



City of
Pensacola
*America's First Settlement
And Most Historic City*

CONDITIONAL USE

Fee: \$2,000.00
Rehearing/Rescheduling Planning Board: \$100.00
Rehearing/Rescheduling City Council: \$250.00

Applicant Information:

Name: _____

Address: _____

Phone: _____ Fax: _____ Email: _____

Property Information:

Owner Name: _____ Phone: _____

Location/Address: _____

Parcel ID: _____ - _____ - _____ - _____ - _____

Square Feet/Acres: _____

Legal Description: Please attach a full legal description (from deed or survey)

Purpose of conditional use: _____

I, the undersigned applicant, understand that payment of these fees does not entitle me to approval of this conditional use and that no refund of these fees will be made. I have reviewed a copy of the applicable zoning regulations and understand that I must be present on the date of the Planning Board and City Council meeting.

Signature of Applicant
(Owner of Property or Official Representative of Owner)

Date

FOR OFFICE USE ONLY

Zone: _____ District: _____ Date Received: _____

Case Number: _____ Date Postcards mailed: _____

Planning Board Date: _____ Recommendation: _____

Council Date: _____ Council Action: _____

Sec. 12-2-78. - Conditional use permit.

- (A) *Authorization and purpose.* The city council may, under the prescribed standards and procedures contained herein, authorize the construction of any use that is expressly permitted as a conditional use in a particular zoning district; however, the city reserves full authority to deny any request for a conditional use permit or to impose reasonable conditions on the use. Provisions for a conditional use permit are intended to establish a process for submitting a site plan for specific uses which require further review by the planning board and city council to assess the impacts of the proposed use on the surrounding neighborhood.
- (B) *Applicability.*
- (1) Conditional uses listed under zoning district regulations, or in this section for a specific land use type. Any proposed development or redevelopment of property within the R-1AAA, R-1AA, R-1A, R-ZL, R-2A, R-2, HR-1, HR-2, PR-1AAA, PR-2 and PC-1 zoning districts may apply for conditional uses listed under the zoning regulations for the district.
 - (2) Vacant public, semi-public, institutional or historically significant structures within the R-1AA, R-1A, R-ZL, R-2A and R-2 zoning districts. To allow for adaptive reuse of vacant public, semi-public, institutional or historically significant structure within the R-1AA, R-1A, R-ZL, R-2A and R-2 zoning districts which, by nature of its size, structural layout, site layout or other unique features, could not feasibly be redeveloped for adaptive reuse under existing zoning regulations, a conditional use permit may be granted. Redevelopment of an existing building may occur within its existing footprint or may be expanded subject to compliance with the lot coverage, intensity and height standards for the applicable zoning district. Existing buildings which exceed forty-five (45) feet may be redeveloped within the existing building envelope height; buildings which are less than forty-five (45) feet in height may not be expanded to exceed forty-five (45) feet in height. The following uses or combinations of uses shall be eligible to apply for a conditional use permit:
 - (a) Any type of residential development at a maximum density of thirty-five (35) units per gross acre, dormitories.
 - (b) Childcare facilities, nursing homes, rest homes, convalescent homes.
 - (c) Studios, with no outside storage or work permitted.
 - (d) Banks, office buildings.
 - (e) Restaurants.
 - (f) Retail food and drugstores; personal service shops; clothing and fabric stores; home furnishing stores, hardware and appliance stores; specialty shops; pastry shops; floral shops.
 - (g) Fitness centers, martial arts studios.
 - (h) Laundry and dry cleaning pick-up stations.
 - (3) Mobile restaurant facilities may be permitted on private property having frontage on South Palafox Place in the area located between the southern right-of-way line of Main Street and Pensacola Bay. Mobile restaurant facilities shall only be permitted as an accessory use to an adjacent existing and operational restaurant subject to the following conditions:
 - (a) Mobile restaurant units will be permanently fixed to the ground (the attachments can be removed in the event the mobile restaurant needs to be moved due to lease termination or declaration of emergency).
 - (b) Storage areas and mechanical equipment shall be screened from view.
 - (c) Mobile restaurant units shall be connected to the sewer system and utilize a grease trap.
 - (d) Mobile restaurant units shall have permanent restrooms provided for customers via the adjacent principal restaurant use.

