



City of Pensacola

Planning Board

Agenda

Tuesday, October 12, 2021, 2:00 PM

Hagler-Mason Conference Room,
2nd Floor

QUORUM / CALL TO ORDER

APPROVAL OF MEETING MINUTES

[21-00835](#) MINUTES FOR THE SEPTEMBER 14, 2021 PLANNING BOARD MEETING

Attachments: [Planning Board Minutes September 14 2021](#)

REQUESTS

[21-00840](#) PROPOSED AMENDMENTS TO THE LAND DEVELOPMENT CODE - ENGINEERING SECTIONS 12-3, 12-4, 12-7, 12-8 & 12-9

Attachments: [Engineering Proposed LDC Amendments Request](#)

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 #: 21-00835

Planning Board

10/12/2021

SUBJECT:

Minutes for the September 14, 2021 Planning Board Meeting



MINUTES OF THE PLANNING BOARD

September 14, 2021

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

MEMBERS ABSENT: Board Member Powell

STAFF PRESENT: Assistant Planning Director Cannon, Historic Preservation Planner Harding, City Clerk Burnett, Assistant City Attorney Lindsay, Senior Planner Statler, Capital Improvements Forte, Assistant City Attorney Moore, Engineering Specialist Mauldin, Building Construction & Facilities McGuire, Code Enforcement Richards, Help Desk Technician Russo

STAFF VIRTUAL: Planning Director Morris

OTHERS PRESENT: Buddy Page, Mary Pierce, Jo MacDonald, Carol Ann Marshall, Quint Higdon, Nancy Wolfe, Tori Rutland

AGENDA:

- Quorum/Call to Order
- Approval of Meeting Minutes from August 10, 2021.
- **New Business:**
- Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola
- Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street
- Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street
- Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs
- Amendment to the Land Development Code (LDC) – Table 12-3.9 - Regulations for the North Hill Preservation Zoning Districts - PR-2 Minimum Lot Size Requirements
- Discussion
- Adjournment

Call to Order / Quorum Present

Chairperson Ritz called the meeting to order at 2:05 pm with a quorum present. Board Member Sampson was sworn in by City Clerk Burnett. Chairperson Ritz then explained the procedures of the Board meeting including requirements for audience participation.

Approval of Meeting Minutes - Board Member Larson made a motion to approve the August 10, 2021 minutes, seconded by Board Member Villegas, and it carried 6 to 0.

New Business -

2. Repeal of Section 12-3-65 – Parking for Certain Uses Prohibited – of the Code of the City of Pensacola

Assistant Planning Director Cannon advised on September 9, 2021 City Council referred to the Planning Board the proposed repeal of Section 12-3-65 – Parking for Certain Uses Prohibited - of the Land Development Code (LDC). Currently, there are two duplicative sections in the Code, 11-2-24 and 12-3-65. At the same meeting, Council approved an ordinance on first reading which on adoption will amend Section 11-2-24 of the Code to add clarity to the language, regulating parking for certain uses. As the temporary parking of vehicles and associated mobile activities is not related to zoning and is not the actual development of land, Chapter 11 “Traffic and Vehicles” is the more appropriate location for these requirements. In order to remove the duplicative language, and avoid creating conflict between the two Code sections, it is necessary to repeal Section 12-3-65.

Chairperson Ritz confirmed this was strictly a removal of language with no text replacing it; Section 11 was intended to address the parking versus Section 12. He also clarified that the Board did not control Section 11, only Section 12, and Council would review the Board’s decision on removal of the language in Section 12. Assistant City Attorney Lindsay indicated it was determined by Council to keep the language in Section 11 and to ask Planning Board to remove the language from Section 12; the purpose of clarifying Section 11 was to interpret how it would be enforced. The State Legislature had determined the City was limited on how to enforce laws concerning food trucks, meaning that it could not say that no food truck could have any scope of operation whatsoever in the city. But we could have restrictions on where they could operate. However, before Section 11 could be modified, there would be two readings, and the second reading would not be on Council’s agenda until they received the recommendation from the Planning Board. Board Member Larson wanted to know the language of Section 11 before it was removed; the revised language was provided to the Board. Planning Director Morris explained Council was making sure there were not two Code sections which were duplicate and in conflict with each other. The new language would be in compliance with State Statutes and specify the area where food trucks would not be allowed to operate within the city.

Chairperson Ritz explained the Board could approve, modify, or deny as it deliberates. Planning Director Morris advised they were trying to be expedient in not impacting small businesses as they tried to continue to operate and navigate the Code requirements. She understood the Board was concerned with the modified language, but this Board did not have the authority to approve that language since it was outside of Section 12. (While the Board awaited the document with the modified language, it moved to the next item.)

The Board was provided additional materials which had been reviewed by Council. Board Member Villegas wanted to clarify that any amendment would specify usage of space for food trucks. Assistant City Attorney Moore stated they were trying to determine exclusion zones (a map was provided to indicate the exclusion zones). Board Member Grundhoefer asked if food trucks were allowed on every other street. Ms. Moore advised the language did not take away 11-2-24 (1) but it was similar to an ice cream truck. Board Member Larson asked about licensing for the ice cream truck versus food trucks, and Ms. Moore advised DBPR had the licensure, but she was not up to date on the ice cream truck designation. Last year, there was a change to the Florida State Statute where they pre-

empted to the State certain requirements regarding food trucks; they pre-empted to the State everything regarding permits, licensing, and any type of fee that any local government would charge for a food truck to operate within their jurisdiction; the City cannot require any additional permit license or fee, but the local government cannot completely prohibit food trucks from operating within our municipality. Restricting hours of operation or location was left up to the local government. Regarding unlicensed food truck operators, it is a second-degree misdemeanor to operate something where food is cooked, served, and sold. Board Member Larson wanted to make sure there was an enforceable action to someone selling burritos out of the trunk of their car. Ms. Moore then read the State Statute 509.102 for the definition of a mobile food truck which did not cover someone selling from their car; additional requirements and the second-degree misdemeanor was located in 509.251 (license fees) and 509.241 (licenses required and exceptions). Staff advised what prompted this amendment was a code enforcement issue brought to us for equipment as it stands now. Board Member Grundhoefer asked who determined where food trucks could operate. Ms. Moore advised the ordinances as they exist make it difficult to enforce and also make it difficult for any business to interpret what they can or cannot do or can or cannot be. There was no definition to determine a “duly established marketplace” and there was nothing in the original language to indicate “when so authorized” and “licensed under the ordinances of this municipality” was pre-empted by the laws passed last year. This criteria was drafted at the request of Council.

Assistant City Attorney Lindsay stated the Board was being asked to recommend an action, so if the Board voted yes this should be repealed, it would not be repealed on that action and would still be on the books; it would not create a vacuum because it would not be repealed except in the context of Chapter 11 being modified. The Board could suggest it had reservations about repealing 12-3-65 because of certain concerns and could ask Council to consider those concerns. Board Member Grundhoefer proposed eliminating 12-3-65 since it was a duplicate, but the Board should make a recommendation that food trucks not be allowed in residential districts but allowed in other districts and see what happens over the next 3 to 5 years.

Board Member Grundhoefer made a motion to delete Section 12-3-65 and accept the language proposed in 11-2-24 but to also include some language that would restrict food trucks in residential areas. Board Member Villegas stated she would say restriction in residential areas outside of certain operating hours since there are a lot of neighborhoods that welcome food trucks. She asked if the language was concerning merchandise or specifically addressing food trucks. Ms. Moore stated the amendment was written to address selling merchandise which included food and beverage. Chairperson Ritz agreed with removing the duplicate language. **The motion was seconded by Board Member Larson.** Board Member Villegas asked for clarification in inviting food trucks to set up at a neighborhood event in a city park, and staff advised those requests go through a special event process with Parks and Recreation. Planning Director Morris advised there was an entirely separate section of the Code which grants to the director of that department authority over city parks so anyone invited would be allowed to operate. Board Member Van Hoose agreed that food trucks should not be prohibited if some of the residents wanted them. **The motion then carried 6 to 0.**

(Proposed Ordinance 38-21 – Amending Section 11-2-24 attached to last page.)

3. Request for Future Land Use and Zoning Map Amendment for 1717 N. Palafox Street

Olde City Developers, LLC is requesting a Zoning Map and Future Land Use Map Amendment for the westerly portion of the property located at 1717 N. Palafox Street. The property is currently zoned R-1AAA Low-Density Residential Zoning District. The applicant is proposing to amend the zoning district to R-1A Medium-Density Residential Zoning District. Chairperson Ritz explained if approved, the item would proceed to Council. The Board was to evaluate if this change was an appropriate use for this property.

Mr. Page presented to the Board and stated the project currently contained eight lots but began as seven lots. Staff indicated that if the eighth lot was left in the current zoning, it would not be a transition since it would move from commercial to residential of a certain density and then residential further to the west with greater density. The owner purchased the additional lot to be an acceptable transition from R1-A and across the street to the west would be R-1AAA. The buyer indicated the style would be 1930-1940 Craftsman homes. Chairperson Ritz clarified the applicant was proposing this change, acting as a transitional zone from the commercial to lower density residential.

Ms. MacDonald, President of the North Hill Preservation Association, explained even though this address was not in the historical portion, it was still in North Hill and a matter of concern to the residents. They were concerned with the vacant lot at Baylen and Mallory zoned R-1AAA being rezoned as R-1A; doing so would mean a reduction in the minimum lot width at building setback from 75' to only 30' and the survey indicated five 30' lots fronting Baylen. Across the street on Baylen, there were only two homes in the same portion of the block; there were only four houses on the western side, and three on the eastern side. With the addition of the five homes, it would total eight in a single block. The 30' width encouraged the development of row houses and an increase to on-street parking. Having parking on both sides of the street would virtually block thru traffic on Baylen, and North Hill asked that the request be denied.

Ms. Pierce advised she walked dogs there twice daily and asked the Board to not allow that many houses in this area.

Ms. Wolfe asked that the Board consider if this type of development really belonged on that block. There were parking considerations, space problems, and North Hill was not downtown.

Ms. Rutland stated children and dogs were outside a lot and agreed that the number of houses being proposed would present a parking problem since parking was already tight along that block. She also hated to see row houses developed in that neighborhood.

