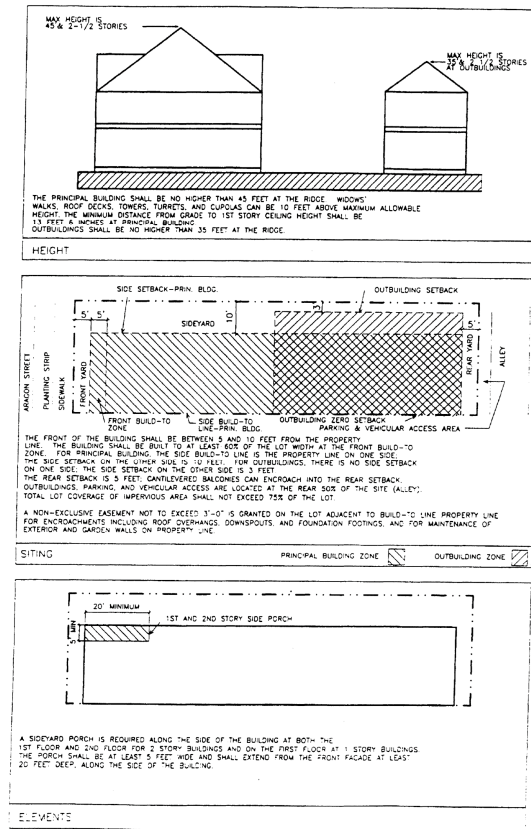
ARAGON PARK HOUSE-TYPE III

PART II - CODE OF ORDINANCES
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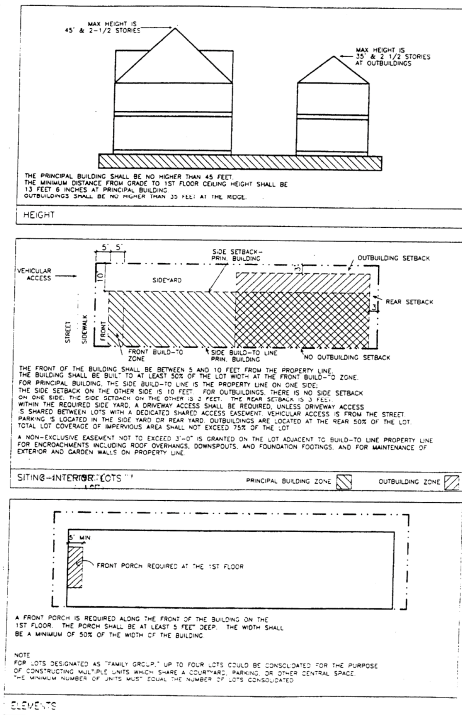
ARAGON SIDEYARD HOUSE WITH ALLEY
ACCESS-TYPE IVA

PART II - CODE OF ORDINANCES
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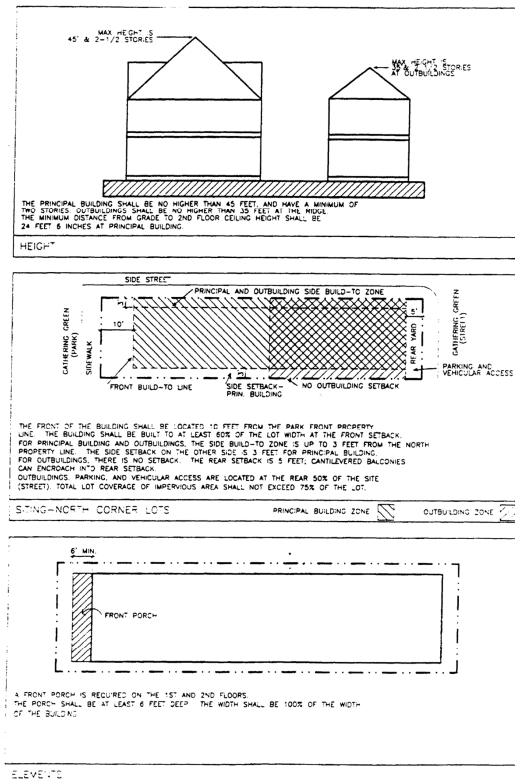
ARAGON SIDEYARD HOUSE WITH STREET
ACCESS-TYPE IVB-INTERIOR LOTS

