

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
QUASI-JUDICIAL HEARING
May 7, 2019–8:30 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. Approval of Minutes.

A.

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 02, 201 Planning Board Rezoning and Regular Planning Board Meeting

B. Planning Board Monthly Action Follow-up Report for April 2019

C. Planning Board 6-Month Outlook for May 2019

5. Acceptance of Rezoning Planning Board Meeting Packet.
6. Quasi-judicial Process Explanation.
7. Public Hearings.

A.

Case #: Z-2019-05 *****WITHDRAWN BY APPLICANT****
Applicant: Joe Rector/ Mullins LLC, Agent for James Christopher Jennings III Living Trust
Address: 4000 Block Pine Forest Road
Property Size: Medium Density Residential district (MDR) (10 du/acre)
From: Low Density Residential district (LDR) (four du/acre)
To: Medium Density Residential district (MDR) (10 du/acre)

B. Case #: Z-2019-06
Applicant: June Baird Guerra, Owner
Address: 23 arthur Lane
Property Size: 1.01 (+/-) acres
From: HDMU, High Density Mixed use (25 du/acre)
To: HC/LI-NA, Heavy Commercial and Light Industrial district, prohibiting the subsequent establishment of any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult entertainment uses (25 du/acre)

C. Case #: Z-2019-07
Applicant: Wiley C. "Buddy" Page, Agent for James Christopher Jennings III Living Trust
Address: 2400 Gulf Beach Hwy
Property Size: 9.09 (+/-) acres
From: HDMU, High Density Mixed-use district (25 du/acre)
To: HC/LI-NA, Heavy Commercial Light Industrial district. prohibiting the subsequent establishment of any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult entertainment uses (25 du/acre)

8. Discussion Item

A. Locational Criteria Discussion

9. Adjournment.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Rezoning

4. A.

Meeting Date: 05/07/2019

Agenda Item:

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 02, 201 Planning Board Rezoning and Regular Planning Board Meeting

B. Planning Board Monthly Action Follow-up Report for April 2019

C. Planning Board 6-Month Outlook for May 2019

Attachments

Draft Rezoning Meeting minutes for April 2, 2019

Draft Regular Meeting Minutes for April 2, 2019

Monthly Action Follow-Up

Six Month Outlook

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING April 2, 2019

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:33 A.M. –9:33 A.M.)

Present: Reid Rushing
Jay Ingwell
Wayne Briske, Chairman
Patty Hightower
Alan Gray
Eric Fears
Stephen Opalenik

Absent: Timothy Pyle
William Clay

Staff Present: Allyson Lindsay, Urban Planner II
Andrew Holmer, Division Manager, Planning & Zoning
Horace Jones, Director, Development Services
Juan Lemos, Senior Planner, Planning & Zoning
Kayla Meador, Sr Office Assistant
Meredith Crawford, Assistant County Attorney

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.

Motion by Eric Fears, Seconded by Reid Rushing

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

Vote: 4 - 0 Approved

Other: Timothy Pyle (ABSENT)
Alan Gray (ABSENT)
William Clay (ABSENT)

4. Approval of Minutes.

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the March 5, 2019 Planning Board Rezoning Meeting.

Motion by Jay Ingwell, Seconded by Eric Fears

Motion was made to approve the Rezoning Planning Board meeting minutes from March 5, 2019.

Vote: 4 - 0 Approved

Other: Timothy Pyle (ABSENT)
Alan Gray (ABSENT)

William Clay (ABSENT)

5. Acceptance of Rezoning Planning Board Meeting Packet.

Motion by Jay Ingwell, Seconded by Eric Fears

Motion was made to accept the Rezoning Planning Board meeting packet for April 2, 2019.

Vote: 4 - 0 Approved

Other: Timothy Pyle (ABSENT)
Alan Gray (ABSENT)
William Clay (ABSENT)

6. Quasi-judicial Process Explanation.

7. Public Hearings.

- A. Case #: Z-2019-04
Applicant: Frank E. and Elizabeth Westmark, Owners
Address: 2025 Kingsfield Road
Property Size: 84.10 (+/- acres)
From: Agr, Agriculture district (one du/20 acres)
To: LDR, Low Density Residential district (four du/acre)

Motion by Alan Gray, Seconded by Eric Fears

Motion was made to accept Staff's Findings and make recommendation to the Board of County Commissioners (BCC).