Mr. Page explained each unit would have a garage with parking in front to accommodate two vehicles. He also stated the homes would be the Aragon style, and the transition from higher to lower density would fit in very well.

Chairperson Ritz explained the Board was not approving building style or even the number of houses but whether to approve the zoning change and if that was an appropriate designation. Board Member Van Hoose asked if there was a requirement to transition. Mr. Page pointed out that transitional zoning was considered good planning practices; transitional zoning steps down from commercial. Assistant Planning Director Cannon explained transitional zoning was not a requirement, but it was required to go before the Board to consider the overall reasoning. Board Member Villegas suggested the surrounding area didn't mirror the request. She agreed it was everyone's prerogative to park on the street, but it was congested which was a concern for the surrounding area. She thought it would be a good infill move if it was located on Palafox, but this did not allow for the surrounding area to be reflected in the development; it might be excessive

on the Baylen side, and density wise, low density residential made more sense. Board Member Grundhoefer thought transitional zoning was appropriate since there was medium density further south. Chairperson Ritz pointed out smaller lots on Cervantes and Palafox, but Board Member Villegas advised that was commercial and south of Cervantes was PR-2.

Board Member Grundhoefer made a motion to approve, seconded by Chairperson Ritz. With no further discussion, the motion failed 4 to 2 with Board Members Larson, Sampson, Van Hoose and Villegas dissenting.

4. Request for Non-Residential Parking in a Residential Zone - 518 Wynnehurst Street

C.R. Quint Higdon is requesting the use of non-residential parking in a residential zone for the property located at 518 Wynnehurst Street which is zoned R-1AAA. If the request is approved, the subject parcel would serve as an accessory use to the future medical office building at 4304 Davis Hwy which is zoned C-3. Staff presented the six criteria that accompany this particular section of the Code. It was noted that when you have different uses between zoning districts, a 10' buffer is required by the City Land Development Code between those two uses, so you would be required to have that buffer on the backside of that parking lot.

Mr. Higdon presented to the Board and asked for the parking for a new office. Board Member Grundhoefer questioned Mr. Fitzpatrick on the opportunity for a 10' vegetative buffer, and Mr. Fitzpatrick advised there would be no problem with the buffer. Board Member Grundhoefer asked about a deed restriction to always have a retention pond and not a parking lot, and staff advised that would be something the applicant would volunteer to do; the Board was determining the use as a parking lot in the residential zone. If the building was vacant for 180 days, the permission would go away. It was determined the applicants needed one parking spot for 200 sq. ft. which totaled 52 parking spaces. Chairperson Ritz explained this item would not proceed to Council.

Board Member Larson made a motion to approve, seconded by Board Member Sampson. Board Member Villegas asked for clarification if those spaces included one per employee. Staff advised the Code did not distinguish between employees and clientele but gave a perspective per square feet for use. **The motion carried 6 to 0. Board Member Grundhoefer wanted to add the 10' buffer to the motion. The Board voted again to approve 6 to 0.**

5. Request for Aesthetic Review - 900 S. Palafox St. – Plaza de Luna Repairs

Plaza de Luna is located at 900 S. Palafox Street within the Waterfront Redevelopment District - WRD. This site experienced major damage from Hurricane Sally in September 2020. The damage to the park features included sidewalks, handrails, lighting, splash pad equipment and other minor features. The proposed improvements will replace the damaged features with the same or similar material. The City proposes to relocate the underground splash pad equipment to a new pump house building located adjacent to the DeLuna Café for better protection from future storms. The pump building will be approximately 11' X 17' and shall have similar brick as the adjacent café.

Chairperson Ritz pointed out the drawing did not portray the brick matching the DeLuna Café; it was a blank brick wall when the café had more brick detail and patterning, and he did not feel this was appropriate. He also pointed out this was taxpayer funded. Staff clarified this item would not proceed to Council.

Mr. McGuire, in charge of FEMA projects for the city, stated this was a pump building but understood what the Board was saying, but he asked that the Board indicate what they preferred, and they would build it. Chairperson Ritz explained it could return for an abbreviated review for expediency purposes. Board Member Grundhoefer explained there was a louver on the façade of the snack bar with a precast lintel which could be repeated on the west and south sides which were the most prominent; the herringbone pattern could be placed below and would tie it to the snack bar. Also, the snack bar roof sloped to the east, and this building could also slope to the east. He pointed out you do not see the roof form on the prominent side. The downspouts could be placed on either side of the door, and matching the height of the snack bar would tie it in better. Also, placing the building so that the fronts line up would make it look like part of the snack bar. Mr. McGuire pointed out it cost \$100,000 to repair the pumps each time it floods, so bringing the equipment out of the ground would save in expenses. Board Member Van Hoose asked if the building could be attached, and Mr. McGuire stated nice sod and a picnic table would go between the buildings. Board Member Grundhoefer suggested they pull it as close as possible to the other building. Mr. Morgan of Mott McDonald advised there was a shower on the snack bar wall which was part of the splash pad requirements, and they needed room for the walk-thru to other facilities. Board Member Grundhoefer asked that they make it look like one building. Chairperson Ritz explained Board Member Grundhoefer could perform the abbreviated review, return it to staff, and staff would forward it to Chairperson Ritz for review and then send it to the applicant.

Board Member Grundhoefer made a motion for approval with architectural modifications to the pump house which allow it to blend in with the snack shop, designating himself as the first line review for the abbreviated review process. Staff advised that Board Member Grundhoefer as a reviewer could have direct contact with the applicant. **Board Member Villegas seconded the motion.** For FEMA approval, Mr. McGuire advised the other elements would go back in the same footprint. **The motion then carried 6 to 0.**

6. Amendment to the Land Development Code (LDC) – Table 12-3.9 – Regulations for the North Hill Preservation Zoning Districts – PR-2 Minimum Lot Size Requirements

On June 8, 2021 and August 12, 2021 the Planning Board and City Council respectively suggested that City staff amend the PR-2, North Hill Preservation multiple-family zoning district, to better align with criteria designed for transitional zoning districts. Subsequently, the Mayor directed staff to initiate the process for approval of the requested amendment. Currently the PR-1AAA, single-family district, and PR-2, multiple-family district, contain similar building standards and the same minimum lot size requirements. At present the main differences between these zoning districts are the types of uses that are allowed by right and the minimum building setbacks for the front and side yards. In order to allow for the PR-2 district to function as a transitional zoning district between the North Hill single-family and commercial districts, the proposed amendment will allow for a smaller minimum lot width and lot area. Table 12-3.9 *Regulations for The North Hill Preservation Zoning Districts* (attached) contains the current applicable lot and building standards. The proposed amendment would be limited to Table 12-3.9 and does not include any changes to the types of allowed uses or to the required setbacks in the PR-2 zoning district. The following changes are proposed:

- Minimum Lot Area for Residential Uses: Currently - 9,000 SF

Proposed - 5,000 SF

- Minimum Lot Width at Building Setback Line: Currently - 75 feet
Proposed - 50 feet

Staff explained this was just for the North Hill Preservation District which has three zoning categories – PR-1AAA, PR-2, and PC-1. This action would decrease non-conformities with the lots. Historic Preservation Planner Harding stated the PR-2 (formerly R-2) was established when North Hill was established, possibly mid-70s.

Ms. MacDonald advised over a series of meetings with Mr. Beck and the neighborhood, they discussed alternatives and proposed a compromised solution to rezone the property to an amended version of PR-2 that would reduce the minimum lot area for residential uses from 9,000 sq. ft. to 5,000 sq. ft. and the lot width setback from 75' to 50'. They then polled the neighborhood to see if they could support the pursuit of this proposed change; the 104 respondents voted overwhelmingly in support of PR-2 with these proposed changes - 87% voting for with 12.5% voting against. She voiced this support at the Council meeting and repeated that support today. Although there might be residents against this proposed zoning amendment, she stated the majority of residents who cared enough to vote, voted for it.

Chairperson Ritz appreciated the numbers and percentages and that level of input from the citizens which helped the Board with its decision.

Ms. Marshall advised her home faced the P.K. Yonge property. She explained the neighbors felt any changes made to PR-2 should be decided on the value of the entire North Hill community. The consequences and impact should be evaluated and related to the existing PR-2 zones in the North Hill District. They offered 1) keeping PR-2 as it is since some of the neighbors object to the change relating to their property, and 2) designing special waivers with input from the immediate neighbors while achieving the owners' value of their interest when they sell their property. She pointed out their neighbor, Mr. Mead, had suggested there might be an interesting zone change for block 168. They felt the best suggestion was for an entirely special zone for block 168 which would include the needs of her new neighbor and people of North Hill.

Chairperson Ritz explained this item was at the request of Council, and this request whether accepted, rejected, or modified dealt with all of PR-2 and not one particular piece of property nor a specific development. This request would then proceed to Council.

Mr. Beck appreciated the staff, residents, and the North Hill Preservation Association. The discussion was generated through the consideration of a specific piece of property, and he was in full support of the transition zoning from the very loose PC-1 relating to single-family lots to PR-1AAA; he felt it was a nice compromise and allowed for a 50' lot as opposed to the very narrow 30' lots which would occur under PC-1.

Board Member Larson made a motion to approve the suggested change and felt Council did a good service for bringing it back to the Board after the Board wrestled with the decision after listening to North Hill; we needed a transition between some of the old to the new and this was a good option; it was seconded by Board Member Grundhoefer. Board Member Villegas wanted to understand why there could not be some sort of variation on the PR-2 to address this particular property considering almost half of the North Hill District is PR-2 - possibly a PR-2A. Chairperson Ritz advised this would be creating a zoning district which equates to half a block of property. Assistant City Attorney Lindsay explained contract zoning or spot zoning was not legal, so the decision should not be made on whether to do this based on use but made on zoning considerations broadly. Board Member Grundhoefer pointed out 87% support for this

was unusual, but if the North Hill Preservation Board supported it, it would be a good thing. **The motion then carried 6 to 0.**

Open Forum – None.

Discussion – None.

Adjournment – With no further business, the Board adjourned at 3:58 p.m.