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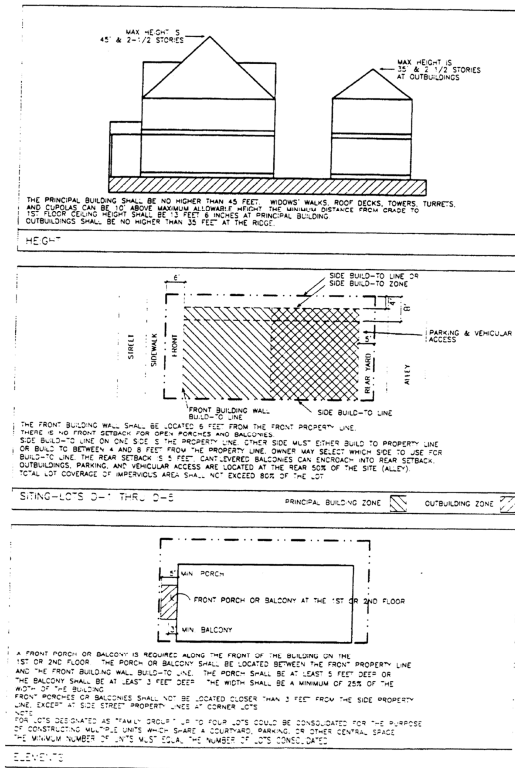
ARAGON SIDEYARD HOUSE WITH STREET
ACCESS-TYPE IVB-CORNER LOTS

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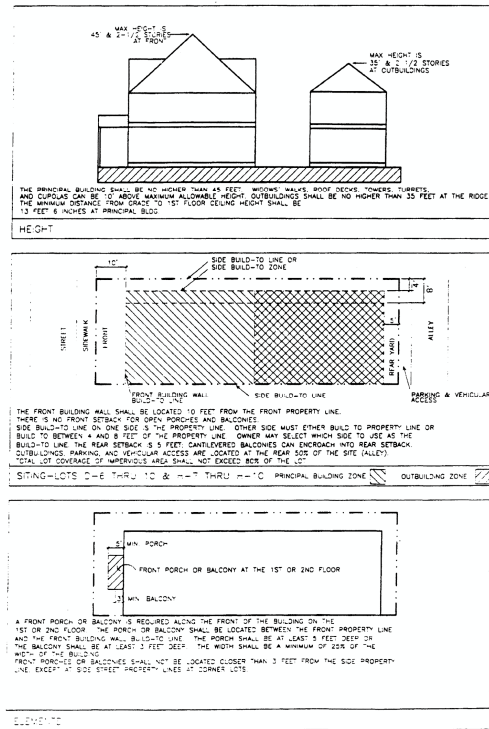
ARAGON ROW HOUSE-TYPE VI-LOTS D-1 THRU D-5

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ARAGON ROW HOUSE-TYPE VI-LOTS D-6 THRU 10 AND H-7 THRU H-10

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ARAGON ROW HOUSE-TYPE VI-LOT H-6