Vote: 5 - 0 Approved

Other: Timothy Pyle (ABSENT)
William Clay (ABSENT)

Motion by Reid Rushing, Seconded by Jay Ingwell

Motion was made to amend the meeting packet to include the DSAP map

Vote: 5 - 0 Approved

Other: Timothy Pyle (ABSENT)
William Clay (ABSENT)

8. Adjournment.

DRAFT

MINUTES OF THE ESCAMBIA COUNTY PLANNING BOARD April 2, 2019

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(9:34 A.M. – 10:51 A.M.)

Present: Reid Rushing
Jay Ingwell
Wayne Briske, Chairman
Patty Hightower
Alan Gray
Eric Fears
Stephen Opalenik

Absent: Timothy Pyle
William Clay

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

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.
4. Approval of Minutes.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the March 5, 2019 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for March 2019.
 - C. Planning Board 6-Month Outlook for April 2019.

Motion by Jay Ingwell, Seconded by Eric Fears
Motion was made to approve the Planning Board meeting minutes from March 5, 2019

Vote: 5 - 0 Approved

Other: Timothy Pyle (ABSENT)
William Clay (ABSENT)

5. Acceptance of Planning Board Meeting Packet.

Motion by Eric Fears, Seconded by Alan Gray
Motion was made to accept the Planning Board meeting packet for April 2, 2019.

Vote: 5 - 0 Approved

Other: Timothy Pyle (ABSENT)
William Clay (ABSENT)

6. Public Hearings.

A. A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan 2030, Chapter 8, "Mobility Element", Removing Reference to Navy Outlying Landing Field Site 8

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Escambia County Comprehensive Plan, removing reference to Navy Outlying Landing Field (NOLF) Site 8.

Motion by Alan Gray, Seconded by Eric Fears

Motion was made to recommend approval of the Comprehensive Plan Ordinance and forward to the Board of County Commissioners (BCC).

Vote: 5 - 0 Approved

Other: Timothy Pyle (ABSENT)
William Clay (ABSENT)

B. A Public Hearing Concerning the Review of an Land Development Code Ordinance Amending Chapter 4, "Location And Use Regulations", Section 4-4.2 and 4-4.5 to Remove References to Navy Outlying Landing Field Site 8

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 4, "Location And Use Regulations", Section 4-4.2 and Section 4-4.5, to remove references to Navy Outlying Landing Field (NOLF) Site 8.

Motion by Jay Ingwell, Seconded by Eric Fears

Motion was made to recommend approval of the LDC Ordinance and forward to the Board of County Commissioners (BCC).

Vote: 5 - 0 Approved

Other: Timothy Pyle (ABSENT)

William Clay (ABSENT)

7. Action/Discussion/Info Items.
Staff gave an update on the locational criteria that was discussed at the Planning Board workshop on March 21, 2019.

The Board suggested that David Forte, Division Manager for Traffic & Transportation, provide "future" transportation statistics at a meeting in the near future.

8. Public Forum.
9. Director's Review.
10. County Attorney's Report.
 - A. Sunshine Law Training.
11. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, May 7, 2019, 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: April 22, 2019
RE: Monthly Action Follow-Up Report for April 2019

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

- **CPA-2019-01** - Remove Reference to Navy OLF 8

- 04-02-19 PB recommended approval

- 05-07-19 BCC meeting

- **Map Amendments:**

- **LSA-2018-01**

- 07-10-18 Applicant requested continuance to next PB

- 08-07-18 PB recommended denial

- 09-06-18 BCC remanded case back to PB (*ON HOLD for comp plan change CPA-2018-02*)