Respectfully Submitted,

Cynthia Cannon, AICP
Assistant Planning Director
Secretary to the Board



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 38-21

City Council

9/9/2021

ADD-ON LEGISLATIVE ACTION ITEM

SPONSOR: City Council Member Casey Jones

SUBJECT:

PROPOSED ORDINANCE NO. 38-21 - AMENDING SECTION 11-2-24 - PARKING FOR CERTAIN USES PROHIBITED OF THE CODE OF THE CITY OF PENSACOLA

RECOMMENDATION:

That City Council approve Proposed Ordinance No. 38-21 on first reading:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN USES PROHIBITED; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE

HEARING REQUIRED: No Hearing Required

SUMMARY:

Within the City Code, two sections exist; Section 11-2-24 - Parking for certain uses prohibited and Section 12-3-65 - Parking for certain uses prohibited. These two sections are duplicative.

An amendment to Section 11-2-24 would provide guidance related to the current food truck issue by setting boundaries for their prohibited placement in certain areas.

The proposed amendment to Section 11-2-24 would do the following:

1. Adding the language pertaining to public or private as it pertains to vacant lot or parking lot
2. Removes the selling of merchandise language
3. Establishes boundaries for the parking of vehicles for the principal purpose of selling merchandise from such vehicle

PRIOR ACTION:

April 13, 2006 - City Council amended Section 11-2-24 of the City Code via Ordinance No. 11-06

February 9, 2006 - City Council amended Section 12-3-65 (at that time listed as Section 12-2-42) of the City Code via Ordinance No. 04-06

FUNDING:

File #: 38-21

City Council

9/9/2021

N/A

FINANCIAL IMPACT:

None

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) City Attorney's Office Opinion 20-01
- 2) Proposed Ordinance No. 38-21 - Amendment to Section 11-2-24
- 3) Map of proposed amendment to Section 11-2-24

PRESENTATION: No

PROPOSED
ORDINANCE NO. 38-21

ORDINANCE NO. _____

AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTION 11-2-24 OF THE CODE OF
THE CITY OF PENSACOLA, FLORIDA, PARKING FOR CERTAIN
USES PROHIBITED; PROVIDING FOR SEVERABILITY;
REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 11-2-24 of the Code of the City of Pensacola, Florida, is
hereby amended to read as follows:

Sec. 11-2-24. Parking for certain uses prohibited.

(1) No person shall park a vehicle upon any street, right-of-way, public vacant lot or
public parking lot for the principal purpose of:

1 (a) Displaying such vehicle for sale;

2)(b) Washing, greasing or repairing such vehicle, except repairs necessitated by an
emergency;

3(c) Displaying advertising;

(4) ~~Selling merchandise from such vehicle except in a duly established marketplace
or when so authorized or licensed under the ordinances of this municipality; or~~

5(d) Storage for more than 24 hours.

(2.) No person shall park a vehicle upon any street, right-of-way, public vacant lot, or in
any public parking space that is located in the area between the eastern right- of- way
line of Tarragona Street and western right-of-way line of Baylen Street and between the
southern right -of- way line of Garden Street and the southern right -of -way line of Main
Street for the principal purpose of selling merchandise, including food and beverage,
from such vehicle with the exception of during the hours of Gallery Night and other
special events or specified times as approved by the Mayor or Mayor's designee.

SECTION 2. If any word, phrase, clause, paragraph, section or provision of this
ordinance or the application thereof to any person or circumstance is held invalid or
unconstitutional, such finding shall not affect the other provision or applications of the
ordinance which can be given effect without the invalid or unconstitutional provisions or
application, and to this end the provisions of this ordinance are declared severable.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby
repealed to the extent of such conflict.

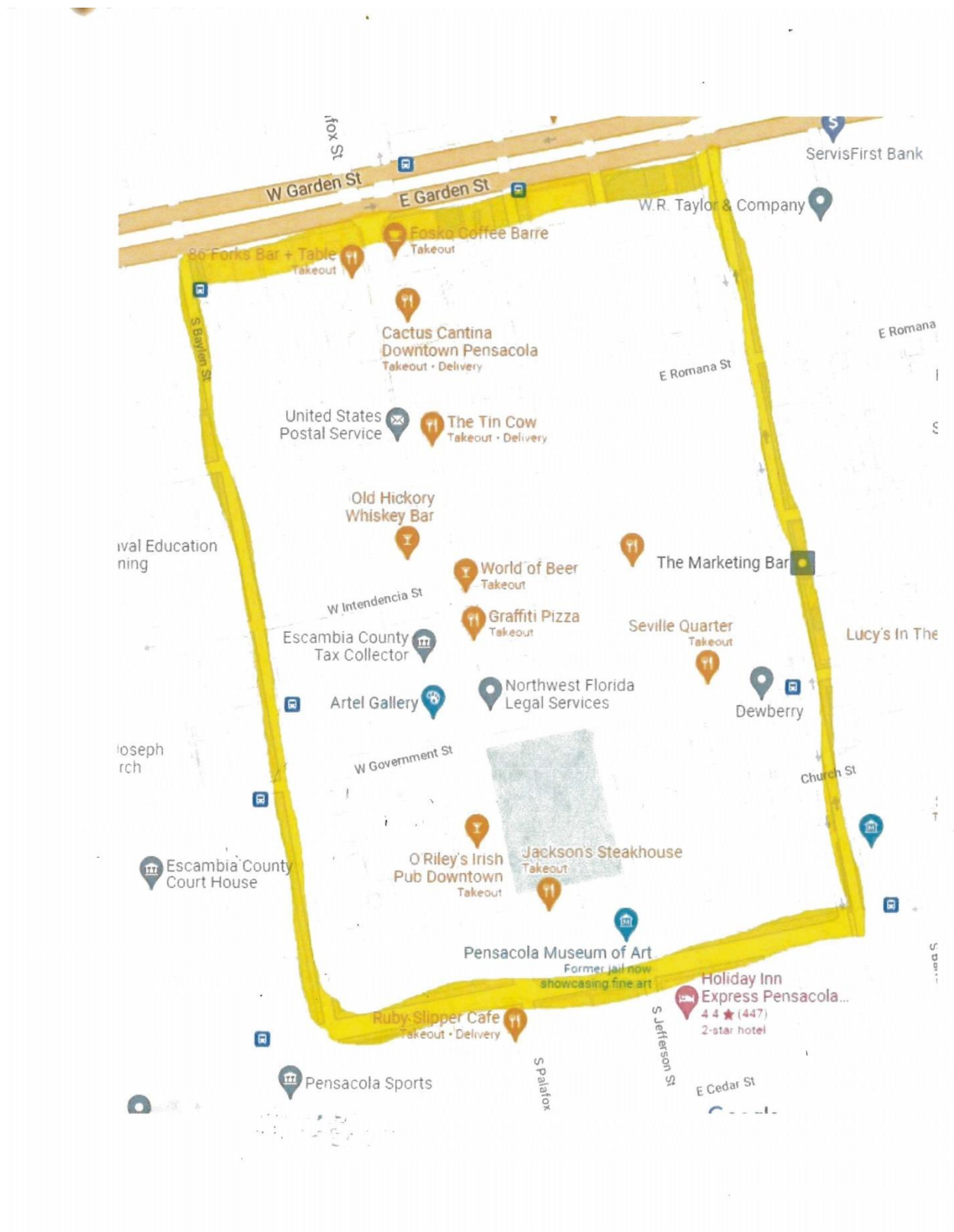
SECTION 4. This ordinance shall take effect on the fifth business day after adoption, unless otherwise provided pursuant to Section 4.03(d) of the City Charter of the City of Pensacola.

Adopted: _____

Approved: _____
President of City Council

Attest:

City Clerk





City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00840

Planning Board

10/12/2021

TO: Planning Board Members

FROM: Cynthia Cannon, AICP, Assistant Planning Director

DATE: 10/5/2021

SUBJECT:

Proposed Amendments to the Land Development Code - Engineering Sections 12-3, 12-4, 12-7, 12-8 & 12-9

BACKGROUND:

Many sections of the City's Land Development Code were drafted a number of years ago and have not been updated. Over time, various items have come to light that need updating or modification. These proposed revisions to the City of Pensacola's Land Development Code (LDC) have a twofold goal. First, they codify language for items which have been enforced for quite some time without actually being included in the LDC.

This results in a vast improvement to the clarity and efficiency of the engineering review process. Second, this new language provides a common sense approach to the permitting of developments which have a negligible impact to the City's stormwater quality or quantity. These changes maintain the City's focus on ensuring the well-being of our prized water bodies, wetlands, and smaller water bodies that feed them while aligning us more closely with the Statewide stormwater rules..

MEMORANDUM

Proposed Revisions to the City of Pensacola's Land Development Code

SPONSOR: Public Works and Facilities – Engineering and Construction Services Division

SUBJECT: Revisions to Chapters 11-4, 12-3, 12-4, 12-7, 12-8 & 12-9 of the Land Development Code

RECOMMENDATION:

That language in the Land Development Code be revised as reflected in the attached ordinance.

SUMMARY:

Many sections of the City's Land Development Code were drafted a number of years ago and have not been updated. Over time, various items have come to light that need updating or modification. These proposed revisions to the City of Pensacola's Land Development Code (LDC) have a twofold goal. First, they codify language for items which have been enforced for quite some time without actually being included in the LDC. This results in a vast improvement to the clarity and efficiency of the engineering review process. Second, this new language provides a common sense approach to the permitting of developments which have a negligible impact to the City's stormwater quality or quantity. These changes maintain the City's focus on ensuring the well-being of our prized water bodies, wetlands, and smaller water bodies that feed them while aligning us more closely with the Statewide stormwater rules. Given the above described information, the proposed revisions to the LDC would appear to be both justified and logical.

STAFF CONTACT:

Brad Hinote, P.E./City Engineer
Chris Mauldin/Engineering Construction Manager
Les Odom, P.S.M./City Surveyor

Sec. 12-3-121. Design standards and guidelines.

