

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
August 13, 2012–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Proof of Publication.
3. Approval of Minutes.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the July 9, 2012 Quasi-Judicial Rezoning Meeting and Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for July 2012.
 - C. Planning Board 6-Month Outlook for August 2012.
5. Public Hearings.
 - A. A Public Hearing - Comprehensive Plan Small Scale Amendment
SSA-2012-02
That the Planning Board review and make recommendation to the Board of County Commissioners (BCC) Comprehensive Plan Small Scale Amendment (SSA) 2012-02; amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive plan, as amended; amending the Future Land Use Map designation.
 - B. A Public Hearing - Comprehensive Plan Large Scale Amendment
CPA-2012-02
That the Planning Board review and recommend to the Board of County Commissioners (BCC) Comprehensive Plan Amendment (CPA) 2012-02 for transmittal to the Department Of Economic Opportunity (DEO), amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive plan, as amended; amending the Future Land Use Map designation.
 - C. A Public Hearing - Comprehensive Plan Text Amendment - House Bill 503

That the Planning Board review and recommend to the Board of County Commissioners (BCC) an Ordinance amending the Comprehensive Plan 2030 consistent with Chapter 2012-205, Laws Of Florida; removing references from the Comprehensive Plan 2030 requiring an applicant to obtain a permit or approval from any State or Federal agency as a condition of processing a development permit under certain conditions.

- D. A Public Hearing - Land Development Code Amendment - House Bill 503
That the Planning Board review and recommend to the Board of County Commissioners (BCC) an Ordinance amending the Escambia County Land Development Code (LDC), Consistent With Chapter 2012-205, Laws Of Florida; Amending Articles, 2, 4, 7, And 12 of the Land Development Code; Removing references from the LDC requiring an applicant to obtain a permit or approval from any State or Federal Agency as a condition of processing a development permit.

6. Action/Discussion/Info Items.

- A. Discussion - Ordinance for Administrative Appeals

- B. Discussion - Navy Presentation

- C. Discussion - Modest proposal by David Luther Woodward.

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, September 10, 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. Adjournment.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular

3.

Meeting Date: 08/13/2012

Information

Agenda Item:

Approval of Minutes.

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the July 9, 2012 Quasi-Judicial Rezoning Meeting and Planning Board Meeting.

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

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

Attachments

Quasi-Judicial Meeting Resume'

Regular Meeting Resume'

Monthly Action Follow-Up

Six Month Outlook

DRAFT

RESUME' OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL HEARING

July 9, 2012

Escambia County Central Office Complex
3363 West Park Place, Room 104
8:40 A.M. - 9:32 A.M.

Present: Dorothy Davis
Robert V. Goodloe
Karen Sindel
Alvin Wingate
Patty Hightower, School Board (non-voting)

Absent: Wayne Briske, Chairman
Tim Tate, Vice Chairman
David Luther Woodward
Bruce Stitt, Navy (non-voting)

Staff Present: Stephen West, Assistant County Attorney
Horace Jones, Division Mgr., Planning & Zoning
Juan Lemos, Urban Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
John Fisher, Urban Planner, Planning & Zoning
Brenda Wilson, Urban Planner, Planning & Zoning
Denise Halstead, Sr Office Assistant

1. Meeting was called to order at 8:40 a.m. with Ms. Karen Sindel serving as Chairman.

Mr. Woodward arrived at 8:43 a.m.

2. Invocation and pledge were give by Mr. Wingate.
3. Proof of Publication was given by the Board Clerk.

Motion by Dorothy Davis, Seconded by Robert V. Goodloe
Motion to accept staff findings and waive the reading of the legal advertisement.

Vote: 5 - 0 Approved - Unanimously

4. Quasi-judicial Process Explanation.

5. Public Hearings.

A. Z-2012-12

Address: Hanks Rd

From: P, Public District

To: VAG-1, Villages
Agriculture District

Motion by Robert V. Goodloe, Seconded by Dorothy Davis
Motion to table rezoning case Z-2012-12, Small Scale Amendment SSA 2012-02 and Large Scale Amendment CPA 2012-02 due to the sudden passing of the applicant. Staff will contact the family to reschedule.

Vote: 5 - 0 Approved - Unanimously

B. Z-2012-13

Address: 4020 Rockey Branch Rd

From: P, Public District

To: VAG-1, Villages
Agriculture District

Speaker: Patsy Lewis

No planning board member acknowledged any ex parte communication regarding this item.

No planning board member acknowledged visiting the site.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by Dorothy Davis, Seconded by Alvin Wingate
Motion to recommend approval of the rezoning application Z-2012-13, from Public to VAG-1, to the Board of County Commissioners and adopt the findings-of-fact presented by staff.

Vote: 5 - 0 Approved - Unanimously

C. Z-2012-14

Address: Black Rd

From: VAG-1, Villages
Agriculture District

To: VR-1, Villages Rural
Residential District

Speaker: James Cowling, Agent

No planning board member acknowledged any ex parte communication regarding this item.

No planning board member acknowledged visiting the site.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by Robert V. Goodloe, Seconded by Dorothy Davis
Motion to recommend approval of rezoning case Z-2012-14, VAG-1 to VR-1, to the Board of County Commissioners and adopt the findings-of-fact presented by staff.

Vote: 4 - 0 Approved - Unanimously

D. Z-2012-15

Address: Quintette Rd

From: VAG-1, Villages
Agriculture District

To: ID-2, General Industrial
District,(noncumulative)
(no residential uses
allowed)

Speaker: William Joseph, Agent

No planning board member acknowledged any ex parte communication regarding this item.

Mr. Wingate acknowledged visiting the site.

No planning board member refrained from voting on this matter due to any conflict of interest.

Motion by Dorothy Davis, Seconded by Alvin Wingate
Motion to recommend approval of the rezoning application Z-2012-15, VAG-1 to ID-2, to the Board of County Commissioners and adopt the findings-of-fact presented by staff.

Vote: 4 - 0 Approved - Unanimously

6. Meeting adjourned at 9:32 a.m.

DRAFT

RESUME' OF THE ESCAMBIA COUNTY PLANNING BOARD REGULAR MEETING

July 9, 2012

Escambia County Central Office Complex
3363 West Park Place, Room 104
9:43 A.M. - 10:29 A.M.

Present: David Luther Woodward
Dorothy Davis
Robert V. Goodloe
Karen Sindel
Alvin Wingate
Patty Hightower, School Board (non-voting)
Bruce Stitt, Navy (non-voting)

Absent: Wayne Briske, Chairman
Tim Tate, Vice Chairman

Staff Present: Stephen West, Assistant County Attorney
Horace Jones, Division Mgr., Planning & Zoning
Juan Lemos, Urban Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
Denise Halstead, Sr Office Assistant

1. Meeting was called to order at 9:43 a.m. with Ms. Karen Sindel serving as Chairman.
2. Proof of Publication was give by the Board Clerk.
3. Approval of Minutes.

Motion by Robert V. Goodloe, Seconded by Alvin Wingate
Motion to approve meeting Meeting Resume' Minutes of the June 11,
2012 Planning Board Regular Meeting.

Vote: 5 - 0 Approved - Unanimously

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the June 11, 2012 Planning Board Meeting.

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

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

4. Public Hearings.

A. Comprehensive Plan Small Scale Amendment SSA-2012-02

That the Planning Board review and recommend approval of Comprehensive Plan Small Scale Amendment (SSA) 2012-02 to the Board of County Commissioners (BCC), amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive plan, as amended; amending the Future Land Use Map designation.

- Item tabled, see Quasi-Judicial Hearing Resume'.

B. Comprehensive Plan Large Scale Amendment CPA-2012-02

That the Planning Board review and forward Comprehensive Plan Amendment (CPA) 2012-02 to the Board of County Commissioners (BCC) for transmittal to the Department Of Economic Opportunity (DEO), amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive plan, as amended; amending the Future Land Use Map designation.

- Item tabled, see Quasi-Judicial Hearing Resume'.

C. LDC Ordinance - Article 2 and 6 - Community Redevelopment Agency and Overlay Districts

That the Board review and recommend approval to the Board of County Commissioners (BCC) an Ordinance to the Land Development Code (LDC) amending Article 2 "Administration," to include language defining the purpose of the Community Redevelopment Agency, and to include general standards for the Community Redevelopment District; to include general standards for the Community Redevelopment District; and amending Article 6 "Zoning Districts," to delete the RA-1(OL) Barrancas Redevelopment Overlay District, the C-3(OL) Warrington Commercial Overlay District, and the C-4(OL) Brownsville-Mobile Highway and "T" Street Commercial Overlay District; and create the Warrington, Barrancas, Brownsville, Englewood and Palafox Overlay Districts for sound economic development and efficient growth management of the Community Redevelopment Districts, and amend the Scenic Highway Overlay District by simply relocating it within the Ordinance for clarity purposes.

Motion by Robert V. Goodloe, Seconded by Dorothy Davis

Motion to forward ordinance to the Board of County Commissioners for approval.

Vote: 5 - 0 Approved - Unanimously

- D. Repeal & Replace Comprehensive Plan Ordinance 2012-18
That the Planning Board recommend to the Board of County Commissioners (BCC) that they adopt an Ordinance repealing and replacing Ordinance 2012-18 in its entirety.

Motion by David Luther Woodward, Seconded by Dorothy Davis
Motion to forward ordinance to the Board of County Commissioners for approval.

Vote: 5 - 0 Approved - Unanimously

- E. Comprehensive Plan Text Amendment (OBJ FLU 5)
That the Planning Board review and recommend to the Board of County Commissioners (BCC) an Ordinance Amending Comprehensive Plan Policy FLU 5.5.2 regarding the locational criteria for traditional urban neighborhoods, new suburban neighborhoods, and conservation neighborhoods in specific area plans.

Motion by Dorothy Davis, Seconded by Robert V. Goodloe
Motion to forward ordinance to the Board of County Commissioners for approval.

Vote: 5 - 0 Approved - Unanimously

5. Action/Discussion/Info Items.

6. Public Forum.

7. Director's Review.

8. County Attorney's Report.

Allyson to email bylaws of the Tallahassee-Leon County Planning Commission to board members.

9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, August 13, 2012 at 8:30 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

10. Announcements/Communications.

11. Meeting was adjourned at 10:29 a.m.



T. Lloyd Kerr, AICP, Director
Development Services

MEMORANDUM

TO: Planning Board

FROM: Denise Halstead
Planning & Zoning Division

DATE: August 3, 2012

RE: Monthly Action Follow-Up Report for July 2012

Following is a status report of Planning Board (PB) Agenda Items for the Month of **July**. 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
06/28/12	BCC selected Duany Plater-Zyberk & Company, LLC.
08/15/12	Site Visit - Duany Plater-Zyberk & Company, LLC.
09/18 – 9/26	Charrette

COMMITTEES & WORKING GROUP MEETINGS

- 11/12/12 LDC Re-write Workshop
12/10/12 Planning Board-Public Hearing

COMPREHENSIVE PLAN AMENDMENTS

- 1. 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
05/17/12	BCC adopted

07/09/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment repealing and replacing Ordinance 2012-18.
08/09/12 BCC meeting

2. Comprehensive Plan Text Amendment – FLU 5 OSP (CPA 2012-03) Ordinance amending the Escambia county Comprehensive Plan 2030, amending policy FLU 5.5.2 regarding the locational criteria for traditional urban neighborhoods, new suburban neighborhoods and conservation neighborhoods in specific area plans.

07/09/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment.
08/09/12 BCC meeting

LAND DEVELOPMENT CODE ORDINANCES

1. Article 3 Local Criteria for Local Roads

05/14/12 PB recommended approval of the ordinance
08/09/12 BCC meeting

2. Article 13 Flood Plain Revision - SRIA

05/14/12 PB recommended approval of the ordinance
08/09/12 BCC meeting

REZONING CASES

1. Rezoning Case Z-2012-09

05/14/12 PB recommended denial of rezoning
06/28/12 BCC remanded case to the Planning Board to consider rezoning the R-5 portion to ID-1
08/13/12 PB meeting

2. Rezoning Case Z-2012-13

07/09/12 PB recommended approval of rezoning
08/09/12 BCC meeting

3. Rezoning Case Z-2012-14

07/09/12 PB recommended approval of rezoning
08/09/12 BCC meeting

4. Rezoning Case Z-2012-15

07/09/12 PB recommended approval of rezoning
08/09/12 BCC meeting

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR AUGUST 2012

(Revised 08/03/12)

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
Monday, August 13, 2012	<ul style="list-style-type: none"> • Ord-HB503 	<ul style="list-style-type: none"> • SSA-2012-02 (Hanks Rd) • CPA-2012-02 (Hanks Rd) • CPA-2012-04 (HB503) 	<ul style="list-style-type: none"> • Z-2012-09 (Remanded from BCC) • Z-2012-12 • Z-2012-17 	<ul style="list-style-type: none"> • Ord-Administrative Appeals • Navy Presentation • Proposal by David L. Woodward
Monday, September 10, 2012	<ul style="list-style-type: none"> • Ord-Barrier Island Lighting • Ord-Administrative Appeals 		<ul style="list-style-type: none"> • Z-2012-16 • Z-2012-18 • Z-2012-19 • Z-2012-20 • Z-2012-21 	<ul style="list-style-type: none"> • PSFE Update • JLUS
Monday, October 8, 2012				
Monday, November 5, 2012				
Monday, December 10, 2012	<ul style="list-style-type: none"> • LDC Re-write 			
Monday, January 14, 2013				
Monday, February 11, 2013				

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

5. A.

Meeting Date: 08/13/2012

Issue: A Public Hearing - Comprehensive Plan Small Scale Amendment SSA-2012-02

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

Information

RECOMMENDATION:

That the Planning Board review and make recommendation to the Board of County Commissioners (BCC) Comprehensive Plan Small Scale Amendment (SSA) 2012-02; amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive plan, as amended; amending the Future Land Use Map designation.

BACKGROUND:

Applicant request a Future Land Use (FLU) map amendment to change the future land use category of a 7.01+/- acres portion of 57 (+/-) acre parcel from REC, Recreational to AG, Agricultural. The property was originally owned by Escambia County and sold to the applicant.

The zoning designation for the parcel is currently P, Public and is concurrently going through the quasi-judicial rezoning process requesting VAG-1, Villages Agriculture Zoning.

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:

Comprehensive Plan Section 4.07 requires a public hearing review by the local planning agency (Planning Board) of any proposed amendment to the plan prior to adoption by the Board of County Commissioners in a subsequent public hearing.

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the Comprehensive Plan 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 and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Draft Ordinance

Staff Analysis

Application Packet

ORDINANCE NO. 2012-____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030, AS AMENDED; AMENDING CHAPTER 7, "THE FUTURE LAND USE ELEMENT," PROVIDING FOR AN AMENDMENT TO THE 2030 FUTURE LAND USE MAP, CHANGING THE FUTURE LAND USE CATEGORY OF A PARCEL WITHIN SECTION 14, TOWNSHIP 5N, RANGE 32W, PARCEL NUMBER 2301-000-000, TOTALING 7.01 (+/-) ACRES, LOCATED OFF THE NORTH PORTION OF HANKS ROAD AND SOUTH OF ASHCRAFT ROAD, FROM RECREATIONAL (REC) TO AGRICULTURE (AG); PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on January 20, 2011; and

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend and enforce comprehensive plans for the development of the County; and

WHEREAS, the Escambia County Planning Board conducted a public hearing and forwarded a recommendation to the Board of County Commissioners to approve changes (amendments) to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Escambia County, Florida finds that the adoption of this amendment is in the best interest of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Escambia County, Florida, as follows:

1 **Section 1. Purpose and Intent**

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3 This Ordinance is enacted to carry out the purpose and intent of, and exercise the
4 authority set out in, the Community Planning Act, Sections 163.3161 through 163.3215,
5 Florida Statutes.
6

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8 **Section 2. Title of Comprehensive Plan Amendment**

9
10 This Comprehensive Plan amendment shall be entitled – "Small Scale Amendment
11 2012-02."
12

13
14 **Section 3. Changes to the 2030 Future Land Use Map**

15
16 The 2030 Future Land Use Map, as adopted by reference and codified in Part II of the
17 Escambia County Code of Ordinances, the Escambia County Comprehensive Plan:
18 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all
19 notations, references and information shown thereon, is further amended to include the
20 following future land use change:
21

22
23 A portion of Parcel Identification Number 14-5N-32-2301-000-000 totaling
24 7.01 (+/-) acres, as more particularly described by Mark A. Norris,
25 Professional Surveyor and Mapper, Rebol-Battle & Associates, in the
26 boundary survey description dated February 22, 2012, attached as Exhibit
27 A, from Recreational (REC) to Agricultural (AG).
28

29
30 **Section 4. Severability**

31
32 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
33 unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect
34 the validity of the remaining portions of this Ordinance.
35

36
37 **Section 5. Inclusion in the Code**

38
39 It is the intention of the Board of County Commissioners that the provisions of this
40 Ordinance shall be codified as required by Section 125.68, Florida Statutes, and that
41 the sections, subsections and other provisions of this Ordinance may be renumbered or
42 relettered and the word "ordinance" may be changed to "section," "article," or such other
43 appropriate word or phrase in order to accomplish such intentions.

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Section 6. Effective Date

Pursuant to Section 163.3187(5)(c), Florida Statutes, this Ordinance shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this Ordinance shall not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the Ordinance to be in compliance.

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

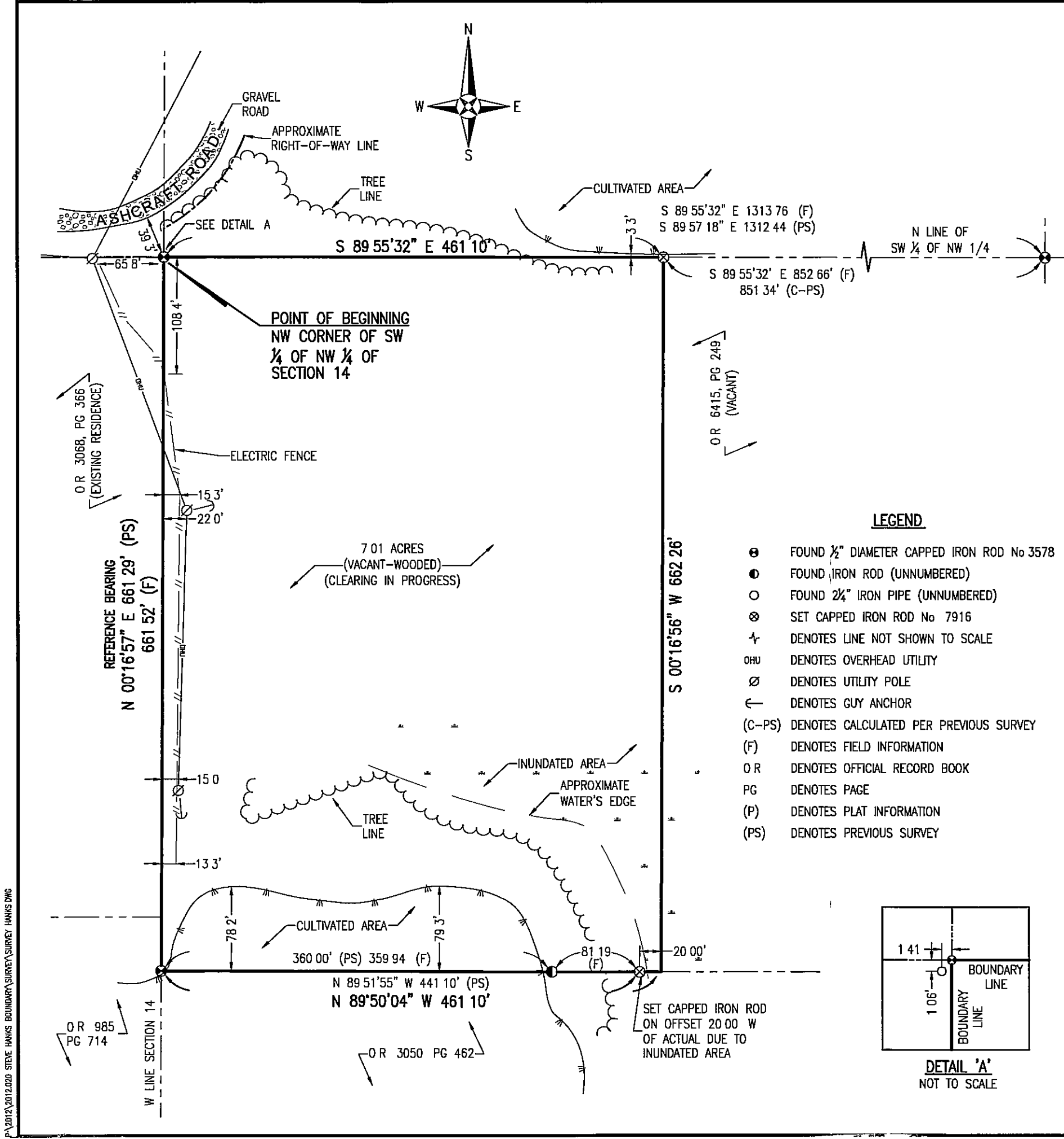
By: _____
Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:



DESCRIPTION
 (AS PREPARED BY REBOL-BATTLE & ASSOCIATES)

A PARCEL OF LAND BEING ENTIRELY IN SECTION 14, TOWNSHIP 5 NORTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 32 WEST, ESCAMBIA COUNTY FLORIDA THENCE SOUTH 89 DEGREES 55 MINUTES 32 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER FOR A DISTANCE OF 461 10 FEET THENCE DEPARTING SAID NORTH LINE PROCEED SOUTH 00 DEGREES 16 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 662 26 FEET THENCE PROCEED NORTH 89 DEGREES 50 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 461 10 FEET TO THE WEST LINE OF THE AFOREMENTIONED SECTION 14 THENCE PROCEED NORTH 00 DEGREES 16 MINUTES 57 SECONDS EAST ALONG SAID WEST SECTION LINE FOR A DISTANCE OF 661 52 FEET TO THE AFOREMENTIONED NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14 AND THE POINT OF BEGINNING

CONTAINS 7 01 ACRES MORE OR LESS

- GENERAL NOTES**
- NORTH AND THE SURVEY DATUM SHOWN HEREON ARE REFERENCED TO A PREVIOUS SURVEY BY SCHUMER'S PROFESSIONAL SURVEYING, INC DATED 5-5-2008 AND NUMBERED 08F-022 DEEDS OF RECORD AND EXISTING FIELD MONUMENTATION
 - NO TITLE SEARCH TITLE OPINION OR ABSTRACT WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY THERE MAY BE DEEDS OF RECORD UNRECORDED EEDS EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY
 - IT IS THE OPINION OF THE UNDERSIGNED SURVEYOR & MAPPER THAT THE PARCEL OF LAND SHOWN HEREON IS IN ZONE 'X', AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR ESCAMBIA COUNTY FLORIDA, COMMUNITY PANEL NUMBER 12033C0035G, EFFECTIVE DATE OF SEPTEMBER 26, 2006
 - VISIBLE IMPROVEMENTS ARE AS SHOWN HEREON
 - VISIBLE UTILITIES ARE AS SHOWN HEREON
 - VISIBLE ENCROACHMENTS ARE AS SHOWN HEREON
 - THIS IS A NEW PARCEL SURVEYED PER THE CLIENTS REQUEST THE PARENT TRACT DESCRIPTION IS RECORDED IN OFFICIAL RECORD BOOK 6415 AT PAGE 249 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY FLORIDA
 - THIS SURVEY DOES NOT REPRESENT NOR GUARANTEE OWNERSHIP
 - THIS SURVEY IS CERTIFIED TO MR STEVE HANKS
 - THE SUBJECT PROPERTY SHOWN HEREON DOES NOT APPEAR TO HAVE ACCESS TO THE ADJACENT COUNTY ROADWAY (ASHCRAFT ROAD) AS PER MAPS OF RECORD

SURVEYOR'S CERTIFICATION

The survey shown hereon was prepared in compliance with the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17 Florida Administrative Code, pursuant to Section 471.027 Florida Statutes to the best of my knowledge and belief

Mark A. Norms
 MARK A. NORMS
 PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NO 6211 2/22/12

REBOL-BATTLE & ASSOCIATES
 CIVIL AND ENVIRONMENTAL ENGINEERS
 2501 N. HIGHWAY 90A, SUITE 201
 PANAMA CITY, FLORIDA 32360
 TELEPHONE 850.433.0400 FAX 850.433.0448
 E-MAIL 850.433.0407 LICENSE 127818

SURVEY FOR
MR STEVE HANKS

A PORTION OF
 SECTION 14, TOWNSHIP 5 NORTH,
 COUNTY ESCAMBIA, FLORIDA

NO	DATE	APPR.	REVISION/ACTION TAKEN

PROJECT: 2012-020
 DRAWN BY: CBD
 CHECKED BY: MAN
 SCALE: 1" = 100'
 F.B. 12-1
 PG. 30
 DATE: 2-13-2012

BOUNDARY SURVEY
 PREPARED FOR: MR. STEVE HANKS
 REQUESTED BY: MR. STEVE HANKS

1 of 1

P:\2012\2012.020 STEVE HANKS BOUNDARY SURVEY\HANKS.DWG

Comprehensive Plan Amendment Staff Analysis

General Data

Project Name: SSA 2012-02
Location: Hanks Road
Parcel #s: 14-5N-32-2301-000-000
Acreage: 7.01(+/-) acres
Request: From Recreational (REC) to Agricultural (AG)
Agent: Escambia County, Agent for Kale Schneider

Meeting Dates: Planning Board July 9, 2012
BCC July 26, 2012

Summary of Proposed Amendment:

The proposed amendment is for a 7.01 (+/-) acre parcel portion of a 52 (+/-) acre parcel, located off the North portion of Hanks Road. The parcel general site is east of Hwy 99 and south of Hwy 4 in Century. The adjacent and surrounding parcels are currently zoned VAG-1.

