

**LEGAL REVIEW**

(COUNTY DEPARTMENT USE ONLY)

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(LEGAL USE ONLY)

Legal Review by Kenna A. Smith

Date Received: 9/14/15

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2015-\_\_\_\_\_

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 3, ARTICLE 2, SECTION 3-2.5 “LOW DENSITY RESIDENTIAL DISTRICT (LDR),” SECTION 3-2.6 “LOW DENSITY MIXED-USE DISTRICT (LDMU),” SECTION 3-2.7 “MEDIUM DENSITY RESIDENTIAL DISTRICT (MDR),” AND SECTION 3-2.14 “CONSERVATION DISTRICT (CON)” TO CLARIFY DISTRICT DWELLING UNIT DENSITIES AND ADD HEIGHT REFERENCE ELEVATIONS FOR STRUCTURES WITHIN FLOOD HAZARD AREAS; AMENDING CHAPTER 6, SECTION 6-0.3 “TERMS DEFINED” TO CLARIFY HEIGHT MEASUREMENT AND DEFINE HEIGHT, MEAN ROOF; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners authorizes maximum dwelling unit densities and structure heights by applicable zoning district; and

WHEREAS, the Land Development Code requires the elevation of structures within established flood hazard areas consistent with the National Flood Insurance Program; and

WHEREAS, the Board of County Commissioners finds that clarifying dwelling unit densities and adopting height allowances for the additional elevation required of structures within flood hazard areas promotes the efficient and equitable regulation of land use, and therefore serves the public interest.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA:

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 3, Article 2, Section 3-2.5 “Low Density Residential district (LDR),” Section 3-2.6 “Low Density Mixed-use district (LDMU),” Section 3-2.7 “Medium Density Residential district (MDR),” and Section 3-2.14 “Conservation district (Con)” is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

1 **Sec. 3-2.5 Low Density Residential district (LDR).**

2 **(d) Site and building requirements.** The following site and building requirements  
3 apply to uses within the LDR district:

4 **(1) Density.** A maximum density of four dwelling units per acre.

5 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.

6 **(3) Structure height.** A maximum structure height of 45 feet. See height definition.  
7 ~~above highest adjacent grade unless otherwise prescribed by use.~~

8 **(4) Lot area.** No minimum lot area unless prescribed by use.

9 **(5) Lot width.** A minimum lot width of 20 feet at the street right-of-way for cul-de-  
10 sac lots and 50 feet for all other lots, and a minimum width of 70 feet at the front  
11 building line for all lots.

12 **(6) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent  
13 maximum semi-impervious and impervious cover) for all uses.

14 **(7) Structure setbacks.** For all principal structures, minimum setbacks are:

15 **a. Front and rear.** Twenty-five feet in the front and rear.

16 **b. Sides.** On each side, five feet or 10 percent of the lot width at the front  
17 building line, whichever is greater, but not required to exceed 15 feet.

18 **(8) Other requirements.**

19 **a. Horse shelters.** Stables or other structures for sheltering horses or other  
20 domesticated *equines* shall be at least 50 feet from any property line and at  
21 least 130 feet from any dwelling on the property of another landowner.

22 **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development  
23 regulations and standards.

24  
25 **Sec. 3-2.6 Low Density Mixed-use district (LDMU).**

26 **(d) Site and building requirements.** The following site and building requirements  
27 apply to uses within the LDMU district:

28 **(1) Density.** A maximum density of seven dwelling units per acre regardless of the  
29 future land use category.

30 **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the MU-S future land  
31 use category and 2.0 within MU-U.

32 **(9) Structure height.** A maximum structure height of 45. See height definition.  
33 ~~above highest adjacent grade unless otherwise prescribed by use.~~

34 **(3) Lot area.** No minimum lot area unless prescribed by use.

- 1       **(4) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of  
2       20 feet at the street right-of-way, the following minimum lot widths are required:
- 3       **a. Single-family detached.** Forty feet at both the street right-of-way and front  
4       building line for single-family detached dwellings.
- 5       **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front  
6       building line for two-family dwellings.
- 7       **c. Multi-family and other.** One hundred feet at the front building line for multi-  
8       family dwellings and townhouse groups. No minimum lot width required by  
9       zoning for other uses.
- 10      **(5) Lot coverage.** Minimum pervious lot coverage of 25 percent (75 percent  
11      maximum semi-impervious and impervious cover) for all uses.
- 12      **(6) Structure setbacks.** For all principal structures, minimum setbacks are:
- 13      **a. Front and rear.** Twenty feet in the front and 15 feet in the rear.
- 14      **b. Sides.** Ten feet on each side of a group of attached townhouses. On each  
15      side of all other structures, five feet or 10 percent of the lot width at the front  
16      building line, whichever is greater, but not required to exceed 15 feet.
- 17      **(7) Other requirements.** Refer to chapters 4 and 5 for additional development  
18      regulations and standards.
- 19

20      **Sec. 3-2.7 Medium Density Residential district (MDR).**

21      **(d) Site and building requirements.** The following site and building requirements  
22      apply to uses within the MDR district:

- 23      **(1) Density.** A maximum density of 10 dwelling units per acre regardless of the  
24      future land use category.
- 25      **(2) Floor area ratio.** A maximum floor area ratio of 1.0 within the MU-S future land  
26      use category and 2.0 within MU-U.
- 27      **(10) Structure height.** A maximum structure height of 45 feet. See height  
28      definition. ~~above highest adjacent grade unless otherwise prescribed by use.~~
- 29      **(3) Lot area.** No minimum lot area unless prescribed by use.
- 30      **(4) Lot width.** Except for cul-de-sac lots which shall provide a minimum lot width of  
31      20 feet at the street right-of-way, the following minimum lot widths are required:
- 32      **a. Single-family detached.** Fifty feet at both the street right-of-way and front  
33      building line for single-family detached dwellings.
- 34      **b. Two-family.** Fifty feet at the street right-of-way and 80 feet at the front  
35      building line for two-family dwellings.

1           **c. Multi-family and other.** One hundred feet at the front building line for  
2           townhouse groups and boarding or rooming houses. No minimum lot width  
3           required by zoning for other uses.

4           **(5) Lot coverage.** Minimum pervious lot coverage of 30 percent (70 percent  
5           maximum semi-impervious and impervious cover) for all uses.

6           **(6) Structure setbacks.** For all principal structures, minimum setbacks are:

7           **a. Front and rear.** Twenty feet in the front and rear.

8           **b. Sides.** Ten feet on each side of a group of attached townhouses. On each  
9           side of all other structures, five feet or 10 percent of the lot width at the front  
10          building line, whichever is greater, but not required to exceed 15 feet.

11          **(7) Other requirements.**

12          **a. Stables.** Stables shall be at least 50 feet from any property line and at least  
13          130 feet from any residential dwelling on the property of another landowner.

14          **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development  
15          regulations and standards.

16  
17          **Sec. 3-2.14 Conservation district (Con).**

18          **(d) Site and building requirements.** The following site and building requirements  
19          apply to uses within the Conservation district:

20          **(1) Density.** Dwelling unit density limited to vested development.

21          **(2) Floor area ratio.** A maximum floor area ratio of 0.5 for all uses.

22          **(11) Structure height.** A maximum structure height of 45 feet. See height  
23          definition. above highest adjacent grade unless otherwise prescribed by use.

24          **(3) Lot area.** No minimum lot area unless prescribed by use.

25          **(4) Lot width.** No minimum lot width required by zoning.

26          **(5) Lot coverage.** Minimum pervious lot coverage of 80 percent (20 percent  
27          maximum semi-impervious and impervious cover) for all uses.

28          **(6) Structure setbacks.** For all principal structures, minimum setbacks are:

29          **a. Front and rear.** Twenty-five feet in front and rear.

30          **b. Sides.** On each side, five feet or 10 percent of the lot width at the front  
31          building line, whichever is greater, but not required to exceed 15 feet.

32          **(7) Other requirements.**

33          **a. Horse shelters.** Stables or other structures for sheltering horses or other  
34          domesticated *equines* shall be at least 50 feet from any property line and at  
35          least 130 feet from any dwelling on the property of another landowner.

1           **b. Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development  
2 regulations and standards.

3  
4 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development  
5 Code of Escambia County, Chapter 6, Section 6-0.3 “Terms defined” is hereby  
6 amended as follows (words underlined are additions and words ~~stricken~~ are deletions):  
7

8 **Sec. 6-0.3 Terms defined.**

9  
10 **Height.** The overall vertical dimension of a structure or object as measured from the  
11 highest adjacent grade, unless an alternative applicable reference surface or elevation  
12 is specifically prescribed required by the LDC, such as ~~highest adjacent grade,~~ base  
13 flood elevation plus freeboard, airport or airfield elevation, or mean high water. ~~to mean~~  
14 roof height or top of structure.

15  
16 **Height, Mean Roof.** The average of the roof eave height and the height to the highest  
17 point on the roof surface, except that eave height shall be used for roof angle of less  
18 than or equal to ten degrees (0.18 rad).

19  
20 **Section 3. Severability.**

21  
22 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
23 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way  
24 affect the validity of the remaining portions of this Ordinance.  
25

26 **Section 4. Inclusion in Code.**

27  
28 It is the intention of the Board of County Commissioners that the provisions of this  
29 Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections,  
30 subsections and other provisions of this Ordinance may be renumbered or re-lettered  
31 and the word “ordinance” may be changed to “section,” “chapter,” or such other  
32 appropriate word or phrase in order to accomplish such intentions.  
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39 **INTENTIONALLY LEFT BLANK**  
40

1 **Section 5. Effective Date.**

2  
3 This Ordinance shall become effective upon filing with the Department of State.

4  
5 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

6  
7 **BOARD OF COUNTY COMMISSIONERS**  
8 **OF ESCAMBIA COUNTY, FLORIDA**

9  
10 **By:** \_\_\_\_\_  
11 **Steven Barry, Chairman**

12  
13 **ATTEST: PAM CHILDERS**  
14 **Clerk of the Circuit Court**

15  
16 **By:** \_\_\_\_\_  
17 **Deputy Clerk**

18 **(SEAL)**

19  
20 **ENACTED:**

21  
22 **FILED WITH THE DEPARTMENT OF STATE:**

23  
24 **EFFECTIVE DATE:**