- (a) Purpose. The requirements set forth in this section are intended to coordinate land development in accordance with orderly physical patterns; to implement goals, objectives and policies of the comprehensive plan; to provide for adequate access to building sites for ingress and egress; to improve the physical appearance of the city; and to preserve the environmental character of the city.
- (b) Applicability. This section shall be applicable to all new construction, additions to existing structures or additional structures on a developed site. For the purposes of this section, the term "shall" indicates a regulatory requirement or standard, and the term "should" indicates a suggested guideline that is not considered a regulatory requirement.
- (c) Design standards. Except where specific approval is granted by the city engineer and planning services department due to unique and peculiar circumstances or needs resulting from the size, configuration or location of a site requiring a modification of the standards as set forth below, the minimum standards shall be as follows:
 - (1) Streets and rights-of-way. Whenever public or private streets, rights-of-way, pedestrian ways, bikeways or driveway approaches are to be constructed as part of any development after the effective date of this chapter, they shall be designed in accordance with the requirements of this subsection. Whenever existing public or private streets, rights-of-way, pedestrian ways, bikeways or driveway approaches abutting a development do not meet the requirements of this subsection, the city engineer may require that they be improved to conform to these requirements.
 - a. Driveway approaches and curb cuts.
 - 1. Width (residential except multifamily). In properties developed for residential use (except multifamily), curb cuts and driveway approach shall conform to the following requirements:

	Minimum Driveway	Maximum Driveway
Driveway	12 feet	24 feet
Joint-use driveway	20 feet	24 feet

- 2. Width (residential multifamily). Properties developed for residential multifamily use shall have curb cuts for driveways not less than 24 feet wide and not more than 40 feet wide.

3. Width (nonresidential). Properties developed for commercial use shall have curb cuts for driveways not less than 12 feet nor more than 40 feet wide.
4. Distance from drainage inlet. No curb cut shall be made within three feet of a drainage inlet.
5. Spacing. Where more than one curb cut is to be located on any single property, the minimum distance between such curb cuts on local streets shall be 42 feet, and on all arterial and collector streets shall be in accordance with the requirements set forth in subsection (c)(2) of this section.
6. Number and location on midblock properties. Except where specific approval is granted as provided above, there shall be no more than two curb cuts for the use of any single property fronting any single local street, and no more than one curb cut for the use of any single property fronting on any single arterial or collector.
7. Number and location on corner properties. Where property is located on a corner lot fronting more than one street, not more than one curb cut for the benefit of such property shall be made on each street except where specific approval is granted as provided above. Corner safety islands shall be provided at all corners and no curb cuts or driveway shall be constructed or maintained on the radius of any curved curbing nor closer to the point of curvature than 15 feet on a local street and not within 30 feet on the point of curvature of an intersecting arterial or collector street.
8. Sidewalk section. All driveway approaches constructed in areas of the city with existing or required sidewalks shall contain a sidewalk section of the width and grade and minimum construction standards established by the city engineer for sidewalks in such areas.
9. Any new pavers to be set in the City right of way shall be underlain with 6 inches of concrete.
10. All existing driveways or aprons not being reused shall be removed from the site
- ~~9-~~ 11. Joint use driveways. No curb cut for a driveway approach shall be made within one foot of the extended side property line of the property to be serviced by the driveway unless a joint-use driveway for the two adjoining properties shall be located on the common property line by written agreement running with the land, recorded in the public records of the county and signed by all the owners of the adjoining property using the common driveway. The execution of the said agreement must be notarized. The city engineer shall be authorized to require the establishment of joint-

use driveways in connection with the reduction of the driveway spacing requirements of subsection (c)(1)a.5 of this section and of subsection (c)(2) of this section.

~~10.~~ 12. Authority to alter curb cuts. Where the use, convenience and necessity of the public require, the city engineer shall have the authority to order the owners or agents in charge of property adjacent to which curb cuts are maintained, to alter the curb cut in such manner as he or she shall find reasonably necessary under the circumstances. The notice required by this section shall require compliance by permittee within 30 days of such notice; be in writing; and be served upon permittee as required by law.

- b. *Vehicular access for multifamily, office, commercial or industrial developments.* Direct or indirect vehicular access to local residential streets shall not be permitted, other than from corner lots, for the uses described above when adequate access is available from either collector or arterial streets.
- c. *Dedication of streets and rights-of-way.* No site plan shall be approved unless it is accompanied by a dedication of all streets and rights-of-way that are required to be dedicated under this section. The exception to this is private streets, which shall be provided for by the developer in accordance with the requirements of section 12-3-61. Any land lying within a proposed development that is necessary to widen or extend local streets, arterials or collectors as required to meet city standards shall be dedicated.
- d. *Street improvements.* All streets and public ways shall be paved and curbed in accordance with standards established by the city engineer and the following requirements:
 - 1. *Additional improvements for existing thoroughfares.* Where any existing arterial or collector lying within or abutting a proposed development requires construction of additional lanes or other improvements to meet the standards of the city engineer, the amount of construction required (or money escrowed) for such improvements shall be commensurate with the impact of the proposed development.
 - 2. *Missing arterial or collector links.* Where there are missing segments in the arterial or collector system or new arterials or collectors are to be constructed that are designated in the comprehensive plan, such segments lying within or abutting the proposed development shall be improved (or money escrowed in an appropriate manner) by the developer along with other required improvements. Where such construction creates an undue hardship in a particular case, appeals are available in accordance with chapter 12-12.

3. *Traffic control devices.* Intersection improvements and traffic control devices such as acceleration, deceleration, and turning lanes, signalization devices, and other traffic control devices required by the development shall be installed at the developer's expense in accordance with the State of Florida Manual for Uniform Traffic Control Devices.
4. *Improvements required to nearest acceptable paved public street.* Each development shall abut, or have as its primary access, a street improved to the minimum requirements of the city engineer. Wherever the abutting street does not meet these requirements, the developer shall construct the street where it abuts the development and to the nearest structurally acceptable paved public street as determined by the city engineer.
5. Steet Cut & Patch. The cut and patch of City streets shall comply with the City standard cut and patch detail. Should there be multiple adjacent patches, the entire road (width and length) shall be milled and overlaid in accordance with the City standard cut and patch detail. The Contractor shall provide density testing results from a certified geotechnical lab for each cut & patch inspection prior to final approval.
- e. *Sidewalks.* ~~Sidewalks shall be required on all street frontages in~~ For any new nonresidential, commercial and industrial developments in accordance with standards established by the city engineer all street frontages are required to have 5' (minimum) wide sidewalks with appropriate handicap ramps in R/W adjacent to proposed project. Proposed sidewalk shall be in accordance with ADA and City Standards and plans must show details for proposed sidewalks.

13. Right-Of-Way Construction. Nothing shall be constructed in the City's ROW without first obtaining either a right of way permit or a License to Use permit (LTU). Any work done in the ROW must meet the specifications of the City's standard details. It is the responsibility of the individual to ensure that they have the most recent City standard detail. Any existing curb/sidewalk along the frontage of a parcel which was damaged before or during construction shall be the responsibility of the property owner to replace during construction.

Sec. 11-4-72. Maintenance of right-of-way by owner of abutting property.

The owner of property abutting a public right-of-way shall maintain and keep clean and free of litter and debris, that portion of the right-of-way lying between the curb, or other edge of the pavement or roadbed, and the property line, but excluding the curb. Where vegetation is present, said owner shall mow, prune and irrigate it on a frequent basis as the season requires to maintain an attractive appearance. Driveway repair including portions in the ROW are the responsibility of the property owner. Provided, however, said owner shall not be responsible for the maintenance of street signs, utility apparatus or trees not planted in the right-of-way by the owner.

(Code 1986, § 11-4-72; Ord. No. 22-87, § 37, 5-28-1987)

Sec. 12-4-1. Off-street parking spaces requirements.

Off-street parking is required in all zoning districts, except as provided below. The following off-street parking is required by this chapter:

(1) General provisions.

a. Area calculations based on gross square footage.

b. Where the required number of parking spaces results in a fraction, the number of spaces required shall be construed to be the next whole number.

c. Where parking spaces are required based on number of employees or students/clients, the number of employees must reflect the largest shift and the number of students/clients must reflect the maximum capacity allowed.

d. For multiple land use developments, additional parking spaces will be required for each different land use and/or accessory use.

e. Handicapped parking spaces are required as a percentage of total required parking spaces for all developments other than single-family, duplex or zero-lot-line residential.

f. With respect to any parking lot that is required to be paved, the number of parking spaces required may be reduced by one, if the developer provides a bicycle rack or similar device that offers a secure parking area for at least five bicycles.

g. Neither off street parking in the City right of way nor creation of a parking space in the right of way shall be permitted without obtaining a license to use to do so.

~~g.~~ h. The number of off-street parking spaces provided for buildings constructed prior to October 13, 1994, shall be deemed in compliance with the requirements of this Code, for as long as the same land use is maintained within the same building footprint. Effective October 13, 1994, off-street parking requirements set forth in subsection (2) of this section shall be required for the following development or redevelopment activities except as specifically exempted in subsections (1)i through k of this section:

1. New construction.

2. Construction of an addition to an existing building. Whenever a building is enlarged or increased in floor area, number of dwelling units, seating capacity, intensity, density or in any manner so as to create a need for a greater number of parking spaces than currently existing, such additional spaces must be provided in accordance with subsection (2) of this section. The required number of additional parking spaces must be provided concurrently with the building enlargement. In the event that additional parking spaces are required, and the resulting number of spaces required for the whole building (existing and new) exceeds ten spaces, the entire parking lot shall comply with the provisions of section 12-4-3.

3. A change in land use in an existing building or portion of a building. Whenever a land use is changed to another land use requiring a greater number of parking spaces than that existing, such additional spaces must be provided in accordance with subsection (2) of this section. The required number of additional parking spaces must be provided concurrently with the change in land use. In the event that additional parking spaces are required as a result of a change in land use for buildings constructed prior to October 13, 1994, the entire number of required parking spaces for the new land use must be provided in accordance with subsection (2) of this section. In the event that additional parking spaces are required, and the resulting number of spaces required for the new land use exceeds ten spaces, the entire parking lot shall comply with the provisions of section 12-4-3.

h. Except as provided in subsections (4) and (5) of this section, all required parking spaces must be located on the same lot or parcel with the building or use served or on an adjacent lot or parcel owned or leased by the same owner of the building site for which the parking is required. If the required parking is provided on an adjacent property separated from the common boundary by a street, appropriate measures shall be undertaken to provide pedestrian safety. Such measures include, but are not limited to, pedestrian crosswalk, pedestrian crossing with automated traffic control, pedestrian overpass, and underground pedestrian tunnel.

i. Off-street parking is not required in the HC-1 and HC-2 districts (see section 12-3-10(1)e.7.iii).

j. Off-street parking is not required in the dense business area for residential land uses.

k. New construction of buildings within the South Palafox business district that do not exceed 40 feet in height, or the renovation or change in land use of existing buildings that do not exceed 40 feet in height are exempt from the off-street parking requirements (see also section 12-3-13(4)f).

l. New construction of buildings within the C-2A district that do not exceed 40 feet in height and 5,000 square feet in total floor area, or the renovation or change in land use of existing buildings that do not exceed 40 feet in height and 5,000 square feet in total floor area are exempt from the off-street parking requirements.