The proposed small scale amendment meets the following conditions in order to be classified as a small scale comprehensive plan amendment:

- a) The parcel is 7.01 (+/-) acres which is under the 10 acres or fewer as stated in 163.3187(a).
- b) This amendment is the second small scale amendment for this calendar year, therefore it will not exceed the maximum of 120 acres in a calendar year as stated in F.S 163.3187(b).
- c) The proposed amendment is not located within a designated area of critical state concern.

The agent has requested a future land use (FLU) map amendment to change the future land use category of a 7.01(+/-) acre portion of a 52(+/-) acre parcel from Recreation Future Land Use to Agricultural Future Land Use. The zoning designation for the referenced parcel is Public. The intent of the proposed FLU change is to allow for the sale of the property. The applicant has submitted the subject parcel for a rezoning from Public to VAG-1.

SUMMARY: There is no available analysis as the applicant is not proposing any projects or development for the site. Test for concurrency and allocation for capacity on roadways,

potable water, wastewater, solid waste, stormwater shall be determined at the time of site plan review.

Agriculture Land Use Category:

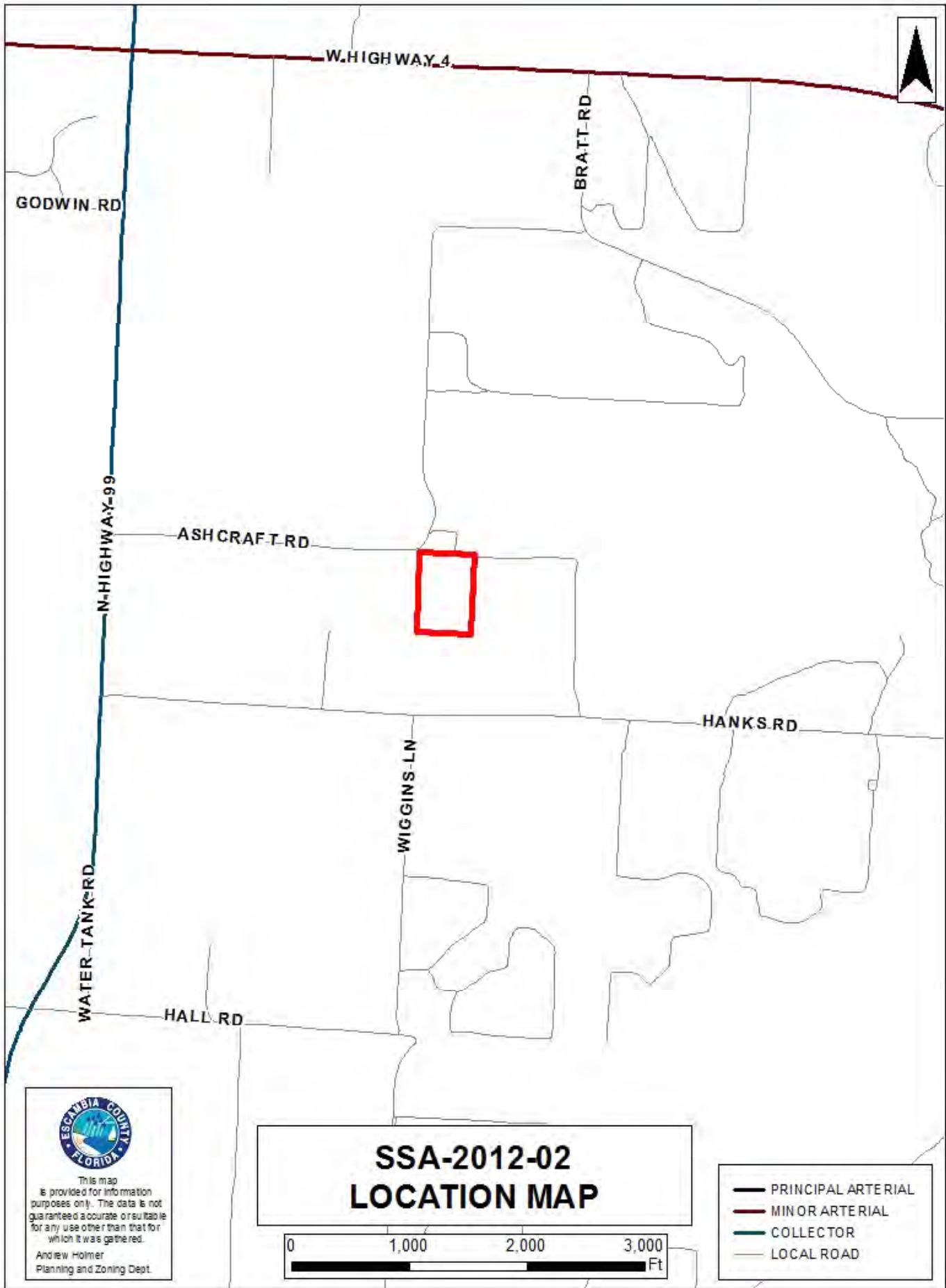
FLU 1.3.1 states that the Agricultural FLU “is intended for routine agricultural and silvicultural related activities and very low density residential uses. Also allows for commercial activity limited to those endeavors.


The adjacent and nearby properties are currently zoned Village Agricultural, VAG-1 and are being utilized for agriculture related activities, which is compatible with the requested Agriculture Future Land Use. The request to assign the Agricultural FLU to the parcel in question appears to be complementary with the existing surrounding uses.

Summary

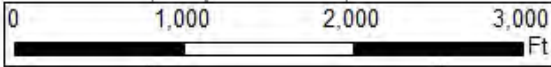
Based on the applicant’s request, the AG FLU appears to be compatible with the existing surrounding uses and zoning. As the applicant has not proposed any specific projects or development for the site at this time, staff is unable to identify specific issues that would impact the request, as presented. Once a project is proposed, it will have to meet all current Federal, State and local standards as defined in the Comprehensive Plan and the Escambia County Land Development Code.

SSA 2012-02




This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
Andrew Holmer
Planning and Zoning Dept.

SSA-2012-02 LOCATION MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



VAG-1

VAG-1

ASHCRAFT RD

7.01 ACRES

P

VAG-1

P

HANKS RD

VAG-1

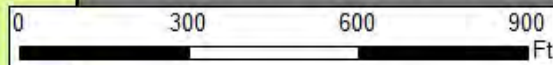
P



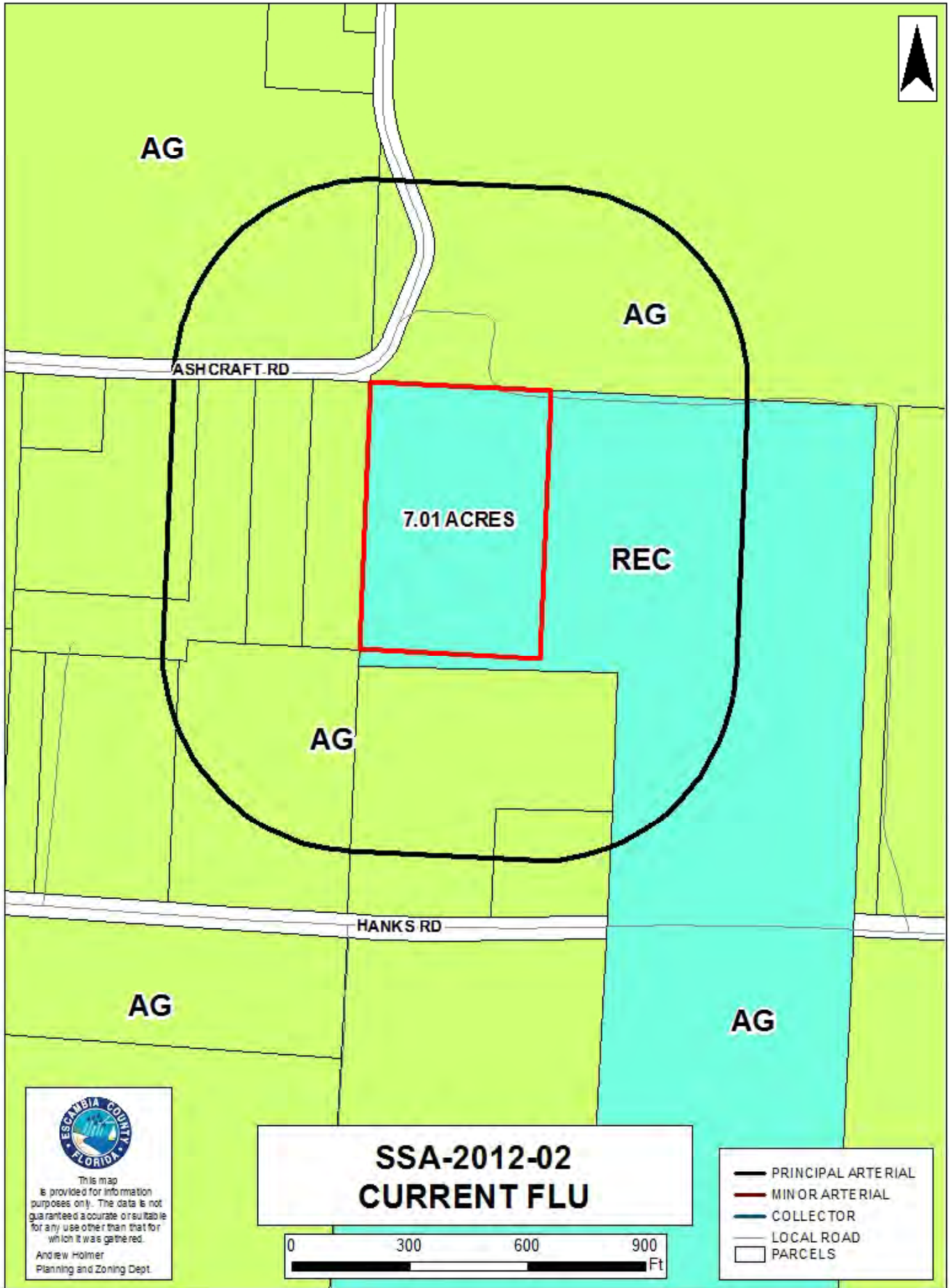
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

SSA-2012-02 500' RADIUS ZONING



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- ▭ PARCELS



AG

AG

ASHCRAFT RD

7.01 ACRES

REC

AG

HANKS RD

AG

AG



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

SSA-2012-02 CURRENT FLU

0 300 600 900 Ft

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- ▭ PARCELS



AG

AG

ASHCRAFT RD

7.01 ACRES


REC

AG

HANKS RD

AG

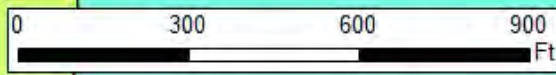
AG








This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

**SSA-2012-02
PROPOSED FLU**



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



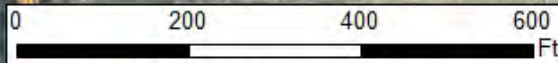
ASHCRAFT RD



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.


SSA-2012-02 AERIAL MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



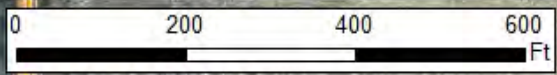
ASHCRAFT RD



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

SSA-2012-02 WETLANDS MAP



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS
- WETLANDS_2006



LOOKING EAST



LOOKING NORTHEAST



LOOKING WEST



LOOKING SOUTH

PPB120500003

FUTURE LAND USE MAP AMENDMENT APPLICATION

SSA 2012-02

(THIS SECTION FOR OFFICE USE ONLY):

TYPE OF REQUEST: SMALL SCALE FLU AMENDMENT _____
LARGE SCALE FLU AMENDMENT _____

Current FLU: REC Desired FLU: AG Zoning: P Taken by: J. Cain

Planning Board Public Hearing, date(s): July 9, 2012

BCC Public Hearing, proposed date(s): July 26, 2012

Fees Paid NA Receipt # NA Date: 5/10/12

OWNER'S NAME AND HOME ADDRESS AS SHOWN ON PUBLIC RECORDS OF ESCAMBIA COUNTY, FL

Name: Kate Schneider

Address: 9061 Bratt Rd

City: Century State: FL Zip Code: 32535

Telephone: (850) 327-6519

Email: _____

DESCRIPTION OF PROPERTY:

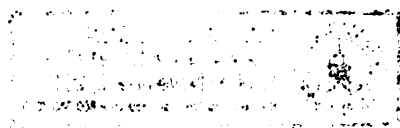
Street address: Hanks Rd

Subdivision: _____

Property reference number: Section 14 Township 5N Range 32

Parcel 2301 Lot 000 Block 000

Size of Property (acres) 7.01 (+/-) acres



**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION FOR
FUTURE LAND USE CHANGE REQUEST**

By my signature, I hereby certify that:

- 1) I am duly qualified as owner or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand there are no guarantees as to the outcome of this request, the application fee is non-refundable; and
- 4) The signatory below will be held responsible for the balance of any advertising fees associated with required public hearings for this amendment request (Payment due within 90 days of invoice date) or future planning and zoning applications will not be accepted; and
- 5) I authorize County Staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection; and
- 6) I authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County Staff.

Kale Schneider Kale Schneider 5-10-12
Signature (Property Owner) Printed Name Date

Donna C Schneider
Signature (Agent's Name (or owner if representing oneself) Printed Name Date

Address: 9061 Brent Rd

City: Century State: FL Zip: 32535

Telephone (850) 327-6519 Fax # () _____ - _____

Email: _____

STATE OF Florida
COUNTY OF Escambia

The forgoing instrument was acknowledged before me this 10th day of May, year of 2012 by, Kale Schneider + Donna Schneider who () did () did not take an oath. He/she is () personally known to me, (X) produced current Florida/Other driver's license, and/or () produced current 715536516 44 1880 as identification.

Margaret A Cain 5/10/12 Margaret A. Cain
Signature of Notary Public Date Printed Name of Notary

My Commission Expires _____ Commission No. DD919789
(Notary seal must be attached)



**FUTURE LAND USE MAP AMENDMENT APPLICATION
CONCURRENCY DETERMINATION ACKNOWLEDGMENT**

Project name:

Property reference #: Section 14 Township 5N Range

Parcel # 32-2301-600-000

Project Address:

Henko Rd

I/We acknowledge and agree that no future development permit (other than a rezoning/reclassification) shall be approved for the subject parcel(s) prior to the issuance of a certificate of concurrency for such proposed development based on the densities and intensities contained within such future development permit application.

I/We also acknowledge and agree that no development permit or order (other than a rezoning/reclassification) will be issued at that time unless at least one of the concurrency management system standards is met as contained in the Escambia County Code of Ordinances, Part II, Section 6.04, namely:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued; or
- (4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued. NOTE: This provision only relates to parks and recreation facilities and roads. The LDC will include a requirement that the provision or construction of the facility or service must commence within one (1) year of the Development Order or Permit; or
- (5) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.320, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. Any such agreement shall include provisions pursuant to paragraphs 1, 2, or 3 above.
- (6) The necessary facilities needed to serve new development are in place or under actual construction no more than three (3) years after issuance, by the County, of a certificate of occupancy or its functional equivalent. NOTE: This provision only relates to roads.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 10th DAY OF May, 2012

<u>Kate Schindler</u> Owner's signature	<u>Kate Schneider</u> Owner's name (print)
<u>Donna C. Schneider</u> Agent's signature	<u>Donna C. Schneider</u> Agent's name (print)

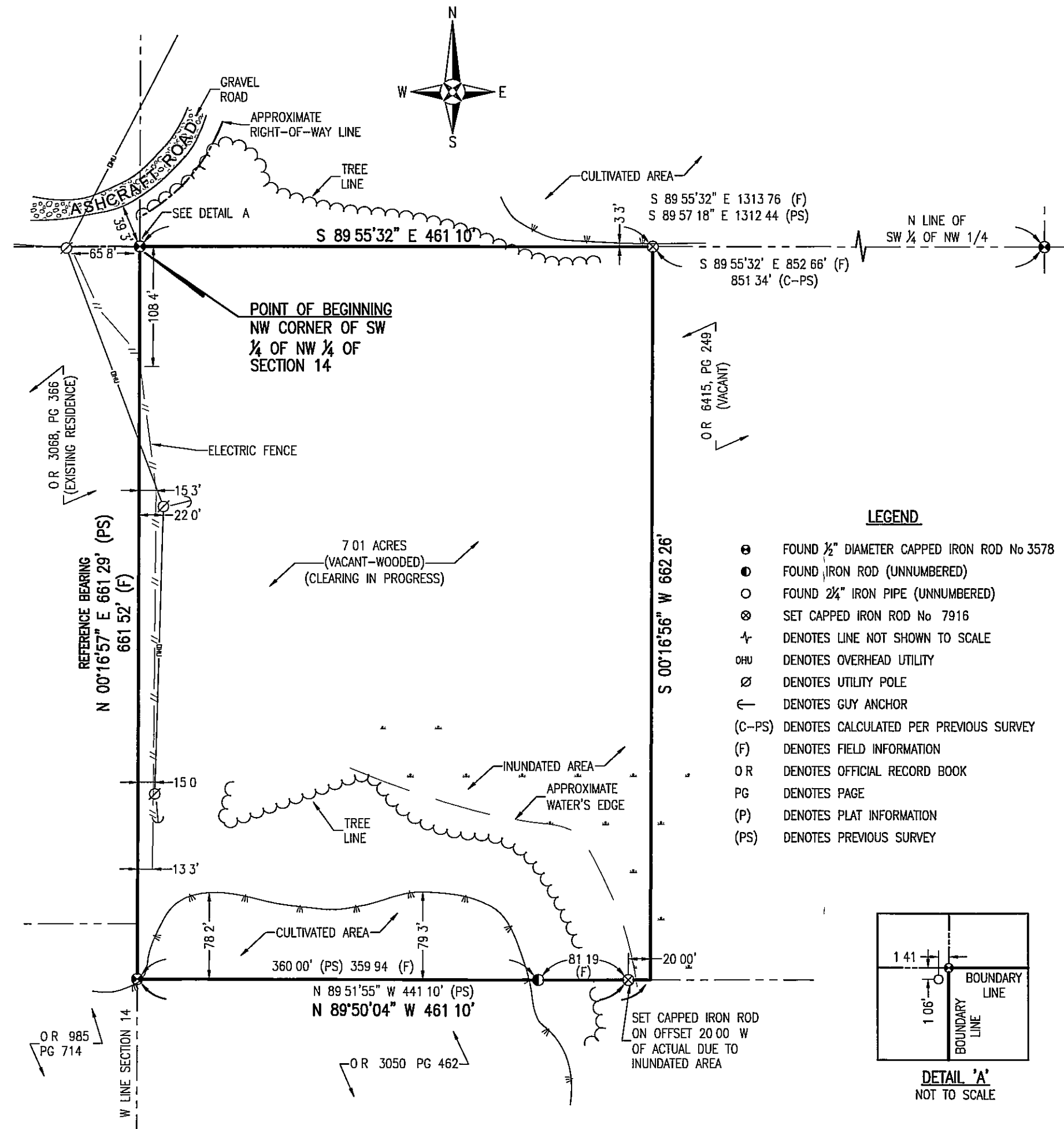
DATA AND ANALYSIS REQUIREMENTS

1. A comparative analysis of the impact of both the current and the proposed future land use categories on the following items, presented in tabular format, based on data taken from professionally accepted existing sources, such as the US Census, State University System of Florida, National Wetland Inventory Maps, regional planning councils, water management districts, or existing technical studies. The data should show that the infrastructure is available to support the most intense development allowed under the requested Future Land Use category, regardless of what type of development is proposed.
 - A. Sanitary Sewer
 - B. Solid Waste Disposal
 - C. Potable Water
 - D. Stormwater Management
 - E. Traffic
 - F. Recreation and Open Space
 - G. Schools

The data and analysis should also support the requested future land use category by reflecting a need for that category. For example, a future land use request from Agricultural to Residential would need an analysis demonstrating the need for additional Residential acreage in the County.

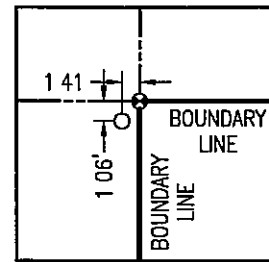
2. Proximity to and impact on the following:
 - A. Wellheads (indicate distance and location to nearest wellhead)
 - B. Historically significant sites (available from University of West Florida)
 - C. Natural Resources, including wetlands (a wetlands survey is highly recommended if wetlands are located on the property)
3. An analysis of consistency with the Escambia County Comprehensive Plan, with reference to applicable sections therein

PA 2012, 2012.020 STEVE HANKS BOUNDARY SURVEY HANKS DWG



LEGEND

- ⊙ FOUND 1/2" DIAMETER CAPPED IRON ROD No 3578
- FOUND IRON ROD (UNNUMBERED)
- FOUND 2 1/4" IRON PIPE (UNNUMBERED)
- ⊗ SET CAPPED IRON ROD No 7916
- ↖ DENOTES LINE NOT SHOWN TO SCALE
- OHU DENOTES OVERHEAD UTILITY
- ⊘ DENOTES UTILITY POLE
- ← DENOTES GUY ANCHOR
- (C-PS) DENOTES CALCULATED PER PREVIOUS SURVEY
- (F) DENOTES FIELD INFORMATION
- O R DENOTES OFFICIAL RECORD BOOK
- PG DENOTES PAGE
- (P) DENOTES PLAT INFORMATION
- (PS) DENOTES PREVIOUS SURVEY



DESCRIPTION

(AS PREPARED BY REBOL-BATTLE & ASSOCIATES)

A PARCEL OF LAND BEING ENTIRELY IN SECTION 14, TOWNSHIP 5 NORTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGIN AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 32 WEST, ESCAMBIA COUNTY FLORIDA THENCE SOUTH 89 DEGREES 55 MINUTES 32 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER FOR A DISTANCE OF 461 10 FEET THENCE DEPARTING SAID NORTH LINE PROCEED SOUTH 00 DEGREES 16 MINUTES 56 SECONDS WEST FOR A DISTANCE OF 662 26 FEET THENCE PROCEED NORTH 89 DEGREES 50 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 461 10 FEET TO THE WEST LINE OF THE AFOREMENTIONED SECTION 14 THENCE PROCEED NORTH 00 DEGREES 16 MINUTES 57 SECONDS EAST ALONG SAID WEST SECTION LINE FOR A DISTANCE OF 661 52 FEET TO THE AFOREMENTIONED NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14 AND THE POINT OF BEGINNING

CONTAINS 7.01 ACRES MORE OR LESS

GENERAL NOTES

- 1 NORTH AND THE SURVEY DATUM SHOWN HEREON ARE REFERENCED TO A PREVIOUS SURVEY BY SCHUMER'S PROFESSIONAL SURVEYING, INC DATED 5-5-2008 AND NUMBERED 08F-022 DEEDS OF RECORD AND EXISTING FIELD MONUMENTATION
- 2 NO TITLE SEARCH TITLE OPINION OR ABSTRACT WAS PERFORMED BY NOR PROVIDED TO THIS FIRM FOR THE SUBJECT PROPERTY THERE MAY BE DEEDS OF RECORD UNRECORDED DEEDS EASEMENTS, RIGHTS-OF-WAY, BUILDING SETBACKS, RESTRICTIVE COVENANTS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE BOUNDARIES OR USE OF THE SUBJECT PROPERTY
- 3 IT IS THE OPINION OF THE UNDERSIGNED SURVEYOR & MAPPER THAT THE PARCEL OF LAND SHOWN HEREON IS IN ZONE 'X', AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN BASED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR ESCAMBIA COUNTY FLORIDA, COMMUNITY PANEL NUMBER 12033C0035G, EFFECTIVE DATE OF SEPTEMBER 26, 2006
- 4 VISIBLE IMPROVEMENTS ARE AS SHOWN HEREON
- 5 VISIBLE UTILITIES ARE AS SHOWN HEREON
- 6 VISIBLE ENCROACHMENTS ARE AS SHOWN HEREON
- 7 THIS IS A NEW PARCEL SURVEYED PER THE CLIENTS REQUEST THE PARENT TRACT DESCRIPTION IS RECORDED IN OFFICIAL RECORD BOOK 6415 AT PAGE 249 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY FLORIDA
- 8 THIS SURVEY DOES NOT REPRESENT NOR GUARANTEE OWNERSHIP
- 9 THIS SURVEY IS CERTIFIED TO MR STEVE HANKS
- 10 THE SUBJECT PROPERTY SHOWN HEREON DOES NOT APPEAR TO HAVE ACCESS TO THE ADJACENT COUNTY ROADWAY (ASHCRAFT ROAD) AS PER MAPS OF RECORD

SURVEYOR'S CERTIFICATION

The survey shown hereon was prepared in compliance with the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17 Florida Administrative Code, pursuant to Section 471.027 Florida Statutes to the best of my knowledge and belief

Mark A. Norris
 MARK A. NORRIS
 PROFESSIONAL SURVEYOR AND MAPPER
 LICENSE NO 6211
 2/22/12

REBOL-BATTLE & ASSOCIATES
 CIVIL AND ENVIRONMENTAL ENGINEERS
 2501 N. HIGHWAY 90A, SUITE 301
 PANAMA CITY, FLORIDA 32360
 TELEPHONE 850.433.0400 FAX 850.433.0448
 E-MAIL 850.433.0407 LTR18

BOUNDARY SURVEY
 MR. STEVE HANKS
 A PORTION OF
 SECTION 14, TOWNSHIP 5 NORTH, RANGE 32 WEST, ESCAMBIA COUNTY, FLORIDA

NO	DATE	APPR.	REVISION/ACT

BOUNDARY SURVEY
 MR. STEVE HANKS
 MR. STEVE HANKS
 PROJECT: 2012-020
 DRAWN BY: CBD
 CHECKED BY: IMAN
 SCALE: 1" = 100'
 F.B. 12-1
 PG. 3/3
 DATE: 2-13-2012

This drawing is the property of Rebol Battle & Associates and may not be reproduced without written permission.

