

AGENDA  
ESCAMBIA COUNTY PLANNING BOARD  
March 12, 2012–8:35 a.m.  
Escambia County Central Office Complex  
3363 West Park Place, Room 104

1. Call to Order.
2. Approval of Minutes.
  - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the February 13, 2012 Planning Board Meeting.
  - B. Planning Board Monthly Action Follow-up Report for February 2012.
  - C. Planning Board 6-Month Outlook for March 2012.
3. Public Hearings.
4. Action/Discussion/Info Items.
  - A. Discussion - Floodplain Ordinance  
Briefing for the Planning Board addressing the proposed updates to the existing Floodplain Ordinance in order to satisfy the guidance and requirements from FEMA, the National Flood Insurance Program, Florida Division of Emergency Management and the 2010 Florida Building Code, presented by Juan Lemos, Senior Planner, Planning & Zoning.
  - B. Discussion - LDC Article 2 Addendum for DSAP Comprehensive Plan  
LDC Article 2 Administration, Addendum in support of DSAP Comprehensive Plan, presented by Juan Lemos, Senior Planner, Planning & Zoning.
  - C. Discussion - LDC Ordinance-Article 13.20.00- Floodplain Management SRIA  
That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 13.20.00 "Flood Plain Management on Pensacola Beach," concerning the standards for Flood Hazard reduction.
5. Public Forum.
6. Director's Review.
7. County Attorney's Report.

8. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, April 9, 2012 at 8:30 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

9. Announcements/Communications.

10. Adjournment.



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**2.**

**Meeting Date: 03/12/2012**

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**Information**

**Agenda Item:**

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the February 13, 2012 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for February 2012.

C. Planning Board 6-Month Outlook for March 2012.

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**Attachments**

Regular Meeting Resume

Monthly Action Follow-up

Six Month Outlook

# **DRAFT**

## **RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD REGULAR MEETING FEBRUARY 13, 2012**

**CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(8:36 A.M. - 12:43 P.M.)**

Present: Wayne Briske, Chairman  
Tim Tate, Vice Chairman  
Steven Barry  
Dorothy Davis  
Robert V. Goodloe  
Karen Sindel  
Alvin Wingate  
Patty Hightower, School Board (non-voting)  
Bruce Stitt, Navy (non-voting)

Staff Present: Stephen West, Assistant County Attorney  
Lloyd Kerr, Department Director, Planning & Zoning  
Horace Jones, Division Mgr., Planning & Zoning  
Andrew Holmer, Sr. Planner, Planning & Zoning  
Juan Lemos, Urban Planner, Planning & Zoning  
Allyson Cain, Urban Planner, Planning & Zoning  
John Fisher, Urban Planner, Planning & Zoning  
Denise Halstead, Sr Office Assistant

1. Meeting was called to order at 8:36 a.m.
2. Invocation and Pledge were given by Tim Tate.
3. Proof of Publication was given by the Board Clerk.
4. Approval of Minutes.

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the January 9, 2012 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for January 2012.

No action taken.

C. Planning Board 6-Month Outlook for February 2012.

No action taken.

Motion by Tim Tate, Seconded by Karen Sindel  
Motion to approve Meeting Resume' Minutes of the January 9, 2012 Planning Board Meeting, noting that Patty Hightower and Bruce Stitt were present for both meetings.

**Vote:** 7 - 0 Approved - Unanimously

5. Public Hearings.

A. LDC Ordinance Article 6- "Zoning Categories"

That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) amending Article 6 "Zoning Districts," to create a zoning designation "C-2NA" under the C-2 Zoning district.

Motion by Steven Barry, Seconded by Tim Tate  
Motion to recommend adoption of the Ordinance to the LDC amending Article 6 "Zoning Districts" to the Board of County Commissioners.

**Vote:** 7 - 0 Approved - Unanimously

B. JLUS Maps

That the Board review and recommend for approval or denial to the Board of County Commissioners (BCC) the updated 2010 Joint Land Use Study (JLUS) maps.

Motion by Steven Barry, Seconded by Dorothy Davis  
Motion to table until further notice from County staff.

**Vote:** 7 - 0 Approved - Unanimously

C. LDC Ordinance-Article 13.20.00- Flood Plain Management

That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 13.20.00 "Flood Plain Management on Pensacola Beach," concerning the standards for Flood Hazard reduction.

