

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
November 7, 2017–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.
4.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the October 3, 2017 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for October 2017
 - C. Planning Board 6-Month Outlook for November 2017.
5. Acceptance of Planning Board Meeting Packet.
6. Public Hearings.
 - A. A Public Hearing Concerning the Review of an LDC Ordinance Amending, Design Standards Manual, Chapter 2, Section 3-2.3

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 2 of the Design Standards Manual, Plans and construction requirements.
 - B. A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapter 5, General Development Standards.
That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 5, General Development Standards, Article 3, Division of Land, to modify the family conveyance exception.

7. Action/Discussion/Info Items.
 - A. Cargo Containers Discussion.
 - B. Minimum Lot Widths
8. Public Forum.
9. Director's Review.
10. County Attorney's Report.
11. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, December 5, 2017 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

12. Announcements/Communications.
13. Adjournment.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular

4.

Meeting Date: 11/07/2017

Agenda Item:

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the October 3, 2017 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for October 2017

C. Planning Board 6-Month Outlook for November 2017.

Attachments

Draft October 3, 2017 Planning Board Regular Meeting Minutes

Monthly Action Follow-Up

Six Month Outlook

DRAFT

MINUTES OF THE ESCAMBIA COUNTY PLANNING BOARD October 3, 2017

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:32 A.M. – 10:02 A.M.)
(10:07 A.M. - 11:34 A.M.)

Present: Jay Ingwell
Wayne Briske, Chairman
Timothy Pyle
Alan Gray
Patty Hightower
Eric Fears
William Clay

Absent: Reid Rushing
Stephen Opalenik

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning
Andrew Holmer, Division Manager, Planning & Zoning
Griffin Vickery, Urban Planner, Planning & Zoning
Horace Jones, Director, Development Services
Kayla Meador, Sr Office Assistant
Meredith Crawford, Assistant County Attorney

1. Call to Order.
2. Pledge of Allegiance to the Flag was led by Wayne Briske.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.

Motion by Timothy Pyle, Seconded by Eric Fears

Motion was made to approve the proof of publication and to waive the reading of the legal advertisement.

Vote: 6 - 0 Approved

Other: Reid Rushing (ABSENT)

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the September 5, 2017 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for September 2017.

C. Planning Board 6-Month Outlook for October 2017.

Motion by Timothy Pyle, Seconded by William Clay

Motion was made to approve the minutes from the September 5, 2017 Planning Board meeting.

Vote: 6 - 0 Approved

Other: Reid Rushing (ABSENT)

5. Acceptance of Planning Board Meeting Packet.

Motion by Timothy Pyle, Seconded by Jay Ingwell

Motion was made to accept the October 3, 2017 Regular Planning Board meeting packet.

Vote: 6 - 0 Approved

Other: Reid Rushing (ABSENT)

6. Public Hearings.

- A. A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapters 3 and 4 Regarding Clustering Dwelling Units

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption an Ordinance amending the Land Development Code (LDC), Chapters 3 and 4, to establish conditions for the clustering of dwelling units when avoiding and preserving protected resources.

Motion by Alan Gray, Seconded by Timothy Pyle

Motion was made to make a change in the ordinance.

Vote: 6 - 0 Approved

Other: Reid Rushing (ABSENT)

Motion by Alan Gray, Seconded by Eric Fears

Motion was made to accept as amended and recommend approval to the BCC.

Vote: 5 - 1 Approved

Voted No: Jay Ingwell

Other: Reid Rushing (ABSENT)

7. Action/Discussion/Info Items.

A. Subdivision Lot Widths for Cul De Sacs Discussion.

Board discussed bringing this item back next month for more discussion.

B. Storage Containers Discussion.

Board discussed the item. Board Members had some questions about what portions of county land were in subdivisions. Discussed maybe bringing it back as a draft ordinance discussion.