This document was prepared by:
Stephen G. West, Assistant County Attorney
Escambia County Attorney's Office
221 Palafox Place, Suite 430
Pensacola, Florida 32502
(850) 595-4970

**STATE OF FLORIDA
COUNTY OF ESCAMBIA**

DEED

THIS DEED is made this 13th day of January, 2009, by Escambia County, a political subdivision of the State of Florida, acting by and through its duly authorized Board of County Commissioners, whose address is 221 Palafox Place, Pensacola, Florida 32502 (Grantor), and Kale R. and Donna C. Schneider a/k/a Kale R. and Donna C. Schnieder, husband and wife, whose address is 9061 Bratt Road, Century, Florida 32535 (Grantee).

WITNESSETH, that Grantor, for and in consideration of the sum of One Dollar (\$1.00), and other good and valuable consideration in hand paid by Grantee, the receipt of which is acknowledged, conveys to Grantee and Grantee's heirs, executors, administrators, successors and assigns forever, the land described as follows:

The Southwest quarter of the Northwest quarter less 660.00 feet square in the Southwest corner thereof; and the Northwest quarter of the Southwest quarter less 660.00 feet square in the Northwest corner thereof; and less 295.20 feet square in the Southwest corner thereof; all in Section 14, Township 5 North, Range 32 West, Escambia County, Florida; and less the following described property for road right-of-way:

Commence at the Southeast corner of the Southwest quarter of the Southwest quarter of the Northwest quarter of Section 14, Township 5 North, Range 32 West, Escambia County, Florida; thence go North 00° 19' 46" West a distance of 47.49 feet to the north right-of-way line of Hanks Road, said point also being the POINT OF BEGINNING; thence go North 86° 23' 17" East along said North right-of-way line a distance of 120.34 feet to a point of curvature of a circular curve being concave to the South and having a radius of 2025.00 feet and a central angle of 03° 16' 57" ; thence go Easterly along the arc of said curve for a distance of 116.01 feet (chord bearing North 88° 01' 46" East ~ chord distance 116.01 feet) to a point of tangency; thence go North 89° 40' 14" East a distance of 415.26 feet; thence departing said North right-of-way line go South 00° 23' 20" East a distance of 58.00 feet to the South right-of-way of said road; thence go South 89° 40' 14" West along said South right-of-way line a distance of 415.32 feet to a point of curvature of a circular curve being concave to the South and having a radius of 1967.00 feet and central angle of 03° 16'

57" ; thence go Westerly along the arc of said curve a distance of 112.69 feet (chord bearing South 88° 01' 46" West ~ chord distance 112.68 feet) to a point of tangency; thence go South 86° 23' 17" West a distance of 123.67 feet; thence departing said South right-of-way line go North 00° 19' 46" West a distance of 10.61 feet to the point of beginning. All lying in Section 14, Township 5 North, Range 32 West, Escambia County, Florida, and containing 0.867 acres, more or less.

Subject to the following:

1. Easement to the United Gas Pipe Line Company.
2. All utilities remaining in place and use.

A portion of Parcel Identification Number 14-5N-32-2301-000-000 (the Property).

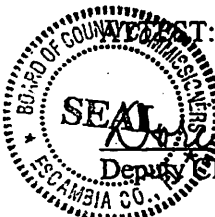
THIS CONVEYANCE IS SUBJECT TO taxes for the year 2009 and subsequent years; conditions, easements, and restrictions of record, if any, but this reference does not operate to reimpose them; zoning ordinances and other restrictions and prohibitions imposed by applicable governmental authorities.

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman of the Board on the day and year first above written.

ESCAMBIA COUNTY, FLORIDA by and through its duly authorized BOARD OF COUNTY COMMISSIONERS

Marie Young
Marie Young Chairman

Ernie Lee Magaha
Clerk of the Circuit Court



Ernie Lee Magaha
Deputy Clerk

BCC Approved: 4/3/08



BOARD OF COUNTY COMMISSIONERS Escambia County, Florida

Planning Board-Regular

5. B.

Meeting Date: 08/13/2012

Issue: A Public Hearing - Comprehensive Plan Large Scale Amendment CPA-2012-02

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

Information

RECOMMENDATION:

That the Planning Board review and recommend to the Board of County Commissioners (BCC) Comprehensive Plan Amendment (CPA) 2012-02 for transmittal to the Department Of Economic Opportunity (DEO), amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive plan, as amended; amending the Future Land Use Map designation.

BACKGROUND:

Applicant request a Future Land Use (FLU) map amendment to change the future land use category of a 50.24+/- acres portion of 57 (+/-) acre parcel from REC, Recreational to AG, Agricultural. The property was originally owned by Escambia County and sold to the applicant.

The zoning designation for the parcel is currently P, Public and is concurrently going through the quasi-judicial rezoning process requesting VAG-1, Villages Agriculture Zoning.

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:

Comprehensive Plan Section 4.07 requires public hearing review by the local planning agency (Planning Board) of any proposed amendment to the plan prior to adoption by the Board of County Commissioners in a subsequent public hearing.

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the Comprehensive Plan 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 and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Draft Ordinance

Staff Analysis

Application Packet

ORDINANCE NO. 2012-____

1
2
3
4 **AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING**
5 **PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE**
6 **ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030, AS AMENDED;**
7 **AMENDING CHAPTER 7, “THE FUTURE LAND USE ELEMENT,”**
8 **PROVIDING FOR AN AMENDMENT TO THE 2030 FUTURE LAND USE**
9 **MAP, CHANGING THE FUTURE LAND USE CATEGORY OF A**
10 **PARCEL WITHIN SECTION 14, TOWNSHIP 5N, RANGE 32W, PARCEL**
11 **NUMBER 2301-000-000, TOTALING 50.24 (+/-) ACRES, LOCATED OFF**
12 **THE NORTH PORTION OF HANKS ROAD AND SOUTH OF**
13 **ASHCRAFT ROAD, FROM RECREATIONAL (REC) TO**
14 **AGRICULTURAL (AG); PROVIDING FOR A TITLE; PROVIDING FOR**
15 **SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND**
16 **PROVIDING FOR AN EFFECTIVE DATE.**

17
18
19
20 **WHEREAS**, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County
21 adopted its Comprehensive Plan on January 20, 2011; and
22

23
24 **WHEREAS**, Chapter 125, Florida Statutes, empowers the Board of County
25 Commissioners of Escambia County, Florida to prepare, amend and enforce
26 comprehensive plans for the development of the County; and
27

28
29 **WHEREAS**, the Escambia County Planning Board conducted a public hearing and
30 forwarded a recommendation to the Board of County Commissioners to approve
31 changes (amendments) to the Comprehensive Plan; and
32

33
34 **WHEREAS**, the Board of County Commissioners of Escambia County, Florida finds that
35 the adoption of this amendment is in the best interest of the County and its citizens;
36

37
38 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
39 Escambia County, Florida, as follows:
40

1 **Section 1. Purpose and Intent**

2
3 This Ordinance is enacted to carry out the purpose and intent of, and exercise the
4 authority set out in, the Community Planning Act, Sections 163.3161 through 163.3215,
5 Florida Statutes.
6

7
8 **Section 2. Title of Comprehensive Plan Amendment**

9
10 This Comprehensive Plan amendment shall be entitled – "Large Scale Amendment
11 2012-02."
12

13
14 **Section 3. Changes to the 2030 Future Land Use Map**

15
16 The 2030 Future Land Use Map, as adopted by reference and codified in Part II of the
17 Escambia County Code of Ordinances, the Escambia County Comprehensive Plan:
18 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all
19 notations, references and information shown thereon, is further amended to include the
20 following future land use change:
21

22 Parcel identification number 14-5N-32-2301-000-000, totaling 50.24 (+/-)
23 acres, as more particularly described by Victor G. Schumer, Schumer's
24 Professional Surveying, Inc., in the boundary survey dated May 5, 2008,
25 attached as Exhibit A, from Recreational (REC) to Agricultural (AG).
26

27
28 **Section 4. Severability**

29
30 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
31 unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect
32 the validity of the remaining portions of this Ordinance.
33

34
35 **Section 5. Inclusion in the Code**

36
37 It is the intention of the Board of County Commissioners that the provisions of this
38 Ordinance shall be codified as required by Section 125.68, Florida Statutes, and that
39 the sections, subsections and other provisions of this Ordinance may be renumbered or
40 relettered and the word "ordinance" may be changed to "section," "article," or such other
41 appropriate word or phrase in order to accomplish such intentions.
42
43

1 **Section 6. Effective Date**

2
3 Pursuant to Section 163.3184(3)(c) 4, Florida Statutes, this Ordinance shall not become
4 effective until 31 days after the Department of Economic Opportunity notifies Escambia
5 County that the plan amendment package is complete. If timely challenged, this
6 Ordinance shall not become effective until the Department of Economic Opportunity or
7 the Administration Commission enters a final order determining the Ordinance to be in
8 compliance.
9

10
11 **DONE AND ENACTED** this _____ day of _____, 2012.

12
13 BOARD OF COUNTY COMMISSIONERS
14 OF ESCAMBIA COUNTY, FLORIDA

15
16
17 By: _____
18 Wilson B. Robertson, Chairman

19
20 ATTEST: ERNIE LEE MAGAHA
21 CLERK OF THE CIRCUIT COURT

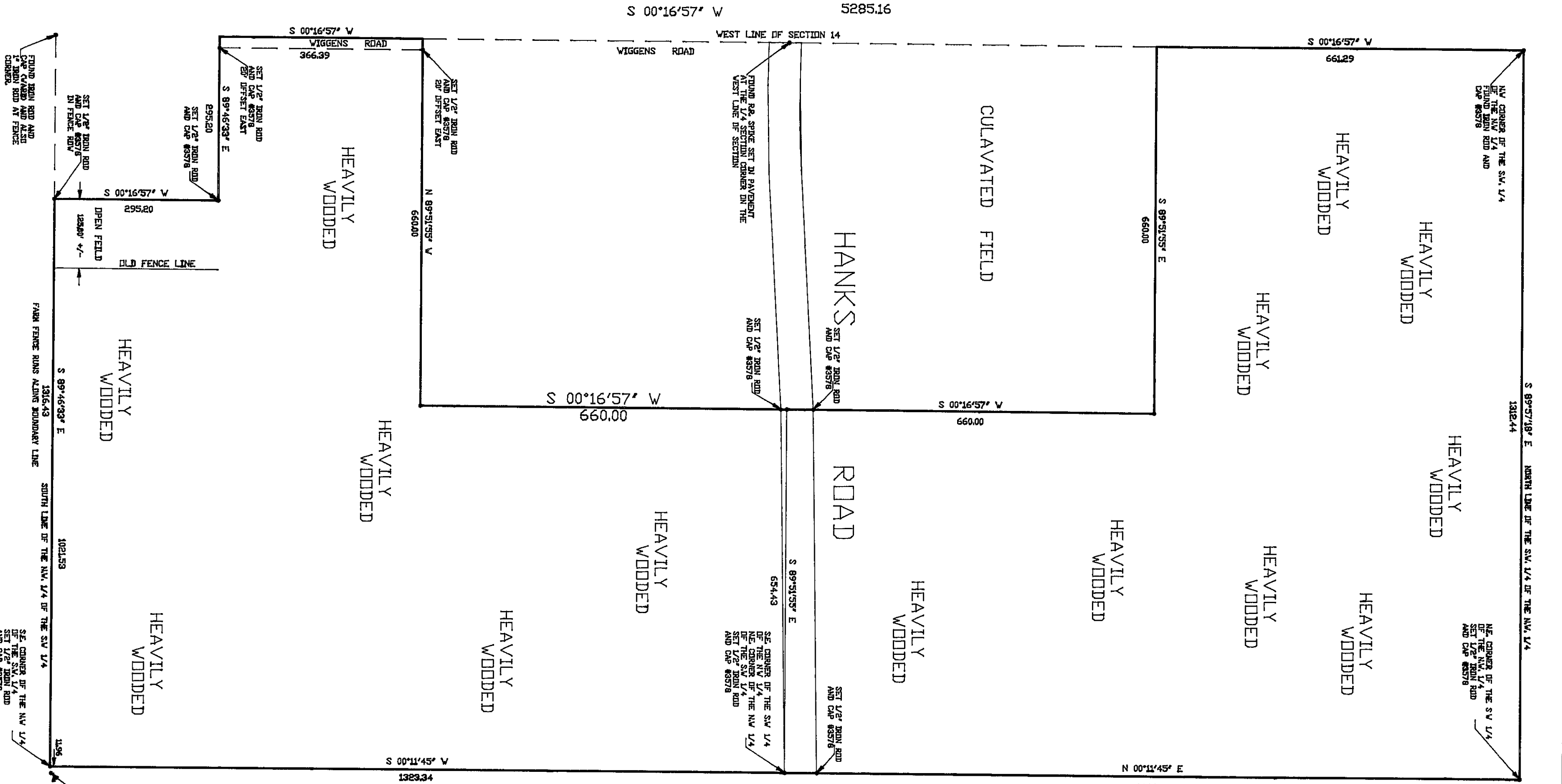
22
23
24 By: _____
25 Deputy Clerk

26
27
28 (SEAL)

29
30
31 ENACTED:

32
33 FILED WITH THE DEPARTMENT OF STATE:

34
35 EFFECTIVE DATE:
36
37
38



S 89°57'18" E NORTH LINE OF THE SW 1/4 OF THE NW 1/4

NW CORNER OF THE SW 1/4 FOUND BY JOHN RUD AND CAP #83718

NE CORNER OF THE SW 1/4 OF THE NW 1/4 FOUND BY JOHN RUD AND CAP #83718

S 00°16'57" W 661.29

HEAVILY WOODDED
HEAVILY WOODDED

HEAVILY WOODDED

HEAVILY WOODDED

HEAVILY WOODDED

S 89°51'55" E 660.00

CULTIVATED FIELD

S 00°16'57" W 660.00

HEAVILY WOODDED

HEAVILY WOODDED

HANKS ROAD

ROAD

FOUND BY JOHN RUD AND CAP #83718
SET 1/2" IRON ROD AND CAP #83718
AT THE SW CORNER OF THE SW 1/4 SECTION CHAIN ON THE WEST LINE OF SECTION

SET 1/2" IRON ROD AND CAP #83718

NE CORNER OF THE SW 1/4 OF THE NW 1/4 FOUND BY JOHN RUD AND CAP #83718

S 00°16'57" W 5285.16

VIGGINS ROAD

S 00°16'57" W 660.00

HEAVILY WOODDED

HEAVILY WOODDED

SET 1/2" IRON ROD AND CAP #83718
20' OFFSET EAST

N 89°51'55" V 660.00

HEAVILY WOODDED

HEAVILY WOODDED

S 00°16'57" W 366.39

SET 1/2" IRON ROD AND CAP #83718
20' OFFSET EAST

S 89°46'32" E 895.20

S 00°16'57" W 295.20

OPEN FIELD

OLD FENCE LINE

HEAVILY WOODDED

HEAVILY WOODDED

FOUND BY JOHN RUD AND CAP #83718
SET 1/2" IRON ROD AND CAP #83718
IN PLACE NOW

S 00°16'57" W 128.00 +/-

FAIR FENCE ROAD ALONG BOUNDARY LINE

S 89°46'32" E 1316.43

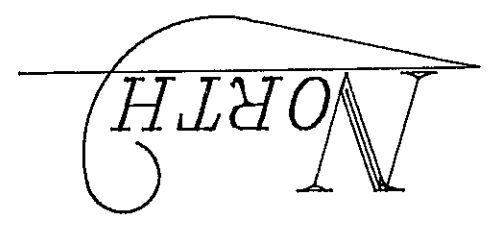
SOUTH LINE OF THE NW 1/4 OF THE SW 1/4

S 89°46'32" E 11.96

SE CORNER OF THE NW 1/4 SET 1/2" IRON ROD AND CAP #83718

N 00°11'45" E 1322.34

NORTH ASSUMED - BEARINGS SHOWN ARE BASED ON THE WEST LINE OF SECTION BEING S 00°16'57" W.



LEGAL DESCRIPTION

THE SW 1/4 OF THE NW 1/4 OF SECTION 14, T-5-N, R-32-W, ESCAMBIA COUNTY, FLORIDA LESS AND EXCEPT 660.00' SQUARE IN THE SW CORNER AND ALSO
THE NW 1/4 OF THE SW 1/4 OF SAID SECTION LESS AND EXCEPT 660.00' SQUARE IN THE NW CORNER, AND LESS 295.20' SQUARE IN THE SW CORNER
LESS AND EXCEPT ROAD RIGHT-OF-WAY FOR ' HANKS ROAD '

NOTES: THIS SURVEY WAS PREPARED FOR THE CLIENT AND PURPOSE AS SHOWN USUALLY FOR ANY OTHER PURPOSES. THIS SURVEY IS IN PART SMALL NOT BE MADE WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE SURVEYOR. THIS SURVEY DOES NOT REFLECT OF PREVIOUS DIVISIONS.

WHEN YOU WANT
V G SCHEIDER R.L.S.
SCHUMER'S PROFESSIONAL SURVEYING INC.
 SPECIALIZING IN RURAL SURVEYING & SUBDIVISION LAYOUT
 L.B. # 6471

FOR KALE SCHEIDER
 TYPE BOUNDARY SURVEY

SCALE 1" = 150' DATE 5-5-2008 JOB # 08F-022 F.B. F-94 P 69-71 REV. DIVN VIG

REGISTERED SURVEYOR IN FLORIDA

Comprehensive Plan Amendment Staff Analysis

General Data

Project Name: CPA 2012-02 – Hanks Road
Location: Hanks Road
Parcel #s: 14-5N-32-2301-000-000
Acreage: 50.24 (+/-) acres
Request: From Recreational (REC) to Agricultural (AG)
Agent: Escambia County, Agent for Kale and Donna Schneider

Meeting Dates: Planning Board July 9, 2012
BCC July 26, 2012

Summary of Proposed Amendment:

The agent requests a future land use (FLU) map amendment to change the future land use category of a 50.24 (+/-) acre parcel from Recreation Future Land Use to Agricultural Future Land Use. The zoning designation for the referenced parcel is Public.

The subject parcel is dissected North and South by Hanks Road and is adjacent to agricultural parcels.

There is no proposed project for the parcel at this time.

Infrastructure Availability:

FLU 1.5.3 New Development and Redevelopment in Built Areas

To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

FLU 2.1.1 Infrastructure Capacities

Urban uses shall be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure

capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowed through Florida Health Department permits where central sewer is not available.

GOAL CMS 1 Concurrency Management System

Escambia County shall adopt a Concurrency Management System to ensure that facilities and services needed to support development are available concurrent with the impacts of such development.

OBJ CMS 1.1 Level of Service Standards

Ensure that Escambia County's adopted Level of Service (LOS) standards for roadways, mass transit, potable water, wastewater, solid waste, stormwater, public schools and recreation will be maintained.

CMS 1.2.1 Concurrency Determination.

The test for concurrency shall be met and the determination of concurrency shall be made prior to the approval of an application for a development order or permit that contains a specific plan for development, including the densities and intensities of the proposed development. If an applicant fails concurrency, he/she may apply to satisfy the requirements of the concurrency management system through the proportionate fair share program. For applicants participating in the proportionate fair share program, the BCC must approve a proportionate fair share agreement before a certificate of concurrency can be issued. A multi-use Development of Regional Impact (DRI) may satisfy the transportation concurrency requirements of the concurrency management system and of Section 380.06, Florida Statutes, by payment of a proportionate share contribution in accordance with the terms of Section 163.3180(12), Florida Statutes.

The allowable uses under the agricultural future land uses are intended for routine agricultural and silvicultural related activities which are not traffic generators.

If the large scale amendment is approved, the maximum densities for any future new development on the agricultural parcel is one dwelling unit per 20 acres and a non-residential maximum intensity of 0.25 floor area ratio. Any new proposed development will be regulated and must meet the LOS requirements such as roads, wastewater, solid waste, stormwater, potable water, irrigation water and other standards under the Concurrency Management System. It will necessitate for the applicant to provide the required analysis in support of the proposed project as required by the Escambia County Comprehensive Plan and Land Development Code. The completed application packet will then be reviewed and evaluated for concurrency as part of the site development review process. The applicant is not proposing any development at this time; therefore, staff is unable to produce the required analysis.

ANALYSIS OF SUITABILITY

Suitability: *The degree to which the existing characteristics and limitations of land and water are compatible with a proposed use or development.*

Bratt-Davisville Water System, Inc. is the water provider for the area. Any agricultural use would be compatible with the existing surrounding parcels. Agricultural uses are common within this area in Escambia County and water provider LOS appear adequate to support agricultural lands. The applicant is not proposing any development at this time; therefore, staff is unable to produce the required analysis. Should the large scale amendment be granted, the character of the undeveloped land, soils, topography, natural resources, and historic resources on site will be considered for any future new development as part of the site plan review process.

Urban Sprawl:

A development pattern characterized by low density, automobile-dependent development with either a single use or multiple uses that are not functionally related, requiring the extension of public facilities and services in an inefficient manner, and failing to provide a clear separation between urban and rural uses.

For determining if the amendment discourages the proliferation of urban sprawl, it must incorporate a development pattern or urban form that achieves four or more of the eight criteria listed.

The agricultural nature of the land would be compatible with the surrounding parcels. By allowing the change of the Future Land Use from public to Agricultural, Escambia County is promoting rural strategies, by protecting agriculture, silviculture and related activities, protecting and preserving natural resources and guiding new development toward existing rural communities. Under the agricultural designation, the current one dwelling unit per 20 acres density allowed, will regulate and decrease the proliferation of urban sprawl. The applicant is not proposing any development at this time; therefore, staff is unable to produce the required analysis. If the large scale amendment is approved, any future new development on the parcel must meet the LOS requirements, Concurrency Management System standards and will necessitate for the applicant to provide the required analysis in support of the proposed project, as required by the Escambia County Comprehensive Plan and Land Development Code. The completed application packet will then be reviewed and evaluated for concurrency as part of the site development review process.

Comprehensive Plan Consistency and Relevant Policies:

FLU 3.1.5 New Rural Communities. To protect silviculture, agriculture and agriculture-related activities Escambia County shall not support the establishment of new rural communities.

FLU 3.1.6 Residential Clustering. Clustering of residential units in the Agriculture (AG) and Rural Community (RC) future land use categories shall only be permitted for subdivisions of 10 or more dwelling units, with preservation of at least 80 percent of the project site in a perpetual conservation easement as contemplated in, Section 704.06, F.S., and in conjunction with a PUD to ensure the project is compatible with surrounding

properties and protects the rights of adjacent property owners. The minimum lot size shall be ¼ acre and the maximum residential density permitted in the future land use category shall not be exceeded.