Motion by Tim Tate, Seconded by Robert V. Goodloe  
Motion to table this matter and make it a matter of discussion when we are able to see the full impact of changes to the Building Code, concurrent with that discussion item.

**Vote:** 7 - 0 Approved - Unanimously

- D. LDC Ordinance - Article 2 "Application for Rezoning"  
That the Planning Board review and recommend approval to the Board of County Commissioners(BCC) for adoption an Ordinance to the Land Development Code (LDC) amending Article 2, "Administration," Section 2.08.02.C, "Application for Rezoning."

Motion by Steven Barry, Seconded by Tim Tate  
Motion to recommend approval to the Board of County Commissioners for adoption an Ordinance to the LDC Article 2 "Application for Rezoning".

**Vote:** 6 - 1 Approved

Voted No: Karen Sindel

6. Action/Discussion/Info Items.

- A. Discussion - Locational Criteria for Local Roads  
Locational Criteria for Local Roads, presented by John Fisher, Urban Planner II, Planning & Zoning

No action taken.

- B. Discussion - LDC Article 2 Addendum for DSAP Comprehensive Plan  
LDC Article 2 Administration, Addendum in support of DSAP Comprehensive Plan, presented by Juan Lemos, Senior Planner, Planning & Zoning.

Speakers: Jesse W. Rigby  
Dan Gilmore

No action taken.

- C. Planning Board Interpretation(PBI 2012-01) - Crematoriums Located Within a Funeral Home Establishment  
Request for Planning Board interpretation on Crematoriums located within a funeral home establishment.

Speakers: Tommy G. Smith  
Steve Lyon

Chris Jensen  
Michael Carro  
Buddy Page  
Dave Hoxeng  
Paul Blake  
Timothy McEvoy  
Ajit Patel

Motion by Tim Tate, Seconded by Alvin Wingate  
Motion to allow a crematorium in a funeral home establishment in C-2,  
not addressing C-1, as a permitted use.

**Vote:** 3 - 4 Failed

Voted Yes: Tim Tate  
Dorothy Davis  
Alvin Wingate

7. Public Forum.
8. Director's Review.
9. County Attorney's Report.
10. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, March 12, 2012 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.
12. Meeting was adjourned at 12:43 p.m.



T. Lloyd Kerr, AICP, Director  
Development Services

## MEMORANDUM

**TO:** Planning Board

**FROM:** Denise Halstead  
Planning & Zoning Division

**DATE:** March 2, 2012

**RE:** Monthly Action Follow-Up Report for February 2012

Following is a status report of Planning Board (PB) Agenda Items for the Month of **February**. Some items include information from previous months in cases where final disposition has not yet been determined. Post-monthly actions are included (when known) as of report preparation date. Items are listed in chronological order, beginning with the PB initial hearing on the topic.

## PROJECTS, PLANS, & PROGRAMS

### **1. Perdido Key Master Plan**

01/12/12 BCC directed staff to send out a Request for Letters of Interest

## COMMITTEES & WORKING GROUP MEETINGS

None

## COMPREHENSIVE PLAN AMENDMENTS

### **1. *Comprehensive Plan Amendment 2011-02 – 200 Becks Lake Rd – Changing from MU-S to MU-U***

10/10/11 PB recommended approval to the BCC  
11/03/11 BCC approved the transmittal to the Florida Department of Economic Opportunity  
12/16/11 ORC received from DEO  
01/19/12 BCC adopted  
01/25/12 Forward to DEO



- 2. Comprehensive Plan Text Amendment - Ordinance amending the 2030 Escambia County Comprehensive Plan to remove all references to Florida Rule 9J-5; to remove all references to Department of Community Affairs and replace with Florida Department of Economic Opportunity (FDEO); to remove all references to Florida Statute 163.3101 and replace with Florida Statute 163.3161.**

01/09/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment.