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7. Parking garages.
8. The following retail sales and services:
 - i. Retail food and drug stores (including medical marijuana dispensaries and package liquor store).
 - ii. Personal service shops.
 - iii. Clothing stores.
 - iv. Specialty shops.
 - v. Banks.
 - vi. Bakeries whose products are sold at retail on the premises.
 - vii. Antique shops.
 - viii. Floral shops.
 - ix. Health clubs, spa and exercise centers.
 - x. Laundromats.
 - xi. Laundry and dry-cleaning pick-up stations.
 - xii. Restaurants.
 - xiii. Studios.
 - xiv. Art galleries.
 - xv. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
 - xvi. Boat rentals waterside only with limited upland storage.
 - xvii. Bars.
 - xviii. Commercial fishing.
 - xix. Ferry and passenger terminals.
 - xx. Cruise ship operations.
 - xxi. Food truck courts, subject to regulations in Sec. 12-3-95.
9. Family day care homes licensed by the state department of children and family services as defined in state statutes.
- c. *Procedure for review of plans.*
 1. *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 12-3-120. 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 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

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waterfront redevelopment district must comply with design standards as established in section 12-3-121.

2. *Review and approval.* All plans shall be subject to the review and approval of the planning board established in chapter 12-12. At the time of review the board may require that any aspect of the overall site plan 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 12-12-2(6)f.
3. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs 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 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 chairperson, then the matter will be referred to the board for a decision.

d. *Regulations.*

1. *Signs.* The following provisions shall be applicable to signs in the district:
 - i. *Number of signs.* Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment.
 - ii. *Signs extending over public property.* Signs extending over public property shall maintain a clear height of nine feet above the sidewalk and no part of such signs shall be closer than 18 inches to the vertical plane of the curb line or edge of the pavement.
 - iii. *Sign size and height limitations.*
 - (a) *Attached signs.*
 - (1) *Size.* Ten percent of the building elevation square footage (wall area) that fronts on a public street, not to exceed 50 square feet. Buildings exceeding five stories in height; one attached wall sign or combination of wall signs not to exceed 200 square feet and mounted on the fifth floor or above.
 - (2) *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 65 degrees or more from horizontal shall be regarded as walls.
 - (b) *Freestanding signs.*
 - (1) *Size.* Fifty square feet.
 - (2) *Height.* Ten feet (top of sign).
 - iv. *Other permitted signs.*

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- (a) Signs shall not exceed two square feet in size.
 - (b) Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.
 - v. *Prohibited signs.* Refer to section 12-5-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:
 - (a) Portable signs.
 - (b) Signs that are abandoned or create a safety hazard. Abandoned signs are those advertising a business that becomes vacant and is unoccupied for a period of 90 days or more.
 - (c) Signs 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, incorporate projected images, or emit sound.
 - (f) Secondary advertising signs (i.e., signs that advertise a brand name product in addition to the name of the business).
 - vi. *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 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 12 square feet in size, and shall be removed immediately after occupancy.
 - (c) One non-illuminated sign not more than 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. *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 12-4. The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4). 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:

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- i. A solid wall or fence (chain-link fences are prohibited) with a minimum height of four feet that is compatible in design and materials with on-site architecture and nearby development;
 - ii. An earth berm approximately three feet in height that is landscaped to provide positive screening effective within three years; or
 - iii. A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three years.
3. *Vehicular access.* For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two per street frontage.
4. *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 75 percent opacity from the street and adjacent buildings by one of the following techniques:
 - i. Fence or wall and gate, six feet high;
 - ii. Vegetation, six feet high (within three years); or
 - iii. A combination of the above.
5. *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.
6. *Lot coverage.* The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed 75 percent.
7. *Setback/height requirements.* No building shall exceed a maximum height of 60 feet in the waterfront redevelopment district.
 - i. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of 30 feet from the shoreline or the bulkhead line. At this minimum setback line, the building height may not exceed 35 feet. Above 35 feet in height, an additional one foot in building height may be permitted for each additional one foot in setback with a maximum building height of 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.
 - ii. *Main Street setback/height requirements.* All buildings shall be set back a minimum of 60 feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed 60 feet.
8. *Additional regulations.* In addition to the regulations established above in subsections (3)d.1 through 7 of this section, any permitted use within the WRD zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
- e. *Regulations.* All developments within the waterfront redevelopment district are encouraged to follow the design guidelines established in section 12-3-121(d). In addition, the following site planning guidelines should be taken into consideration in the required development plans.