CON 1.3.3 Silviculture Management Practices. Escambia County shall allow silviculture and unimproved pastures within wetland areas provided the activities follow the BMPs as outlined in the current Silviculture Best Management Practices publications (Florida Department of Agriculture and Consumer Services, Division of Forestry).

CON 1.8.5 Carbon Sequestration. Escambia County shall promote retention of agriculture and timber production, as these uses sequester carbon emissions, thereby improving the air quality of the County.

The current existing land use is unimproved agricultural which meets the intent of the Comprehensive Plan. By allowing the Future Land Use map change from Public to Agricultural, the county is promoting uses that would improve the air quality for the residents of the county. The applicant is not proposing any development at this time; therefore, staff is unable to produce the required analysis. If the large scale amendment is approved, any future new development on the parcel must meet the LOS requirements, Concurrency Management System standards and will necessitate for the applicant to provide the required analysis in support of the proposed project as required by the Escambia County Comprehensive Plan and Land Development Code. The completed application packet will then be reviewed and evaluated for concurrency as part of the site development review process.

CPA 2012-02



AG

ASHCRAFT RD

SSA-2012-02

REC

AG

AG

HANKS RD

REC

50.24 ACRES

AG

AG

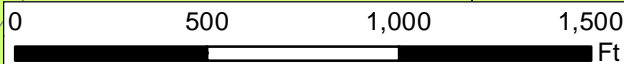
WIGGINS LN



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

CPA-2012-02 EXISTING FLU



- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- PARCELS



AG

ASHCRAFT RD

SSA-2012-02

AG

AG

HANKS RD

PROPOSED AG
50.24 ACRES

AG

AG

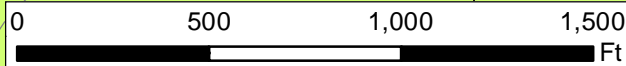
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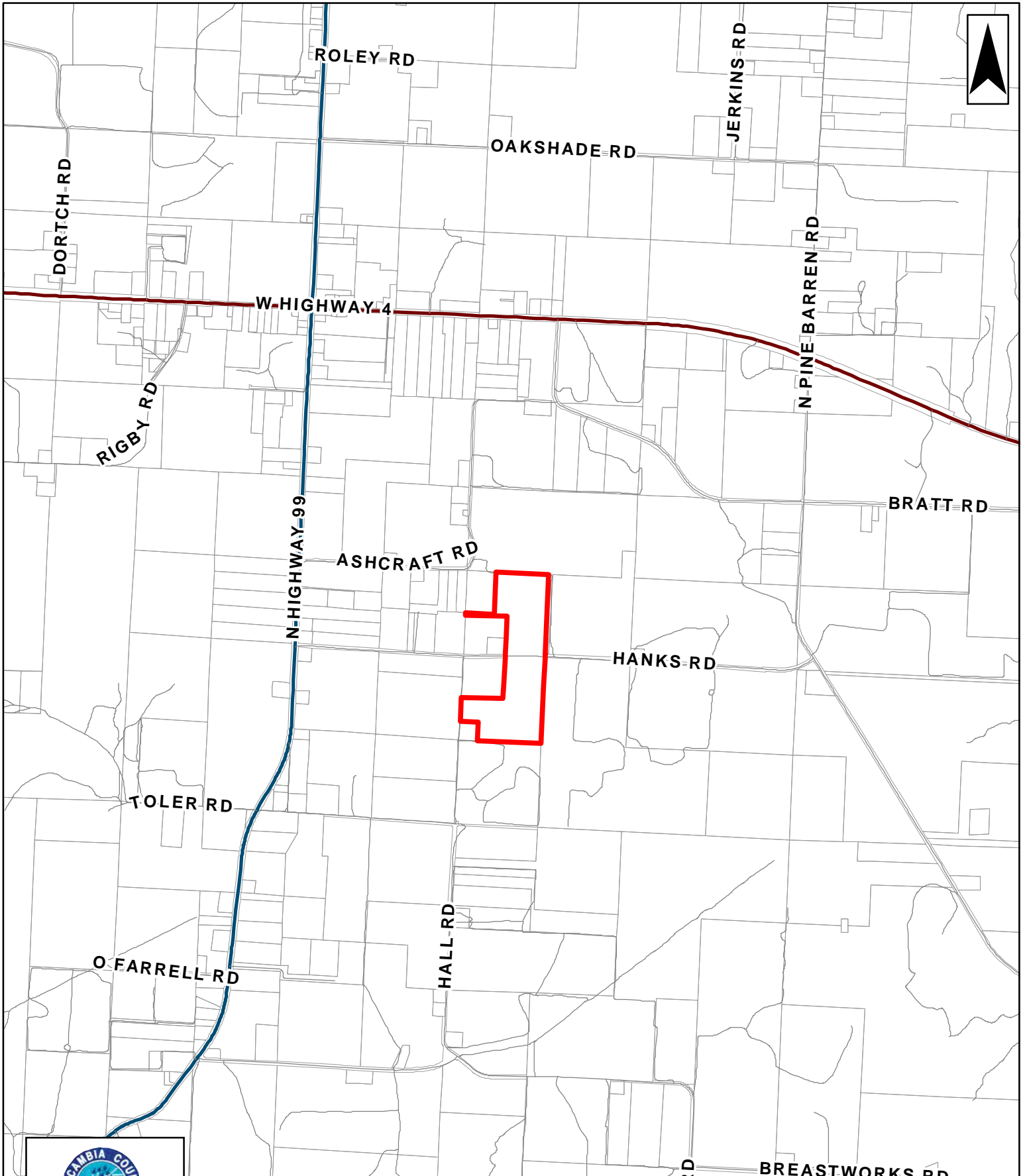
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Andrew Holmer
Planning and Zoning Dept.

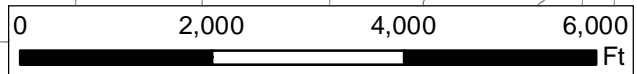
CPA-2012-02 PROPOSED FLU








-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



CPA-2012-02 SURROUNDING ROADS

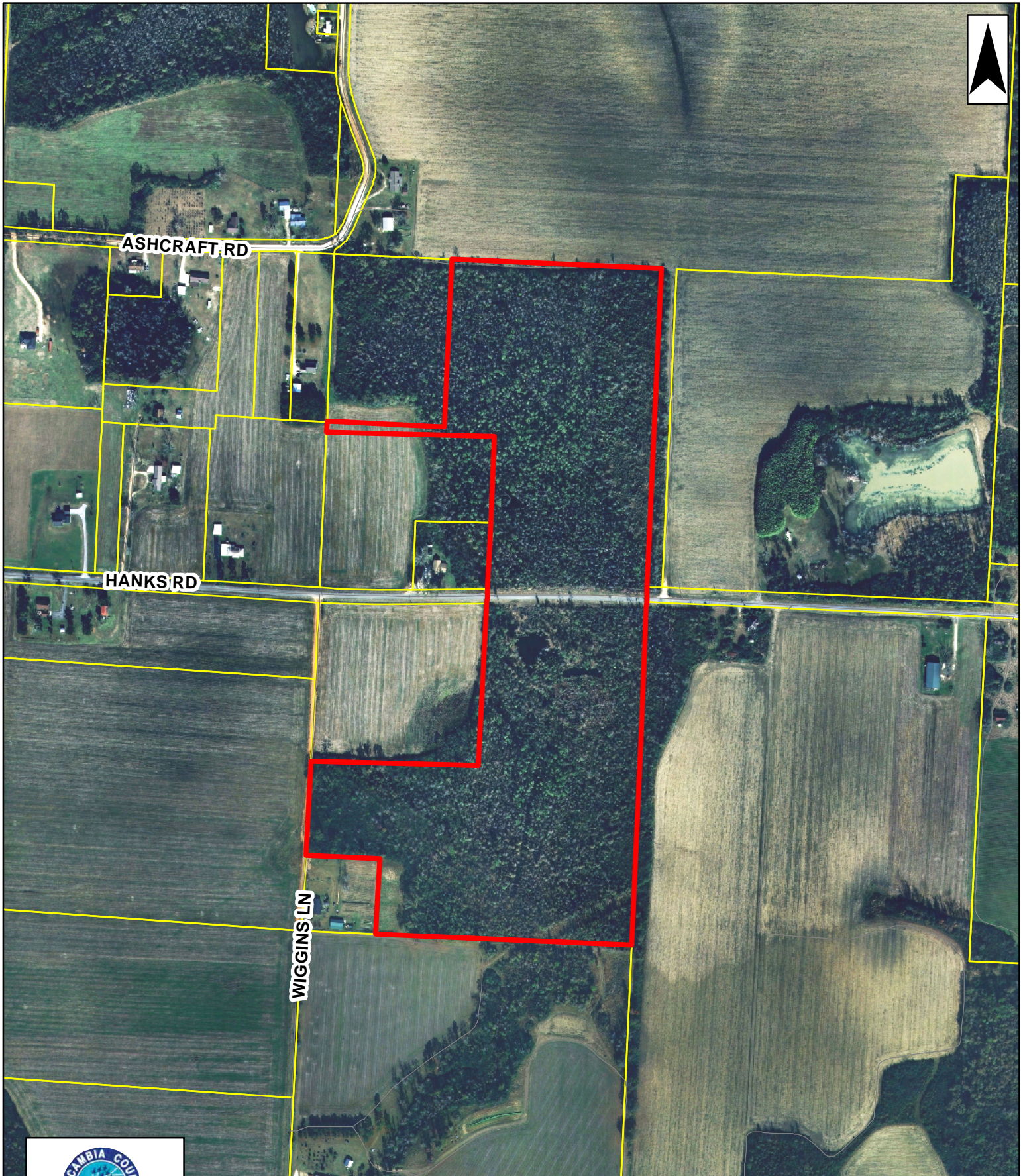


-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.








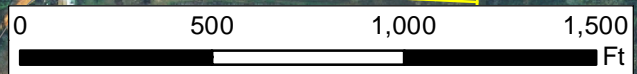
ASHCRAFT RD

HANKS RD

WIGGINS LN

CPA-2012-02 AERIAL MAP

-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.









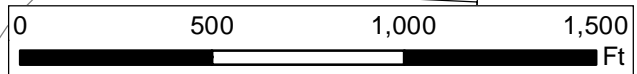
ASHCRAFT RD

HANKS RD

WIGGINS LN

CPA-2012-02 WETLANDS MAP

-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD
-  PARCELS
-  WETLANDS_2006



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.



LOOKING EAST



LOOKING NORTHEAST



LOOKING WEST



LOOKING SOUTH

FUTURE LAND USE MAP AMENDMENT APPLICATION

(THIS SECTION FOR OFFICE USE ONLY):

TYPE OF REQUEST: SMALL SCALE FLU AMENDMENT _____
LARGE SCALE FLU AMENDMENT X

Current FLU: REC Desired FLU: AG Zoning: P Taken by: A Cami

Planning Board Public Hearing, date(s): 7/9/12

BCC Public Hearing, proposed date(s): 7/26/12

Fees Paid NA Receipt # _____ Date: _____

**OWNER'S NAME AND HOME ADDRESS AS SHOWN ON PUBLIC RECORDS OF
ESCAMBIA COUNTY, FL**

Name: Kale Schneider

Address: 9061 Bratt Rd

City: Century State: FL Zip Code: 32535

Telephone: (850) 327-6519

Email: _____

DESCRIPTION OF PROPERTY:

Street address: Hanks Rd

Subdivision: NA

Property reference number: Section 14 Township 5N Range 32

Parcel 2301 Lot 000 Block 000

Size of Property (acres) 50.24 (+/-) acres

**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION FOR
FUTURE LAND USE CHANGE REQUEST**

By my signature, I hereby certify that:

- 1) I am duly qualified as owner or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand there are no guarantees as to the outcome of this request, the application fee is non-refundable; and
- 4) The signatory below will be held responsible for the balance of any advertising fees associated with required public hearings for this amendment request (Payment due within 90 days of invoice date) or future planning and zoning applications will not be accepted; and
- 5) I authorize County Staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection; and
- 6) I authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County Staff.

Kale Schneider Kale Schneider 5-10-12
Signature (Property Owner) Printed Name Date

Donna C Schneider
Signature (Agent's Name (or owner if representing oneself) Printed Name Date

Address: 9061 Brent Rd

City: Century State: FL Zip: 32535

Telephone (850) 327-6519 Fax # () _____ - _____

Email: _____

STATE OF Florida
COUNTY OF Escambia

The forgoing instrument was acknowledged before me this 10th day of May, year of 2012 by, Kale Schneider + Donna Schneider who () did () did not take an oath. He/she is () personally known to me, (X) produced current Florida/Other driver's license, and/or () produced current 715536516 44 1880 as identification.

Margaret A Cain 5/10/12 Margaret A. Cain
Signature of Notary Public Date Printed Name of Notary

My Commission Expires _____ Commission No. DD919789
(Notary seal must be attached)



AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at _____,
Pensacola, Florida, Property Reference Number(s) _____,

I hereby designate _____, for the sole purpose of completing this application
and making a presentation to the Planning Board, sitting as the Local Planning Agency, and the
Board of County Commissioners, to request a change in the Future Land Use on the above
referenced property.

This Limited Power of Attorney is granted on this _____ day of _____, the year of
_____, and is effective until the Board of County Commissioners has rendered a decision on
this request and any appeal period has expired. The owner reserves the right to rescind this
Limited Power of Attorney at any time with a written, notarized notice to the Planning and
Engineering Department.

Signature of Property Owner Date Printed Name of Property Owner

Signature of Agent Date Printed Name of Agent

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, year of
_____, by _____ who () did () did not take an
oath.

He/she is () personally known to me, () produced current Florida/Other driver's license,
and/or () produced current _____ as
identification.

Signature of Notary Public Date Printed Name of Notary Public

Commission Number _____ My Commission Expires _____

(Notary seal must be affixed)

**FUTURE LAND USE MAP AMENDMENT APPLICATION
CONCURRENCY DETERMINATION ACKNOWLEDGMENT**

Project name:

Property reference #: Section 14 Township 5N Range

Parcel # 32-2301-600-000

Project Address:

Henko Rd

I/We acknowledge and agree that no future development permit (other than a rezoning/reclassification) shall be approved for the subject parcel(s) prior to the issuance of a certificate of concurrency for such proposed development based on the densities and intensities contained within such future development permit application.

I/We also acknowledge and agree that no development permit or order (other than a rezoning/reclassification) will be issued at that time unless at least one of the concurrency management system standards is met as contained in the Escambia County Code of Ordinances, Part II, Section 6.04, namely:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued; or
- (4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued. NOTE: This provision only relates to parks and recreation facilities and roads. The LDC will include a requirement that the provision or construction of the facility or service must commence within one (1) year of the Development Order or Permit; or
- (5) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.320, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. Any such agreement shall include provisions pursuant to paragraphs 1, 2, or 3 above.
- (6) The necessary facilities needed to serve new development are in place or under actual construction no more than three (3) years after issuance, by the County, of a certificate of occupancy or its functional equivalent. NOTE: This provision only relates to roads.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 10th DAY OF May, 2012

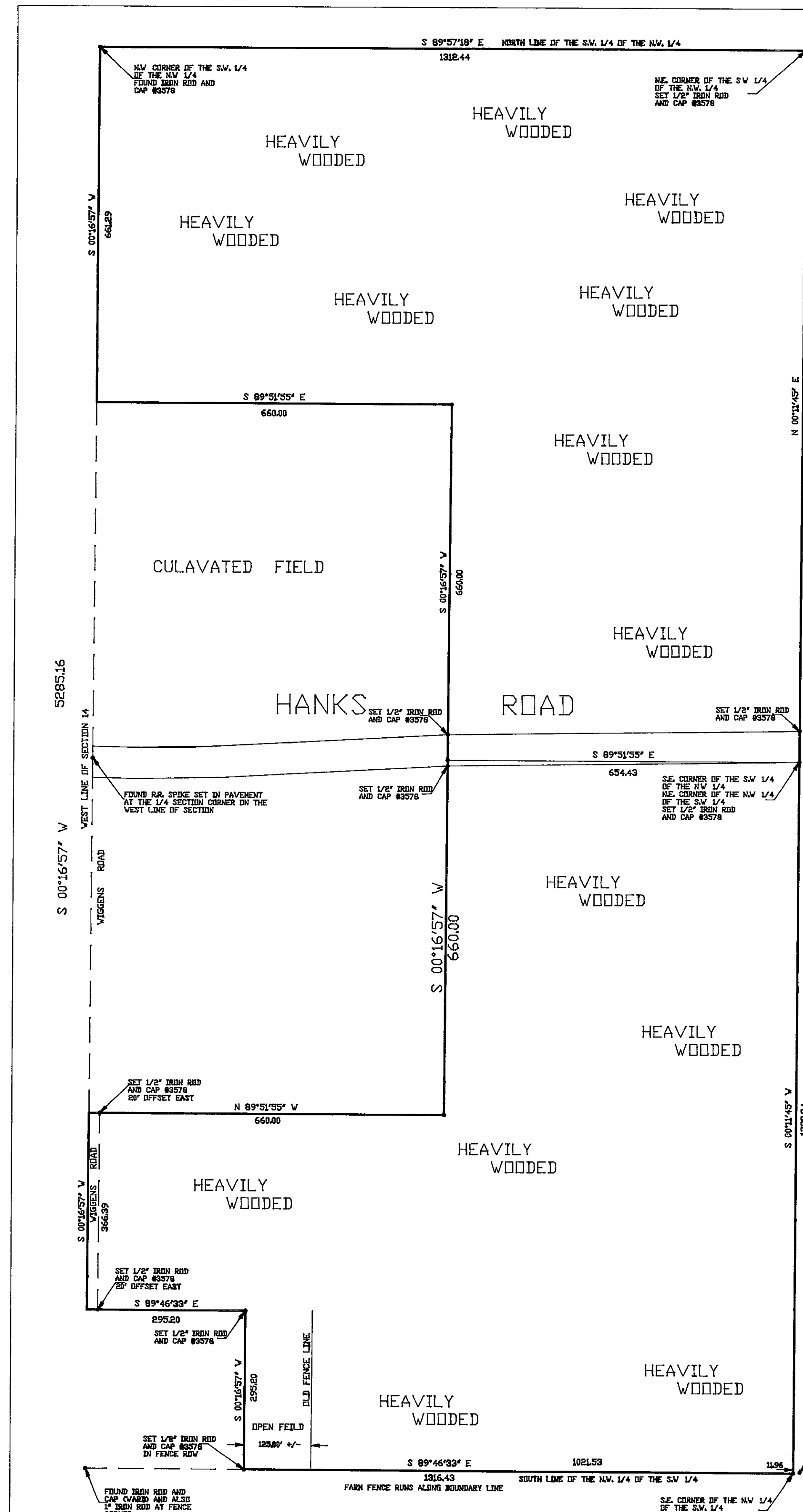
<u>Kate Schindler</u> Owner's signature	<u>Kate Schneider</u> Owner's name (print)
<u>Donna C. Schneider</u> Agent's signature	<u>Donna C. Schneider</u> Agent's name (print)

DATA AND ANALYSIS REQUIREMENTS

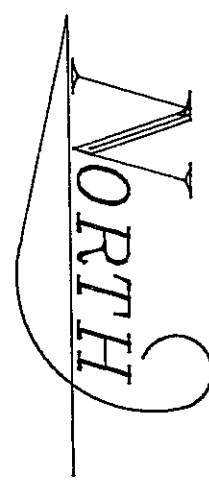
1. A comparative analysis of the impact of both the current and the proposed future land use categories on the following items, presented in tabular format, based on data taken from professionally accepted existing sources, such as the US Census, State University System of Florida, National Wetland Inventory Maps, regional planning councils, water management districts, or existing technical studies. The data should show that the infrastructure is available to support the most intense development allowed under the requested Future Land Use category, regardless of what type of development is proposed.
 - A. Sanitary Sewer
 - B. Solid Waste Disposal
 - C. Potable Water
 - D. Stormwater Management
 - E. Traffic
 - F. Recreation and Open Space
 - G. Schools

The data and analysis should also support the requested future land use category by reflecting a need for that category. For example, a future land use request from Agricultural to Residential would need an analysis demonstrating the need for additional Residential acreage in the County.

2. Proximity to and impact on the following:
 - A. Wellheads (indicate distance and location to nearest wellhead)
 - B. Historically significant sites (available from University of West Florida)
 - C. Natural Resources, including wetlands (a wetlands survey is highly recommended if wetlands are located on the property)
3. An analysis of consistency with the Escambia County Comprehensive Plan, with reference to applicable sections therein



NORTH ASSUMED - BEARINGS SHOWN ARE BASED ON THE WEST LINE OF SECTION BEING S 00°16'57" W.



LEGAL DESCRIPTION

THE S.W. 1/4 OF THE N.W. 1/4 OF SECTION 14, T-5-N, R-32-W, ESCAMBIA COUNTY, FLORIDA, LESS AND EXCEPT 660.00' SQUARE IN THE SW CORNER. AND ALSO THE N.W. 1/4 OF THE S.W. 1/4 OF SAID SECTION, LESS AND EXCEPT 660.00' SQUARE IN THE N.W. CORNER, AND LESS 295.20' SQUARE IN THE S.W. CORNER LESS AND EXCEPT ROAD RIGHT-OF-WAY FOR "HANKS ROAD".

NOTE: THIS SURVEY WAS PREPARED FOR THE CLIENT AND PURPOSE AS SHOWN USAGE FOR ANY OTHER PURPOSES REPRODUCTIONS - IN WHOLE OR IN PART SHALL NOT BE MADE WITHOUT THE EXPLICIT WRITTEN PERMISSION OF THE SURVEYOR. THIS SURVEY DOES NOT REFLECT OF DETERMINE OWNERSHIP.

V.G. SCHUMER R.L.S.
 89 OLIVE ROAD
 PENSACOLA, FLORIDA 32514
 PHONE (850) 478-0088
 FAX (850) 478-0089

WHEN YOU WANT EXPERIENCE & HONESTY SPECIALIZING IN RURAL SURVEYING & SUBDIVISION LAYOUT

SCHUMER'S PROFESSIONAL SURVEYING INC. L.B. # 6471

SEC. 14 TWP-5-N RGE-32-W RECORDED IN BOOK # P

REF. SOURCE: SECTIONAL SURVEY

LEGAL DESCRIPTION AS FURNISHED BY CLIENT - FENCES AND ENCROACHMENTS ARE SHOWN OR NOTED - NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAYS AND OWNERSHIP WERE FURNISHED THIS SURVEY EXCEPT AS SHOWN. NO INSTRUMENTS OR INSTALLATIONS OR IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN - NO ATTEMPT HAS BEEN MADE BY THIS SURVEYOR OR FIRM TO CONDUCT A TITLE RECORDS SEARCH FOR THIS SITE OR THE ADJOINING PROPERTY. - ALL MEASUREMENTS AND/OR CALCULATIONS WERE MADE IN ACCORDANCE TO UNITED STATES STANDARDS AND/OR UNITED STATES COAST AND GEODETIC DATA - DISTANCES ARE IN FEET, TENTHS OF A FOOT, AND HUNDRETHS. THIS SURVEY IS NOT VALID UNLESS STAMPED WITH AN EXHIBIT # SIGNATURE.

TYPE SURVEY: **BOUNDARY SURVEY**

FOR: **KALE SCHEDER**

SCALE 1"= 150' DATE 5-5-2008 FILE # 5-2-2008
 JOB # 08F-022 F.B.F-94 P 69-71 REV.
 DWN VIC REV.

I HEREBY CERTIFY THAT THE SURVEY HEREIN TO BE TRUE AND CORRECT AND MEETING CHAPTER 61, GOV. STAT. AND FLORIDA STATUTES 472 AS SET BY THE BOARD OF LAND SURVEYORS TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Victor G. Schumer
VICTOR G. SCHUMER
 REGISTERED SURVEYOR #3278 STATE OF FLORIDA



May 7, 2012

Kale Schneider
9061 Bratt Road
Century, FL 32535

Via E-mail

**Re: *Flagged Non-Binding Wetland Jurisdictional Determination
+/- 57 Acres Hanks Road, Escambia County, Florida
WSI Project #2012-099***

Dear Mr. Schneider,

As requested, Wetland Sciences, Inc. has completed a flagged wetland jurisdictional determination within the above referenced parcel. Wetland Sciences, Inc. did identify a large jurisdictional wetland complex (See attached sketch). This wetland complex will fall within the regulatory jurisdiction of the US Army Corps of Engineers (Corps) under **33 CFR 320-330**, the Florida Department of Environmental Protection (DEP) under **Chapter 62-340 F.A.C.** and Escambia County under **LDC Section 7.13.00**.

Please be advised that various development activities within the jurisdictional wetlands, such as filling, mechanical land-clearing, and construction of some piling supported structures will require permitting from the State of Florida Department of Environmental Protection, the United States Army Corps of Engineers, and Escambia County, Florida.