03/01/12 BCC approved transmittal to DEO

### **LAND DEVELOPMENT CODE ORDINANCES**

None

### **REZONING CASES**

#### **1. *Rezoning Case Z-2011-17***

10/10/11 PB recommended Denial of the R-6 request

11/03/11 BCC remanded the case back to the PB for review

01/09/12 PB recommended Approval of R-5 request

02/02/12 BCC approved

#### **2. *Rezoning Case Z-2012-01***

01/09/12 PB recommended approval of rezoning of western portion in AIPD-2 to AMU-2; eastern portion within AIPD-1 to remain R-R, Rural Residential.

02/02/12 BCC remanded the case back to the PB for review

# PLANNING BOARD MONTHLY SCHEDULE 6 MONTH OUTLOOK FOR MARCH 2012

(Revised 03/02/12)

A.H. = Adoption Hearing      T.H. = Transmittal Hearing      P.H. = Public Hearing

\* Indicates topic/date is estimated—subject to staff availability for project completion and/or citizen liaison

Meeting Date	LDC Changes Public Hearing	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
<b>Monday, March 12, 2012</b>			<ul style="list-style-type: none"> <li>• Z-2012-01 (remanded back to PB)</li> <li>• Z-2012-02</li> <li>• Z-2012-03</li> </ul>	<ul style="list-style-type: none"> <li>• LDC Art. 2 Administration, Addendum in support of DSAP Comp Plan</li> <li>• FEMA Flood Plain Ordinance Changes</li> <li>• SRIA Ord.</li> </ul>
<b>Monday, April 9, 2012</b>	<ul style="list-style-type: none"> <li>• Comp Plan Annual Report</li> <li>• Location Criteria for Local Roads</li> <li>• SRIA Sign Ordinance</li> </ul>		<ul style="list-style-type: none"> <li>• Z-2012-04</li> <li>• Z-2012-05</li> <li>• Z-2012-06</li> </ul>	<ul style="list-style-type: none"> <li>• AIPD/JLUS Maps</li> </ul>
<b>Monday, May 14, 2012</b>				
<b>Monday, June 11, 2012</b>				<ul style="list-style-type: none"> <li>• PSFE Update</li> </ul>

Disclaimer: This document is provided for informational purposes only. Schedule is subject to change. Verify all topics on the current meeting agenda one week prior to the meeting date.



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**4. A.**

**Meeting Date:** 03/12/2012

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**Information**

**Agenda Item:**

Briefing for the Planning Board addressing the proposed updates to the existing Floodplain Ordinance in order to satisfy the guidance and requirements from FEMA, the National Flood Insurance Program, Florida Division of Emergency Management and the 2010 Florida Building Code, presented by Juan Lemos, Senior Planner, Planning & Zoning.

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**Attachments**

Floodplain Ordinance Presentation

**FLOODPLAIN MODEL ORDINANCE**  
**ARTICLE 10 LAND DEVELOPMENT CODE**  
**(ESCAMBIA COUNTY & UNINCORPORATED**  
**AREAS)**

- Guidance relevant to all of the National Flood Insurance Program (NFIP) Community Rating System (CRS) participating jurisdictions
  
- In Escambia County, we have the following individual participating NFIP CRS jurisdictions that manage their own floodplain ordinances:
  - City of Pensacola
  - Town of Century
  - Santa Rosa Island Authority
  - Escambia County unincorporated
  
- The 2010 FBC is effective **March 15, 2012**, which makes it necessary for communities to expeditiously consider and take action to adopt the new **model ordinance** and code amendments.

- For the first time, the 2010 Florida Building Codes (FBC) retain the flood provisions from the model International Code Series that forms the basis of the FBC.
- The new FPM model is coordinated with the FBC. The FBC contains requirements for buildings and structures; the FPM model contains other requirements necessary for consistency with the NFIP. In order to fulfill community commitments to the NFIP, the FPM model requires buildings and structures that are exempt from the FBC and development other than buildings to comply with requirements for flood hazard areas.

➤ <http://www.floridadisaster.org/Mitigation/SFMP/Index.htm>

## PARTICIPATION

Project coordinated by FEMA thru the National Flood Insurance Program, The Florida Association of Building Officials and the Florida Division of Emergency Management.

The National Flood Insurance Program is a federally-subsidized flood damage insurance program administered by the Federal Emergency Management Agency (FEMA). **In order for residents and business owners to be eligible to purchase flood insurance, communities must exchange a commitment to manage development in their special flood hazard areas according to minimum federal regulations.** These areas are delineated by FEMA on Flood Insurance Rate Maps.