Sec. 12-8-6. Design standards for stormwater management system.

(a) General.

- (1) The design of stormwater management facilities including all water retention or detention structures and flow attenuation devices shall comply with applicable state regulations (i.e., F.A.C. ch. 62-330) and shall be subject to approval of the city engineer pursuant to the following requirements. In the event of conflict between the provisions of this chapter and the provisions of the applicable state regulations, the more strict requirements shall prevail.
- (2) All stormwater management facilities shall be designed for a minimum of 50-year life, have low maintenance cost and easy legal access for periodic maintenance.

- (3) All proposed stormwater management facilities shall be designed to prevent flooding, safety or health hazards and shall not contribute to the breeding of mosquitoes and arthropods.
 - (4) The use of drainage facilities and vegetated buffer zones for open space, recreation, and conservation areas shall be encouraged.
 - (5) The use of alternative permeable surface materials are encouraged for private parking lots and will be given due consideration in drainage plan review.
 - (6) Engineer of record, property owner, and contractor shall ensure property site grading and discharge from their property onto neighboring parcels neither creates nor exacerbates a flooding or erosion problem.
 - (7) The Engineering Division of the Public Works and Facilities Department shall review a grading and drainage plan for all new construction within the city limits.
- (b) Water quality.
- (1) The first one inch of runoff shall be retained on the development site. At the discretion of the city engineer, retention standards may be increased beyond the one-inch minimum standard on a site-specific basis to prevent flooding and drainage problems, and to protect environmentally sensitive water bodies.
 - (2) Stormwater management facilities that receive stormwater runoff from areas containing a potential source of oil and grease contamination, including, but not limited to, any land use involving the sale or handling of petroleum products or any land use involving the repair, maintenance or cleaning of motor vehicles shall include a baffle, skimmer, grease trap, or other suitable oil and grease separation mechanism.
 - (3) Channeling runoff directly into water bodies is prohibited. Runoff shall be routed through stormwater management systems designed to increase time of concentration, decrease velocity, increase infiltration, allow suspended solids to settle, and remove pollutants.
- (c) Erosion and sedimentation.
- (1) Erosion and sediment control best management practices shall be used during construction to retain sediment on-site. These management practices shall be designed by an engineer or other competent professional experienced in the fields of soil conservation or sediment control according to specific site conditions and shall be shown or noted on the plans of the stormwater management system. The engineer or designer shall furnish the contractor with information pertaining to the construction, operation and maintenance of the erosion and sediment control practices.
 - (2) The area of land disturbed by development shall be as small as practicable. Those areas that are not to be disturbed shall be protected by an adequate barrier from construction activity. Whenever possible, natural vegetation shall be retained and protected.

- (3) No clearing, grading, cutting, filling or alteration to the site of any kind shall be commenced until adequate erosion and sedimentation structural controls have been installed as per plan between the disturbed area and water bodies, watercourses, and wetlands and inspected by the building official. Limited clearing shall be permitted as necessary to allow the installation of the structural controls.
- (4) Land that has been cleared for development and upon which construction has not commenced shall be protected from erosion by appropriate techniques designed to temporarily stabilize the areas.
- (5) Sediment shall be retained on the site of the development, unless discharged into an approved off-site drainage facility as provided for in section 12-8-7.
- (6) Erosion and sedimentation facilities shall receive regular maintenance during construction to ensure that they continue to function properly.
- (7) Vegetated buffer strips shall be created or, where practicable, retained in their natural state along the banks of all watercourses, water bodies, or wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment in overland runoff, maintain natural drainage patterns to the water body, and allow for periodic flooding without damage to structures.
- (8) An erosion control plan signed and sealed by a Florida Licensed P.E. shall be submitted for any demolition project.

(d) Design frequency.

- (1) Stormwater management facilities with approved positive outfall shall be designed to attenuate the 100 year/critical duration storm event. The city engineer may waive or reduce this requirement if the stormwater management facility discharges directly into a natural outfall after treatment, does not contribute to potential or existing flooding conditions and does not increase pollutant loading.
- (2) Retention facilities that fall within a closed drainage basin and have no positive outfall shall retain the entire runoff volume from a 100-year storm event and shall include all storm durations up to and including the 24-hour duration. This retention volume must be recovered within 72 hours of the contributing storm event by natural percolation or other approved means.
- (3) Detention and/or retention facilities that connect directly to the city's storm drainage system shall be designed so that the post-development discharge rate does not exceed the pre-development discharge rate for a ten-year/critical duration storm event. Where the existing capacity of the city storm drainage system is not adequate to accept the discharge from a ten-year storm event, the city engineer may reduce the allowable post-development discharge rate from the detention facility to an acceptable level. Detention and/or retention facilities that do not connect directly to the city storm system or have a direct impact on the system shall be allowed to

discharge up to the pre-development rate for the 100-year/critical duration storm event or as otherwise approved by the city engineer.

- (4) The drainage area used in runoff calculations shall be the total natural watershed area including areas beyond proposed site limits (offsite runoff).
- (e) Stormwater retention and/or detention facilities.
 - (1) General requirements.
 - a. Recovery time for treatment/retention volume shall be a maximum of 72 hours. Recovery time for facilities that are underdrained or side drained shall be 36 hours.
 - b. Minimum freeboard for retention and/or detention facilities shall be one foot between design high water and top of facility. The city engineer may waive or reduce this requirement for shallow ponds and swales.
 - c. Stormwater retention and/or detention facilities shall include appropriate access for periodic maintenance as approved by the city engineer.
 - d. Stormwater retention and/or detention facilities located adjacent to a public right-of-way shall be landscaped with a visual screen installed in accordance with the provisions of section 12-3-56(d) through (g) or landscaped as a part of the overall landscaping for the development with plant species that are suitable for individual pond characteristics and that provide an effective and visually pleasing screen for the retention and/or detention facility. All landscaping shall be maintained in accordance with the provisions of section 12-6-5.
 - e. Designs for stormwater detention and/or retention facilities that use predominantly non-angular, freeform, curvilinear contouring that functions to visually integrate the facility into the overall design and landscaping of the development shall be encouraged.
 - f. Proposed stormwater pipe in public R/W must be either RCP or DI (epoxy coated). All stormwater related structures must be made of materials that meet or exceed HS-20 traffic loading.
 - g. Stormwater facilities shall be designed and positioned on the property to allow stormwater capture without additional or excessive fill and grading.
 - h. For residential parcels in the Shoreline Protection Districts Proposed retention pond shall be elongated across width of property to effectively capture pollutants
 - i. Maintenance entity. Stormwater management systems shall be maintained by the owner, except where the city selects certain systems for city maintenance. All areas

and/or structures to be maintained by the city must be dedicated to the city by plat or separate instrument and accepted by the City Council. Systems to be maintained by the owner shall have adequate easements to permit the city right-of-entry to inspect and, if necessary, take corrective action if the owner fails to maintain the system. In addition, the owner shall submit a copy of any outside agency inspections and/or reports for the city to evaluate in accordance with the city's MS4. If the owner fails to maintain his system, the city shall give the owner written notice of the nature of corrective action required. If the owner fails to take corrective action within 30 days from the date of the notice, the city may take the necessary corrective action, including placement of a lien on all property of the owner to recover the costs thereof.

- (2) Public facilities. Stormwater retention and/or detention facilities to be dedicated to the city for maintenance shall comply with the following requirements in addition to the general requirement specified in subsection (e)(1) of this section.
 - a. Slide slopes of facilities shall be no steeper than four horizontal feet for every one vertical foot (4:1) out to a depth of two feet below the control elevation. Grades steeper than 4:1 may be allowed where unique circumstances exist as approved by the city engineer.
 - b. Side slopes shall be stabilized with sod or other materials as approved by the city engineer.
 - c. Dry stormwater retention and/or detention facilities that contain side slopes that are steeper than 4:1 and have a retention depth greater than 30 inches shall be completely enclosed by a six-foot fence constructed of chain-link, wrought iron or other material as approved by the city engineer. Chain-link fences and related appurtenances (posts, gates, etc.) shall be vinyl-coated (dark green or black). The fence shall have a minimum 12-foot wide (15-foot maximum) gate opening. The maximum clearance from the bottom of the fence to existing grade shall be no more than three inches. This provision does not apply to shallow swales with a retention depth of 30 inches or less.
 - d. Permanently wet retention and/or detention facilities that contain side slopes that are steeper than 4:1 shall be fenced or otherwise restricted from public access in accordance with F.A.C. ch. 62-330. Where a fence is proposed it shall be constructed according to the provisions of subsection (e)(2)c of this section.
- (3) Private facilities. Stormwater retention and/or detention facilities to be maintained shall comply with the following requirements in addition to the general requirement specified in subsection (e)(1) of this section:
 - a. Slide slopes of facilities with earthen slopes shall be no steeper than two horizontal feet for every one vertical foot (2:1). Grades steeper than 2:1 may be allowed where unique circumstances exist as approved by the city engineer.