Also be advised, the information presented within this report represents the professional opinion of the scientist that performed the work and is intended to furnish the client with a rough approximation of the status of wetland resources on the site under consideration. It is the responsibility of the regulatory agencies to verify our approximation before this determination can be considered legally binding. Although the above-cited conclusions are provided with some degree of confidence, it is essential that field confirmations authenticate our findings.

This does not preclude the development of the subject parcel. It is inevitable that development of the lot will require the dredging or filling of wetlands located on the property. As you may or may not know the agencies which regulate wetlands evaluate permits on the basis of avoidance and minimization, practical alternatives, and mitigation.

If you have any questions, please do not hesitate to contact me at (850) 453-4700.

WETLAND SCIENCES, INC.

Jason Taylor
Environmental Scientist

Copies furnished: FDEP, Jared Searcy
File

Enclosures: As indicated



WETLAND
SCIENCES
INCORPORATED

OVERALL JURISDICTIONAL WETLAND SKETCH
DEPICTED ONTO AERIAL

PROJECT #2012-099

DATE: MAY 4, 2012

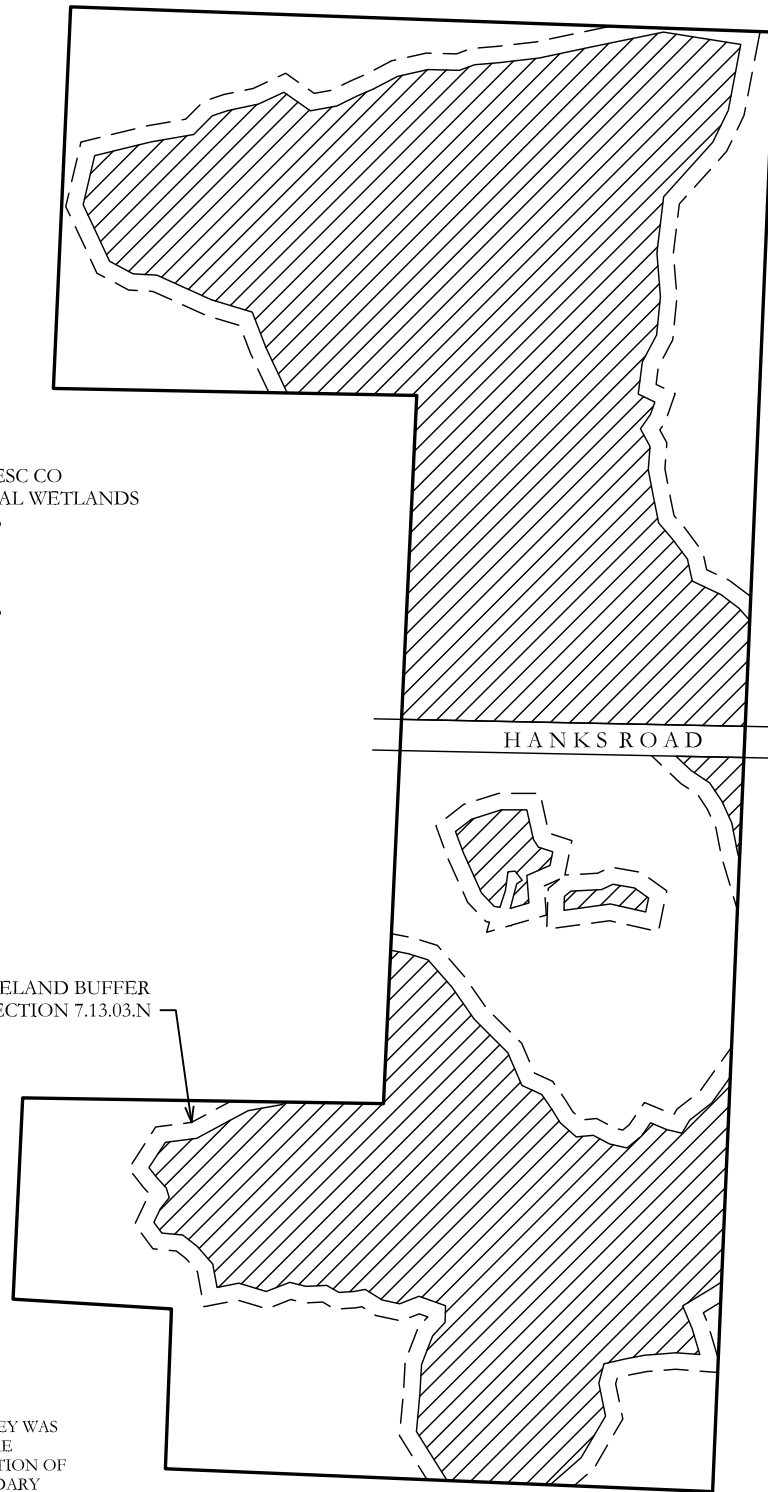
DRAWN BY: JAT

SCALE: 1" = 350'

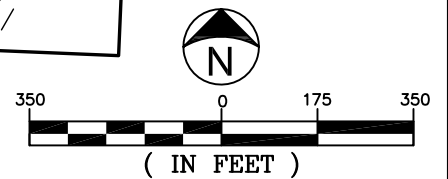
 CORPS/FDEP/ESC CO
JURISDICTIONAL WETLANDS
+/- 21.38 ACRES

UPLANDS
+/- 35.59 ACRES

ESCAMBIA CO 30-FT WELAND BUFFER
PER LDC SECTION 7.13.03.N



NOTE: THIS IS NOT A SURVEY. SINCE A SURVEY WAS NOT PROVIDED CERTAIN ASSUMPTIONS WERE MADE IN THE FIELD REGARDING THE LOCATION OF PROPERTY CORNERS. THE PROPERTY BOUNDARY SHOWN ON THIS SKETCH WAS OBTAINED FROM THE ESCAMBIA COUNTY PROPERTY APPRAISER. THIS SKETCH SHOULD BE CONSIDERED APPROXIMATE UNLESS VERIFIED BY A SURVEY OR OTHER MEANS.



OVERALL JURISDICTIONAL WETLAND SKETCH

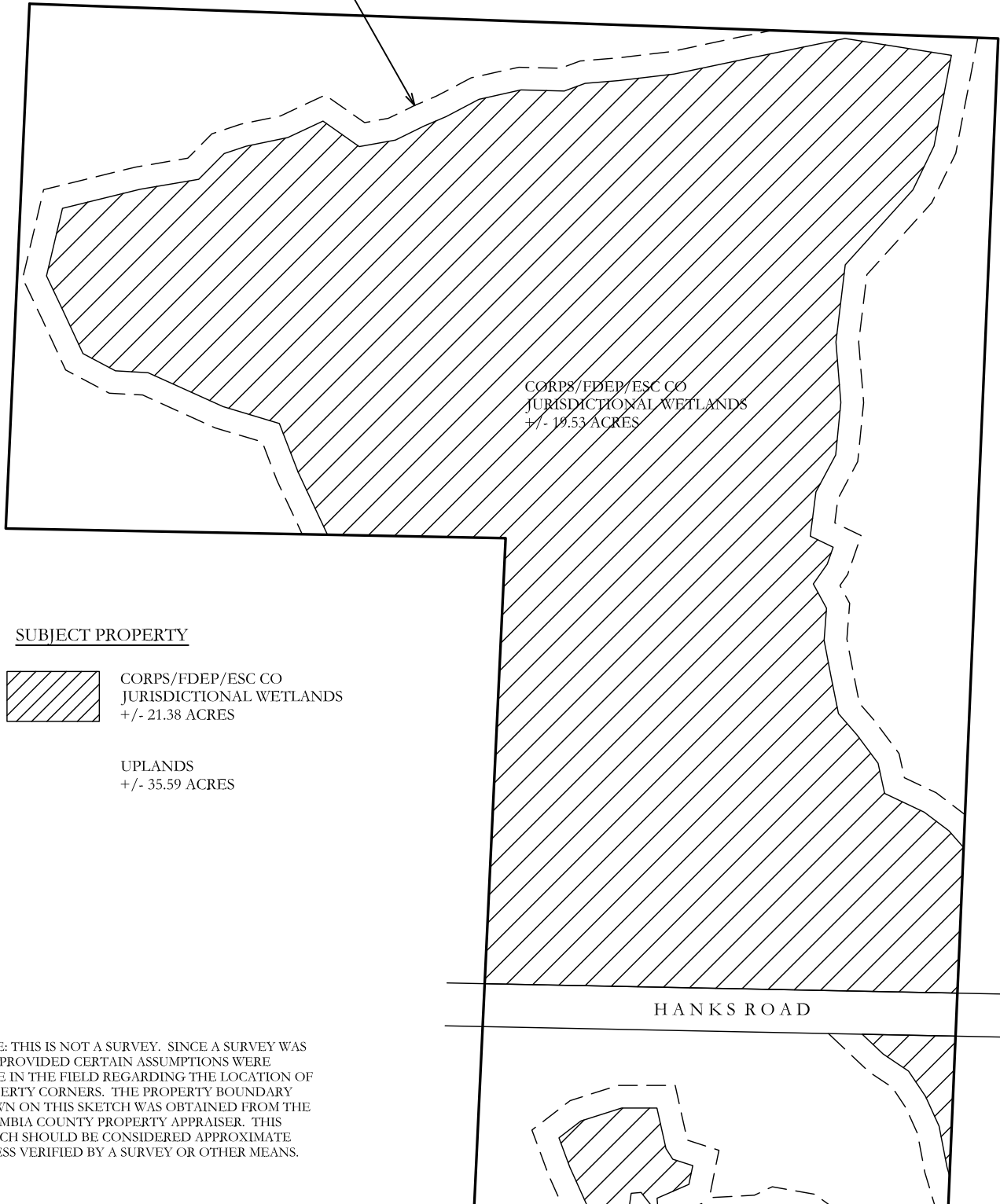
PROJECT #2012-099

DATE: MAY 4, 2012

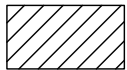
DRAWN BY: JAT

SCALE: 1" = 350'

ESCAMBIA CO 30-FT WELAND BUFFER
PER LDC SECTION 7.13.03.N



SUBJECT PROPERTY



CORPS/FDEP/ESC CO
JURISDICTIONAL WETLANDS
+/- 21.38 ACRES

UPLANDS
+/- 35.59 ACRES

HANKS ROAD

WETLAND

SCIENCES
INCORPORATED

CLOSE-UP OF PARCEL NORTH OF HANKS ROAD

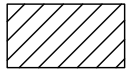
PROJECT #2012-099

DATE: MAY 4, 2012

DRAWN BY: JAT

SCALE: 1" = 200'

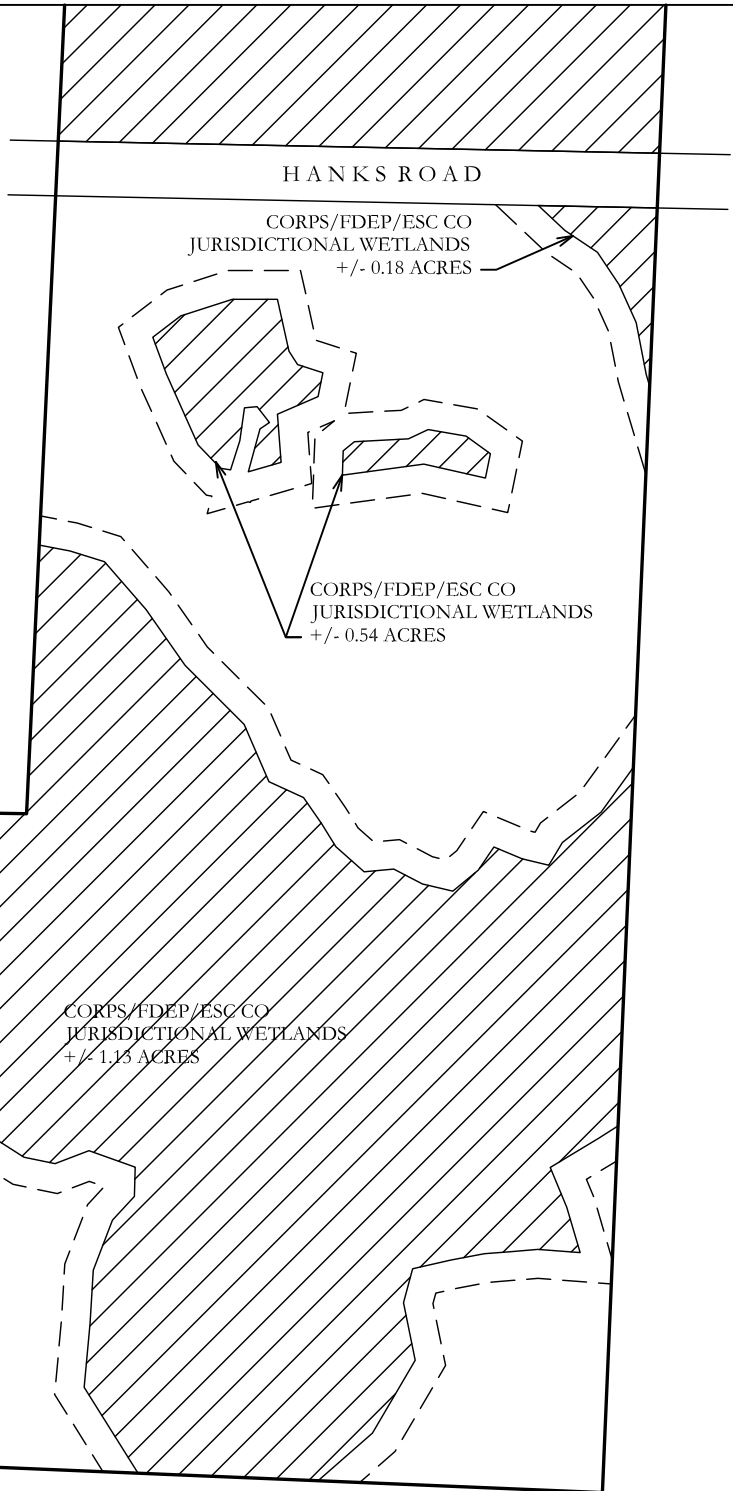
SUBJECT PROPERTY



CORPS/FDEP/ESC CO
JURISDICTIONAL WETLANDS
+/- 21.38 ACRES

UPLANDS
+/- 35.59 ACRES

ESCAMBIA CO 30-FT WELAND BUFFER
PER LDC SECTION 7.13.03.N



NOTE: THIS IS NOT A SURVEY. SINCE A SURVEY WAS NOT PROVIDED CERTAIN ASSUMPTIONS WERE MADE IN THE FIELD REGARDING THE LOCATION OF PROPERTY CORNERS. THE PROPERTY BOUNDARY SHOWN ON THIS SKETCH WAS OBTAINED FROM THE ESCAMBIA COUNTY PROPERTY APPRAISER. THIS SKETCH SHOULD BE CONSIDERED APPROXIMATE UNLESS VERIFIED BY A SURVEY OR OTHER MEANS.



CLOSE-UP OF PARCEL SOUTH OF HANKS ROAD

PROJECT #2012-099

DATE: MAY 4, 2012

DRAWN BY: JAT

SCALE: 1" = 200'



BOARD OF COUNTY COMMISSIONERS Escambia County, Florida

Planning Board-Regular

5. C.

Meeting Date: 08/13/2012

Issue: A Public Hearing - Comprehensive Plan Text Amendment - House Bill 503

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

Information

RECOMMENDATION:

That the Planning Board review and recommend to the Board of County Commissioners (BCC) an Ordinance amending the Comprehensive Plan 2030 consistent with Chapter 2012-205, Laws Of Florida; removing references from the Comprehensive Plan 2030 requiring an applicant to obtain a permit or approval from any State or Federal agency as a condition of processing a development permit under certain conditions.

BACKGROUND:

Chapter 2012-205, Laws of Florida, became effective 1 July 2012, it requires amendments to the Comprehensive Plan 2030, mandating that the local governments do not require any permits from state or federal agencies prior to issuing a permit or a development order.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

Ordinance was review and approved 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 Comprehensive Plan 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 and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Draft Ordinance

Legal Review

ORDINANCE NO. 2012-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), AMENDING THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030 CONSISTENT WITH CHAPTER 2012-205, LAWS OF FLORIDA; REMOVING REFERENCES FROM THE COMPREHENSIVE PLAN REQUIRING AN APPLICANT TO OBTAIN A PERMIT OR APPROVAL FROM ANY STATE OR FEDERAL AGENCY AS A CONDITION OF PROCESSING A DEVELOPMENT PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Escambia County Board of County Commissioners adopted the Escambia County Comprehensive Plan: 2030 (Comprehensive Plan) on January 20, 2011; and

WHEREAS, Chapter 2012-205, Laws of Florida, which took effect on July 1, 2012, significantly revised the laws governing issuance of development permits; and

WHEREAS, the Board of County Commissioners of Escambia County, Florida, finds that it is appropriate to amend its Comprehensive Plan consistent with Chapter 2012-205, Laws of Florida;

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

Section 1. Purpose.

The purpose of this ordinance is to amend the Escambia County Comprehensive Plan: 2030 consistent with Chapter 2012-205, Laws of Florida, removing references from the Comprehensive Plan requiring an applicant to obtain a permit or approval from any state or federal agency as a condition of processing a development permit.

Section 2. Comprehensive Plan Amendment.

The Escambia County Comprehensive Plan: 2030 is amended as shown in the attached Exhibit A (additions are underlined and deletions are ~~struck through~~).

Section 3. Severability.

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

1
2 **Section 4. Inclusion in the code.**
3

4 The Board of County Commissioners intends that the provisions of this ordinance
5 will be codified as required by Section 125.68, Florida Statutes, and that the sections of
6 this ordinance may be renumbered or relettered and the word "ordinance" may be
7 changed to "section," "article," or such other appropriate word of phrase in order to
8 accomplish its intentions.
9

10 **Section 5. Effective date.**
11

12 Pursuant to Section 163.3184(3)(c)4, Florida Statutes, this ordinance shall not
13 become effective until 31 days after the Department of Economic Opportunity notifies
14 Escambia County that the plan amendment package is complete. If timely challenged,
15 this ordinance shall not become effective until the Department of Economic Opportunity
16 or the Administration Commission enters a final order determining the ordinance to be in
17 compliance.
18

19 DONE AND ENACTED this _____ day of _____, 2012.
20

21 BOARD OF COUNTY COMMISSIONERS
22 ESCAMBIA COUNTY, FLORIDA
23

24
25 By: _____
26 Wilson B. Robertson, Chairman

26 ATTEST: Ernie Lee Magaha
27 Clerk of the Circuit Court
28

29 By: _____ Date Executed: _____
30 Deputy Clerk
31

32 (SEAL)
33

34 ENACTED:
35

36 FILED WITH THE DEPARTMENT OF STATE:
37

38 EFFECTIVE DATE:
39

40
41 ATTACHMENTS: Relevant Portions of the Escambia County Comprehensive Plan: 2030

1 | ~~CON 1.1.9 **Endangered Species.** Escambia County shall not approve a development~~
2 | ~~permit if construction pursuant to the permit would threaten the life or habitat of any~~
3 | ~~state of federal listed species unless an Incidental Take permit or other approval has~~
4 | ~~been granted from those state and/or federal agencies having jurisdiction over the~~
5 | ~~resource.~~

6 |
7 | ~~CON 1.1.109 **Public Land Acquisition.** Escambia County shall develop and maintain a~~
8 | ~~list of recommended areas for public acquisition. Such areas will include, but not be~~
9 | ~~limited to, habitat for protected species and parcels that would further the establishment~~
10 | ~~of connected greenways.~~

11 |
12 | ~~CON 1.1.140 **Public Land Restoration and Enhancement.** Escambia County shall~~
13 | ~~continually work to restore and/or enhance degraded natural areas within publicly~~
14 | ~~owned lands. Restoration or enhancement may include such activities as removal of~~
15 | ~~nonnative vegetation, reforestation, shoreline or dune restoration, or restoration of~~
16 | ~~natural hydrology.~~

17 |
18 |
19 | ~~CON 1.2.1 **State and Federal Regulation.** Escambia County shall, through LDC~~
20 | ~~provisions, require any development with emissions that may degrade air quality to~~
21 | ~~comply with all applicable federal and state regulations regarding emission control. **New**~~
22 | ~~development with the potential to emit air pollutants will be required to obtain the~~
23 | ~~necessary permits from FDEP and/or the U.S. Environmental Protection Agency (EPA)~~
24 | ~~prior to emission of any regulated quantities of pollutants.~~

25 |
26 |
27 | ~~CON 1.3.7 **Wetland Development Provisions.** Development in wetlands shall not be~~
28 | ~~allowed unless sufficient uplands do not exist to avoid a taking. In this case,~~
29 | ~~development in wetlands shall be restricted to allow residential density use at a~~
30 | ~~maximum of one unit per five acres or to the density established by the future land use~~
31 | ~~map containing the parcel, whichever is more restrictive, or one unit per lot of record if~~
32 | ~~less than five acres in size. (For this policy, lots of record do not include contiguous~~
33 | ~~multiple lots under single ownership.)~~

34 |
35 | ~~a. Prior to construction in wetlands, all necessary permits must have been~~
36 | ~~issued by the FDEP, and/or NFWFMD, as required by the agency or~~
37 | ~~agencies having jurisdiction, and delivered to the County.~~

38 |
39 | ~~b_a. With the exception of water-dependent uses, commercial and~~
40 | ~~industrial land uses will not be located in wetlands that have a high degree~~
41 | ~~of hydrological or biological significance, including the following types of~~
42 | ~~wetlands:~~

- 43 |
44 | 1. Wetlands that are contiguous to Class II or Outstanding Florida
45 | Waters;
46 | 2. Wetlands located in the FEMA Special Flood Hazard Areas;

47 3. Wetlands that have a high degree of biodiversity (three or more
48 focal species) or habitat value based on maps prepared by the
49 Florida Fish and Wildlife Conservation Commission or Florida
50 Natural Areas Inventory (see attached maps adopted as part of the
51 comprehensive plan), unless a site survey demonstrates that there
52 are no listed plant or animal species on the site. The Escambia
53 County Biodiversity Hot Spots Map and the Escambia County
54 Critical Habitat Map are attached to this Ordinance as Exhibits O
55 and P, respectively.
56

57
58 | ~~COA 2.3.3 **State and Federal Permits.** No new construction seaward of the CCCL will
59 be allowed until the applicant for such construction has obtained all necessary permits
60 and approvals from state or federal regulatory agencies.~~
61

62 | **COA 2.3.43 Beach and Shoreline Regulations.** Escambia County shall protect beach
63 and shoreline systems. These regulating provisions shall be reviewed annually for the
64 Comprehensive Plan Implementation Annual Report and updated as necessary to
65 address concerns and issues including, but not limited to, the following:
66

- 67 a. "White Sand" regulations;
- 68 b. Shoreline protection zone;
- 69 c. CCCL-related regulations;
- 70 d. Dune replenishment, enhancement and re-vegetation programs; and
- 71 e. Wetland and environmentally sensitive area regulations.
72

73 | **COA 2.3.54 Beach Nourishment Assistance.** Escambia County shall continue its
74 practice of cooperating with, and encouraging, the U.S. Army Corps of Engineers
75 (ACOE) and the Florida Department of Environmental Protection (FDEP) to nourish
76 public beaches using white sand made available by maintenance dredging of Pensacola
77 Pass, the bays, bayous and/or sound, or other water bodies within or near Escambia
78 County.
79

80 | **COA 2.3.65 Beach Hardening Restrictions.** No hardening (seawalls, break waters,
81 revetments, etc.) of gulf beaches shall be allowed unless such hardening has been
82 determined to have an overriding public purpose. Such determination, by necessity, will
83 be made cooperatively between all regulatory agencies having authority over the gulf
84 beaches.
85

86 | **COA 2.3.76 State and Federal Funds.** Through the LMS, Escambia County shall jointly
87 seek state or federal funding, for the development and establishment of a "Dune
88 Restoration and Protection Program" that will be applicable to all County-owned
89 shoreline areas.
90

91 | **COA 2.3.87 Conservation and Recreation Future Land Use.** Escambia County shall
92 implement provisions applicable to the designated Recreation (REC) and Conservation

93 (CON) future land use areas on Santa Rosa Island and Perdido Key that provide for
94 public use and recreation while maintaining the important natural features, functions,
95 and habitats of the areas. The provisions shall minimize the impacts of development on
96 sensitive natural systems and will include:

- 97
- 98 a. Prevention of motor vehicle traffic on beaches and dune areas,
99 excluding publicly authorized vehicles;
- 100 b. Prevention of destruction of native vegetation from beach pedestrian
101 traffic by providing boardwalks and dune walkover structures;
- 102 c. Improvement of parking at high-use beach sites;
- 103 d. Placement of secure bicycle racks at beach sites to encourage bicycle
104 transportation;
- 105 e. The preparation and implementation of techniques needed to protect
106 established or identified nesting bird colonies, including restrictions on
107 public access to such nesting areas; and
- 108 f. Limitations on public access or the provision of alternate routes in
109 environmentally sensitive beach dune areas (i.e., dunes undergoing
110 restabilization).
- 111

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: COMPLAN (HB503)

Date: 7/2/2012

Date requested back by: 7/5/2012

Requested by: JC Lemos

Phone Number: 595-3467



(LEGAL USE ONLY)

Legal Review by 

Date Received: 7/2/12

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

Make minor revisions.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

5. D.

Meeting Date: 08/13/2012

Issue: A Public Hearing - Land Development Code Amendment - House Bill 503

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

Information

RECOMMENDATION:

That the Planning Board review and recommend to the Board of County Commissioners (BCC) an Ordinance amending the Escambia County Land Development Code (LDC), Consistent With Chapter 2012-205, Laws Of Florida; Amending Articles, 2, 4, 7, And 12 of the Land Development Code; Removing references from the LDC requiring an applicant to obtain a permit or approval from any State or Federal Agency as a condition of processing a development permit.