- (e) Mobile restaurant development sites shall provide one (1) customer seats per linear foot of mobile unit on site.
 - (f) In addition to minimum landscaping requirements, mobile restaurant development sites shall provide both hardscape and landscape details with sufficient quality of design to create a formalized outdoor plaza environment. This shall be accomplished through the incorporation of grated tree wells for the planting of shade and canopy trees within outdoor seating areas. Outdoor seating areas shall be constructed with a minimum of forty (40) percent decorative architectural pavers comprising the overall seating area.
 - (g) Each individual mobile restaurant unit shall have a water source located within thirty (30) feet behind the structure.
 - (h) Mobile restaurant units shall be allowed one menu attached to the façade not to exceed sixteen (16) square feet and one identifying sign not to exceed twenty-five (25) square feet.
 - (i) There will be a maximum of four (4) mobile restaurant units per development site. If a mobile restaurant development site has more than one mobile restaurant unit on the parcel then all mobile restaurant units will be of a consistent design, size, and color. Mobile restaurant units and associated developments shall comply with the regulations and reflect the character of the district in which they are located. Accent features to distinguish unique culinary concepts are encouraged.
 - (j) Mobile restaurant units shall not occupy more than twenty-five (25) percent of the overall development site area.
 - (k) Underground utilities shall be required for each mobile restaurant unit. Generators are not permitted with the exception of during the course of emergencies and power outages.
 - (l) A designated screened dumpster area shall be located within five hundred (500) feet of a mobile restaurant unit.
- (C) *Requirements.* Applicants for a conditional use must submit development plans in accordance with [section 12-2-81](#). The conditional use development plan shall meet all design standards as required by [section 12-2-82](#) and is encouraged to meet all design guidelines established in the same section. A building permit shall not be issued for a conditional use until the city council has approved the final development plan.
- (D) *Standards for approval.* A conditional use may be approved by the city council only upon determination that the application and evidence presented clearly indicate that all of the following standards have been met:
- (1) The proposed use shall be in harmony with the general purpose, goals, objectives and standards of the City of Pensacola Comprehensive Plan, the land development regulations, or any other applicable plan, program, map or regulation adopted by the city council.
 - (2) The proposed use will not adversely affect the public health, safety or welfare.
 - (3) The proposed use shall be compatible with the surrounding area and not impose an excessive burden or have substantial negative impact on surrounding or adjacent uses.
 - (4) The proposed use shall be provided with adequate public facilities and services, including roads, drainage, water, sewer, and police and fire protection.
 - (5) The proposed use will not create undue traffic congestion.
 - (6) The proposed use shall minimize, to the extent reasonably possible, adverse effects on the natural environment.
- (E) *Conditions.* The city council may prescribe appropriate conditions and restrictions upon the property benefitted by the conditional use approval as may be necessary to comply with the standards set out in subsection [12-2-78\(D\)](#) above, to reduce or minimize any potentially injurious effect of such conditional use upon the property in the neighborhood, and to carry out the general purpose and intent of these regulations. Failure to comply with any such condition or restriction imposed by the city council shall constitute a violation of these regulations. Those conditional uses which the city council approves subject to conditions, shall have specified by the city council the time allotted to satisfy such conditions. In approving any conditional use, the city council may:

- (a) Limit or otherwise designate the following: The manner in which the use is conducted; the height, size or location of a building or other structure; the number, size, location, height or lighting of signs; the location and intensity of outdoor lighting or require its shielding.
- (b) Establish special or more stringent buffer, yard or other open space requirements.
- (c) Designate the size, number, location or nature of vehicle access points.
- (d) Require berming, screening, landscaping or similar methods to protect adjacent or nearby property and designate standards for installation or maintenance of the facility.
- (e) Designate the size, height, location or materials for a fence or wall.
- (f) Specify the period of time for which such approval is valid for the commencement of construction of the proposed conditional use. The city council may, upon written request, grant extensions to such time allotments not exceeding six (6) months each without notice or hearing.

(Ord. No. 33-95, § 8, 8-10-95; Ord. No. 6-02, §§ 1, 2, 1-24-02; Ord. No. 05-12, § 1, 4-12-12)

Sec. 12-2-79. - Conditional use permits for placement of personal wireless antennas, rooftop mounted antennas, or communication towers.