- b. Side slopes shall be stabilized with sod or other material as approved by the city engineer.
 - c. Private facilities with side slopes that are steeper than 4:1 shall be fenced or otherwise restricted from public access in accordance with F.A.C. ch. 62-330. Private stormwater retention and detention facilities that are located adjacent to a public right-of-way or easement shall be fenced in accordance with subsection (e)(2)c of this section.
- (f) Redevelopment.
- (1) The following redevelopment activities will not be subject to the requirements of this section:
 - a. Alterations to the interior of an existing structure.
 - b. Alterations of an existing structure that do not result in a net increase in impervious surface area.
 - c. Routine building repair including adding a facade to a building.
 - d. Resurfacing an existing paved area such as a parking lot, driveway or other vehicle use area.
 - (2) Redevelopment activities, including, but not limited to, alterations of existing buildings or structures or new construction following demolition of existing buildings and structures shall be subject to the requirements of this section only for the stormwater runoff that results from a net increase in impervious surface area provided that the new construction is under construction within two years of demolition. For the purpose of this subsection (f), under construction shall mean that a legal building permit has been issued and that actual construction has been or will be started within the period of validity of the permit, exclusive of any time extensions. Previously developed sites where buildings and structures were demolished and construction was not commenced within two years shall be considered new construction and subject to the requirements of this section. The following locations shall be excluded from the two-year time restriction:
 - a. All properties located in the C-2A downtown retail commercial district, SPBD South Palafox business district or HC-2 historical commercial district.
 - b. The area generally described as the Belmont/DeVillers Business Core area bounded by LaRua Street, Wright Street, Coyle Street, and Reus Street.
 - c. The area generally described as the Brownsville Commercial Area that is within the city limits bounded by Strong Street, Gadsden Street, Pace Boulevard and the city limits.
 - (3) The city engineer may require certification from a licensed engineer that there is adequate capacity in the downstream stormwater conveyance system for the redevelopment site and that any known flooding or drainage problem will not be worsened.

(Code 1986, § 12-9-6; Ord. No. 3-02, § 1, 1-10-2002; Ord. No. 11-15, § 2, 6-18-2015)

Sec. 12-4-3. - Parking lots.

In addition to the provisions in this chapter all parking lots shall comply with tree preservation and landscaping provisions established in chapter 12-6. The following requirements are applicable to all parking lots and parking spaces, whether or not such lots or spaces are required by the provisions of this chapter:

(1)Design of parking lots. All parking lot plans must be reviewed by the city engineer or his or her designee. Proper ingress and egress from the lot shall be required and adequate interior drives shall be required for all parking lots.

(2)Grading and surfacing

a. Parking lots that include lanes for drive-in windows or contain more than ten parking spaces. Parking lots that include lanes for drive-in windows or contain more than ten parking spaces shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust.

b.Parking lots with ten or less parking spaces. Parking lots with ten or less parking spaces may be surfaced with alternative surface materials (crushed stone, gravel, or other suitable material) other than those specified in subsection (2)a of this section, with the approval of the city engineer, to provide a surface that is stable and will help to avoid dust and erosion. The perimeter of such parking shall be defined by bricks, stones, railroad ties, or other similar devices. In addition, whenever a parking lot abuts a paved street, the driveway leading from such street to such area (or, if there is no driveway, the portion of the parking area in the public right-of-way), shall be paved as provided in subsection (2)a of this section.

(3)Demarcation of parking spaces. Parking spaces in areas surfaced in accordance with subsection (2)a of this section shall be appropriately demarcated with painted lines or other markings. Parking spaces in areas surfaced in accordance with subsection (2)b of this section shall be demarcated whenever practicable. All pavement markings/stripping that provides immediate access to the public Right of Way (stop bars, cross walks, etc...) shall be thermoplastic.

(4)Maintenance. Parking lots shall be properly maintained in all respects. Parking area surfaces shall be kept in good condition (free from potholes, etc.) and parking space lines or markings shall be kept clearly visible and distinct.

(5)Lighting. Lighting shall be provided for parking lots with more than ten spaces, and this lighting shall be arranged to reflect away from the adjoining properties. The minimum illumination level required for the entire paved area shall be an average maintained 1.0 footcandle. The lowest footcandle value at any point on the pavement shall not be less than one-fourth of the required average.

(6)Screening. Where a parking lot adjoins a residential district or fronts on a street adjoining a residential district, directly across said street, a solid wall, fence, or compact hedge not less than four feet high shall be erected along the lot lines, except that within a visibility triangle the height requirement shall be reduced to three feet.

(7)Measurement of parking stalls. All parking stalls shall measure not less than nine feet by 18 feet, except as provided for herein. For land uses that assign parking spaces to specific employees or residents, a maximum of 30 percent of all required vehicle parking spaces may be designed for compact cars. A compact car space may be a minimum of 7.5 feet by 16 feet. The occupant or owner of the principal use for which the parking is required shall enforce the use of such assigned compact car spaces. Parking stalls must be offset one stall width in either direction in order to be constructed at 90 degrees to one another for corners in order to avoid vehicular conflict.

(8)Fencing, wheelstops or bumper guards. Fencing, wheelstops or bumper guards are required along property and street lines to avoid the chance of encroachment on other properties or sidewalks.

(Code 1986, § 12-3-3; Ord. No. 6-93, § 22, 3-25-1993; Ord. No. 33-95, § 10, 8-10-1995; Ord. No. 9-96, § 12, 1-25-1996)

CHAPTER 12-7. SUBDIVISIONS

Sec. 12-7-1. Purpose.

The purpose of this chapter is to provide that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other hazards. Subdivision development which adversely affects functioning natural systems shall be minimized or prevented pursuant to regulations in this chapter. Land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, and capital improvements such as coordinated transportation facilities, parks, and other public improvements consistent with the comprehensive plan.

(Code 1986, § 12-8-1)

Sec. 12-7-2. Prohibition.

No person shall subdivide land within the city, nor commence construction of any building or public improvement on such land prior to the approval and recording of a final plat or, in the case of a two-lot division of land a boundary survey, in accordance with the provisions thereof; nor shall any person construct or build any building on any land not legally surveyed and set aside by plat or boundary survey as a building site. Provided, however, that nothing in this chapter shall be deemed to require the approval and recording of public acquisition of strips of land for the widening of existing streets or the combination or recombination of portions of previously platted and recorded lots where no new parcels or residual parcels are created which are smaller than minimum restrictions required by this title in the district in which such parcels are located.

(Code 1986, § 12-8-2; Ord. No. 21-93, § 4, 8-16-1993)

Sec. 12-7-3. Procedure for subdivision approval.

(a) *Procedure for subdivision requiring a plat.*

(1) *Approval of preliminary plat by the planning board.*

- a. Any person desiring to divide land into three or more lots shall first file with the planning board ~~services department~~ an application and a preliminary plat of the subdivision prepared in accordance with the requirements of section 12-7-8 and Florida Statute § 472.027.
- b. Accompanying the application and preliminary plat shall be a general location sketch map showing the relationship of the proposed subdivision to existing community facilities that serve or influence it. On such sketch map ~~shall show~~, the main traffic arteries, shopping centers, schools, parks, and playgrounds within one quarter (1/4) of a mile, ~~principal places of employment and other principal features should be noted~~.
- c. Where the preliminary plat submitted covers only a part of the total contiguous property under the subdivider's ownership, a sketch of the prospective future street system of the unsubdivided part shall be required if not shown on a previously approved conceptual plan or plans for the entire property. The street system of the unplatted portion shall be planned to coordinate and connect with the street system of the platted portion.

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- d. A master drainage plan at a scale not smaller than one inch equals 200 feet, shall be ~~prepared~~ provided. The master drainage plan shall be for the entire property and shall be reviewed by the city engineer in relation to the entire drainage basin. It is the specific intent of this requirement that rights-of-way and easements of all drainage improvements, including, but not limited to, retention ponds, ditches, culverts, channels, and the like required for the drainage of the site for both on-site and off-site improvements, shall be provided for in the master drainage plan. Instruments shall be submitted fully executed in sufficient form for recording for all off-site drainage rights-of-way and easements not included on the final plat. These instruments shall be submitted with the final plat for recordation.
 - e. The preliminary plat shall be submitted to the planning services department at least 30 calendar days prior to the meeting at which it is to be considered.
 - f. Prior to the examination of the preliminary plat, the planning board shall be furnished with reports from the city engineer, the city traffic engineer, ~~energy services~~ Pensacola Energy, Emerald Coast Utilities Authority, fire department, and the secretary to the planning board to the effect that said plat does or does not conform to the comprehensive plan, the provisions of this chapter, and with sound principles and practices of planning and engineering and with such other items that may affect the health, safety and welfare of the people.
 - g. When, after examination, the planning board finds as fact that the aforementioned requirements have been met, the preliminary plat may be approved; however, such approval shall not constitute an approval of the final plat. If the preliminary plat is rejected, the planning board shall provide the applicant in writing a detailed list of reasons for rejection. The applicant shall resubmit revised documents to the planning services department with a review fee and begin the process at section 12-7-1.
- (2) *Approval of final plat by the planning board and city council.*
- a. The final plat shall conform substantially to the preliminary plat. The applicant shall submit only that portion of the approved preliminary plat that he or she proposes to record and develop. Such portion shall conform to all requirements of this chapter. Such final plat shall be submitted within one-year (365 days) of the date of the approval of the preliminary plat. If more than one-year has elapsed since the approval of the preliminary plat, the ~~preliminary plat applicant~~ must be resubmitted to the planning board services department a new application, new application fee and revised documentation and begin the process at section 12-7-1. ~~for their review and approval prior to submission of the final plat.~~
 - b. The final plat and release for construction plans shall be submitted to the planning services department at least 30 calendar days prior to the meeting of the planning board at which it is to be considered. Before granting final approval of the plat, the planning board shall receive reports from the secretary to the planning board, the city engineer, the city traffic engineer, Pensacola Energy, ~~the~~ Emerald Coast Utilities Authority and the fire department.
 - c. After approval by the planning board, the final plat shall be transmitted to the city council for approval. Approval of the plat shall be granted by the city council upon its finding that all the requirements of this chapter have been met.
- ~~(3) *Approval of a combined preliminary/final plat of a subdivision by the planning board and city council.*~~ Subdivisions containing no more than four lots fronting on an existing public street, right of way or an access easement, not involving any new street or road, or the extension of governmental facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision of this Code or the comprehensive plan, may be reviewed and approved through an abbreviated procedure that provides for the submittal of both the preliminary and final plat concurrently. All design standards, plat information and recording

~~requirements as set forth in this chapter shall be complied with when exercising the abbreviated minor subdivision procedure.~~