BACKGROUND:

Chapter 2012-205, Laws of Florida, became effective 1 July 2012, it requires amendments to the Comprehensive Plan 2030, mandating that the local governments do not require any permits from state or federal agencies prior to issuing a permit or a development order.

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 and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Draft Ordinance

Signed Legal Review

ORDINANCE NO. 2012-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), AMENDING THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY FLORIDA CONSISTENT WITH CHAPTER 2012-205, LAWS OF FLORIDA; AMENDING ARTICLES, 2, 4, 7, and 12 OF THE LAND DEVELOPMENT CODE (LDC); REMOVING REFERENCES FROM THE LDC REQUIRING AN APPLICANT TO OBTAIN A PERMIT OR APPROVAL FROM ANY STATE OR FEDERAL AGENCY AS A CONDITION OF PROCESSING A DEVELOPMENT PERMIT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Escambia County Board of County Commissioners adopted the Escambia County Land Development Code (LDC) on February 23, 1996; and

WHEREAS, Chapter 2012-205, Laws of Florida, which took effect on July 1, 2012, significantly revised the laws governing issuance of development permits; and

WHEREAS, the Board of County Commissioners of Escambia County, Florida, finds that it is appropriate to amend its Land Development Code consistent with Chapter 2012-205, Laws of Florida;

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

Section 1. Purpose.

The purpose of this ordinance is to amend the Escambia County Land Development Code consistent with Chapter 2012-205, Laws of Florida, removing references from the LDC requiring an applicant to obtain a permit or approval from any state or federal agency as a condition of processing a development permit.

Section 2. Land Development Code Amendment.

The Escambia County Land Development Code is amended as shown in the attached Exhibit A (additions are underlined and deletions are ~~struck through~~).

Section 3. Severability.

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

1
2 **Section 4. Inclusion in the code.**
3

4 The Board of County Commissioners intends that the provisions of this ordinance
5 will be codified as required by F.S. § 125.68 (2011); and that the sections of this
6 ordinance may be renumbered or re-lettered and the word "ordinance" may be changed
7 to "section," "article," or such other appropriate word of phrase in order to accomplish its
8 intentions.
9

10 **Section 5. Effective date.**
11

12 This Ordinance shall become effective upon filing with the Department of State.
13

14
15 DONE AND ENACTED this ____ day of _____, 2012.
16

17 BOARD OF COUNTY COMMISSIONERS
18 ESCAMBIA COUNTY, FLORIDA
19

20
21 By: _____

22 ATTEST: Ernie Lee Magaha
23 Clerk of the Circuit Court
24

Wilson B. Robertson, Chairman

25 By: _____
26 Deputy Clerk

Date Executed: _____

27
28 (SEAL)
29

30 ENACTED:

31
32 FILED WITH THE DEPARTMENT OF STATE:
33

34 EFFECTIVE DATE:
35

36
37 ATTACHMENTS: Articles 2, 4, 7 and 12, Escambia County Land Development Code

1 2.02.02. *Issuance of permits.* The county administrator, or his designee, is hereby authorized to issue
2 permits for development when such development conforms to the requirements of this Code. However,
3 anytime this Code or other duly adopted regulations require approvals by local boards, agencies, or
4 organizations prior to county approval, including but not limited to the Santa Rosa Island Authority, the
5 LPA, the BOA or the BCC, such approvals shall be evidenced to the county in advance of the issuance of
6 the requested permit. This section shall not be interpreted as prohibiting conditional approvals of
7 preliminary subdivision plats, site plans, master plans or other similar plans or proposals requiring state
8 or federal permits. ~~However, no development activity may commence in areas regulated by state and~~
9 ~~federal agencies unless all required state and federal permits have been obtained and copies provided~~
10 ~~to the county administrator or his/her designee. At the applicant's risk, when permits are acquired by~~
11 ~~default, they are considered to be obtained. However, nothing in this section shall relieve the developer~~
12 ~~of the obligation to present the county with a copy of the final state and federal permits when they are~~
13 ~~eventually received or required.~~ However, for any development permit application filed with the
14 county, the county may not require as a condition of processing or issuing a development permit that an
15 applicant obtain a permit or approval from any state or federal agency unless the agency has issued a
16 final agency action that denies the federal or state permit before the county action on the local
17 development permit. Issuance of a development permit by the county does not in any way create any
18 rights in the part of the applicant to obtain a permit from a state or federal agency and does not create
19 any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite
20 approvals or fulfill the obligations imposed by the state or federal agency or undertakes actions that
21 result in a violation of state or federal law.

22 2.13.02. *Development plan review.* For all development plans requiring review and approval through
23 the development review committee as prescribed in article 4, the procedures and requirements of this
24 subsection shall be followed. The level of final approving authority and extent of required public notice
25 may vary among development plan types according to plan complexity, impact upon adjoining property
26 or public systems, or other factors affecting sufficiency of review or public participation. Where the
27 procedures of this subsection may differ with provisions of article 4, these procedures shall govern.

28 A. *Application.* All requests for review and approval of development plans through the DRC
29 shall be submitted in application, together with the prescribed application forms, documents,
30 and fees, to the planning and zoning department (the department) according to its established
31 submittal checklists, procedures, and schedules. If the department determines through an initial
32 completeness review that the application submittal does not contain the prescribed items, or
33 review fees are not paid, the application shall not be accepted. Accepted submittals shall be
34 distributed to reviewing departments for subsequent staff evaluation, and the department shall
35 establish an application submittal deadline as the basis for timely completion of such
36 evaluation.

37 1. *Plan requirements.* Clarity of presentation and documentation of compliance with
38 the requirements of the Code and Comprehensive Plan shall be the principal
39 requirement of development plans.

40 a. *Content and format.* A development plan shall accurately and legibly
41 provide the information required by the provisions of the Code as applicable to
42 the plan type, and according to the formats established by the reviewing
43 departments for such plans.

44 b. *Certification.* All required engineering designs shall be prepared by a
45 professional engineer licensed in the State of Florida pursuant to F.S. chs. 471
46 and 472, as amended. Additionally, such designs shall require an appropriate
47 seal and signature on the subject plans.

48 2. *Application forms and authorizations.* Development plan review application
49 submittals shall utilize the forms prescribed by the department and include proof of
50 current site ownership. A developer other than the current owner shall provide proof of
51 owner authorization through an executed sales agreement or similar documentation.
52 Additionally, if a person other than the developer executes the plan review application,
53 a written power of attorney or agent's affidavit authorizing that person to sign the
54 application shall be attached. Copies of plan application forms and application submittal
55 checklists shall be available directly from the department or via the Internet through
56 links at the Escambia County home page.

57 3. *Application fees.* Fees in amounts specified by the board of county commissioners
58 shall be required for development plan review and shall be provided by the applicant at
59 the time of application submittal. A schedule of such fees shall be maintained in the
60 department.

61 4. *Effective period of application.* A development plan application shall be valid for a
62 period of one year from the initial date of submittal to the county. An application shall
63 automatically expire and become null and void if, within the effective period, the
64 applicant has not submitted to the department a final plan resolving any remaining
65 review issues, or a written request for a final determination on the application.
66 However, upon written request and documentation by an applicant that resolution of
67 identified review issues is continuing in good faith, the department may, in writing,
68 grant one 6-month extension to an application's effective period. These provisions shall
69 apply to all pending applications, regardless of the date of submittal.

70 5. *Reapplication.* If the final determination of a development plan application
71 submittal is denial, or the application has expired, and if the applicant chooses to
72 proceed with development review, a new application shall be submitted for review and
73 approval subject to the Code and Comprehensive Plan provisions, fees, and schedules in
74 effect at the time of the new application.

75 B. *Public notification.* Specific public notification requirements may vary by development plan
76 type as prescribed in article 4, but meetings of the DRC shall be noticed in advance through legal
77 advertisements published in a local newspaper of general circulation. Meeting agendas shall be

78 available from the department and through the Internet on the Escambia County home page at
79 least two days prior to the meetings. Development plans requiring a subsequent review and
80 final determination by the planning board and/or the BCC shall provide public notification
81 consistent with the established procedures for such review.

82 C. *Plan review criteria.* The principle issues considered during development plan review and
83 approval are outlined herein. However, applicability varies among plan types, and to avoid
84 potential plan resubmittal and additional review fees, applicants shall refer to the specific
85 requirements and standards within the Code and Comprehensive Plan and substantially resolve
86 issues identified therein before plan application is made. If uncertainty exists, the applicant shall
87 seek clarification from appropriate county staff through individual contact or a scheduled
88 preapplication conference with technical plan reviewers. In applying the provisions of the Code,
89 said provisions shall be considered minimum provisions.

90 1. *Location and land use.* The provisions of the established zoning districts, future land
91 use categories, and special overlays or zones shall collectively be the principal guide in
92 determining the conformance of a proposed use within a specific site. These provisions
93 include, but are not limited to, intent and purpose of a district, category, overlay and/or
94 zone; residential density and/or intensity of nonresidential development; permitted,
95 prohibited, and conditional uses; and minimum lot area and/or width, minimum yards,
96 maximum impervious cover, and other site and building requirements. Primary
97 references include articles 6, 7, 11, 12, and 13 of the Code and chapter 7 of the
98 Comprehensive Plan.

99 2. *Concurrency and provision of adequate public services.* Stormwater drainage,
100 sanitary sewer, potable water, mass transit, solid waste, recreation and open space, and
101 traffic have established level of service (LOS) standards that shall be maintained
102 concurrently with a development's impacts on those systems, facilities, and services. In
103 addition to improvements necessary to maintain LOS standards, fire protection and
104 other infrastructure needs shall be addressed. Primary references include articles 5 and
105 7 of the Code.

106 3. *Streets, access, internal circulation, and parking.* Streets, driveways, and areas for
107 the internal circulation and parking of vehicles shall be located, designed, and controlled
108 so as to provide for safe and convenient access from adjoining streets and
109 accommodation of on site needs. Among factors to be considered are the character and
110 location of existing and proposed streets, driveways, and drive aisles; the number, size,
111 arrangement, and accessibility of parking stalls, loading areas, and pedestrian accesses;
112 and the means of access to buildings for fire-fighting apparatus and other emergency
113 vehicles. Primary references include articles 4 and 7 of the Code.

114 4. *Stormwater management.* On-site facilities shall be provided to limit stormwater
115 run-off volumes, rates, and timing from proposed development to that which would

116 have been expected from the development site under natural or predeveloped
117 conditions for critical duration design storms. The site drainage plan shall include
118 practical means of reducing the amount of pollution generated by the project to a level
119 compatible with current Florida water quality standards. The plan shall also document
120 maintenance of drainage facilities. All stormwater management plans shall be designed,
121 signed, and sealed by a Florida licensed professional engineer and approved by the
122 county engineer. Additionally, construction in flood prone areas shall comply with
123 county flood hazard prevention regulations. Primary references include articles 7 and 10
124 of the Code.

125 5. *Landscaping, open space, off-site impacts, and signs.* Landscaping shall be addressed
126 as applicable so as to utilize existing trees and other vegetation, limit stormwater run-
127 off, prevent erosion, buffer between certain adjoining uses, and for other purposes
128 established by the Code. Open space shall be provided so as to allow adequate light and
129 air, facilitate surface water drainage and aquifer recharge, provide sufficient separation
130 between buildings, uses, and site boundaries, and for other purposes established by the
131 Code. In addition to landscaping and open space, structural screening or enclosure of
132 materials and/or activities may be required to limit off-site impacts. Typical sign
133 limitations include height, area, location, and quantity. Primary references include
134 articles 7 and 8 of the Code.

135 6. *Wetland, aquifer, and other environmental impacts.* Adverse impacts to wetlands
136 and other environmentally sensitive lands shall be avoided or otherwise minimized, and
137 shall be mitigated when avoidance cannot be achieved through development
138 modifications. The presence on site of facilities or materials that may endanger the sand
139 and gravel aquifer or impair public potable water supply wells are limited or prohibited,
140 and shall be addressed as applicable. For sites on Santa Rosa Island or Perdido Key, the
141 prohibition of importation, transfer, and use of materials discoloring to barrier island
142 white sands shall be addressed. Primary references include articles 7 and 12 of the Code
143 and chapter 11 of the Comprehensive Plan.

144 7. *Other reviews, approvals and determinations.* Various uses, conditions, or
145 characteristics of proposed development may require documentation of other approvals
146 or determinations. As prescribed in article 4, a development plan may require a
147 preapplication conference with technical review staff and/or master plan review and
148 approval through the DRC. Additional nonDRC county administrative approvals, as
149 described within this article, may also be required; including, but not limited to,
150 variance, conditional use, rezoning, and Comprehensive Plan amendment. ~~Other~~
151 ~~noncounty approvals may include, but are not limited to, stormwater discharge,~~
152 ~~wetland fill, and access to state rights-of-way.~~

153

1 4.02.05. *Preliminary plat and construction plans.*

2 A. *Application procedure.* The applicant shall file with the department a written application for
3 approval of the preliminary plat and construction plans, together with three copies of the
4 preliminary plat and construction plans and other information indicated on the preliminary plat and
5 construction plans approval checklist package available through the planning and zoning
6 department.

7 1. *Department.* Within 30 working days of receipt of a preliminary plat and construction
8 plans submittal, the planning and zoning department shall determine whether the preliminary
9 plat and construction plans submittal is complete and inform the applicant in writing of any
10 deficiencies. The applicant may submit an amended preliminary plat and construction plans
11 submittal within six months without payment of an additional fee. If more than six months
12 have elapsed the applicant must thereafter initiate a new application and pay a new fee.

13 2. *Division manager, development services.* The division manager, development services shall
14 review the preliminary plat and construction plans submittal and shall transmit the division
15 manager, development services' recommended approval, conditional approval, or disapproval
16 to the DRC within 30 working days of the determination that the submittal is complete. The
17 applicant shall have the option of appealing the decision of the division manager, development
18 services pursuant to the provisions of section 2.04.00 of this Code.

19 3. *Development review committee (DRC).* The department shall then transmit a copy of the
20 preliminary plat and construction plans submittal to the DRC. The DRC shall review the plat,
21 including the construction plans, and recommendation of the division manager, development
22 services within ten working days. The DRC shall determine whether the submittal warrants
23 approval, conditional approval or denial and in the case of an approval or conditional approval
24 shall issue a development order for the preliminary plat and construction plans.

25 B. *Submission requirements.* The submission requirements for preliminary plats and construction
26 plans shall be as set forth separately, below. The preliminary plat shall include the information
27 listed in this subsection. The preliminary plat shall be signed and sealed by a State of Florida
28 licensed professional engineer. Notes should be used whenever possible on the preliminary plat to
29 explain, verify or identify additional information that is important to the understanding of the site
30 and the plan for development. All property being subdivided shall have the appropriate zoning and
31 future land use map designation for the land uses and densities being proposed.

32 As a minimum, the preliminary plat package shall include:

33 1. A vicinity map of the area at a minimum scale of 400 feet to the inch, showing all adjacent
34 existing subdivisions (including names and recording data), the tract lines of acreage parcels of
35 land, all street and alley lines immediately adjoining the proposed subdivision, and between it
36 and the nearest highway or thoroughfare, public facilities, and jurisdictional boundary lines.

- 37 2. A minimum horizontal scale of 100 feet to the inch.
- 38 3. The name of the proposed subdivision.
- 39 4. A legal description of the property, referenced to the section, township and range, as
40 applicable. If in a land grant, the preliminary plat will so state. The initial point in the
41 description shall be tied to the nearest government corner or other recorded and well-
42 established corner. Section lines and 40-acre section lines occurring in the platted land shall be
43 indicated by lines drawn upon the preliminary plat, with appropriate notes.
- 44 5. A survey, signed and sealed by a registered land surveyor, accurate in scale of the property
45 to be subdivided. Recording or survey discrepancies of adjoining or referenced tracts shall be
46 shown in detail.
- 47 6. The future land use map designation; zoning and development characteristics surrounding
48 the site.
- 49 7. The existing zoning of the site, the proposed minimum lot size, the proposed residential,
50 commercial and industrial land use type(s) and the residential density.
- 51 8. The names of all abutting subdivisions and the location of adjoining platted lots and parcel
52 lines within 100 feet of the subdivision (if unplatted, so state).
- 53 9. The existing utility and surface water management system, easements and improvements,
54 including buildings located on the tract.
- 55 10. The lot design, including:
- 56 a. Total number of lots and/or blocks.
- 57 b. Lots, drawn to scale, and typical lot dimensions.
- 58 c. Tracts for multifamily development.
- 59 d. Setbacks from streets and highways.
- 60 11. Approximate phasing of the project, if applicable.
- 61 12. The location of all sites for multifamily, commercial, industrial, utility, institutional or
62 recreational uses and other public, semi-public and private uses exclusive of single-family
63 residential lots.
- 64 13. Physical/environmental conditions, including:
- 65 a. Existing contours at one-foot intervals or as required by county engineer referenced to
66 NGVD datum.

67 b. Identification of on-site soils using the USDA Soil Classification System. A licensed
68 professional engineer or professional geologist shall determine the anticipated wet
69 season water table.

70 c. The location, depth and extent of all soils defined as unsuitable or nonrated for
71 development where development is proposed to encroach into areas containing such
72 soils.

73 d. Identification of all protected threatened and endangered species habitat and
74 environmentally sensitive lands governed by state, local, and/or federal regulations; state,
75 local, and federal wetland jurisdictional boundaries including date of wetland delineation;
76 all identified conservation areas which are to be retained and noted as a "conservation
77 easement."

78 e. One hundred-year flood elevation data for all developments as indicated on the flood
79 insurance rate map (FIRM), dated August 19, 1987, or latest revision, prepared by the
80 Federal Emergency Management Agency unless a naturally running watercourse is
81 located within the development and the watercourse is used for stormwater storage or is
82 otherwise diverted or dammed, then the calculated 100-year flood elevations must be
83 indicated on the plan.

84 f. Protected and/or preserved trees for those projects required to identify such trees.

85 14. Existing and required (proposed) improvements including the following:

86 a. Name, location and right-of-way width of all existing streets noting roadway surface
87 (paved, clay, shell, etc.), rights-of-way and platted streets within 500 feet of the proposed
88 entrance(s) of the proposed subdivision.

89 b. Proposed streets, including:

90 i. Name or temporary designation and right-of-way width;

91 ii. Where applicable, typical design cross section indicating pavement type, width,
92 surface water management features, sewers and water main location and
93 sidewalk/bikeways or other labor intensive facilities. Separate cross sections for all
94 entrance roads featuring medians, with a note explaining maintenance and
95 ownership responsibility;

96 c. Note explaining any proposed vacation of rights-of-way.

97 15. Proposed method and source of water supply and wastewater disposal. The developer
98 shall show the points of connection to the existing systems.

99 16. The stormwater management plan with a schematic diagram of the proposed stormwater
100 collection system, method of pollution/erosion control and stormwater retention/detention

101 with preliminary calculations as to pond sizing if ponds are preferred or required. The
102 direction of flow for all surface drainage and existing storm sewers on or abutting the tract.
103 Stormwater retention/detention areas so designated on the plat and proposed ownership.
104 ~~Runoff and sedimentation shall be controlled in accordance with the provisions of this Code,~~
105 ~~and other applicable county, state and federal laws, rules or regulations. Additionally, all~~
106 ~~stormwater management plans shall meet the following adopted level of service standards:~~

- 107 a. Retention of the first half-inch of runoff; and
- 108 b. Postdevelopment runoff shall not exceed the predevelopment runoff rate for a 25-
109 year storm of critical duration, up to and including an event with a 24-hour duration.
- 110 ~~c. Design, performance, applicability and other standards shall be consistent with the~~
111 ~~provisions of F.A.C. ch. 17-25, as amended, and F.A.C. 17-3.02, as amended, and as~~
112 ~~required by section 7.15.00 of this Code.~~

113 17. Proposed shoreline vegetation alteration shall be indicated.

114 18. Location, width, purpose and maintenance responsibilities for all proposed easements,
115 facilities, or rights-of-way other than for streets.

116 19. Compliance with the comprehensive plan and other relevant provisions of this Code.

117 20. Copies of any proposed covenants and restrictions relevant to the preliminary plat for a
118 subdivision, including the following:

- 119 a. Deed restrictions.
- 120 b. Operation and maintenance responsibilities for stormwater/drainage facilities,
121 including any required dedications.
- 122 c. Maintenance responsibilities for conservation easements or environmentally sensitive
123 areas.
- 124 d. Maintenance responsibilities for any private streets or infrastructure.
- 125 e. Property owner association documents, by whatever name called.
- 126 f. Any other documentation or information necessary for a complete understanding of
127 the provisions, terms or conditions (expressed or implied) on the preliminary plat.

128 21. A list and description of all variances from this article and this Code granted by the BOA
129 for the subdivision.

130 22. All plats for lands which contain coastal properties as defined herein shall be submitted
131 with a certified boundary survey showing the mean high water line as defined by F.S. ch. 177,
132 pt. II, "Coastal Mapping" and be prepared by a licensed professional surveyor or mapper. The

133 survey procedure used to determine the mean high water line must be approved by the
134 department of environmental protection, bureau of surveying and mapping.

135 C. *Effective period of preliminary plat and construction plans approval.* The preliminary plat and
136 construction plans shall be effective for a period of two years from the date that the preliminary
137 plat is approved by the county, at the end of which time the applicant must have submitted a final
138 plat for approval. If the final plat is not submitted for approval within the two-year period, the
139 preliminary plat and construction plans approval shall be null and void, and the applicant shall be
140 required to resubmit a new preliminary plat and construction plans for review subject to the then
141 existing land development regulations. However, an applicant may request a one-time 12-month
142 extension from the director of planning and zoning. The director may grant the extension if good
143 cause is shown for needing the additional time. Good cause could include the size or scale of the
144 project or circumstances beyond the applicant's control such as an act of God or labor shortage.

145

146 4.02.06. *Construction plans.* The plans shall be reviewed by the division manager, development services
147 and approved/disapproved within 30 working days. Construction plans shall be prepared for required
148 improvements with the following minimum requirements:

149 A. Horizontal control of the subdivision with radii of curves, lengths of tangents, and central angles
150 of streets.

151 B. A minimum of two benchmarks shall be shown on the plans, not more than 1,500 feet apart.
152 Benchmarks shall not be required at closer intervals than 600 feet. Plans shall indicate the location,
153 elevation and description of all benchmarks to include section, township, and range reference with
154 departures and distances to location.

155 C. Plans and profiles of each proposed street, including private streets, at a horizontal scale of 50
156 feet or less to the inch, and vertical scale of five feet or less to the inch, with tentative grades
157 indicated; including plans and profiles of proposed sanitary sewers, also stormwater sewers if
158 required, or use of grassed swales with grades and sizes indicated.

159 D. A complete grading and erosion control plan shall be submitted to the division manager,
160 development services as part of the construction plans. The plan shall indicate the proposed
161 direction of flow of the area within the subdivision not a part of the infrastructure. This can be
162 accomplished with flow directional arrows. This information shall be included on the site plans
163 associated with the building permit application for lots within the respective subdivision. Minimum
164 finished habitable floor elevation (excluding basements) shall be eight inches above the finished
165 grade of the lot. If no sod is installed, elevation shall be ten inches above the finished grade of the
166 lot. Finished grade shall be sloped from the foundation 2 1/2 inches within ten feet or less including
167 sidewalks, patios and driveways and then sloped, at a minimum one-sixteenth inch per foot to a
168 positive outfall. A positive outfall for a lot within a subdivision approved since April 1973 shall be
169 defined as the drainage system filed and approved by Escambia County. A positive outfall for all

170 other lots or parcels shall be to an existing county or state drainage system. Treated stormwater
171 may be discharged into surface water bodies; however, channeling untreated runoff directly into
172 water bodies or functioning wetlands is prohibited.