LAND DEVELOPMENT CODE ORDINANCES

Temp Auto Sales

- 01-08-19 PB recommended denial

- 02-07-19 BCC reviewed

- 03-07-19 BCC dropped

Accessory Structures on Pensacola Beach

- 02-05-19 PB recommended approval

- 03-07-19 BCC approved

Remove Reference to Navy OLF 8

04-02-19 PB recommended approval

05-02-19 BCC meeting

REZONING CASES

1. Rezoning Case Z-2018-08 (*on HOLD with LSA-2018-01*)
 - 07-10-18 Applicant requested continuance to next PB meeting
 - 08-07-18 PB meeting ended before hearing
 - 09-04-18 No quorum at PB mtg
2. Rezoning Case Z-2019-02
 - 02-05-19 PB recommended approval
 - 03-07-19 BCC approved
3. Rezoning Case Z-2019-03
 - 02-05-19 PB recommended approval
 - 03-07-19 BCC approved
4. Rezoning Case Z-2019-04
 - 04-02-19 PB recommended approval
 - 05-02-19 BCC meeting

Vested Rights Case

1. VRD-2019-01
 - 03-05-19 PB recommended approval
 - 04-04-19 BCC approved

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR APRIL 2019

(Revised 4/22/19)

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, April 2, 2019	<ul style="list-style-type: none"> Removing OLF 8 ref. from LDC 	<ul style="list-style-type: none"> CPA-2019-01 	<ul style="list-style-type: none"> Z-2019-04 	<ul style="list-style-type: none"> Location Criteria
Tuesday, May 7, 2019			<ul style="list-style-type: none"> Z-2019-05 Z-2019-06 Z-2019-07 	
Tuesday, June 4, 2019		SSA-2019-01		Location Criteria
Tuesday, July 2, 2019				
Tuesday, August 6, 2019				
Tuesday, September 3, 2019				

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.

Planning Board-Rezoning

7. A.

Meeting Date: 05/07/2019

CASE : Z-2019-05

APPLICANT: Joe Rector/ Mullins LLC, Agent for James Christopher Jennings III Living Trust

ADDRESS: 4000 Block Pine Forest Road

PROPERTY REF. NO.: 02-1S-31-4106-000-000, 02-1S-31-4106-001-001,
02-1S-31-4106-000-001

FUTURE LAND USE: MU-S, Mixed-Use Suburban

DISTRICT: 5

OVERLAY DISTRICT: N/A

BCC MEETING DATE: 06/06/2019

SUBMISSION DATA:

REQUESTED REZONING:

FROM: Low Density Residential district (LDR) (four du/acre)

TO: Medium Density Residential district (MDR) (10 du/acre)

RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

APPROVAL CONDITIONS

Criterion a., LDC Sec. 2-7.2(b)(4)

Consistent with Comprehensive Plan

The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

Comprehensive Plan (CPP) FLU 1.1.1 Development Consistency. New development and redevelopment in unincorporated Escambia County shall be consistent with the Escambia County Comprehensive Plan and the Future Land Use Map (FLUM).

CPP FLU 1.3.1 Future Land Use Category The Mixed-Use Suburban (MU-S) Future Land Use (FLU) category is intended for a mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban land uses. Range of allowable uses include: Residential, Retail and Services, Professional Office, Recreational Facilities, Public and Civic. The maximum residential density is twenty five dwelling units per acre.

CPP FLU 1.5.1 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).

CPP FLU 2.1.2 Compact Development. To promote compact development, FLUM amendments and residential rezonings to allow higher residential densities may be allowed in the Mixed-Use Urban (MU-U) and Mixed-Use Suburban (MU-S) future land use categories. **FINDINGS**

The proposed amendment to MDR is **consistent** with the intent and purpose of FLU category MU-S, as stated in CPP FLU 1.3.1. The current FLU allows for residential and non-residential uses while promoting compatible infill development and the separation of urban and suburban land uses. The proposed development will use the existing roads and infrastructure.

Criterion b., LDC Sec. 2-7.2(b)(4)

Consistent with The Land Development Code

The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3.

Sec. 3-2.5 Low Density Residential district (LDR).

(a) Purpose. The Low Density Residential (LDR) district establishes appropriate areas and land use regulations for residential uses at low densities within suburban areas. The primary intent of the district is to provide for large-lot suburban type residential neighborhood development that blends aspects of rural openness with the benefits of urban street connectivity, and at greater density than the Rural Residential district.

Sec. 3-2.7 MDR, Medium Density Residential.

(a) Purpose. The Medium Density Residential (MDR) district establishes appropriate areas and land use regulations for residential uses at medium densities within suburban or urban areas. The primary intent of the district is to provide for residential neighborhood development in an efficient urban pattern of well-connected streets and at greater dwelling unit density than the Low Density Residential district. Residential uses within the MDR district are limited to single-family and two-family dwellings. The district allows non-residential uses that are compatible with suburban and urban residential neighborhoods.

