

PROPOSED  
ORDINANCE NO. 41-07

ORDINANCE NO. 45-07

AN ORDINANCE  
TO BE ENTITLED:

AN ORDINANCE AMENDING SECTIONS 12-2-31 AND  
12-2-52 OF THE LAND DEVELOPMENT CODE;  
PROVIDING FOR SEVERABILITY; REPEALING  
CLAUSE; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY OF PENSACOLA, FLORIDA:

SECTION 1. Section 12-2-31 of the Code of the City of  
Pensacola, Florida, is hereby amended to read as follows:

**ACCESSORY USES AND STRUCTURE STANDARDS.  
Sec. 12-2-31.**

In addition to the principal uses which are designated herein as being permitted within the several zoning districts established by this title, it is intended that certain uses which are customarily and clearly accessory to such principal uses, which do not include structures or structural features inconsistent with the principal uses, and which are provided electrical and plumbing service from the main building service shall also be permitted.

For the purposes of this chapter, therefore, each of the following uses is considered to be a customary accessory use, and as such, may be situated on the same lot with the principal use or uses to which it serves as an accessory.

**(A) Uses and structures customarily accessory to dwellings.**

- (a) Private garage.
- (b) Open storage space or parking area for motor vehicles provided that such space shall not be used for more than one commercial vehicle licensed by the State of

Florida as one ton or more in capacity per family residing on the premises.

(c) Shed or building for the storage of equipment.

(d) Children's playhouse.

(e) Private swimming pool, bathhouse or cabana, tennis courts, and private recreation for tenants of principal buildings.

(f) Structures designed and used for purposes of shelter in the event of manmade or natural catastrophes.

(g) Noncommercial flower, ornamental shrub or vegetable greenhouse.

(h) Television antenna or satellite TV receiving dish.

(i) Attached or detached, uncovered decks.

(j) Solar panels.

(k) Screened enclosures.

**(B) Uses customarily accessory to retail business, office uses, and commercial recreation facilities.**

(a) Completely enclosed building not to exceed 49% of the floor area of the main structure for the storage of supplies, stock, merchandise or equipment for the principal business.

(b) Lounge as an accessory use to a package liquor store, not to exceed 49% of the floor area of the package store.

(c) Lounge as an accessory use to a restaurant, not to exceed 49% of the floor area of the restaurant.

(d) Car wash as an accessory use to a service station not to exceed 49% of the square footage of the total site.

**(C) Uses customarily accessory to cemeteries.** A chapel is an accessory use to a cemetery.

**(D) Residential Accessory structures standards.**

(a) Accessory structures shall not be permitted in any required front or required side yard except as exempted in this section. Accessory structures shall be permitted in a required rear yard. Figure 12-2.3 shows permitted locations for residential accessory structures.

**FIGURE 12-2.3  
PERMITTED LOCATION OF RESIDENTIAL ACCESSORY  
STRUCTURES**

**ACCESSORY STRUCTURES**

1. Permitted only in shaded areas noted as buildable area or required rear yard as shown above.

2. Shall occupy not more than twenty-five percent (25%) of required rear yard area. For purposes of calculating this percentage in a corner lot rear yard, the yard shall be measured from the interior side lot line to the street right-of-way line.

3. Except for corner lots, accessory structures shall not be located closer than three (3) feet from a property line in a required rear yard.

4. No part of an accessory structure may be located any closer than four (4) feet to any part of the main dwelling unit. An open covered walkway no more than six (6) feet wide may connect the main structure to the accessory structure.

5. Maximum height shall be determined as follows:

(a) Accessory structures located within 3 feet of the side and rear property lines shall have a maximum allowed height of fifteen (15) feet.

(b) Accessory structures exceeding fifteen (15) feet must meet the side yard setback requirements of the principal dwelling unit. For every additional one (1) foot that an accessory dwelling unit is setback from the rear property line above and beyond five (5) feet, an additional one (1) foot in height shall be allowed up to a maximum allowed height of twenty (20) feet as measured at the roof peak.

6. Accessory Dwelling Units must meet the requirements set forth in Section 12-2-52.

#### ACCESSORY DWELLING UNITS.

Sec. 12-2-52.