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1. *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:
 - i. *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.
 - ii. *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.
 - iii. *Off-street parking and service.* Off-street parking shall be discouraged 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.
2. *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:
 - i. Buildings or structures 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.
 - ii. 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.
 - iii. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
 - iv. Proposed developments within the waterfront redevelopment district 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.

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- v. Projects should be encouraged that enhance the setting or provide for adaptive reuse of historic buildings and sites.
- 3. *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.
- 4. *Sign guidelines.*
 - i. *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.
 - ii. *Lighting.* Indirect and internal lighting is encouraged. Neon and exposed fluorescent lighting is not encouraged.
 - iii. *Landscaping.* The landscaping and positioning of the sign should complement the overall site plan and landscaping of the development.
- (4) *WRD-1, Waterfront Redevelopment District-1.*
 - a. *Purpose of district.* The waterfront redevelopment district is established to promote redevelopment of the city's downtown waterfront with a compatible mixture of uses 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.
 - b. *Uses permitted.*
 - 1. Single-family residential (attached or detached) at a maximum density of 17.4 units per acre. Multifamily residential at a maximum density of 60 dwelling units per acre.
 - 2. Home occupations, subject to regulations in section 12-3-57.
 - 3. Offices.
 - 4. Libraries and community centers opened to the public and buildings used exclusively by the federal, state, county and city government for public purposes.
 - 5. Hotels/motels.
 - 6. Marinas.
 - 7. Parking garages.
 - 8. The following retail sales and services:
 - i. Retail food and drug stores (including medical marijuana dispensaries and package liquor store).
 - ii. Personal service shops.
 - iii. Clothing stores.
 - iv. Specialty shops.

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- v. Banks.
 - vi. Bakeries whose products are sold at retail on the premises.
 - vii. Antique shops.
 - viii. Floral shops.
 - ix. Health clubs, spa and exercise centers.
 - x. Laundromats.
 - xi. Laundry and dry-cleaning pick-up stations.
 - xii. Restaurants.
 - xiii. Studios.
 - xiv. Art galleries.
 - xv. Sale or rental of sporting goods or equipment including instructions in skiing, sailing, or scuba diving.
 - xvi. Boat rentals waterside only with limited upland storage.
 - xvii. Bars.
 - xviii. Commercial fishing.
 - xix. Ferry and passenger terminals.
 - x. Cruise ship operations.
9. Family day care homes licensed by the state department of children and family services as defined in state statutes.
- c. *Procedure for review of plans.*
- 1. *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 12-3-120. 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 12-3-121.
 - 2. *Review and approval.* All plans shall be subject to the review and approval of the planning board established in chapter 12-12. At the time of review the board may require that any aspect of the overall site plan 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 12-12-2(6)f.
 - 3. *Abbreviated review.* Sign requests, paint colors, fencing, and emergency repairs that are consistent with the regulations and guidelines set forth in this section, may be approved

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by letter to the building official from the planning board secretary and the 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 chairperson, then the matter will be referred to the board for a decision.

d. *Regulations.*

1. *Signs.* The following provisions shall be applicable to signs in the district:

- i. *Number of signs.* Each parcel shall be limited to one sign per street frontage; provided, however, if there exists more than one establishment on the parcel, there may be one attached sign per establishment. Additionally, retail sales and services may have an A-frame sign in addition to the one sign per frontage.
- ii. *Signs extending over public property.* Signs extending over public property shall maintain a clear height of nine feet above the sidewalk and no part of such signs shall be closer than 18 inches to the vertical plane of the curb line or edge of the pavement.
- iii. *Sign size and height limitations.*

(a) *Attached signs.*

- (1) *Size.* Ten percent of the building elevation square footage (wall area) that fronts on a public street, not to exceed 50 square feet. Buildings exceeding five stories in height; one attached wall sign or combination of wall signs not to exceed 200 square feet and mounted on the fifth floor or above.
- (2) *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 65 degrees or more from horizontal shall be regarded as walls.