- (b) *Procedure for division of land requiring a boundary survey.* ~~(1)~~ A division of land into no more than two lots fronting on an existing public street, or an access easement not involving any new street or road, or the extension of governmental facilities, or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision of this Code or the comprehensive plan, may be reviewed and approved by the city engineer and planning services department, ~~through an abbreviated procedure that provides for the submittal of a metes and bounds description and a legal boundary survey of the property.~~

~~(12)~~ *Submission requirements.*

- a. Any person desiring to divide land into no more than two lots shall first submit a metes and bounds description and a ~~legal boundary survey of the property~~ (equal to that required by ~~F.S. Florida Statute § 472.027, pertaining to minimum technical standards~~ the Standards of Practice for surveys, and having a minimum of four concrete permanent reference monuments set) ~~of the property~~ to the planning services department. The boundary survey ~~shall be drawn at a scale of 100 feet to the inch, or less, and shall depict all information required by section 12-7-8(1) through (1011).~~
- b. If an access easement is required for the subdivision, this document shall be attached to the boundary survey.
- c. Prior to development of residential properties, the owner or owner's agent shall provide a proposed lot grading and erosion control plan. The plan shall be to scale and must demonstrate that the flow of stormwater surface drainage from the development is diverted to a storm sewer conveyance or other approved point of collection that does not create a hazard. The grading plan should clearly exhibit that the proposed development neither creates nor exacerbates flooding on any adjacent properties. Commercial properties shall fall under the subdivision language of the Land Development Code and comply with all stormwater drainage requirements set forth therein. All stormwater drainage requirements set forth in this chapter shall be complied with when exercising this procedure.
- d. The planning services department shall notify the applicant of the approval or disapproval of the metes and bounds description or the boundary survey within nine (9) working days from submission.
- e. If the metes and bounds description or the boundary survey is rejected the planning services department shall provide the applicant, in writing, a detailed list of the reasons for the rejection.
- f. The applicant shall resubmit revised documents to the planning services department with a review fee and begin the process at section 12-7-3(b).

~~(23)~~ *Final approval.*

- a. ~~The planning services department shall notify the applicant of the approval or disapproval of the subdivision boundary survey within nine working days from submission.~~
- b. ~~If the subdivision boundary survey is rejected the planning services department shall provide the applicant, in writing, a detailed list of reasons for rejection.~~
- c. ~~Upon submission of the corrected subdivision boundary survey the planning services department shall notify the applicant of the approval or disapproval of the corrected boundary survey within~~

~~nine days. If the subdivision boundary survey is not approved, the minor subdivision must be resubmitted.~~

- ~~da.~~ After the survey has been approved by city staff one copy of the survey shall be filed with the planning services department. In addition, one copy each of any applicable recorded access easements shall be filed with the city planning services department.
- ~~eb.~~ ~~Furthermore, n~~ No building permit shall be issued until the survey has been approved by city staff and any accompanying documentation has been ~~recorded~~ filed in accordance with section 12-7-3(b.3.a).

(Code 1986, § 12-8-3; Ord. No. 35-92, § 2, 10-22-1992; Ord. No. 21-93, § 5, 8-16-1993; Ord. No. 9-96, § 13, 1-25-1996; Ord. No. 12-09, § 2, 4-9-2009)

Sec. 12-7-4. Design standards.

Land that the planning board has found to be unsuitable for subdivision due to flooding, bad drainage, or other features likely to be harmful to the health, safety and general welfare of future residents, shall not be subdivided, unless adequate methods of correction are formulated by the developer and approved by the city engineer. Appendix A, at the end of this chapter, illustrates selected design standards described herein.

(1) *Streets.*

- a. Wherever a tract or parcel to be subdivided embraces any part of a street designated in the comprehensive plan, such part shall be platted in the location and width indicated on such plan.
- b. The arrangement, character, extent, width, grade, and location of all streets shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, in their appropriate relation to the proposed uses of the land to be served by such streets and the most advantageous development of the surrounding neighborhood.
- c. Where such is not shown in the comprehensive plan, the arrangement of streets in a subdivision shall either:
 - 1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - 2. Conform to a plan for the neighborhood approved or adopted by the planning board.
- d. Minor streets shall be so laid out that their use by through traffic will be discouraged.
- e. Where a subdivision abuts or contains an existing or proposed arterial street, the planning board may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. Residential and nonresidential subdivisions located along arterial streets shall be encouraged to provide consolidated access points for all uses within the subdivision.
- f. Where a subdivision borders on or contains a railroad right-of-way or limited access highway (super highway) right-of-way, the planning board may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades of future grade separations.

- g. Reserve strips (nonaccess easements) controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the planning services department.
- h. Street jogs with centerline off-sets of less than 125 feet shall be avoided.
- i. A tangent at least 100 feet long shall be introduced between reverse curves on arterial and collector streets.
- j. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no streets shall intersect any other street at less than 60 degrees.
- k. Property lines at street intersections shall be rounded with a radius of 25 feet, or of greater radius where the planning board may deem it necessary.
- l. Street right-of-way widths shall be shown on the comprehensive plan and where not shown therein shall be not less than as follows:

Street Type	Right-of-Way in Feet
Arterial	100
Collector	80
Minor	60 (50' w/two five-foot easements sidewalks are provided within R/W by the developer)
Marginal Access	40
Alley in commercial or industrial areas (<u>private</u>)	24
Alley in residential areas (<u>private</u>)	20

- m. Half streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, and where the planning board finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- n. Dead-end streets are prohibited except those designed to be so permanently. Permanent dead-end streets shall be not longer than 500 feet and shall be provided at the closed end with a turnaround having an outside roadway diameter of at least 80 feet and a street property line diameter of at least 100 feet. At the intersection of the turnaround and the straight portion of the right-of-way there shall be a 25-foot radius as a transition.
- o. Street names. A proposed new street, which is in alignment with a continuation of an existing street, with or a continuation of an existing street, shall have the same name as the existing street. In no case (including numbered or lettered streets) shall new streets have names or numbers that duplicate or that are phonetically similar to existing streets' names, regardless of the prefix or suffix used as "Avenue," "Boulevard," "Court," "Crescent," "Drive," "Place," "Street," and "Terrace." All street names shall be subject to approval of the planning board.

Note: In this respect, it is suggested that the developer check over his or her proposed street names with the postal authorities, before submitting his or her plat to the planning board for approval.
- p. Grades and transition of grades must be approved by the city engineer and in no case shall be less than two-tenths percent.

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- q. Private streets. Private streets may be approved provided they are constructed according to the street design standards specified in sections 12-7-4 and 12-7-5 except that required private ingress and egress easements, private rights-of way or private common area widths and pavement widths may be less than required for public rights-of-way and street widths. In the event that a private street is approved, the following statement shall be shown on the preliminary and final plats: "All roads and rights-of-way shown on this plat are private and are not subject to maintenance by the City of Pensacola." Maintenance of private streets shall be as provided in section 12-3-61.
- (2) *Drainage easements.*
- a. Easements along lot lines shall be provided for drainage where necessary and shall be at least 12 feet wide.
- b. Where a subdivision is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
- (3) *Blocks.*
- a. The length, width and shape of blocks shall be determined with due regard to:
1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 2. Zoning requirements.
 3. Needs for convenient access, circulation, control, and safety of street traffic.
 4. Limitations and opportunities of topography.
- b. Block length shall not exceed 1,400 feet; or be less than 400 feet. Where blocks are 700 feet or more in length, the planning board may require a 20-foot pedestrian easement through the block. Long blocks should be oriented for drainage and toward such focal points as a shopping center or a school.
- c. Block width—~~Blocks~~ should be at least wide enough to allow two tiers of lots and should be a minimum width of 240 feet, except when reverse frontage is used.
- (4) *Lots; building site area and yard restrictions.*
- a. Minimum building site area and yard restrictions shall be governed by the requirements of chapter 12-3. Every lot or parcel of land shall abut a public street, or private street where permitted by this chapter.
- b. Insofar as practical, side lot lines shall be at right angles to straight right-of-way lines or radial to curved right-of-way lines.
- c. The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development of use contemplated.
- d. Double frontage and reverse frontage lots shall be avoided except where desirable to provide separation of residential developments from traffic arteries or to overcome specific disadvantages of topography and orientation. A nonaccess easement with a planting screen or solid fence shall be provided along the line of lots abutting such a traffic artery.

(Code 1986, § 12-8-4; Ord. No. 13-06, § 16, 4-27-2006)

Sec. 12-7-5. Required improvements.

- (a) *Street and storm drainage improvements.* The owner or developer shall prepare and submit to the city engineer for approval, plans for adequate storm drainage and street improvements that shall be installed by the owner or developer in accordance with specifications of the city set forth herein. Where a subdivision includes an arterial or collector street, the city shall pay the cost of all pavement over 24 feet in width and 50 percent of the cost of pavement adjoining parks and playgrounds. The cost of 50 percent of the pavement adjoining school sites shall be assessed to the county school board. If oversized storm drainage is required in a subdivision to serve an area beyond the project, these facilities shall be built and/or paid for by the subdivider and the city in such reasonable manner as the subdivider and the mayor shall agree to and shall be a proratable charge against the area to be benefitted. This shall apply to areas outside the project area that are owned by the city or for which the city has maintenance responsibility. The design of all required improvements shall conform to the following standards or an approved equal and detailed specifications obtainable from the city engineer's office.
- (1) *Clearing, grubbing and grading.* Clearing and grubbing shall be for the full width of the right-of-way except as permitted by the city engineer. Grading shall be done to plans approved by the city engineer.
- (2) *Arterial streets.*
- a. *Right-of-way.* One hundred feet if not determined otherwise on the comprehensive plan.
 - b. *Pavement width.* See arterial street cross-section of the city engineer.
 - c. *Materials.* Specifications of the city engineer.
 - d. *Curb and gutter.* Specifications of the city engineer.
- (3) *Collector streets.*
- a. *Right-of-way.* Eighty feet.
 - b. *Pavement width.* Thirty-five feet.
 - c. *Materials.* Double layer of bituminous surface treatment over a six-inch compacted clay base.
 - d. *Curb and gutter.* Layback type.
- (4) *Minor street.*
- a. *Right-of-way.* Sixty feet (~~described as 50 feet with two five-foot easements permitted where sidewalks are provided within R-O-W~~ right-of-way).
 - b. *Pavement width.* Twenty-four feet.
 - c. *Materials.* Double layer of bituminous surface treatment over a six-inch compacted clay base.
 - d. *Curb and gutter.* Layback type.
- (5) *Marginal access streets.*
- a. *Right-of-way.* Forty feet.
 - b. *Pavement width.* Twenty-four feet.
 - c. *Materials.* Double layer of bituminous surface treatment over a six-inch compacted clay base.
 - d. *Curb and gutter.* Layback type.
- (6) *Construction plans and profiles.* Construction plans and profiles shall be submitted for approval to the city engineer's office for all street and storm drainage improvements. The drawings shall have a sheet

size of 24 inches by 36 inches. The drawings shall have a horizontal scale of 20 feet to the inch and a vertical scale of two feet to the inch. The drawings, upon approval of the city engineer, shall become the possession of the city.