(A) *Purpose.* The purpose of allowing accessory dwelling units as a permitted use for single-family detached dwellings is to allow for the more efficient use of the city's existing stock of detached single-family housing by providing the opportunity for a homeowner to build or convert a portion of the interior of a dwelling unit, a detached garage or accessory building to a separate housekeeping unit which may be rented. The intent of the regulations for accessory dwelling units is to ensure that the single-family residential character of the zoning district is preserved, while allowing for attractive and affordable housing opportunities. Accessory dwelling units provide housing opportunities through the use of surplus space either in or adjacent to a single-family dwelling to allow for a garage conversion or a backyard cottage or guest-house. The Planning Board may adopt prototype plans to be kept on file with the Community Development Department.

(B) *Permitted locations.* Accessory dwelling units shall be allowed as an accessory to detached single-family dwellings.

(C) *General requirements.*

(1) *Lot size.* The minimum lot size for a standard accessory dwelling unit shall be at least 5,000 square feet. For lots under 5,000 square feet, a floor-to-lot area ratio of 20% shall be used to determine the maximum allowed floor area of the accessory structure.

(2) *Number of units.* Only one accessory dwelling unit shall be allowed for each single-family detached dwelling.

(3) *Identification of unit.* The entrance to the accessory dwelling unit shall be identifiable and shall have its own address for purposes of emergency service and postal access.

(4) *Accessory dwelling unit requirements.* The living area of the accessory dwelling unit shall not exceed 60% of the living area of the principal dwelling unit, up to a maximum of fifteen hundred (1,500) square feet. The accessory dwelling unit (or combination of structures shall not occupy more than 25 percent of the required rear yard area. The livable floor area of the accessory dwelling unit may be located on the first or second floor of the structure. Each accessory dwelling unit shall contain its own separate and private bathroom and kitchen wholly within the unit. The maximum allowed height shall be based on the distance that the structure is setback from the property lines as listed below:

(a) Accessory dwelling units located within 3 feet of the side and rear property lines shall have a maximum allowed height of fifteen (15) feet.

(b) Accessory dwelling units located within 5 feet of the side and rear property lines shall have a maximum allowed height of twenty (20) feet.

(c) Accessory dwelling units exceeding 20 feet must meet the side yard setback requirements of the principal dwelling unit. For every additional one (1) foot that an accessory dwelling unit is setback from the rear property line above and beyond five (5) feet, an additional one (1) foot in height shall be allowed up to a maximum allowed height of thirty (30) feet as measured at the roof peak. A detached garage with an accessory residential unit constructed above shall have a maximum allowed height of thirty (30) feet in height at the roof peak, in order to allow the accessory dwelling unit to match the style, roof pitch, or other design feature(s) of the main residential structure.

(d) When an accessory dwelling unit is located wholly within the buildable area of the lot on which it is located (i.e. meets the setback requirements for the primary dwelling unit) it shall be allowed at a maximum allowed height of thirty five (35) feet.

(5) *Exterior modifications.*

(a) The architectural treatment of the dwelling structure shall be such as to portray the character of a residential dwelling.

(b) An accessory dwelling unit in a single-family zoning district shall have separate access unless there is a single access from the front of the building with a split access inside the building or unless it provides needed access for a handicapped occupant.


(c) In single family zoning districts, **attached** accessory dwelling unit accommodations **housed within the principal structure** are to be established without structural alterations except those deemed necessary by the building inspections department to provide bathroom and kitchen



# CITY COUNCIL MEMORANDUM

ITEM #12A

**TO:** Mayor and City Council

**FROM:** Thomas J. Bonfield, City Manager 

**DATE:** September 13, 2007

**SUBJECT:** Proposed Ordinance No. 41-07 – Proposed Amendments to the Land Development Code – Accessory Dwelling Units

**RECOMMENDATION:** That City Council approve Proposed Ordinance No. 41-07 on second reading.

**SUMMARY:** Accessory dwelling units help to increase the supply of affordable housing and enhance the social stability and mix of neighborhoods. They effectively improve the affordability of housing for both homeowners and renters at all stages in their lives. Accessory dwelling units also help to maximize use of existing public infrastructure and services by allowing people to live closer to where they work. In recent years, Planning Board has expressed concern regarding the need for revisions to the City's accessory dwelling unit standards to allow for infill housing, more affordable rental opportunities in the urban area, and to provide options for homeowners to better utilize their property. Additionally, the Zoning Board of Adjustment has indicated that the high number of variance requests to the maximum allowed height of residential accessory structures, could potentially be addressed through revisions to the Land Development Code.