The National Flood Insurance Program's (NFIP) **Community Rating System (CRS)** is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, **flood insurance premium rates are discounted to reflect the reduced flood risk** resulting from the community actions meeting the three goals of the CRS:

- a. Reduce flood losses;
- b. Facilitate accurate insurance rating;
- c. Promote the awareness of flood insurance.

## OUR INTENT

Ensure that all changes in the proposed new **model ordinance** will be addressed in our adopted floodplain ordinance:

- ❖ Include all of the existing standards in current ordinance unless in contravention with the new building code
- ❖ Include any items not addressed by the new building code and needed for compliance with NFIP and the CRS program
- ❖ Consult with the State Floodplain Manager to ensure compatibility with State floodplain management guidelines
- ❖ Produce a viable Draft floodplain ordinance that addresses all changes within the new guidance

## OUR PROCESS

1. Review the proposed model ordinance and compare it with our current floodplain management ordinance
2. Create a cross-walk
3. Identify all of the proposed and missing elements from the model ordinance
4. Meet and coordinate with stake-holders: Building Official inspections, SRIA floodplain manager, Town of Century floodplain manager, Escambia County floodplain manager(s) and Development Services personnel.
5. Consult with the State Floodplain Manager to ensure compatibility with State floodplain management guidelines.
6. Have County's legal division review for compliance
7. Produce a viable Draft ordinance



## PROPOSED TIMELINE

**12 March 2012-** Discussion Item = Introduction briefing to amendments to floodplain ordinance for the Planning Board

**April-May 2012-** Proposed ordinance, adoption recommendation public hearing for the Planning Board

**June-July 2012-** Proposed ordinance adoption hearing to the BOCC



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**4. B.**

**Meeting Date:** 03/12/2012

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**Information**

**Agenda Item:**

LDC Article 2 Administration, Addendum in support of DSAP Comprehensive Plan, presented by Juan Lemos, Senior Planner, Planning & Zoning.

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**Attachments**

LDC Addendum

**Addendum to Article 2 of the Escambia County**

**Land Development Code**

**(Jan 25 2012 version)w/ corrections & explanations**

The following proposed inclusions/additions to the LDC, in support of the Escambia County Detailed Specific Area Plans. The proposed additions will be included in Chapter 2 of the LDC and entitled **Detailed Specific Area Plans Administrative Processes:**

**2.14.00 Detailed Specific Area Plans Administrative Processes**

**2.14.01 VARIANCES-**

The Board of Adjustments may grant a variance to the requirements of the Detailed Specific Area Plans when such variances will not be contrary to the public interests or contravene with the general design principles as outlined in FLU 5.1.2 of the Escambia County Comprehensive Plan and the Sector Plan in general. However, the BOA shall not grant a variance to any density requirement(s). The variance will not, in any manner alter other provisions of the Comprehensive Plan and the Land Development Code, except the Comprehensive Plan may be amended in the manner prescribed by law.

**2.14.02 ADMINISTRATIVE INTERPRETATIONS-**

The director of the Development Services Division may interpret the land use categories on the Detailed Specific Area Map in the following limited circumstances:

A. When questions arise as to the land use category of a particular parcel, when boundary lines do not follow property lines, section lines, manmade improvements or other readily identifiable physical features, the director may consider that boundary to coincide with the natural or manmade feature or boundary located proximate to the boundary shown on the land use map. Such boundaries may include, but are not limited to, rivers, streams, property boundaries, zoning lines, section lines, roads, and railroads.

B. The interpretation (area of expansion) shall apply to areas no greater than **five (5) acres** in size and shall be a onetime occurrence.

**C. The uses allowed shall be compatible with those surrounding uses**

***Response:*** we understand that the current underlying zoning of many properties is not compatible with the DSAP Land Use Plan, thus requiring a request for rezoning; however, requesting to change or move the boundaries within a specific property does have an effect in the totality of the Sector Plan and for that matter the DSAPs. Any amendments to the adopted DSAP Land Use Plan map will create immediate adjustments to the acreage, the allowed densities and the jobs to housing ratios within the plan, and to the remainder availability of developable areas.