(b) Permitted uses. Permitted uses within the MDR district are limited to the following:

(1) Residential.

a. Manufactured (mobile) homes only within manufactured home parks or subdivisions. No new or expanded manufactured home parks, and new or expanded manufactured

home subdivisions only on land zoned V-4 prior to adoption of MDR zoning.

b. Single-family dwellings (other than manufactured homes), detached and only one per lot, excluding accessory dwellings. Accessory dwellings only on lots one acre or larger. Attached single-family dwellings and zero lot line subdivisions only on land zoned R-3 or V-4 prior to adoption of MDR zoning.

c. Two-family dwellings only on land zoned R-3 or V-4 prior to adoption of MDR zoning, and multi-family dwellings up to four units per dwelling (quadruplex) only on land zoned V-4 prior to MDR zoning.

See also conditional uses in this district.

(2) Retail sales. No retail sales.

(3) Retail services. No retail services. See conditional uses in this district.

(4) Public and civic. Public utility structures, excluding telecommunications towers. See also conditional uses in this district.

(5) Recreation and entertainment. a. Marinas, private.

b. Parks without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

(6) Industrial and related. No industrial or related uses.

(7) Agricultural and related. Agricultural production limited to food primarily for personal consumption by the producer, but no farm animals. See also conditional uses in this district.

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA may conditionally allow the following uses within the MDR district:

(1) Residential.

a. Accessory dwellings on lots less than one acre.

b. Group living, excluding residential facilities providing substance abuse treatment, post-incarceration reentry, or similar services.

c. Home occupations with non-resident employees.

d. Townhouses not among the permitted uses of the district.

(2) Retail services. Boarding and rooming houses.

(3) Public and civic.

a. Clubs, civic and fraternal.

b. Educational facilities, excluding preschools or kindergartens independent of other elementary grades.

c. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

d. Offices for government agencies or public utilities, small scale (gross floor area 6000 sq.ft. or less per lot).

e. Places of worship.

f. Public utility structures exceeding the district structure height limit, excluding telecommunications towers.

(4) Recreation and entertainment.

a. Golf courses, tennis centers, swimming pools and similar active outdoor recreational facilities, including associated country clubs.

b. Parks with permanent restrooms or outdoor event lighting.

(5) Agricultural and related. Horses or other domesticated equines kept on site, and stables for such animals, only as a private residential accessory with a minimum lot area of two acres and a maximum of one animal per acre.

(d) Site and building requirements. The following site and building requirements apply to

uses within the MDR district: (1) Density. A maximum density of 10 dwelling units per acre regardless of the future land use category.

(1) Density. A maximum density of 10 dwelling units per acre regardless of the future land use category.

(2) Floor area ratio. A maximum floor area ratio of 1.0 within the MU-S future land use category and 2.0 within MU-U.

(3) Structure height. A maximum structure height of 45 feet. See height definition.

(4) Lot area. No minimum lot area unless prescribed by use.

LDC 3:37

(5) Lot width. Except for cul-de-sac lots which shall provide a minimum lot width of 20 feet at the street right-of-way, the following minimum lot widths are required:

a. Single-family detached. Fifty feet at the street right-of-way for single-family detached dwellings.

b. Two-family. Eighty feet at the street right-of-way or two-family dwellings.

c. Multi-family and other. Eighty feet at the street right-of-way for townhouse groups and boarding or rooming houses. No minimum lot width required by zoning for other uses. (6)

Lot coverage. Minimum pervious lot coverage of 30 percent (70 percent maximum semi-impervious and impervious cover) for all uses.

(7) Structure setbacks. For all principal structures, minimum setbacks are:

a. Front and rear. Twenty feet in the front and rear.

b. Sides. Ten feet on each side of a group of attached townhouses. On each side of all other structures, five feet or 10 percent of the lot width at the street right-of-way, whichever is greater, but not required to exceed 15 feet.

c. Corner lots. Will have one front setback and one side setback. (8) Other requirements.

a. Stables. Stables shall be at least 50 feet from any property line and at least 130 feet from any residential dwelling on the property of another landowner.

b. Chapters 4 and 5. Refer to chapters 4 and 5 for additional development regulations and standards.