8. Public Forum.

9. Director's Review.

10. County Attorney's Report.

11. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, November 7, 2017 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

12. Announcements/Communications.

13. Adjournment.

BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA



DEVELOPMENT SERVICES DEPARTMENT
3363 WEST PARK PLACE
PENSACOLA, FLORIDA 32505
PHONE: 850-595-3475
FAX: 850-595-3481
www.myescambia.com

Memorandum

TO: Planning Board
FROM: Kayla Meador, Board Clerk
DATE: October 27, 2017
RE: Monthly Action Follow-Up Report for November 2017

The following is a status report of Planning Board (PB) agenda items for the prior month of October. 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

COMMITTEES & WORKING GROUP MEETINGS

COMPREHENSIVE PLAN AMENDMENTS

- **Text Amendments:**

- **Map Amendments:**

SSA-2017-02

07-10-17 PB recommended approval
08-03-17 BCC tabled
09-07-17 BCC approved

SSA-2017-04

09-05-17 PB recommended approval
10-05-17 BCC approved

SSA-2017-05

09-05-17 PB recommended approval
10-05-17 BCC approved

LAND DEVELOPMENT CODE ORDINANCES

Residential Uses in Zoning Districts

09-6-16 PB recommended more review by staff
On hold – waiting for input from County Attorney's Office

OSP-2017-01 (formerly 2016-01)

09-06-16 PB recommended approval
12-08-16 BCC wanted to reschedule for DEO to be in attendance to meeting
03-07-17 PB recommended approval
03-16-17 BCC transmitted to DEO
09-07-17 BCC approved

Spot Zoning/RZ

09-05-17 PB recommended approval
10-05-17 BCC approved

HC/LI & FLU Inconsistencies

09-05-17 PB recommended approval
11-30-17 BCC meeting

REZONING CASES

1. Rezoning Case Z-2017-06
08-01-17 PB recommended denial
09-07-17 BCC remanded (waiting on applicant)
2. Rezoning Case Z-2017-11
08-01-17 PB recommended denial
09-07-17 BCC denied
3. Rezoning Case Z-2017-12
08-01-17 PB recommended approval
09-07-17 BCC approved
4. Rezoning Case Z-2017-13
08-01-17 PB recommended approval
09-07-17 BCC approved
5. Rezoning Case Z-2017-14
09-05-17 PB recommended approval
10-05-17 BCC approved
6. Rezoning Case Z-2017-15
09-05-17 PB recommended approval
10-05-17 BCC approved
7. Rezoning Case Z-2017-04
09-05-17 PB recommended approval
10-05-17 BCC approved

- 8.** Rezoning Case Z-2017-16
09-05-17 PB recommended approval
10-05-17 BCC approved

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR NOVEMBER 2017

(Revised 10/27/17)

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 and/or Public Hearings	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
Tuesday, November 7, 2017	<ul style="list-style-type: none"> Family Conveyance SRIA DSM changes 		<ul style="list-style-type: none"> Z-2017-17 	<ul style="list-style-type: none"> Cargo Containers Lot Widths
Tuesday, December 5, 2017	<ul style="list-style-type: none"> DSM PAC Changes 	<ul style="list-style-type: none"> SSA-2017-06 		<ul style="list-style-type: none"> Sunshine Law Presentation
Tuesday, January 2, 2018??			<ul style="list-style-type: none"> Z-2017-18 	
Tuesday, February 6, 2018??				
Tuesday, March 6, 2018 ??				

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.

** Residential Uses Ordinance – waiting on input from the County Attorney's Office

** Signs Ordinance – waiting on input from the BCC

** CPA-2016-01 Extraction and Reclamation – on hold



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular

6. A.

Meeting Date: 11/07/2017

Issue: A Public Hearing Concerning the Review of an LDC Ordinance Amending, Design Standards Manual, Chapter 2, Section 3-2.3

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an LDC Ordinance Amending, Design Standards Manual, Chapter 2, Section 3-2.3

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 2 of the Design Standards Manual, Plans and construction requirements.

BACKGROUND:

BACKGROUND:

Pier owners prefer a larger terminal platform at the end of their piers. The only way to obtain this is to construct a wider pier. This will add more lumber to the Sound which adds to the debris in a storm. Changing the ordinance will allow a pier 4' wide to accommodate a larger terminal platform without increasing the width of the pier. A 4' wide pier is an industry standard.

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 Meredith D. Crawford, 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:

This Ordinance, amending the LDC, will be filed with the Department of State following adoption by the board.

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 by the Development Services Department, in cooperation with the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: SRIA Ordinance for dock/piers/marinas

Date: 10/09/17

Date requested back by: 10/13/17

Requested by: Allyson Cain

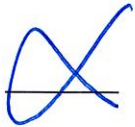
Phone Number: _____

.....