173 E. A plan showing the location and typical cross sections of street pavements including concrete
174 curbing, sidewalks, bikeways, utility and drainage easements, rights-of-way, manholes, and catch
175 basins; the location, size and invert elevations of existing and proposed wastewater sewers and
176 storm sewers and the location and size of existing and proposed water, gas, and other underground
177 utilities or structures mains.

178 F. All technical specifications and requirements described in article 7 of this Code, including a
179 stormwater management plan and all relevant technical construction specifications contained
180 within the county specifications manual as approved and periodically updated by the division
181 manager, development services. Drainage calculations and plans shall be based on the level of
182 service requirements established within this Code and the comprehensive plan. The plans shall
183 include all necessary calculations and documentation demonstrating the adequacy of the existing
184 and proposed facilities. The division manager, development services shall require that the design of
185 drainage construction for major channels or under arterial and collector roads be predicated upon,
186 and designed to control stormwater from, at least a 100-year storm event. The facilities shall be
187 designed for a 25-year storm event (See section 7.15.00). Compliance with rules and regulations of
188 state and federal regulatory agencies, including, but not limited to the Florida Department of
189 Environmental Protection, Florida Department of Transportation, United States Environmental
190 Protection Agency and the U.S. Corps of Engineers is the responsibility of the developer and/or his
191 licensed professional engineer, ~~and proof of such compliance must be submitted prior to the~~
192 ~~approval of the construction plans.~~

193 G. All construction plans and supporting documents submitted to the division manager,
194 development services for review and approval shall bear the date, seal and signature of the
195 engineer-of-record responsible for the design.

1 **7.08.00. Marine/estuarine/riverine setback.**

2 A. *Intent.* Escambia County recognizes the importance of wetlands and areas of water-land interface
3 in maintaining a healthy environment. The integrity of these sensitive areas will be protected by
4 requiring shorelines to be retained in their natural state along the banks of all marine, estuarine,
5 and riverine systems to the extent possible. This section is established to attain the following
6 objectives:

- 7 1. Prevent and/or reduce erosion;
- 8 2. Trap the sediment in overland runoff;
- 9 3. Protect indigenous wetlands and estuarine flora, fauna, and habitat; and
- 10 4. Retain and enhance physical and visual aesthetics of riverine and estuarine systems.

11 B. *Construction setback standards.* With the exception of bulkheads, gazebos, docks, walkways,
12 piers, and boathouses, in areas containing marine, estuarine, or riverine systems there shall be no
13 new construction between mean sea level (M.S.L.) established by the National Geodetic Vertical
14 Datum of 1929 and an elevation of plus (+) 1.5 feet, or within a minimum of 30 feet from the
15 mean or ordinary high tide, whichever is greater. These restrictions apply to all the
16 unincorporated areas of Escambia County under the jurisdiction of the BCC which front on or are
17 contiguous to the waters of Escambia Bay, Pensacola Bay, Perdido Bay, Big Lagoon, Old River,
18 Bayou Grande, Bayou Chico, Santa Rosa Sound and including all rivers and waterways within the
19 unincorporated areas of the county. ~~All applicable federal and state permits shall be obtained
20 prior to issuance of a land use certificate and the issuance of said permits shall be deemed full
21 satisfaction of the terms of this section provided such permit addresses all relevant items in this
22 section.~~

23 C. *Exceptions.* The following exceptions to the marine/estuarine/riverine setback (MERS) line are
24 provided:

25 ~~1. *Landward wetlands.* If the possibility exists that significant wetlands extend landward of the
26 MERS line, as determined from either a department of the Interior Wetlands Inventory map or
27 a copy of the most current Federal Emergency Management Agency Floodway Flood Boundary
28 and Floodway Map, the applicant will be required to provide the county with documentation
29 showing approval from the Florida Department of Environmental Protection (DEP) and/or
30 Army Corps of Engineers before a land use certificate is issued.~~

31 ~~2. *Waterward exception.* If the applicant requests siting of a structure or conducting an activity
32 prohibited by this article waterward of the MERS line by no more than 15 feet and no
33 wetlands or highly eroding lands are present between the MERS line and the water's edge, as
34 determined by a wetlands inventory map or a copy of the most current Federal Emergency
35 Management Agency Floodway Flood Boundary and Floodway Map or an on-site inspection,
36 the applicant will be required to provide the county with documentation showing approval
37 from the Florida Department of Environmental Protection (DEP)/Army Corps of Engineers
38 before a land use certificate is issued.~~

39 D. *Shoreline protection.* The use of natural means, i.e., vegetation and beach renourishment, shall be
40 used to stabilize erosion prone areas and shall be designed and implemented in accordance with
41 sound environmental and engineering practice. Natural erosion control methods create a buffer

42 zone providing for a greater chance of natural recovery, the normal progress of natural processes,
43 and the entrapment of sediment laden waters.

44 1. *Vegetation.* The vegetation used in erosion control methods shall be those indigenous to the
45 region.

46 2. *Grading.* Site grading, excavating or other activities which significantly disturb the property
47 shall be allowed waterward of the MERS line only if it is consistent with the intent of this
48 Code.

49 3. *Structure location.* Applicants are encouraged to place all structures, except those which are
50 water dependent, as far landward of the MERS line as practical.

51 E. *Seawalls.* Rigid shore protection structures shall not be permitted waterward of the mean high
52 water line except as herein authorized. The use of rigid shore protection structures may cause
53 significant environmental impacts. These impacts can result in increased overland runoff, loss of
54 valuable topsoil, increased water turbidity, loss of wildlife habitat, and the loss of the natural
55 amenity associated with shoreline areas.

56 F. *Repair.* The repair of an existing functional shore protection structure shall be exempted from the
57 setback of this article. Prior to the repair of any shore protection structure, the property owner
58 must notify the county of the intended work, the extent of the work contemplated, notify all
59 appropriate state and federal agencies, and meet all state and federal regulations.

60 G. *Beach access.* Beach accesses shall be maintained to the greatest extent practical.

61 H. *Emergencies.*

62 1. This article shall not be construed to prevent the doing of any act necessary to prevent
63 material harm to or the destruction of real or personal property as a result of a present
64 emergency (as defined by F.A.C. ch. 16B-33), under those circumstances the necessity of
65 obtaining a permit is impractical and would cause undue hardship in the protection of life and
66 property.

67 2. A report of any such emergency action shall be made to the director or division manager,
68 development services by the owner or person in control of the property upon which
69 emergency action was taken as soon as practicable, but no more than ten calendar days
70 following such action. Remedial action may be required by the director or division manager,
71 development services to assure lands are put back to the status quo subject to appeal to BCC
72 in the event of a dispute.

73 (Ord. No. 2007-60, § 4, 10-4-2007)

74 **Cross references:** Waterways, pt. I, ch. 102.

75

76 **7.09.00. Mobile homes.**

77 A. *Mobile homes on individual lots.* When a mobile home is permitted for residential use in any
78 district, such mobile home shall meet all minimum requirements for a single-family residence in
79 said district. A mobile home shall not be stored or parked on any public street or alley within any
80 residential district. NOTE: Except for emergency situations, as determined by the SIRA or BCC,
81 mobile homes are not permitted anywhere on Pensacola Beach or Perdido Key.

82 B. *Mobile home as guest residence.* A guest residence of not more than one per dwelling unit (d.u.)
83 per lot may be authorized as a conditional use in the districts within which mobile homes are
84 allowed as guest residences (i.e., R-3) provided that the following criteria are met:

- 85 1. *Principal residence.* The applicant must reside in the principal residence on the lot, parcel,
86 tract, where the mobile home(s) as guests residences are requested;
- 87 2. *Minimum lot size.* The lot, parcel or tract must contain at least two acres in order for two
88 mobile homes to be utilized as guests residences; otherwise, only one mobile home will be
89 allowed as a guest residence. NOTE: No more than two mobile homes may be used for guest
90 residences regardless of the size of the parcel in excess of two acres;
- 91 3. *Facade.* The mobile home(s) must be of a similar or simulated exterior finish material that is in
92 general keeping with the principal residence and the neighborhood;
- 93 4. *Installation.* The mobile home(s) must be completely skirted, tied down and meet all other
94 building, safety and sanitary code requirements of the county;
- 95 5. *Setbacks.* The mobile home(s) must meet all other zoning setbacks and requirements;
- 96 6. *Site plan.* The applicant must submit a scaled site plan showing conformance with this section;
97 and
- 98 7. *Other uses.* Under no circumstances will the applicant be allowed to utilize the mobile home
99 for any use other than a guest residence.

100 C. *Mobile home parks.* A mobile home park shall have a minimum of five mobile home spaces. No
101 space may be occupied until five spaces are completed and ready for occupancy. In addition to
102 compliance with applicable state statutes and administrative rules for mobile home parks, the
103 following standards shall apply to all mobile home parks:

- 104 ~~1. *State permits.* All necessary State of Florida permits, certificates and approvals for~~
105 ~~development and operation of a proposed mobile home park shall be obtained prior to a~~
106 ~~request for a land use certificate for that development.~~
- 107 21. *Site plan.* An application for a land use certificate to develop a mobile home park shall be
108 accompanied by a site plan drawn to scale, prepared by a registered land surveyor or
109 professional engineer showing:
 - 110 a. Location and legal description of the proposed mobile home park, name and address of
111 owner and owners of adjacent tracts;
 - 112 b. Motor vehicle entry and exits, internal traffic circulation patterns and off-street parking;
 - 113 c. Location and size of all mobile home spaces, tenant storage facilities, improvements,
114 drainage structures, and facilities proposed for construction;
 - 115 d. Location and details of perimeter walls, fences, hedges and landscaping;
 - 116 e. The mobile home(s) must be completely skirted, tied down and meet all other building,
117 safety and sanitary code requirements of the county; and
 - 118 f. That the proposed mobile home park complies with other site plan requirements (see
119 article 4).

120 D. *Mobile home subdivisions.* The proposed mobile home subdivision shall comply with all
121 regulations pertaining to site and building requirements for the district containing the proposed

122 subdivision, except minimum lot area, if sewerred, may be 4,000 square feet. Mobile home
123 subdivisions shall comply with the current subdivision regulations.

124 (Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2001-52, § 2, 9-20-2001)

125 **7.13.00. Wetlands and environmentally sensitive lands.**

126 **7.13.01. Findings and purpose.** The Escambia County Board of County Commissioners (hereinafter
127 "board") finds that wetlands and environmentally sensitive lands are indispensable and fragile resources
128 that provide many public benefits including maintenance of surface and groundwater quality through
129 nutrient cycling and sediment trapping, as well as flood and stormwater runoff control through
130 temporary water storage, slow release, and groundwater recharge. In addition, wetlands and
131 environmentally sensitive lands provide open space; passive outdoor recreation, education, and
132 scientific study opportunities; critical wildlife habitat for fish, amphibians, reptiles, migratory waterfowl,
133 and rare, threatened or endangered animal and plant species; and pollution treatment by serving as
134 biological and chemical oxidation basins.

135 A considerable number of these important natural resources in Escambia County have been lost or
136 impaired by draining, dredging, filling, excavating, building, pollution, and other acts. Preservation of the
137 remaining Escambia County wetlands and environmentally sensitive lands in a natural condition shall be
138 and is necessary to maintain hydrological, economic, recreational, and aesthetic natural resource values
139 for existing and future residents of Escambia County. Therefore, the board desires to achieve a long-
140 term goal of net gain of wetlands and environmentally sensitive lands to be accomplished through
141 review of degraded or destroyed wetlands and environmentally sensitive lands in Escambia County, and
142 through cooperative work with landowners, using incentives and agreements to restore and purchase
143 wetlands and environmentally sensitive lands.

144 To achieve these goals, it is therefore necessary for the board to ensure maximum protection for
145 wetlands and environmentally sensitive lands by discouraging development activities that may adversely
146 affect wetlands and environmentally sensitive lands, while encouraging development activities which
147 avoid and minimize adverse impacts to wetlands and environmentally sensitive lands.

148 The purpose of this section is to promote wetland and environmentally sensitive land protection, while
149 taking into account varying ecological, economic development, recreational, and aesthetic values.
150 Activities that may damage wetlands or environmentally sensitive lands should be located on upland
151 sites to the greatest degree practicable as determined through a permitting process. The objective of
152 this ordinance is to protect wetlands and environmentally sensitive lands from alterations that will
153 adversely impact or reduce their primary functions for water quality improvement, floodplain and
154 erosion control, groundwater recharge, educational and aesthetic nature, and wildlife habitat, especially
155 for species listed as threatened, endangered, or of special concern by local, state or federal agencies.
156 Provided that when insufficient uplands exist for construction of one single-family dwelling unit on a lot
157 of record less than five acres in size, applications for a building permit shall be exempt from the wetland
158 review and permitting requirements of this ordinance, provided the total area of dredging or filling in
159 wetlands for the residence and associated residential improvements shall not exceed 4,000 square feet,
160 and the total area of clearing in wetlands (including the dredging and filling for the residence and
161 associated residential improvements) shall not exceed 6,000 square feet on the contiguous property
162 owned by the applicant. The board of county commissioners may also exempt utilities when necessary.

163 **7.13.02. Identification of wetlands and environmentally sensitive lands threatened and endangered**
164 **species habitat.** The applicant for development approval shall utilize the National Wetlands Inventory
165 Map and the Escambia County Soils Survey, FF&WCC-LANDSAT Imagery, the Escambia County

166 Geographic Information System, or other reliable information, to determine if the site has potential for
167 containing wetlands or threatened and endangered species habitat. If the potential exists, a site specific
168 survey shall be conducted, and such survey will include in the delineation all such wetlands and
169 threatened and endangered species habitat on the subject parcel. All site-specific surveys shall be
170 conducted and completed by the applicant, and approved by the division manager, development
171 services in accordance with the State of Florida wetland delineation method as set forth in F.S. §
172 373.042 and F.A.C. § 62-340.300. Such determination shall be used to determine the buildable area of
173 the parcel or lot. No development permit may be issued without acceptable mitigation if the permitted
174 activities would threaten the life or habitat of any threatened or endangered species listed by state,
175 local, or federal agencies.

176 **7.13.03. Protection standards.** As a minimum, the following performance standards apply to the
177 protection of wetlands and threatened and endangered species. These performance standards shall be
178 achieved through a review and permitting process. ~~No detrimental activities that may cause negative
179 impacts to natural resources shall occur in wetlands or threatened and endangered species habitat until
180 all required federal, state, and local permits have been issued. Where United States Army Corps of
181 Engineers Nationwide Permits (NWP) 14 and 39 are applicable, Escambia County will accept the permit
182 as being issued after verification that the 45-day response period has elapsed, as long as the applicant
183 can provide documentation that a complete application was filed with the Army Corps of Engineers. A
184 complete application is one that provides all the information required under federal law, including a
185 preconstruction notification. Additional protection standards may be promulgated and/or imposed by
186 state or federal regulatory agencies, the director, and/or the board, in the event that it is determined
187 that an additional standard(s) is appropriate and required to protect the functions of the wetlands or
188 sensitive environmental resources:-~~

- 189 A. Untreated runoff channeled directly into water bodies or wetlands is prohibited.
- 190 B. Development and construction techniques shall be compatible with the soil conditions that are
191 specific to the site. If deemed necessary, the director shall require soil borings and tests
192 conducted by a licensed testing facility.
- 193 C. The natural functions of wetlands and threatened and endangered species habitat shall be
194 protected. If a person proposes to impact wetlands or threatened and endangered species
195 habitat, then he or she shall deliver to the county an application which will provide written
196 documentation to demonstrate that impacts to wetlands and threatened and endangered species
197 habitat have been avoided to the maximum extent possible. If impacts are unavoidable, the
198 applicant shall demonstrate that impacts to wetlands and threatened and endangered species
199 habitat have been minimized to the maximum extent possible. If the applicant has demonstrated
200 adequate minimization of unavoidable impacts, then, and only then, the applicant may submit a
201 mitigation plan for review and consideration. Development in wetlands shall not be allowed
202 unless sufficient uplands do not exist to avoid a taking. In this case, development shall be
203 restricted to allow residential density use at a maximum density of one unit per five acres, or to
204 the density established by the future land use map containing the parcel, whichever is more
205 restrictive, or one unit per lot of record as of February 8, 1996, if the lot of record is less than five
206 acres in size. Lots of record do not include contiguous multiple lots under single ownership.
- 207 Mitigation will be allowed only when avoidance of any adverse degradation of the function of
208 wetlands, or threatened and endangered species habitat, during development can not be

209 achieved through modifications to the proposed development such as clustering, vertical
210 development and the like. Mitigation procedures are required in any case where development
211 degrades estuaries, wetlands, bayous, harbors, rivers, surface waters, submerged aquatic
212 vegetation, and threatened and endangered species habitat. Degradation means any
213 modifications, alterations, or effects on waters, wetlands, surface areas, species composition, or
214 usefulness for human or natural uses which are or may potentially be harmful or injurious to
215 human health, welfare, safety or property, to biological productivity, species diversity, or
216 ecosystem stability which unreasonably interferes with the functions and values of natural
217 resources on the property, including outdoor recreation. Degradation shall also include secondary
218 or cumulative impacts to off-site wetlands and threatened and endangered species habitat in the
219 watershed. The minimum 30-foot buffer requirement (section 7.13.03.N) will satisfy the county's
220 secondary impact concerns.

221 Mitigation usually consists of measures which compensate for, or enhance, the aspects of the
222 project that do not otherwise meet permitting criteria or to compensate for unavoidable natural
223 resource losses. It may include purchase, creation, restoration, and/or enhancement of wetlands,
224 performing works or modification that causes a net improvement in water quality or aquatic
225 habitat, or enhancement of the hydrology of wetland areas which have been altered, impounded
226 or drained. Before considering mitigation, all reasonable measures must first be taken to avoid
227 and minimize the adverse impacts to natural resources which otherwise rendered the project
228 unpermissible. Compensatory mitigation, by which wetlands and threatened and endangered
229 species habitat are purchased, created, enhanced and/or restored to compensate for the loss of
230 such lands, should be of the same type, or should replace the same functions and values, as that
231 destroyed or degraded.

232 ~~The applicant for development approval shall submit to the county copies of any applicable local,~~
233 ~~state and federal applications, permits, authorizations, letters of exemption, or statements prior~~
234 ~~to review by the county if activities conducted pursuant to such county issued permit would~~
235 ~~impact any natural resource requiring mitigation under this section. The county's mitigation~~
236 ~~provisions and standards are primary.~~

237 The county shall establish a system for mitigation banking or an in-lieu fee program, to be
238 accepted by the USACOE and the FDEP, whereby the applicant may financially contribute to a fund
239 to purchase or restore wetlands and environmentally sensitive lands. (Ord. No. 97-51, Section 1,
240 10-2-1997)

241 D. The mitigation plan submitted to the county shall provide details of the applicant's creation,
242 restoration, enhancement, and/or preservation intentions to compensate for the unavoidable
243 impacts to wetlands and threatened and endangered species habitat. The mitigation plan shall
244 include provisions for the replacement of the predominant functional values of the lost wetlands
245 and threatened and endangered species habitat. Wetland mitigation plans shall be based on the
246 Uniform Mitigation Assessment Method in F.S. 373.414(18), as amended, and Fla. Admin. Code ch.
247 62-345, as amended.

248 The mitigation plan shall comply with all federal, state, and local laws and regulations. On a case
249 by case basis, the county may require additional mitigation beyond what the USACOE and FDEP
250 require. The mitigation plan will specify the criteria by which success will be measured, the
251 maintenance requirements as specified in section 4.03.04, and it will include a five-year
252 monitoring plan, or provide adequate assurances, such as bonding, to assess and document these
253 success criteria. All mitigation activities shall be completed, or adequate assurances provided,
254 such as bonding, before issuance of a land disturbance permit, before construction plan approval,

255 or before issuance of a building permit. Where there is no practical opportunity for on site
256 mitigation, or when the use of in-lieu fee mitigation is environmentally preferable to on site
257 mitigation, the county will consider a cash in-lieu fee payment to the Escambia County
258 Environmental Lands Trust Fund (ECELTF) to satisfy the requirement for the county's mitigation, if
259 the applicant requests this mitigation option.

260 E. Option for cash payment in lieu of mitigation. The cash in-lieu fee payment shall be based on an
261 assessment of the area(s) to be impacted. The amount of the in-lieu fee payment shall be based
262 on the following criteria:

- 263 1. Reasonable cost estimate of all funds needed to compensate for the impacts to wetlands or
264 threatened and endangered species habitat, including land acquisition and initial physical and
265 biological improvements. Funds collected should ensure the replacement of functions and
266 values of impacted areas, consistent with applicable regulations and permit conditions. The
267 replacement mitigation property purchased by the county should be of the same or better
268 wetland type and quality, or of the same or better threatened and endangered species habitat
269 type and quality, as the impacted site.
- 270 2. The amount of fee in-lieu of mitigation shall be based on a certified property appraiser's
271 compilation and analysis of sales data of sites containing a minimum of 70 percent wetlands in
272 the same watershed (Perdido Bay or Escambia Bay). The appraisal shall be updated every
273 three years by Escambia County.

274 The impacted wetland will be rated, prioritized, and placed into one of three categories
275 according to its quality: high quality, medium quality, or low quality based on results of a
276 habitat assessment through the Uniform Mitigation Assessment Method F.S. § 373.414(18), as
277 amended, and Fla. Admin. Code ch. 62-345, as amended. This assessment will score the
278 wetland from 0--10, 0 being a low quality wetland and 10 being a high quality wetland. If a
279 wetland is rated an 8--10, then it will be rated high quality. If it is rated a 5--7, it will be rated
280 medium quality. If it is rated 0--4, it will result in a wetland being rated low quality. However,
281 presence of threatened or endangered species habitat will automatically rate a wetland as
282 high quality. Medium quality wetlands will be valued at 75 percent of the value of a high
283 quality wetland in the area, and low quality wetlands will be valued at 50 percent of the value
284 of a high quality wetland in the area. The applicant has final determination of use and
285 acceptance of the in-lieu fee for low priority wetlands only.

- 286 3. Pensacola Beach and Perdido Key shall be omitted from the in-lieu fee mitigation option
287 except for impacts to the Perdido Key Beach Mouse and/or associated habitats.

288 [4. Reserved.]

- 289 5. Authority; purpose; scope. Ordinance No. 2006-2 is enacted under authority of Article VII,
290 Section 1(f) of the Constitution of the State of Florida and F.S. ch. 125 for the purpose of
291 providing a mechanism for imposition and collection of a recurring annual assessment for
292 those properties involved in mitigation for Perdido Key Beach Mouse habitat impacts.

293 a. *Short title.* This subsection shall be known as "The Perdido Key Beach Mouse Special
294 Assessment Ordinance," and may be cited as such.

295 b. *Legislative findings.*

- 296 (1) Approximately 240 acres of private property on Perdido Key on which are located
297 primary, secondary and scrub dunes have been identified as habitat for the Perdido
298 Key Beach Mouse.
- 299 (2) Those wishing to commence new development within said 240 acres of Perdido Key
300 Beach Mouse habitat must comply with federal, state and county permitting that
301 includes the option of mitigation for impacts to Perdido Key Beach Mouse habitat.
- 302 (3) Those electing to provide in-lieu fee mitigation for impacts to Perdido Key Beach
303 Mouse habitat will be assessed an annual assessment per unit.
- 304 (4) Those properties responsible for these annual assessments derive a special benefit
305 from the improvements and services provided for by the annual assessments in that
306 they benefit from the conservation and natural resource protection.
- 307 (5) The assessment is fairly and reasonably apportioned among the properties in the
308 PKBM habitat area and is based upon the extent of the impact on the habitat.
- 309 c. *Imposition.* For those new developments or redevelopments on Perdido Key in the
310 approximate 240 acres identified as Perdido Key Beach Mouse (PKBM) habitat that have
311 elected mitigation for habitat impacts shall hereby be assessed an annual, recurring
312 special assessment per unit on the subject site. The amount assessed shall be \$201.00 per
313 new unit as a recurring annual assessment. For purposes of this subsection, "unit" shall
314 mean dwelling unit as defined in Part III, article 3, section 3.00.01 of this Code.
315 Additionally, for purposes of this subsection, "unit" shall also mean any commercial or
316 lodging establishment. In those instances where a commercial establishment has
317 definable delineations of separate ownership, each such division of separate ownership
318 shall be considered a unit.
- 319 d. *Procedure for assessment.* Upon issuance of a certificate of occupancy for any unit subject
320 to this assessment, the neighborhood and environmental services department shall report
321 the subject parcel identification number(s) to the Escambia County Office of Management
322 and Budget to process for collections.
- 323 e. *Method of collection.* Collection shall be by the uniform method of collection provided for
324 by F.S. § 197.3632.
- 325 f. *Duration.* Recurring annual collections shall continue until such time as this subsection is
326 repealed by the board of county commissioners.
- 327 g. *Appeal.* Any property owner assessed this special assessment in error may appeal in
328 writing to the Escambia County Office of Management and Budget.
- 329 F. For those lands identified by the applicant for preservation status, appropriate deed restrictions
330 and/or conservation easements shall be placed on said lands and recorded in the public records of
331 Escambia County. Proof of the recorded deed restriction and/or conservation easement shall be
332 provided to the director before approval of, or as a condition of, the land disturbing permit,
333 development order, or final plat. For conditional approvals, the deed restriction and/or
334 conservation easement shall be recorded within ten days of the conditional approval, and prior to
335 any land disturbing activities.
- 336 G. The ECELTF is hereby created for use in acquiring, restoring, enhancing, managing, and/or
337 monitoring wetlands and threatened and endangered species habitat in Escambia County. The
338 finance director is hereby authorized and directed to establish the ECELTF and to receive and

339 disburse monies in accordance with the provisions of this ordinance. The ECELTF shall receive
340 monies from the following sources:

- 341 1. All revenues collected pursuant to sections 7.13.03.E and 7.13.06.B.
- 342 2. All monies accepted by Escambia County in the form of grants, allocations, donations,
343 contributions, or appropriations for the acquisition, restoration, enhancement, management,
344 mapping, and/or monitoring of wetlands and threatened and endangered species habitat.
- 345 3. All interest generated from the deposit or investment of these monies.