This section is not intended to amend the Sector Plan without compliance with the applicable State and County ordinances. Any change to the Sector Plan shall require a Comprehensive Plan amendment.

### **2.14.03 DETAILED SPECIFIC AREAS MAP AMENDMENT PROCESS-**

A. The Planning Board shall consider each application at a quasi-judicial public hearing. Public notice for hearings will be in accordance with F. S. Chapter 125.66. An applicant for a proposed amendment has the burden of providing substantial, competent evidence that the proposed amendment is consistent with criterion (1-6) below. The Planning Board shall transmit a written recommendation to the Board of County Commissioners setting forth findings of fact and conclusions of law. Such recommendation shall be for approval, approval with modification, or denial including reasons for any modifications or denial; and shall include consideration of the following:

#### **1. Consistent with the Comprehensive Plan Goal FLU 5**

To encourage cohesive and sustainable development patterns within central Escambia County, emphasizing urban form and the protection of regional resources and facilities.

#### **2. Consistent with the Comprehensive Plan FLU 5.1.2 general principles**

*Response: We agree that for residential projects it would be difficult to address the Economic Development general principle; however, a commercial development of any category will be required to demonstrate all of the general principles listed in this section*

#### **Economic Development**

- a. Promote economic development and job creation
- b. Promote the fiscally efficient use of land and infrastructure
- c. Provide adequate retail and service opportunities to meet the needs of the surrounding community

#### **Transportation**

- a. Create a highly interconnected, multi-modal transportation system that efficiently links housing to employment and retail opportunities
- b. Develop a hierarchy of transportation corridors that would increase mobility and accessibility within the OSP while respecting existing residential development
- c. Create an interconnected and accessible pedestrian and bicycle network
- d. Reduce vehicle trips (VT) and vehicle miles traveled (VMT) through the use of compact, mixed-use and transit-oriented development patterns

#### **Environment**

- a. Establish a “green infrastructure” network of interconnected recreation areas and open space
- b. Identify, protect and when impacted by development restore key ecosystems
- c. Identify, protect and when impacted by development restore wildlife habitat and corridors
- d. Reduce greenhouse gas (GHG) emissions

### **Community Design**

- a. Create a hierarchy of place
- b. Promote compact neighborhood design
- c. Create neighborhoods that would provide a broad range of housing options varying in size, style, cost and type of ownership
- d. Provide neighborhood schools and parks within close proximity to housing consistent with Chapter 16, Public Schools Facilities Element.
- e. Construct resource-efficient homes and businesses

### **3. Consistent with Comprehensive Plan FLU 5.1.3**

The total maximum development scenario of the Mid-West Escambia County Optional Sector Plan shall be limited to 12,175,000 sq. ft. of non-residential development and 23,000 residential dwelling units. Any future amendments to this total shall result in a balanced jobs-to-housing ratio.

***Response:** The County intends to track and maintain an inventory of all of the adopted residential densities and commercial intensities permitted up-to-maximum build-out or the expiration of the Plan. As stated in the plan the maximum limitations were adopted and therefore subject to continuous inventory.*

***Jobs to housing ratio:** Using approved methodology, provided by the applicant, a calculation for the proposed project on the job-to-housing ratio (amount of dwelling units per job creation at build-out). The ideal job-to-housing ratio standard will be 1:1; however, acceptable ranges will be 1.0 to 1.18.*

### **4. Consistent with the adopted DSAPs underlying land use map**

Compatibility of the proposed land uses, densities and intensities with the adopted DSAPs Land Use Map

***Response:** The adopted DSAPs Land Use map (page 32, Final Land Use Plan, figure 2.01.A) in the Mid-West Sector Plan depicts specific categories such as Traditional Villages, Town Center, Village Centers, etc, facilitating for the identification of compatible land uses, to include densities and intensities with adjacent land uses.*

### **5. Consistent with the Land Development Code**

B. The Board of County Commissioners, at a quasi-judicial public hearing, shall review the record and the recommendation of the planning board and either adopt the recommended order, modify the recommendation order as set forth herein, reject the recommended order, or remand the matter back to the planning board for additional facts or clarification. Findings of fact or findings regarding legitimate public purpose may not be rejected or modified unless they are clearly erroneous or unsupported by the record. When rejecting or modifying conclusions of law, the Board of County Commissioners must state with particularity its reasons for rejecting or modifying the recommended

conclusion of law and must make a finding that its substituted conclusion of law is as or more reasonable than the conclusion that was rejected or modified. However, the Board of County Commissioners may not modify the recommendation to a more intensive use than recommended by the Planning Board.