(LEGAL USE ONLY)

Legal Review by 

Date Received: 10/17/17



Approved as to form and legal sufficiency.

_____ Not approved.

_____ Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2017-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING THE DESIGN STANDARDS MANUAL, CHAPTER 2, ENVIRONMENTAL, ARTICLE 3, DOCKS, PIERS, AND MARINAS, TO AMEND SECTION 3-2.3 "PLANS AND CONSTRUCTION REQUIREMENTS", TO MODIFY THE MAXIMUM SIZE OF TERMINAL PLATFORMS FOR PIERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Land under the jurisdiction of the Santa Rosa Island Authority is unique to Escambia County, the State of Florida and the United States of America. All property within this jurisdiction is owned by Escambia County and the Santa Rosa Island Authority is charged with the stewardship of the Island to protect the public interest of the citizens of Escambia County; and

WHEREAS, this unique requirement for stewardship of public property requires that the Santa Rosa Island Authority take great care in its protection of this asset; and

WHEREAS, the Santa Rosa Island Authority unanimously recommended to the Board of County Commissioners on July 12, 2017 to amend Chapter 2, Section 3-2.3. of Design Standards Manual within the Land Development Code and amend language for Docks, Piers, and marinas on Pensacola Beach

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

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Design Standards Manual, Chapter 2, Article 3, Section 3-2.3 "Plans and construction requirements" is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

DSM Chapter 2, Sec. 3-2.3 Plans and construction requirements

(l) No "T"s, as such, are allowed, but piers may be widened at the outer end on one or both sides. ~~Maximum width may not exceed two times the pier width, and maximum length may not exceed three times the pier width.~~ Maximum size of terminal platforms is 160 square feet for piers not exceeding 4 feet in width. Maximum width of platform is 12 feet. Piers exceeding 4 feet in width are restricted to 96 square feet for terminal platforms.

1 **Section 2. Severability.**

2
3 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
4 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
5 affect the validity of the remaining portions of this Ordinance.
6
7

8 **Section 3. Inclusion in Code.**

9
10 It is the intention of the Board of County Commissioners that the provisions of this
11 Ordinance shall be codified as required by F.S. § 125.68 (2017); and that the sections,
12 subsections and other provisions of this Ordinance may be renumbered or re-lettered and
13 the word "ordinance" may be changed to "section," "chapter," or such other appropriate
14 word or phrase in order to accomplish such intentions.
15

16 **Section 4. Effective Date.**

17
18 This Ordinance shall become effective upon filing with the Department of State.
19

20 **DONE AND ENACTED** this _____ day of _____, 2017.
21

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

24
25 By: _____
26 **Jeff Bergosh, Chairman**
27

28 **ATTEST: PAM CHILDERS**
29 **Clerk of the Circuit Court**
30

31 By: _____
32 **Deputy Clerk**

33 **(SEAL)**
34

35 **ENACTED:**
36

37 **FILED WITH THE DEPARTMENT OF STATE:**
38

39 **EFFECTIVE DATE:**



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular

6. B.

Meeting Date: 11/07/2017

Issue: A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapter 5, General Development Standards, Family Conveyance

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapter 5, General Development Standards.

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 5, General Development Standards, Article 3, Division of Land, to modify the family conveyance exception.

BACKGROUND:

The Board of County Commissioners directed staff to clarify the parameters for the division of property under the family conveyance allowance and to revise the process and forms used by the public when making the request.

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 Meredith D. Crawford, 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:

This Ordinance, amending the LDC, will be filed with the Department of State following adoption by the board.

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 by the Development Services Department, in cooperation with the County Attorney's Office and all interested citizens. The Development Services Department will ensure proper advertisement.

Attachments

Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Family Conveyance

Date: 10/09/17

Date requested back by: _____

Requested by: JC Lemos

Phone Number: 595-3467

.....
(LEGAL USE ONLY)

Legal Review by M. Cranford

Date Received: 10/17/17

X _____ Approved as to form and legal sufficiency.