346 H. The ECELTF shall be maintained in trust by the finance director solely for the purposes set forth
347 herein, in a separate and segregated fund of the county that shall not be commingled with other
348 county funds until disbursed for an authorized purpose pursuant to this section. Disbursements
349 from the ECELTF shall only be made for the following purposes:

- 350 1. Acquisition, including by eminent domain, restoration, enhancement, management, mapping,
351 and/or monitoring of wetlands, threatened and endangered species habitat, and conservation
352 easements within Escambia County.
- 353 2. All costs associated with each such acquisition including, but not limited to, appraisals, surveys,
354 title search work, real property taxes, documentary stamps, surtax fees, and other transaction
355 costs.
- 356 3. Costs of administering the activities enumerated in this section.

357 I. Disbursements from the ECELTF for the acquisition of eligible properties shall require approval by
358 the board after a public hearing on the proposed acquisition. A notice of the time and place of said
359 public hearing shall be published in a newspaper of general circulation in Escambia County a
360 minimum of seven days prior to the public hearing. Said notice shall include the location and a
361 brief statement of the reason for the proposed acquisition.

362 J. Applications for a wetlands or threatened and endangered species habitat permit under this
363 ordinance shall be accompanied by a nonrefundable administrative application fee in an amount
364 specified from time to time by the board of county commissioners.

365 K. ~~As part of the application review process, the applicant shall deliver to the county all state and~~
366 ~~federal environmental applications, permits, or letters of exemption.~~ County approvals under this
367 section shall not relieve a person of the need to obtain a permit from the FDEP, the USACOE, the
368 NFWFMD, or other state and federal agencies, if required. Issuance of a permit by the FDEP, the
369 USACOE, the NFWFMD, or other state and federal agencies shall not relieve a person of the need
370 to obtain county approval under this ordinance. The county ~~shall~~ may coordinate and develop
371 memorandums of agreement with state and federal regulatory agencies to avoid redundancy and
372 duplication of effort to the maximum extent possible.

373 L. Development within the 100-year floodplain and floodprone areas shall be governed by article 10
374 or the SRIA Flood Plain Management Regulations contained in article 13, section 13.20.00.

375 M. Stormwater detention and retention shall meet the requirements of the Escambia County
376 Stormwater Management Provisions (see section 7.15.00), and where such areas are located near
377 an estuary or estuarine system, wetlands, or other surface water body, shall be designed so that
378 the shorelines are sinuous rather than straight, so that water/land interfaces are curvilinear and
379 maximize space for growth of littoral vegetation.

- 380 N. Buffers shall be provided consistent with policy 7.A.5.7. in the Escambia County Comprehensive
381 Plan. Buffers shall be created between developments and environmentally sensitive lands,
382 including wetlands. The purpose of the buffer is to protect wetlands and environmentally sensitive
383 lands from the activities and impacts of development. Buffer standards apply as follows:
- 384 1. Buffers shall function to provide protection to wetlands and environmentally sensitive lands
385 from intrusive activities and negative impacts of development such as trespass, pets, visual
386 impacts, vehicles, noise, lights, and stormwater. The negative impacts of the uses upon each
387 other shall be minimized, or preferably, eliminated by the buffer such that the long-term
388 existence and viability of the wetlands and environmentally sensitive lands, including wildlife
389 populations, are not threatened by such impacts and activities. In other words, incompatibility
390 between the uses is eliminated or minimized and the uses may be considered compatible,
391 which means a condition in which land uses or conditions can co-exist in relative proximity to
392 each other in a stable fashion over time such that no use or condition is unduly negatively
393 impacted directly or indirectly by another use or condition.
 - 394 2. The buffer shall be a natural barrier, or a landscaped natural barrier utilizing native vegetation,
395 with a minimum width of 30 feet, and it may be supplemented with fencing or other
396 manmade barriers, so long as the function of the buffer and the intent of this policy is fulfilled.
397 Buffers shall apply to environmentally sensitive lands and those wetlands meeting the
398 definition of wetlands as promulgated by the Florida Department of Environmental Protection
399 in rule 62-340.200 (19) and in accordance with the State of Florida delineation methods as set
400 forth in F.S. § 373.042 and F.A.C. § 62-340.300. Buffers may include those lands between the
401 wetland boundaries defined by the FDEP and the USACOE.
 - 402 3. Development within the required buffer area is considered a secondary impact to wetlands
403 and environmentally sensitive lands. On a case by case basis, unavoidable and minimized
404 impacts to the buffer may be allowed. In this case, acceptable on-site mitigation for the
405 impact shall be required.
 - 406 4. Wet and dry pond discharge structures and associated appurtenances such as rip-rap, bubble-
407 up structures, energy dissipaters, outfall swales, etc. are allowed to intrude into the buffer
408 provided the outfall from the pond provides for overland sheet flow utilizing energy
409 dissipaters or other best management practices to prevent channelized flow and erosion of
410 sediment into the adjacent wetland.
 - 411 5. To provide economic value to the property owner, the buffer zone area that is not included
412 within platted lots may be used in the calculation of preservation mitigation acreage.
 - 413 6. The director of neighborhood and environmental services department, or designee, may grant,
414 under special conditions outlined in the procedural manual for implementation of Wetland
415 Ordinance No. 2001-40, an administrative variance for required buffer, not to exceed 200
416 square feet or ten percent of the total buffer located on the lot, whichever is more restrictive.
- 417 O. Resource extraction in wetlands and threatened and endangered species habitat which can not be
418 restored following the extraction activity shall be prohibited.
- 419 P. Utility companies. Utility company activities that provide service to one single family dwelling unit,
420 or take place within established, utilized easements or previously utilized public road/utility rights
421 of way, are exempt from the provisions of this ordinance. However, such activities conducted in a
422 wetland or other environmentally sensitive land outside of the parameters of an established,
423 utilized easement or previously utilized public road/utility right of way are subject to review under

424 this ordinance. For the purpose of this section pertaining to utility company activities,
425 "established, utilized easements or previously utilized public road/utility rights of way" shall be
426 defined as those existing and containing a utility line prior to the effective date of this ordinance,
427 or those otherwise approved by the county.

428 Q. Silvicultural operations, on land classified as bona fide agricultural land for ad valorem taxation
429 purposes pursuant to F.S. § 193.461, shall be exempt from the requirements of this ordinance if
430 the silvicultural operations are in compliance with the rules of the Northwest Florida Water
431 Management District and the Silviculture Best Management Practices, Florida Department of
432 Agriculture and Consumer Services, 2000.

433 However, for any development permit application filed with the county, the county may not require as
434 a condition of processing or issuing a development permit that an applicant obtain a permit or
435 approval from any state or federal agency unless the agency has issued a final agency action that
436 denies the federal or state permit before the county action on the local development permit. Issuance
437 of a development permit by the county does not in any way create any rights in the part of the
438 applicant to obtain a permit from a state or federal agency and does not create any liability on the
439 part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill
440 the obligations imposed by the state or federal agency or undertakes actions that result in a violation
441 of state or federal law.

442

443 **7.15.14. Enforcement.**

444 A. The county administrator or his duly authorized representative shall be the enforcing officer. If the
445 enforcing officer determines that a project is not being carried out in accordance with the
446 permitted approved plan or if any project subject to this section is being carried out without a
447 permit, he is authorized to:

448 1. Issue written notice to the applicant specifying the nature and location of the alleged
449 noncompliance; with a description of the remedial actions necessary to bring the project into
450 compliance within three working days. Upon request, if weather or other mitigating
451 circumstances prevent timely compliance, the division manager, development services may
452 extend this three-day compliance period.

453 2. If remedial action is not completed within the compliance period, the enforcement officer shall
454 issue a stop work order directing the applicant to cease and desist all of any portion of the
455 work which violates the provisions of this section. The applicant shall then bring the project
456 into compliance or be subject to immediate revocation of this permit and to penalties set
457 forth in section 7.15.15.

458 B. Any order issued pursuant to subparagraphs 1. or 2. above shall become final unless the person or
459 persons named therein requests, in writing, an appeal hearing before the BOA no later than 14
460 days excluding Sundays and holidays, after the date the stop work order is served. Failure to act in
461 accordance with the order after receipt of written notice shall be grounds for revocations of the
462 permit.

463 **7.15.15. Penalties.** Any person who shall violate any of the provisions of this section or amendments
464 thereto or who shall fail, neglect or refuse to comply with any order or notice in pursuance and by
465 authority of this section shall be guilty of a misdemeanor of the second degree and shall be subject to

466 punishment as provided by law. For purposes of this section, a separate offense shall be deemed
467 committed for each day a violation of this section exists; said time commencing at the time of notifying
468 the offender of the violation.

469 ~~**7.15.16. Higher standards.** Where any section, subsection, sentence, clause or phrase, or this section is~~
470 ~~in conflict with any section, subsection, sentence, clause or phrase of any other state or federal rules,~~
471 ~~regulations or laws, the regulation, ordinance, rule or law requiring the higher standard shall prevail.~~
472 ~~Applicants must apply for all permits required by state or federal rules, regulations or law concurrent~~
473 ~~with applying for permits required by this section.~~

474 (Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 98-53, § 1, 12-3-1998; Ord. No. 2002-54, § 6, 12-12-2002; Ord.
475 No. 2003-9, § 3, 3-20-2003; Ord. No. 2007-60, § 4, 10-4-2007)

476

477 **7.18.00. Commercial communication towers.**

478 A commercial communication tower is a structure which supports communications equipment (not
479 including amateur radio operations, VHF marine, or other similar operators.) Communication antennas
480 are designated to transmit and/or receive communications as authorized by the Federal
481 Communications Commission (FCC), not including amateur radio operators licensed by same; said
482 antennas are usually located on communication towers.

483 A. *Antennas.* A commercial communication antenna may be located on an existing nonresidential
484 structure, without conditional use approval, provided the commercial communication tower or
485 antenna does not extend more than 50 feet above the existing structure and the building and new
486 antenna together do not exceed the district height allowed.

487 B. *Collocation.* It is important to provide service required by the market while limiting unnecessary
488 commercial communication towers. Therefore, approvals for all new towers will be conditioned
489 on the applicant providing for collocation.

490 1. If the commercial communication tower is 150 feet or lower, collocation shall be provided for
491 at least one other communication provider; if greater than 150 feet, collocation shall be
492 provided for two or more additional providers.

493 2. If the applicant is not collocating on the proposed commercial communication tower of
494 another provider, evidence must be submitted that reasonable efforts to collocate have been
495 made.

496 C. *Environmentally sensitive land.* Commercial communication towers are allowed on wetlands and
497 on lands containing endangered species or historical sites, provided the applicant can
498 demonstrate to the satisfaction of the development review committee that a permit (e.g., a
499 ~~wetlands dredge and fill permit~~) will be issued by the appropriate state or federal agencies with
500 jurisdiction, that there will be no adverse impact to endangered species or historical sites, and
501 that a variance is otherwise appropriate under the standards specified in section 7.18.00N.

502 D. *Setback from residential zoning.* No commercial communication tower shall be located closer than
503 the height of the tower to a residential zoning district line. In addition, all commercial
504 communication towers which exceed 150 feet in height (in districts where commercial
505 communications towers are allowed), and/or are located within 500 feet of a residential area, are
506 considered conditional uses and shall be reviewed by the board of adjustment pursuant to
507 sections 2.05.03 and 7.18.00.

- 508 E. *Lighting.* Ground or security lighting for commercial communication towers shall be designed so as
509 to be shielded from being directly visible from nearby residences.
- 510 F. *Color.* Commercial communication towers not requiring FAA painting/markings shall have either a
511 galvanized finish or be painted gray or black.
- 512 G. *Failure.* Commercial communication towers shall be designed and constructed to meet TIA/EIA
513 222 standards (latest revision) to ensure that the structural failure of the tower will not create a
514 safety hazard.
- 515 H. *Security.* A minimum six-foot fence or wall shall be required around all commercial
516 communication tower sites, access shall be through a locked gate, and an appropriate anticlimbing
517 device shall be installed on the tower. Fences in residential districts may not exceed a height of six
518 feet; in commercial districts the maximum height is eight feet.
- 519 I. *Screening.* Landscaping and buffering shall be addressed through article [sections] 2.05.03C.5.,
520 7.01.05, and 7.01.06.
- 521 J. *Emissions.* No location for placement, construction or modification of a commercial
522 communication tower or communication antenna shall be regulated on the basis of the
523 environmental effects of radio frequency emissions to the extent that commercial communication
524 towers and antennas comply with the FCC regulations concerning such emissions.
- 525 K. *Abandonment.* Any commercial communication tower whose use has been discontinued for a
526 period of 12 months shall be deemed to be abandoned. The owner/operator of the tower shall
527 have 180 days to reactivate the use of the tower, transfer the tower to another owner/operator,
528 or dismantle and remove the tower.
- 529 L. *Preexisting towers.* Pre-existing towers shall be allowed to continue their usage. Routine
530 maintenance shall be permitted. Additional antennas and other communication devices may be
531 co-located on preexisting towers, if the towers are structurally designed to accommodate them
532 and the new combined height does not exceed district height allowed. If a preexisting tower is a
533 legal nonconforming use, it can be replaced with a new tower of equal or lesser height. The
534 replacement tower can be located on the site of the preexisting tower or on an alternative site on
535 the existing parcel: provided however, that if the replacement tower is to be placed on an
536 alternative site it must meet the performance standards specified in this article. If the tower is
537 nonconforming with regard to height, the requirements of article 11 shall apply.
- 538 M. *Airport/airfield zoning.* Any tower located within an area subject to article 11 of this Code
539 (Airport/Airfield Environs) shall be subject to administrative review to determine its elevation
540 above the runway elevation, its distance from the runway and approach zones, and height
541 limitations unique to the Airport/Airfield Environs.
- 542 N. *Variances.* A deviation from the requirements of this section may be granted only upon a finding
543 by the board of adjustment that, in addition to the criteria in section 2.05.02, the following
544 standard is met:
- 545 All other reasonable siting alternatives have been explored and the deviation is necessary due to
546 extenuating factors such as: location of existing uses, trees, structures or other features on or
547 adjacent to the property, or compatibility with existing contiguous uses or with the general
548 character of the area.

549 O. *Application requirements.* In addition to the site plan requirements of article 4, part II, an
550 applicant for development permit shall submit the following documents for use in assessing
551 conformance with these performance criteria:

- 552 1. A geotechnical exploration report.
- 553 2. An FCC/NEPA environmental compliance checklist.
- 554 3. Compliance with FCC, FAA, and county emergency management services requirements.
- 555 4. Coverage maps for this tower.
- 556 5. Collocation information.

557 Note: Items 3 through 5 shall also be submitted for BOA review of conditional use applications. The
558 applicant shall submit a site plan to the BOA sufficient for a review of items 3 through 5 and the
559 conditional use criteria.

560 (Ord. No. 97-59, § 2, 12-4-1997; Ord. No. 98-42, § 3, 9-9-1998; Ord. No. 98-53, § 1, 12-3-1998; Ord. No.
561 2000-8, § 2, 3-2-2000; Ord. No. 2006-30, § 2, 4-6-2006)

562

563

564

565

1 12.09.02. *Permit requirements.* Prior to issuing a resource extraction permit for a proposed resource
2 extraction activity, the county engineer shall be assured that the following conditions have been met:

3 ~~A. Any required federal or state permits have been obtained by the applicant.~~ Existing and future
4 resource extraction activities and lands used for such activities and any reclamation of any such
5 lands shall be subject to all relevant rules and regulations including those established by F.A.C. chs.
6 16, 17, 18, and 39, the U.S. Clean Water Act, F.S. § 372.072, F.S. ch. 373, pt. IV, F.S. ch. 378, pt. IV,
7 and F.S. ch. 403, local permit and development review requirements per the Escambia County Code
8 of Ordinances, Part I, Chapter 42, Article VIII, and the Land Development Code, Article 7), among
9 others. Before any existing resource extraction activity is permitted to expand and prior to
10 approving any new resource extraction activities located within or adversely impacting
11 environmentally sensitive areas, the application for expansion or establishment of a new extraction
12 activity must be accompanied by a reclamation plan which meets all state environmental resource
13 permit (ERP) requirements and reclamation standards required by F.A.C. ch. 62C-39, as well as
14 comprehensive plan policies 11.A.1.5, 11.B.3.3 and 11.B.3.9 for the area once the extraction activity
15 has been completed.

16 B. The resource extraction activity will not degrade or impact adjacent natural, cultural or historic
17 resources including environmentally sensitive lands, wetlands, white sands as protected pursuant to
18 section 12.05.00 et seq. of this article, and others.

19 C. That the resource extraction activity is to be conducted more than 500 feet from any potable
20 public water well or well field. The applicant for resource extraction must present information
21 satisfactory to the CE wherein the locations of potable water wells or well fields are identified.

22 D. That the proposed resource extraction activity is compatible with adjacent land uses.

23
24 12.09.04. *Activities exempt.* The following activities are exempt from the regulations of this section:

25 A. Routine agriculture.

26 B. Routine silviculture.

27 C. Incidental excavation conducted pursuant to valid permits issued by Escambia County for
28 construction or development activities.

29 D. Emergency activities necessary to protect lives and property.

30 However, for any development permit application filed with the county after July 1, 2012, the county
31 may not require as a condition of processing or issuing a development permit that an applicant obtain a
32 permit or approval from any state or federal agency unless the agency has issued a final agency action
33 that denies the federal or state permit before the county action on the local development permit.
34 Issuance of a development permit by the county does not in any way create any rights in the part of the
35 applicant to obtain a permit from a state or federal agency and does not create any liability on the part
36 of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the

37 obligations imposed by the state or federal agency or undertakes actions that result in a violation of
38 state or federal law.

39 (Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2005-23, § 7, 7-7-2005)

40 ~~**12.13.00. Natural resources protection.**~~

41 ~~The protection of valuable natural resources is an important function of government. Prior to the review~~
42 ~~by the county of any application for development which adversely impacts an important natural~~
43 ~~resource defined by a local, state or federal agency, the applicant shall submit to the county appropriate~~
44 ~~local, state and federal applications, permits, or letters of exemption.~~

45 ~~(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2001-40, § 3, 8-2-2001; Ord. No. 2003-9, § 4, 3-20-2003)~~

46

47 **12.143.00. Disaster mitigation.**

48 To minimize the effects of natural disasters in the coastal area, the county shall:

49 A. Comply with building code requirements of F.S. § 161.55 and section 12.04.00 of this Code.

50 B. Participate in the National Flood Insurance Program in conformance with the Federal Disaster
51 Relief Act of 1974.

52 C. Determine the feasibility of eliminating, relocating or structurally modifying public infrastructure
53 which has suffered natural disaster damage and to implement appropriate cost-effective measures
54 to mitigate future damage.

55 D. Maintain the same capacity of any public infrastructure that is relocated, modified, or replaced,
56 unless the capacity is expanded as part of an approved post disaster hazard mitigation plan in
57 accordance with PL 93-288.

58

59 **12.154.00. Air quality.**

60 *12.154.01. Purpose.* The purpose of this section is to continually protect the quality of air in Escambia
61 County by regulating, or requiring compliance with the regulations governing land uses and/or activities
62 which have, or may have point source emissions (also, see article 7).

63 ~~*12.15.02. Permits required.* Any development or land use activity including, but not limited to, industrial~~
64 ~~and manufacturing activities, incineration and other activities which create or discharge emissions into~~
65 ~~the air shall be required to obtain all requisite state and/or federal permits for such activity. To obtain a~~
66 ~~burn permit the applicant must call the Florida Department of Forestry, Munson, Florida, (904) 957-~~
67 ~~4590, either prior to the scheduled burn or the actual day of the proposed burn. No land development~~
68 ~~or activity permit shall be issued by Escambia County to any applicant whose proposed or existing~~
69 ~~activity discharges point source emissions into the air until the applicant has obtained the permits~~

70 herein required. Development activities approved by appropriate state or federal regulatory agencies
71 shall be deemed to comply with the county's air quality provisions and standards.

72 *12.154.032. Continuing obligation.* All existing and future activities discharging emissions into the air
73 have a continuing obligation to obtain and abide by all state and federal permits regarding treatment of
74 emissions. In the event information comes available to any county official, such official shall notify the
75 department. The inspections department shall immediately notify the operator of the facility and the
76 owner of the real property, if not the operator, containing the facility, which is believed to be degrading
77 air quality within the county and notify the appropriate regulatory agency of the alleged violation.

78

79 **12.165.00. Environmentally sensitive lands.**

80 Certain properties and lands within Escambia County provide important environmental and aesthetic
81 functions and values and are, therefore, environmentally sensitive. It is the intent of this Code that
82 degradation and development of environmentally sensitive lands, as defined by a local, federal or state
83 agency, shall be avoided to the maximum extent possible. ~~Submittal of the applicable state and federal~~
84 ~~environmentally sensitive land applications, permits, or letters of exemption shall be required prior to~~
85 ~~final county approval of an application to impact environmentally sensitive lands.~~

86 *12.165.01. Protection required of environmentally sensitive lands.* All land use certificate/development
87 permit applications are reviewed to determine if the subject property is an environmentally sensitive
88 land, as defined. Pursuant to section 4.06.03.G., the CE or director may require additional information
89 regarding protection of any of the resources listed in sections 12.13.00, 12.16.00 or 3.00.00 above. ~~The~~
90 ~~CE or the director shall require applicants to obtain certifications from appropriate regulatory agencies,~~
91 ~~recognized scientific experts, or other similar documentation such as natural resources quality testing~~
92 ~~results, prior to approving site plans impacting environmentally sensitive lands.~~ The county engineer or
93 director may require a buffer (section 7.13.03.N) to protect the quality of environmentally sensitive
94 lands and minimize adverse impacts. Nothing in this section shall preclude the county from obtaining
95 independent verification of documentation.

96 (Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2001-40, § 3, 8-2-2001; Ord. No. 2003-9, § 4, 3-20-2003)

97

98 **12.176.00. Bay protection interlocal agreement.**

99 Any development project which is located in the CHHA or exceeds the DRI threshold (in the Pensacola
100 Bay watershed) shall be reviewed to determine if it exceeds the DRI thresholds specified in the 1995
101 Interlocal Agreement on Pensacola Bay Protection. If a threshold is exceeded, the Cities of Pensacola
102 and Gulf Breeze, plus Santa Rosa County shall be afforded an opportunity to comment on the project.
103 This interlocal agreement is included as an appendix to this Code.

104 (Ord. No. 97-51, § 1, 10-2-1997)

105

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: LDC (HB503)

Date: 7/2/2012

Date requested back by: 7/5/2012

Requested by: JC Lemos

Phone Number: 595-3467



(LEGAL USE ONLY)

Legal Review by *[Signature]*

Date Received: 7/2/12

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

I made minor revisions. [Signature]



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

6. C.

Meeting Date: 08/13/2012

Information

Agenda Item:

Discussion - Modest proposal by David Luther Woodward.

Attachments

Proposal

A Modest Proposal

I PROPOSE that this body promulgate a rule of summary procedure concerning uncontested applications that reach our panel for discussion and decision. I have tried to avoid "legaleze".

If a proposal by a citizen is approved and recommended by staff, then, and in that event, when the item comes up on the docket and the proponents has assumed the lecturn, then the chairman polls the room to determine if there are any OPPONENTS to the proposal.

If there are NO opponents, then the proponent will be asked to make a short statement that includes his determinations that the proposed matter satisfies the legal requirements--no longer than three minutes.

After the proponent has completed his presentation, the chair will inquire of staff their determination. If the determination is positive, then the staff member will discuss in abbreviated form the elements of compliance.

Thereafter, the chair will invite motion, second, and vote.