C. Decisions by the Board of County Commissioners regarding the DSAPs map amendments shall be final. Any party who wishes to seek judicial review of the decision of the Board of County Commissioners must do so within 30 days of the date the Board of County Commissioners approves or rejects the recommendation. Written notice of the filing of any such petition for judicial review shall promptly be provided by the planning staff to all property owners within 500 feet of the property for which the map amendment was sought.

D. Thereafter, if a map amendment is approved, the Board of County Commissioners shall amend the DSAP Land Use Map to reflect its final decision in accordance with the ordinance enactment procedures set forth in Section 2.08.03.

E. Limitation on subsequent applications. Whenever an application for DSAP Land Use map amendment is denied by the Board of County Commissioners, no new application for identical action shall be accepted for consideration within a period of 180 days of the decision of denial.

F. All requests for map amendments within the Detailed Specific Area Plan shall be submitted with the prescribed application forms, documents, and fees, to the planning and zoning department (the department) according to its established submittal checklists, procedures, and schedules. If the department determines through an initial completeness review that the application submittal does not contain the prescribed items, or review fees are not paid, the application shall not be accepted.

G. Application fees. Fees for Detailed Specific Area Plans map amendments shall be the same as specified by the Board of County Commissioners for rezonings. Fees shall be provided by the applicant at the time of application submittal.



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**4. C.**

**Meeting Date:** 03/12/2012

**Issue:** Discussion - LDC Ordinance-Article 13.20.00- Floodplain Management SRIA

**Organization:** Development Services

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**Information**

**RECOMMENDATION:**

That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 13.20.00 "Flood Plain Management on Pensacola Beach," concerning the standards for Flood Hazard reduction.

**BACKGROUND:**

The Flood Plain Ordinance was prepared to further the practice for higher standards on Pensacola Beach. To maintain consistency in the Flood Plain, all structures need to be built to VE standards, regardless of the zone. Cross bracing has shown to trap debris during a flood and puts the structure at risk from excessive lateral forces. We also agree with the recommendations found in ASCE 24-98. After inspecting a dozen pools and their equipment, it is apparent that no provision exists to condition the end user to prevent the filter from becoming a battering ram during a flood. Flood proofing of non residential buildings cannot be permitted, as all structures need to be built to VE standards which in turn does not allow for flood proofing a structure.

The SRIA board approved the Flood Plain ordinance on October 12, 2011.

**BUDGETARY IMPACT:**

No budgetary impact is anticipated by the adoption of this Ordinance.

**LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached Ordinance has been reviewed and approved for legal sufficiency by Stephen West, Assistant County Attorney. Any recommended legal comments are attached herein.

**PERSONNEL:**

No additional personnel are required for implementation of this Ordinance.

**POLICY/REQUIREMENT FOR BOARD ACTION:**

The proposed Ordinance is consistent with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

**IMPLEMENTATION/COORDINATION:**

Implementation of this Ordinance will consist of an amendment to the LDC and distribution of a copy of the adopted Ordinance to interested citizens and staff.

The proposed Ordinance was prepared in cooperation with the Development Services Department, the County Attorney's Office, Santa Rosa Island Authority and all interested citizens. The Development Services Department will ensure proper advertisement.

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### **Attachments**

Legal email, sign-off and draft ordinance



LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Flood Plain Revision- SRIA -Written by SRIA

Date: 12/22/12

Date requested back by: 1/18/12 for 2/13/12 PB

Requested by: Allyson Cain

Phone Number: 595-3547



(LEGAL USE ONLY)

Legal Review by 

Date Received: Dec. 22, 2011

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

*See my memo to Paolo Ghio, dated Dec. 7, 2011.*



**ESCAMBIA  
COUNTY**

**INTER-OFFICE MEMORANDUM**

TO: Paolo Ghio, CFM, Director of Development Services  
FROM: Stephen G. West, Assistant County Attorney  
DATE: December 7, 2011  
RE: Santa Rosa Island Authority Flood Plain Ordinance

I have reviewed your first and second drafts of the ordinance amending Section 13.20.00, Escambia County Land Development Code. Regrettably, I must recommend that you revise the ordinance.