On July 10, 2007, Planning Board conducted a public hearing and voted unanimously in favor of the proposed amendments. A public hearing has been scheduled to be conducted by City Council on August 23, 2007 for the purpose of considering the proposed amendments for approval. The upcoming City Council public hearing was properly noticed in the Pensacola

City of  
Pensacola





News Journal. The proposed amendments were also distributed to neighborhood associations, business associations, all development review boards and other interested parties for review and comment.

**PRIOR ACTION:** On May 24, 2007, City Council referred the proposed amendments to Sections 12-2-31 and 12-2-52 of the Land Development Code to the Planning Board for review and recommendation.

On August 9, 2007, City Council continued the public hearing until August 23, 2007, and directed City staff to include language in the amendment for Council to consider allowing property owners the option to have separate utilities to accessory dwelling units.

On August 23, 2007, Council approved Proposed Ordinance No. 41-07 on first reading.

**CURRENT ACTION:**

**FUNDING:** None required.

**ATTACHMENTS:** (1) Proposed Ordinance No. 41-07

**STAFF CONTACT:** Kevin A. Cowper, Community Development Director; Sherry H. Morris, Planning Services Administrator.

**PRESENTATION:** No.

Published Daily-Pensacola, Escambia County, FL

**PROOF OF PUBLICATION**

State of Florida

County of Escambia:

Before the undersigned authority personally appeared Claudia Wysocki-Ables who on oath, says that she is a personal representative of the Pensacola News Journal, a daily newspaper published in Escambia County, Florida; that the attached copy of advertisement, being a Legal in the matter of:

**Notice of Proposed Ordinances**

Was published in said newspaper in the issue(s) of:

September 2, 2007

Affiant further says that the said Pensacola News Journal is a newspaper published in said Escambia County, Florida, and that the said newspaper has heretofore been published in said Escambia County, Florida, and has been entered as second class matter at the Post Office in said Escambia County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me this 3rd Day of September, 2007, by CLAUDIA C. WYSOCKI-ABLES who is personally known to me.

Claudia Wysocki-Ables Affiant

Nikki E. Nichols Notary Public

**NIKKI E. NICHOLS**  
Notary Public-State of FL  
Comm. Exp. Aug. 01, 2009  
Comm. No. DD 427341

**NOTICE OF PROPOSED ORDINANCES**

Please be advised that Proposed Ordinance Nos. 41-07, 42-07 and 43-07 were presented to the City Council of the City of Pensacola for first reading on Thursday, August 23, 2007, and will be presented for final reading and adoption on Thursday, September 13, 2007, at 7:00 p.m. in Council Chambers on the First Floor of City Hall, 180 Governmental Center, Pensacola, Florida.

The titles of the proposed ordinances are as follows:

P.O. #41-07:  
**AN ORDINANCE AMENDING SECTIONS 12-2-31 AND 12-2-52 OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE. (Accessory Dwelling Units)**

P.O. #42-07:  
**AN ORDINANCE CLOSING, ABANDONING AND VACATING A PORTION OF THE WEBSTER PLACE, LEE STREET, LLOYD STREET, NORTH "K" STREET AND NORTH "L" STREET RIGHTS-OF-WAY AND ALLEYS IN PENSACOLA, ESCAMBIA COUNTY, STATE OF FLORIDA; REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE. (Morris Court)**

P.O. #43-07:  
**AN ORDINANCE AMENDING CHAPTER 10-2, ARTICLE IV, SECTIONS 10-2-81 OF THE CODE OF THE CITY OF PENSACOLA, FLORIDA; ESTABLISHING FEES ON CERTAIN RENTAL CAR COMPANIES OPERATING AT PENSACOLA REGIONAL AIRPORT; PROVIDING PENALTIES; REPEALING CLAUSE; PROVIDING AN EFFECTIVE DATE.**

A copy of the proposed ordinances may be inspected by the public in the City Clerk's office located on the 7th Floor of City Hall, 180 Governmental Center, Pensacola, Florida. Interested parties may appear at the Council meeting and be heard with respect to the proposed ordinances.

If any person decides to appeal any decision made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any 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 for further information. Requests 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, FLORIDA**  
By: **Ericka L. Burnett, City**

Legal No. 71197 1T September 2, 2007