_____ Not approved.

_____ Make subject to legal signoff.

Additional comments:

- Please change statute date - Page 3 of ordinance -
Should now be 2017 -

Thanks!
(MJC)

ORDINANCE NUMBER 2017-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 5, GENERAL DEVELOPMENT STANDARDS, ARTICLE 3, DIVISION OF LAND, SECTION 5-3.2, GENERAL PROVISIONS, TO MODIFY THE FAMILY CONVEYANCE EXCEPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Legislature of the State of Florida has, in Florida Statutes §163.3179, given local governments the authorization to include in its comprehensive plan a provision allowing the use of a parcel of property solely as a homestead by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, notwithstanding the density or intensity of use assigned to the parcel in the plan; and

WHEREAS, Florida Statutes §163.3179 mandates that such provision shall apply only once to any individual; and

WHEREAS, the Board of County Commissioners recognizing the importance of family land transfers for homestead purposes previously adopted a Family Conveyance Exception provision in the County's Comprehensive Plan FLU 1.1.5 and into the Land Development Code in Sec. 5-3.2; and

WHEREAS, the Board recognizes that within the family conveyance process there remains confusion regarding the way parcels may be split and property conveyed using this provision; and

WHEREAS, the Board finds the need to further clarify the parameters for such division of property so that staff will have additional regulation and enforcement on the creation of these lots; and

WHEREAS, the Board finds that amendments to more effectively regulate and outline the procedures to the Family Conveyance Exception are necessary and beneficial to the public health, safety, and general welfare of the County.

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

3 **Section 1.** Part III of the Escambia County Code of Ordinances, the Land Development
4 Code of Escambia County, Chapter 5, General Development Standards, Article 3,
5 Division of Land, Section 5-3.2, is hereby amended as follows (words underlined are
6 additions and words ~~stricken~~ are deletions):

7 **Sec. 5-3.2 - General provisions.**
8

- 9 (a) *Approval required.* The division of land requires county review and approval for
10 compliance with the standards of this article unless the division is specifically
11 identified in the LDC as exempt from these standards.
- 12 (b) *Modification of standards.* Variances to the strict application of the standards of this
13 article are not available from the planning official, BOA or SRIA. Where the provisions
14 of this article specifically allow, the county engineer has discretion within accepted
15 standards of engineering practice to allow for modifications that maintain the stated
16 purposes of the article.
- 17 (c) *Creation of new lots.* No lot shall be created which requires a variance or another
18 exception to the requirements of the LDC to provide sufficient buildable area or other
19 conditions necessary to use a lot for its intended purposes. Additionally, unless
20 established through the family conveyance exception of this section, the creation of
21 any new lot shall comply with the following:
- 22 (1) *Zoning compliant.* Each lot provides the minimum lot area and dimensions
23 required by the applicable zoning district.
- 24 (2) *Right-of-way frontage.* Each lot fronts on a public or private right-of-way, whether
25 improved or unimproved, which conforms to the definition of "street" in chapter 6.
26 Although such right-of-way typically affords the principal means of lot access,
27 frontage along a right-of-way does not authorize or require access to that street.
- 28 (3) *Subdivision review.* The creation of lots by the division of a parcel into three or
29 more contiguous lots shall comply with the subdivision standards of this article
30 and shall be reviewed for compliance as prescribed in chapter 2.
- 31 (d) *Family conveyance exception.* No division of land or building permit shall be denied
32 where the property in question is to be used solely as a homestead by an owner-
33 applicant who is the grandparent, parent, step-parent, adopted parent, sibling, child,
34 step-child, adopted child, niece, nephew, aunt, uncle or grandchild of the person
35 who conveyed the parcel to such applicant, notwithstanding the density or intensity
36 of use assigned to the parcel by a particular zoning district. An affidavit of qualifying
37 family relationship shall be filed with the application for this exception and shall be
38 recorded in the Official Records of Escambia County, Florida with a copy to the
39 Escambia County Property Appraiser, at the expense of the applicant. This
40 exception shall apply only once to any owner-applicant.
- 41 (e) *Completion of platting.* Unless otherwise exempt under provisions of the LDC, before
42 any lot may be sold or before any building permit is issued to construct improvements

on any lot that makes reference to the final plat, the plat shall be approved by the board of county commissioners (BCC) and recorded in the public records of Escambia County.

Section 2. Severability.

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

Section 3. Inclusion in Code.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2017); and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "chapter," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date.