My primary concern is the improper use of definitions. Your apparent intent is to create several new, more stringent, standards for development on Santa Rosa Island. I suspect that you were unsure of where within Article 13 to incorporate these standards and opted to insert them in new and existing definitions. The two new definitions appear to have been created for no purpose other than to provide a location for the standards. Generally, terms should be defined only if they are not commonly understood, and the definitions should not contain development standards that can be incorporated somewhere more appropriate in Article 13.

I will leave it to your discretion as to where in Article 13 these standards may be more appropriately incorporated. However, please consider the following: Section 13.20.08.A *General Standards* [for flood hazard reduction]; Section 13.20.08.B *Specific Standards for* [flood hazard reduction in] *AE zones*; and Section 13.11.00. *Swimming Pools*. Please do not feel restricted to these sections if you find that the standards are more appropriately incorporated somewhere else in Article 13.

I will also leave it to your discretion as to whether the terms *cross bracing* and *pool equipment* still need to be defined once you relocate the standards. Both terms strike me as being commonly understood and not needing further definition. However, if you do intend to retain the definitions, I recommend that you refrain from using the defined term within its own definition. Also note that the definitions include confusing, stray punctuation marks (semicolon on page 2, line 12 of your most recent draft and a parentheses on page 2, line 21).

On page 2, line 18, I do not know if you are intending to use *commercial* as a synonym for *nonresidential*, which is more commonly used in the ordinance. If you are, I recommend that you rephrase that standard to reflect that *all* structures in AE zones must be constructed to meet VE zone standards.

You may also wish to confirm with FEMA that none of your proposed changes have any adverse consequences under the National Flood Insurance Program or the Flood Insurance Rate Map.

I apologize for the delay in responding. I certainly want to work with the SRIA in any way I can, but it is difficult to give priority to issues like this when I am often unable to give the Board of County Commissioners and its staff all the attention they deserve. Please feel free to call me or, alternatively, consult with the SRIA attorney if you have any questions or require any additional information.

SGW:bjs

## ORDINANCE NUMBER 2012-\_\_\_\_\_

1  
2  
3 **AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING**  
4 **PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES**  
5 **(1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY,**  
6 **FLORIDA, AS AMENDED; AMENDING SECTION 13.20.00, AMENDING**  
7 **THE DEFINITION OF ELEVATED BUILDING, ADDING GENERAL**  
8 **STANDARDS FOR FLOOD HAZARD REDUCTION, AMENDING**  
9 **SPECIFIC STANDARDS FOR FLOOD HAZARD REDUCTION IN AE**  
10 **ZONES; PROVIDING FOR SEVERABILITY; PROVIDING FOR**  
11 **INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE**  
12 **DATE.**

13  
14 **WHEREAS**, land under the jurisdiction of the Santa Rosa Island Authority is  
15 unique to Escambia County, the State of Florida and the United States of America. All  
16 property within this jurisdiction is owned by Escambia County, and the Santa Rosa  
17 Island Authority is charged with the stewardship of the island to protect the public  
18 interest of the citizens of Escambia County; and

19  
20 **WHEREAS**, this unique requirement for stewardship of public property requires  
21 that the Santa Rosa Island Authority take great care in its protection of this asset. The  
22 Santa Rosa Island Authority is also responsible for ensuring compliance with the  
23 National Flood Insurance Program regulations to make certain that flood insurance is  
24 available for those residing on and investing in the island; and

25  
26 **WHEREAS**, the Santa Rosa Island Authority unanimously recommended to the  
27 Board of County Commissioners on October 12, 2011 to amend Section 13.20.05 of  
28 Article 13 of the Escambia County Code of Ordinances and modify the definition of  
29 "elevated building," to amend the standards under Section 13.20.08 of Article 13 of the  
30 Escambia County Code of Ordinances and add general standards for the use of cross-  
31 bracing and the placement of pool equipment, and amend specific standards for the  
32 substantial improvement of nonresidential structures for flood hazard reduction for  
33 nonresidential structures to further the Santa Rosa Island Authority's compliance efforts  
34 with the National Flood Insurance Program; and