a. Street paving plans and profiles shall show:

1. Centerline stationing.
2. Curve data.
3. Rights-of-way dimensions.
4. Roadways widths.
5. Elevations on a datum approved by the city engineer at centerline stationing.
6. Existing water lines, gas lines, underground cables, and any other features in the right-of-way as required in section 12-7-8.
7. Lot lines.
8. Typical sections of roadway, curbing and any other details as may be necessary to clearly express intent.
9. Existing ground centerline on the profile as a long broken line separated by dots, north and east property lines by medium long dashed lines, and south and west property lines as a short dashed line, and the proposed centerline as a solid line.
10. The gradient of the centerline and elevations of all vertical curves.
11. Title, scale, north arrow, benchmarks, date, name of developer and engineer who prepared plan.

b. Storm sewer plan and profiles shall show:

1. Centerline stationing.
2. Location of sewer line with respect to curb line.
3. Location of manholes and inlets and type to be used.
4. Elevations of manhole inverts and inlets inverts on plan view.
5. Existing ground profile along centerline of sewer.
6. Profile of proposed sewer inverts as heavy solid line.
7. Gradient of proposed sewer invert.
8. Title, scale, north arrow, benchmarks, date, name of developer and engineer who prepared plan.

- (b) *Sanitary sewers.* Any subdivision that has a public sewer system available for extension within 300 feet of its boundary shall have such available system extended by the subdivider to provide service to each lot in the subdivision. Construction plans and profiles shall be submitted for approval to the city engineer's office for all ~~street and storm drainage~~ sanitary sewer improvements. The drawings shall have a sheet size of 24 inches by 36 inches. The drawings shall have a horizontal scale of 20 feet to the inch and a vertical scale of two feet to the inch. The drawings, upon approval of the city engineer, shall become the possession of the city. Sanitary sewer plan and profiles shall show:

- (1) Centerline stationing.
- (2) Location of manholes and lampholes.

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- (3) Elevations of manhole inverts and inlets inverts on plan view.
 - (4) Location of sewer line with respect to curb line.
 - (5) Existing ground profile along centerline of sewer.
 - (6) Profile of proposed sewer line invert as heavy solid line.
 - (7) Gradient of proposed sewer line invert.
 - (8) Title, scale, north arrow, benchmarks, date, name of developer and engineer who prepared plan.

(Code 1986, § 12-8-5; Ord. No. 13-06, § 17, 4-27-2006; Ord. No. 16-10, § 222, 9-9-2010)

Sec. 12-7-6. Sites for public use.

- (a) *School sites.* The planning board may, where necessary, require reservation of suitable sites for schools; and further, which sites shall be made available to the county school board for their refusal or acceptance. If accepted by the school board, it shall be reserved for future purchase by the school board from the date of acceptance for a period of one year.
- (b) *Sites for park and recreation or open space.* Each subdivision plat shall be reviewed by the planning and leisure services departments in order to assess the following: park and recreational or open space needs for the recreation service area within which the subdivision is located and for the city as a whole; and characteristics of the land to be subdivided for its capability to fulfill park, recreation or open space needs. Based on this review the city staff shall recommend one of the following options:
 - (1) *Dedication of land for park, recreation or open space needs.* The subdivider or owner shall dedicate to the city for park and recreation or open space purposes at least five percent of the gross area of the residential subdivision. In no case shall the aggregate acreage donated be less than one-quarter acre.
 - (2) *Payment of money to an escrow account for park, recreation or open space needs in lieu of dedication of land.* The subdivider or owner shall pay unto the city such sum of money equal in value to five percent of the gross area of the subdivision thereof, which sum shall be held in escrow and used by the city for the purpose of acquiring parks and developing playgrounds and shall be used for these purposes and no others. The aforementioned value shall be the value of the land subdivided without improvements and shall be determined jointly by the mayor and the subdivider. If the mayor and subdivider cannot agree on a land value, then the land value shall be established by arbitration. The mayor shall appoint a professional land appraiser, the subdivider shall appoint a professional land appraiser, and these two shall appoint a third.
- (c) *Public streets.* All streets delineated on all plats submitted to the city council shall be dedicated to all public uses including the use thereof by public utilities, unless otherwise specified herein.

(Code 1986, § 12-8-6; Ord. No. 9-96, § 14, 1-25-1996; Ord. No. 16-10, § 223, 9-9-2010)

Sec. 12-7-7. Variances.

- (a) Where strict adherence to any of the provisions of this chapter would cause unnecessary hardship due to topographical or other conditions peculiar to the site, the planning board may recommend, and the city council approve, a variance.
- (b) All variances from the provisions of this chapter that are proposed as part of a subdivision plat must be identified and justified in a letter by the applicant to be attached to the plat being submitted (e.g., Variance Requested: Non-Standard Street R.O.W.—Justification: Preservation of large live oak trees throughout the

property). The reasons for the granting of any such variance shall be clearly specified and entered into the minutes of the city council.

(Code 1986, § 12-8-7)

Sec. 12-7-8. Preliminary plat.

Appendix B, at the end of this chapter, illustrates a sample preliminary plat. The preliminary plat shall ~~be drawn to a scale of 100 feet to the inch, or less, and shall~~ show the following:

- (1) Drawn to a scale of 100 feet to the inch or less, show all improvements on the property and show all trees subject to section 12-6-2(d) of this Code.
- ~~(12)~~ Subdivision or development name, name of the owner or developer, name of surveyor and designer, north arrow, date ~~and scale~~.
- ~~(23)~~ The boundary line of the tract to be subdivided drawn accurately to scale and with accurate linear and angular dimensions.
- ~~(34)~~ Streets: Names, right-of-way and roadway width; similar data for alleys, if any.
- ~~(45)~~ The location and size of water, gas and sanitary sewer mains, fire hydrants, storm drains, and all structures on the land to be subdivided and on the land within ten feet of it.
- ~~(56)~~ Other rights-of-way or easements; location; width and purpose, including navigation easements and maintenance easements for zero-lot-line dwellings (refer to section 12-3-5(1)).
- ~~(67)~~ Lot lines, lot numbers and block numbers.
- ~~(78)~~ Sites, if any, to be reserved or dedicated for parks, playgrounds or other public use.
- ~~(89)~~ Sites, if any, for multiple-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
- ~~(910)~~ Reference to recorded subdivision plats of adjoining platted land by record name, book and page number.
- ~~(1011)~~ Minimum building setback lines (front, side and rear), as required in the zoning regulations.
- ~~(1112)~~ Site data including number of residential lots, typical lot size and areas in parks, etc.
- ~~(1213)~~ Ground contours at intervals not greater than two feet.
- ~~(1314)~~ Orientation of subdivision or development in relation with surveyors bench marks and monuments.
- ~~(1415)~~ The above information may be graphical except where detailed computations are required.
- ~~(1516)~~ All plats located in the 100-year floodplain or within airport impact district shall state such information on the face of the plat.
- (17) All plats must include horizontal State Plane Coordinates on a minimum of two exterior boundary corners. State Plane Coordinates accuracy to one decimal place. Datum is NAD83 (2011) or most current realization as defined and maintained by the National Geodetic Survey (NGS). Projection zone is Florida North (State Plane – US Survey Foot Definition). Projection type is Lambert Conformal Conic.

(Code 1986, § 12-8-8)

Sec. 12-7-9. Final plat.

The final plat shall conform fully to the requirements of ~~F.S. ch.~~ Florida Statute Chapter 177 and shall depict thereon all information required by section 12-7-8(1), (2), (3), (~~54~~), (6), (7), (~~98~~), (10), (~~11~~), (~~1314~~), (~~16~~) and (~~1517~~).
(Code 1986, § 12-8-9; Ord. No. 6-93, § 24, 3-25-1993)

Sec. 12-7-10. Final approval.

- (a) Approval of the final plat by the city council shall be granted upon the finding that the developers have complied with applicable laws and provisions of this Code. A true copy of the plat as approved shall be recorded by the applicant in the public records of the county within 180 days of city council approval. ~~Furthermore, no building permits may be issued until the plat has been so recorded.~~
- (b) If the approved final plat is not recorded in the public records of the county within 180 days of city council approval, upon filing the recorded plat with the planning services department the applicant is subject to a late fee.
- (c) No building permits may be issued until the recorded final plat has been filed with the planning services department.
- (~~bd~~) All subdivision improvements shall be completed by the developers and accepted by the city engineer prior to the issuance of any building permits; provided, however, that in lieu of the immediate installation of the required improvements, the subdividers shall either file with the city, a performance bond or surety bond or deposit with the city in escrow cash or a certified check in an amount to be determined by the mayor with sureties satisfactory to the city guaranteeing the installation of the required improvements.
- (~~ee~~) All subdivision improvements shown on the plat shall be completed within one year from the date the city council grants approval of the final plat, regardless of when said plat is recorded, and subject to a late fee. For good cause shown, the city council may grant a reasonable extension of this one-year time period.
- (~~df~~) No certificate of occupancy for a building shall be issued until all subdivision improvements are installed meet a satisfactory engineering as-built inspection and approved by the city engineer.
- (~~e~~) ~~After the plat has been recorded in the public records of the county, one copy of the plat shall be filed with the inspections services department within 15 days after the date of record.~~

(Code 1986, § 12-8-10; Ord. No. 6-93, § 25, 3-25-1993; Ord. No. 16-10, § 224, 9-9-2010)

APPENDIX A. DESIGN STANDARDS