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

DONE AND ENACTED this _____ day of _____, 2017.

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

**By: _____
D. B. Underhill, Chairman**

**ATTEST: PAM CHILDERS
Clerk of the Circuit Court**

**By: _____
Deputy Clerk**

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:



Board of County Commissioners • Escambia County, Florida

FAMILY CONVEYANCE RELATIONSHIP AFFIDAVIT

STATE OF FLORIDA
COUNTY OF ESCAMBIA

BEFORE ME, the undersigned authority, personally appeared Affiants _____, Owner of the Parent Parcel, and _____, Immediate Family Member of the Owner. The Parent Parcel has been subdivided for use by the Immediate Family Member as a primary residence. Both individuals, being duly sworn, say:

1. Affiants acknowledge that the Immediate Family Member is the grandparent, parent, step-parent, adopted parent, sibling, child, stepchild, adopted child, niece, nephew, aunt, uncle or grandchild of the Owner. (Circle one)
2. Both the Owner and the Immediate Family Member have personal knowledge of all matters set forth in this Affidavit.
3. The Owner holds fee simple title to certain property situated in Escambia County, and more particularly described by reference to Escambia County Property Appraiser Parent Tract Parcel No. _____.
4. The Immediate Family Member will hold fee simple title to certain real property subdivided from Owner's Parent Parcel situated in Escambia County and more particularly described by reference to Escambia County Property Appraiser Parent Tract Parcel No. _____.
5. No person or entity other than the Owner and Immediate Family Member to whom permit is being issued, including persons residing with the family member, claims or is presently entitled to the right of possession or is in possession of the property, and there are no tenancies, leases, or other occupancies that affect the Property.
6. This Affidavit is made for the specific purpose of inducing Escambia County to recognize a Family Conveyance Exception for an Immediate Family Member being in compliance with the density requirements of the Escambia County Comprehensive Plan and Land Development Code and to further issue all necessary building permits for construction of a family residence to be utilized by the Immediate Family Member on the parcel subdivided.
7. This Affidavit and Agreement is made and given by the Affiants with full knowledge that the facts contained herein are accurate and complete and that the penalties for perjury under Florida law include conviction of a felony of the third degree.
8. The Affiants understand that this Affidavit must be recorded at the time of recording the deed.
9. The Affiants acknowledge that any approved division of property pursuant the Family Conveyance Exception may be used only by the Owner's Immediate Family Member and is not transferable.
10. The Affiants hereby certify that the lot division is not for the purpose of circumvention of the requirements of the Land Development Code.
11. The Affiants hereby certify that the property to be conveyed is to be used only as a homestead of the Immediate Family Member, that the Immediate Family Member is able to and intends to occupy the

property as his or her primary domicile, that the Immediate Family Member understands and agrees that a certificate of occupancy or building permit may not be issued in the event the conveyance is for the purpose of circumventing the requirements of the Land Development Code.

12. The Affiants hereby certify that they fully understand that the property to be conveyed pursuant the Family Conveyance Exception may be subject to other restrictions not addressed in the application or affidavit, including but not limited to the inability to acquire building permits or otherwise develop the parcel for any use other than a homestead for a member of the Immediate Family.
13. The Affiants hereby certify that they fully understand that neither the Family Conveyance Application nor the Affidavit is not meant to include an exhaustive list of all potential restrictions or regulations related to their proposed use of the property. It is the advice of the Development Services Department that the affiants consult with a licensed realtor or any attorney of their choosing to discuss regulation and legal implications, if any, of the proposed division and use of the property.

We hereby certify that the facts represented by us in this Affidavit are true and correct and we accept the terms of the Agreement and agree to comply with the Escambia County Land Development Code provisions regulating the Family Conveyance Exception.

Signature of Owner

Signature of Immediate Family Member

Printed Name of Owner

Printed Name of Immediate Family Member

The foregoing instrument was sworn to before me this ____ day of _____, 2017
by _____, Owner, who personally appeared before me and who is
personally known to me or has produced _____ as identification.

My Commission Expires: _____

Name:
Notary Public

The foregoing instrument was sworn to before me this ____ day of _____, 2017
by _____, Immediate Family Member, who personally appeared
before me and who is personally known to me or has produced _____ as
identification.