35  
36 **WHEREAS**, the Board of County Commissioners believes that the amendments  
37 to Article 13 to the Escambia County Code of Ordinances of Escambia County as  
38 recommended by the Santa Rosa Island Authority will further the Santa Rosa Island  
39 Authority's compliance efforts with the National Flood Insurance Program and are  
40 consistent with the Santa Rosa Island Authority's responsibility for ensuring compliance  
41 with the National Flood Insurance Program regulations to make certain that flood  
42 insurance is available for those residing on and investing in the island.

# DRAFT

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

3  
4 **Section 1.** Part III of the Escambia County Code of Ordinances, the Land Development  
5 Code of Escambia County, Article 13, Section 13.20.05, is hereby amended as follows  
6 (words underlined are additions and words ~~stricken~~ are deletions):  
7

8 13.20.05 Definitions.

9  
10 *Elevated building* means a non-basement building built to have the lowest floor  
11 elevated above the ground level by foundation walls, shear walls, posts, piers, pilings,  
12 or columns. Residential and nonresidential structures in AE zones must be constructed  
13 to meet VE zone standards.  
14

15 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development  
16 Code of Escambia County, Article 13, Section 13.20.08 is hereby amended as follows  
17 (words underlined are additions and words ~~stricken~~ are deletions):  
18

19 Section 13.20.08.A General Standards.

20  
21 **11.** Cross bracing means an industry accepted form of diagonal timber bracing used on  
22 foundations under coastal homes. Cross bracing is NOT permitted except above BFE  
23 and perpendicular to the shoreline on a structure that has no breakaway walls. Cross  
24 bracing may not be used as part of the structural calculations to meet the required  
25 design criteria.  
26

27 **12.** Pool equipment means any electrically powered equipment (pool pumps and  
28 accessories) servicing the pool, excluding pool heaters. All pool equipment must be  
29 strapped down or elevated above BFE to prevent floatation during a storm.  
30

31 Section 13.20.08.B Specific standards for AE zones.

32  
33 2. Nonresidential structures. All newly ~~construction~~ constructed or substantial  
34 ~~improvements of substantially improved~~ nonresidential structures shall ~~have the lowest~~  
35 ~~floor (including basement) be elevated~~ so that the bottom of the lowest horizontal  
36 structural member of the lowest floor (excluding the pilings) is elevated to at least three  
37 feet above the base flood elevation. Nonresidential structures may not be flood proofed  
38 in lieu of being elevated, ~~provided that together with all attendant utility and sanitary~~  
39 ~~facilities, be designed so that below the base flood elevation plus one foot the structure~~  
40 ~~is watertight with walls substantially impermeable to the passage of water, and with~~  
41 ~~structural components having the capability of resisting hydrostatic and hydrodynamic~~  
42 ~~loads and the effect of buoyancy.~~  
43

44 ~~A registered professional engineer or architect, who is authorized to certify such~~  
45 ~~information in the state, shall develop and/or review structural design, specifications and~~

# DRAFT

~~plans for construction, and shall certify that the design and methods of construction are in accordance with the accepted standards of practice for meeting this provision. The FEMA flood proofing certificate shall be prepared and submitted to the floodplain administrator along with the corresponding operational and maintenance plans. These plans shall include, at a minimum, the storage location of the flood proofing measures (panels, gaskets, sealants, etc.), entities responsible for transportation to, and installation at the structure within the available flood warning time for the site.~~

**Section 3. Severability.**

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

**Section 4. Inclusion in Code.**

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 5. Effective Date.**

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

**DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

**BOARD OF COUNTY COMMISSIONERS  
OF ESCAMBIA COUNTY, FLORIDA**

By: \_\_\_\_\_  
**Wilson B. Robertson, Chairman**

**ATTEST: ERNIE LEE MAGAHA  
Clerk of the Circuit Court**

By: \_\_\_\_\_  
**Deputy Clerk**

**(SEAL)**

**ENACTED:**

**FILED WITH THE DEPARTMENT OF STATE:**

**EFFECTIVE DATE:**