- (A) *Purpose.* This section establishes procedures and standards for reviewing requests for conditional use permits for the placement of communications towers, personal wireless antennas, rooftop mounted antennas, and related equipment cabinets.
- (B) *Applicability.* The city council may, under the prescribed standards and procedures contained herein, authorize the construction of communications towers, personal wireless antennas, rooftop mounted antennas, and related equipment cabinets where such use is expressly permitted as a conditional use in a particular zoning district; however, the city reserves full authority to deny any request for a conditional use permit or to impose reasonable conditions on the use. Applications for conditional use approval under this section must first be approved by any applicable review board.
- (C) *Cost recovery.* The city may require any applicant for a conditional use permit under this section to reimburse the city for all costs and consultants fees associated with the processing of the application, including but not limited to visual impact analysis, co-location analysis, analysis of the applicants ability to provide service without the facility, inspections, plan review, and land use compatibility.
- (D) *Standards for approval.* A conditional use may be approved by the city council only upon determination that the application and evidence presented clearly indicate that all of the standards prescribed in [section 12-2-78\(D\)](#) have been met. Additionally, conditional use permit applications under this section must demonstrate to the city council that, without the grant of a conditional use permit, the applicant will be unable to provide personal wireless services within the area of the city that would be served by the proposed personal wireless facility.
- (E) *Site plan requirements.*
 - (1) The applicant shall submit eleven (11) copies of a proposed siting plan including the following information to the planning department:
 - (a) A map of the service area for the proposed facility.
 - (b) A map showing other existing or planned facilities used by the applicant to provide personal wireless services, including the height, mounting style and number of antennas on each facility.
 - (c) A description of the need for the proposed facility, including a precise description of any area in which service would not be available without construction of the proposed facility.
 - (d) A map identifying all zoning districts and protected areas within one-half (½) mile of the proposed facility.
 - (e) A map showing any personal wireless towers then existing or under construction that are located within a one-mile radius of the proposed facility.

- (f) A description of any efforts to co-locate the proposed facility on any personal wireless tower then existing or under construction, including engineering information and correspondence from the existing tower describing why co-location is not possible.
 - (g) A map showing any structures over forty (40) feet high that are located within a one-mile radius of the proposed facility.
 - (h) A description of any efforts to locate the proposed facility on any existing structure, including engineering information and correspondence from the owners of any such structures describing why installation of the proposed facility on the structure is not possible.
 - (i) A map showing other potential locations for the proposed facility that have been explored by the applicant, including a description of why the proposed site is superior. The application shall include in this discussion an analysis of visual aspects, setbacks, and proximity to single-family residences and protected areas.
 - (j) A description of any planned use of stealth technology.
 - (k) A description of efforts to minimize the diameter and mass of any proposed structure, including engineering information related to these efforts.
 - (l) A description of any equipment cabinet and any other ancillary equipment, a description of the function of the equipment, and an explanation of the reasons for any need to co-locate it at the proposed site.
 - (m) A photographic simulation of the proposed site after construction of the proposed facility.
 - (n) In the case of rooftop facilities, a drawing in which a sight-line is drawn from the closest facade of each building, private road or right-of-way within five hundred (500) feet of the proposed facility to the highest point of the proposed facility. Each sight-line shall be depicted in profile, drawn at one (1) inch equals forty (40) feet unless otherwise specified by the planning department. The profiles shall show all intervening trees and structures.
- (2) All applications for conditional use permits for personal wireless antennas or communication towers shall comply with conditional use requirements established in [section 12-2-81](#)
- (E) *Conditions.* In granting any conditional use permit under this section, the city council may prescribe conditions and restrictions upon the property benefitted by the conditional use as provided in [section 12-2-78](#)(E). In addition, the following conditions shall be mandatory:
- (1) All conditional use permits granted under this section shall expire a maximum of five (5) years after the date of city council approval. Prior to expiration of any use permit, the applicant shall be responsible for initiating a review of the permitted facility. The applicant shall bear the burden of demonstrating that changes in technology, after taking economic considerations into account, have not minimized or eliminated the need for the permitted facility. If a new use permit is not granted, the applicant shall remove the facility in accordance with this chapter.
 - (2) All conditional use permits shall include appropriate stealth technology requirements.
- (F) *Siting on city property.* Personal wireless facilities to be located on city property shall be exempt from the provisions of [section 12-2-44](#)(G), provided that the owner of the facility enters into a lease with the city providing for the payment of compensation and compliance with such conditions, including, without limitation, requirements for co-location and stealth technology, if applicable, that the city deems reasonable in light of the character of the site and the surrounding area.

(Ord. No. 27-98, § 4, 7-23-98; Ord. No. 6-02, § 1, 1-24-02)