My Commission Expires: _____

Name:
Notary Public

DIRECTOR DEVELOPMENT SERVICES DEPARTMENT (ONLY)

The applicant has/has not submitted and certified all of the required documents in support of the requested family conveyance; therefore, I approve/disapprove the request for a family conveyance for the parcel identified above.

Name and title (printed)

Signature

Date



Board of County Commissioners • Escambia County, Florida

FAMILY CONVEYANCE APPLICATION

To: Director, Development Services

Application is hereby made to the Director, Development Services Department, Escambia County, Florida, pursuant to the provisions of Chapter 163.3179, Florida Statutes and the Escambia County Land Development Code, Section 5-3.2 (d), petitioning for a Family Conveyance Exception on the following described property:

Applicant's information	Applicant's name
	Applicant's address
	Relationship to parent parcel owner
	Parent Parcel owner's name
	Parent Parcel address

FOR OFFICIAL USE ONLY	Parent Parcel reference number
	Parent Parcel zoning
	Parent Parcel FLU
	Parent Parcel size in acres
	Number of Parcel(s) established for a family conveyance homestead
	Parent Parcel is a Lot of Record (Circle one): YES NO
	Parent parcel part of a subdivision (Circle one): YES NO
	Parent parcel in AIPD (Circle one): YES NO

You **must** submit the following documents with the application:

- ☐ Documentation for parent parcel property ownership. Provide a copy of the warranty deed or contract for deed which includes the property owner's name and legal description.
- ☐ Conveyed property recorded deed, area Boundary Survey, certified by a Florida licensed surveyor; signed and sealed. Must contain legal description and exact acreage of new parcel requested under the conveyance. This survey shall indicate all easements for utilities, ingress and egress and their relation to a public right-of-way.
- ☐ Completed Family Relationship Affidavit
- ☐ Location Map. Clearly identify the subject parcel with a color or pattern.

I, _____, (Owner or Authorized Applicant's Name), hereby certify that the information contained in this application and its supplements are true and correct, and that I am the legal owner and/or authorized applicant of the above described property.

I further understand that parcels created pursuant to the Family Conveyance Exemption are solely for providing a place of homestead for eligible family members. A notarized affidavit describing the relationship to the parent parcel owner must be recorded at the time of recoding of the deed. Any approved family conveyance pursuant to the Land Development Code regulations may only be used by the applicant's family member and it is not transferable.

By signing this application, the parent parcel owner and the receiving family member certify and acknowledge that the property to be conveyed is to be used solely as a homestead by an owner-applicant who is the grandparent, parent, step-parent, adopted parent, sibling, child, stepchild, adopted child, niece, nephew, aunt, uncle or grandchild of the person who conveyed the parcel to such applicant and that the family member intends to occupy the property as his or her primary domicile.

The approval of the family conveyance is not for the purpose of circumventing the subdivision requirements of Escambia County.

Name of the parent parcel owner (printed)

Signature of the parent parcel owner

Date

Name of the family member receiving the conveyance (printed)

Signature of the family member receiving the conveyance

Date

The foregoing instrument was sworn to before me this ____ day of _____, 2017 by _____, who personally appeared before me and who is personally known to me or has produced _____ as identification.

My Commission Expires: _____

Name:
Notary Public

DIRECTOR DEVELOPMENT SERVICES DEPARTMENT (ONLY)

The applicant has/has not submitted and certified all the required documents in support of the family conveyance; therefore, I approve/disapprove the request for a family conveyance for the parcel identified above.

Name and title (printed)

Signature

Date



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

7. A.

Meeting Date: 11/07/2017

Agenda Item:

Cargo Containers Discussion.

Attachments

Use of Cargo Containers

Considerations for the use of cargo containers

Regulating the use of cargo containers will require a definition

Cargo container. *An industrial, standardized, reusable, and portable metal container originally and specifically designed for the intermodal shipping of goods or commodities by transport on trucks, rail cars, and ships. A cargo container may also be known as a shipping container, ISO (International Standard Organization) container, intermodal container, conex (container for export) box, or sea can.*

The primary distinction to be made in the use of cargo containers is whether the use will be for temporary storage and removed within an established period, or indefinite use as either permanent storage or a permanent use other than storage.