(b) *Freestanding signs.*

- (1) *Size.* Fifty square feet.
- (2) *Height.* Ten feet (top of sign).

(c) *A-frame sign.*

- (1) *Size.* Ten square feet.
- (2) *Height.* Forty-two inches (top of sign).

iv. *Other permitted signs.*

- (a) Signs shall not exceed two square feet in size.
- (b) Official traffic signs or signals, informational signs erected by a government agency and temporary signs indicating danger.

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- v. *Prohibited signs.* Refer to section 12-5-7 for a description of prohibited signs. In addition the following signs are prohibited within the district:
 - (a) Signs that are abandoned or create a safety hazard. Abandoned signs are those advertising a business that becomes vacant and is unoccupied for a period of 90 days or more.
 - (b) Signs that present an optical illusion, incorporate projected images, or emit sound.
 - (c) Secondary advertising signs (i.e., signs that advertise a brand name product in addition to the name of the business).
- vi. *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 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 12 square feet in size, and shall be removed immediately after occupancy.
 - (c) One non-illuminated sign not more than 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. *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 section 12-4-1(4). The required parking may be provided off-site by the owner/developer as specified in section 12-4-1(4). 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:
 - i. A solid wall or fence (chain-link fences are prohibited) with a minimum height of four feet that is compatible in design and materials with on-site architecture and nearby development;
 - ii. Landscaping approximately three feet in height that is landscaped to provide positive screening effective within three years; or
 - iii A combination of walls or fences and landscape screening, or landscape screening designed to provide positive screening within three years.
- 3. *Vehicular access.* For each lot, tract or parcel under single ownership, the maximum number of access points shall not exceed two per street frontage.
- 4. *Landscaping.* Landscaping requirements in the district shall conform to the requirements of chapter 12-6. All service areas (i.e., trash collection containers,

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compactors, loading docks) shall be screened with at least 75 percent opacity from the street and adjacent buildings by one of the following techniques:

- i. Fence or wall and gate, six feet high;
 - ii. Vegetation, six feet high (within three years); or
 - iii. A combination of the above.
5. *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.
6. *Lot coverage.* The total coverage of the site including all structures, parking areas, driveways and all other impervious surfaces shall not exceed 95 percent.
7. *Setback/height requirements.* No building shall exceed a maximum height of six stories in the waterfront redevelopment district-1, as defined in section 12-3-31, community redevelopment area (CRA) urban design overlay district.
 - i. *Shoreline setback/height requirements.* All buildings shall be set back a minimum of 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.
 - ii. *Main Street setback/height requirements.* All buildings shall be set back a minimum of 60 feet from the centerline of Main Street. At this minimum setback line, the building height may not exceed six stories.
 - iii. All other setbacks shall be as specified on the regulating plan.
8. *Additional regulations.* In addition to the regulations established above in subsections (3)d.1 through 7 of this section, any permitted use within the WRD-1 zoning district where alcoholic beverages are ordinarily sold is subject to the requirements of chapter 7-4.
- e. *Regulations.* All developments within the waterfront redevelopment district-1 are encouraged to follow the design guidelines established in section 12-3-121(d). In addition, the following site planning guidelines should be taken into consideration in the required development plans:
 1. *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:
 - i. *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

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ARTICLE I. IN GENERAL

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.

- ii. *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.
 - iii. *Off-street parking and service.* Off-street parking shall be discouraged 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.
2. *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 12-3-31, 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:
 - i. 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.
 - ii. 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.
 - iii. All mechanical equipment, satellite dishes and other similar equipment should be completely screened by the architecture of the structure, or fences, walls or vegetation.
 - iv. 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.
 - v. Projects should be encouraged that enhance the setting or provide for adaptive reuse of historic buildings and sites.
3. *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.
4. *Sign guidelines.*