- If **temporary storage**, there may be appropriate distinctions to make between use for one- or two-family and multi-family residential, or between residential and non-residential use.
- If **permanent storage**, there are different considerations for residential use and non-residential or commercial use.
- If a **permanent use other than storage**, there are different considerations for use, especially with any occupancy.

Temporary storage

Current allowance as portable storage.

- Cargo containers up to 20 feet in length are currently allowed as a form of portable storage container, for use up to 180 days (90-day permit w/ one extension) per LDC Sec. 4-7.13(b)(6).
- The general limit is one container per principal use or one per dwelling unit, but more may be approved by the Planning Official upon a demonstrated need, such as the scope of work or extent of construction.

Possible exemptions. Given that current portable storage container regulations appear to only anticipate temporary storage of the contents of existing buildings, additional provisions could also exempt contractor's containers storing construction materials and equipment incidental to ongoing construction activities authorized by permit within the parcel on which the containers are stored. Typically, this would be during initial construction of or the repair/renovation of buildings.

Seasonal use, non-residential.

- The temporary "seasonal" time of use and size of cargo containers used by some retailers exceed the current portable storage container provisions. It remains to be addressed as an accessory use what applicable limits there should be on container quantity, placement, visibility, etc.

- If not able to comply as portable storage containers, seasonal use should be defined and authorized under other regulations that more closely conform to limits of permanent outdoor storage or use.
- Outside cargo containers substituted for or supplementing inside storage could be controlled by an upper limit of area coverage relative to the size (e.g., floor area) of building(s) for which they provide the supplemental storage.

Permanent storage

As a principal structure. Use of cargo containers as all or part of a principal structure is subject to building permits and the requirements of the Florida Building Code.

As an accessory structure. Permanent placement of cargo containers should only be as accessory structures (e.g., storage sheds), incidental to the principal use and subject to the same location limits of other accessory structures (i.e., within side or rear yards and at least five feet from property lines).

LDC measures to help assure compatibility with outdoor use of cargo containers:

1. **Include uses.** Address all anticipated general uses of containers, making minimum requirements and specific exceptions or prohibitions clear.
2. **Zoning.** Zoning districts may include general or conditional prohibitions of the use of containers as accessory structures or as items of outdoor storage.
e.g., Within this district, the outdoor use of cargo containers is limited to portable storage containers placed in compliance with the provisions of Article 7 of Chapter 4.
3. **Use regulations.** Qualify the use of containers as accessory structures through accessory use and structure provisions, and qualify non-structure use of containers through outdoor storage provisions. Structure and structural use is subject to the building code.
4. **Containers as structures.** Unless permitted as the principal use of a parcel, containers used permanently or indefinitely will be considered structures, not items of outdoor storage, and subject to applicable building code requirements (and exceptions) for the intended use or occupancy.
5. **Quantity and size limits.** Where containers are allowed, limit their use to specific quantities or sizes based on the parcel's principal use or zoning. As items designed for industrial use, prohibit the use of containers for residential accessory structures, or limit them to larger lots and smaller quantities than non-residential accessory structures:
e.g., Minimum lot size 2 acres; lots 2-5 acres limited to one container; lots greater than five acres limited to 3 containers; screen containers from view by privacy fence, apply same setbacks as for principal dwelling.
6. **Screening.** Where containers are allowed, require screening of view from right-of-way or view from adjoining property of less intense zoning or use.
7. **Vacant property.** Most or all placement for storage on vacant property should be prohibited, unless authorized by zoning for bulk storage as the principal use.
8. **Stacking.** Outdoor stacking of containers used for storage should be limited or prohibited.
e.g., Except with the original and ongoing use for intermodal shipping of goods or commodities, or as they may be modified for use in authorized permanent structures, no cargo containers may be stacked upon other containers outdoors or otherwise raised above permanent grade.
9. **Seasonal use.** Allow authorized indoor retailers to have temporary seasonal outdoor use of containers, possibly up to 120 days within a calendar year. Limit them to same conditions as accessory structures – side and rear yards, no blocking of required parking, drive aisles, or emergency access, screening for longer use.
10. **Signage.** Prohibit signage on containers no longer used for shipping:
e.g., Cargo containers placed outside shall be free of all signage unless in active use by an authorized shipper or screened from view from public rights-of-way.