(e) Location criteria. All non-residential uses within the MDR district shall be located to avoid nuisance, hazard and other adverse impacts to surrounding residential uses.

(f) Rezoning to MDR. Medium Density Residential zoning may be established only within the Mixed-Use Suburban (MU-S) and Mixed-Use Urban (MU-U) future land use categories. The district is suitable for suburban or urban areas with central water and sewer and developed street networks. The district is appropriate to provide transitions between areas zoned or used for low density residential and areas zoned or used for high density residential or mixed-use.

FINDINGS

The proposed amendment to MDR is **consistent** with the intent and purpose of the Land Development Code. The applicant is requesting the MDR zoning designation for three parcels totaling 9.45± acres. The existing zoning allowances for the parcel is currently LDR, which provide limited a range of uses and intensities that are included within the allowances of the requested MDR zoning district. A review of the current zoning map, as it relates to the parcel in question, shows that the property is surrounded by LDR zoning. Across Pine Forest Road and north of the subject property there is existing MDR zoning would allow for an increase in 10 dwelling units per acre versus LDR's four dwellings per acre and a lot width difference of 50 feet for MDR versus 60 feet for LDR. MDR zoning will only allow for single family dwellings to be constructed no

apartments or commercial uses would be allowed. MDR zoning is the most compatible up zoning change for any LDR existing property all other zoning changes would allow for commercial activity.

Criterion c., LDC Sec. 2-7.2(b)(4)

Compatible with surrounding uses

All the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

FINDINGS

The proposed amendment **is compatible** with surrounding existing uses in the area. Within the 500' ft radius area, staff identified properties within zoning districts MDR, HDR and HC/LI. Both parcels are currently surrounded by HDMU zoning and the proposed development will be consistent with similar densities and intensities in the area. The property is surrounded by single family, townhouses and mobile homes. Within the 500ft there is a mini-warehouse, Dollar General, Church, Pine Forest Royal subdivision and Milestone Phase I subdivision.

Criterion d., LDC Sec. 2-7.2(b)(4)

Appropriate if spot zoning. Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: *Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or "spot" zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development.*

FINDINGS

Staff determines that the granting the rezoning request from LDR to MDR **would not be considered or reinforce spot zoning** as defined in the LDC. The adjacent properties are zoned LDR however, the properties to the north and to the east across Pineforest road are currently already developed with a zoning of MDR and HDR make this a more transistational zoning.

Criterion e., LDC Sec. 2-7.2(b)(4)

Appropriate with changed or changing conditions.

If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.?

FINDINGS

The land uses or development conditions within the area surrounding the properties **have not changed**. The development within the area has remained low to mid-density residential. As the parcel proposed for rezoning to MDR, the potential uses, densities and intensities allowed by that district would be compatible with the existing surrounding development patterns. The proposed amendment would not create or contribute to urban sprawl and would allow more dense development around a commercial node that is to the south where Pine Forest Road intersects West Nine Mile Road.

Attachments

withdrawal letter

Working Case File

From: [Joe Rector](#)
To: [Allyson Lindsay](#)
Subject: Re: Rezoning case Z-2019-05; Pine Forest Rd
Date: Wednesday, May 01, 2019 2:41:26 PM

Allyson -

As mentioned on the phone, we are requesting that the Rezoning case Z-2019-05 Pine Forest Road be withdrawn as we are no longer moving forward with this project.

Thank you for your assistance on everything!

Joe

Sent from my iPhone

On Mar 19, 2019, at 2:26 PM, Allyson Lindsay <malindsay@myescambia.com> wrote:

The hard copy will be signed and sealed, correct?

Thank you,

Allyson Lindsay, Urban Planner II
Development Services
Planning & Zoning
850-595-3547

From: Joe Rector <joe.ector@mullinsllc.net>
Sent: Tuesday, March 19, 2019 2:20 PM
To: Allyson Lindsay <malindsay@myescambia.com>
Cc: Andrew D. Holmer <ADHOLMER@myescambia.com>; Kayla R. Meador <krmeador@myescambia.com>
Subject: RE: Rezoning case Z-2019-05; Pine Forest Rd

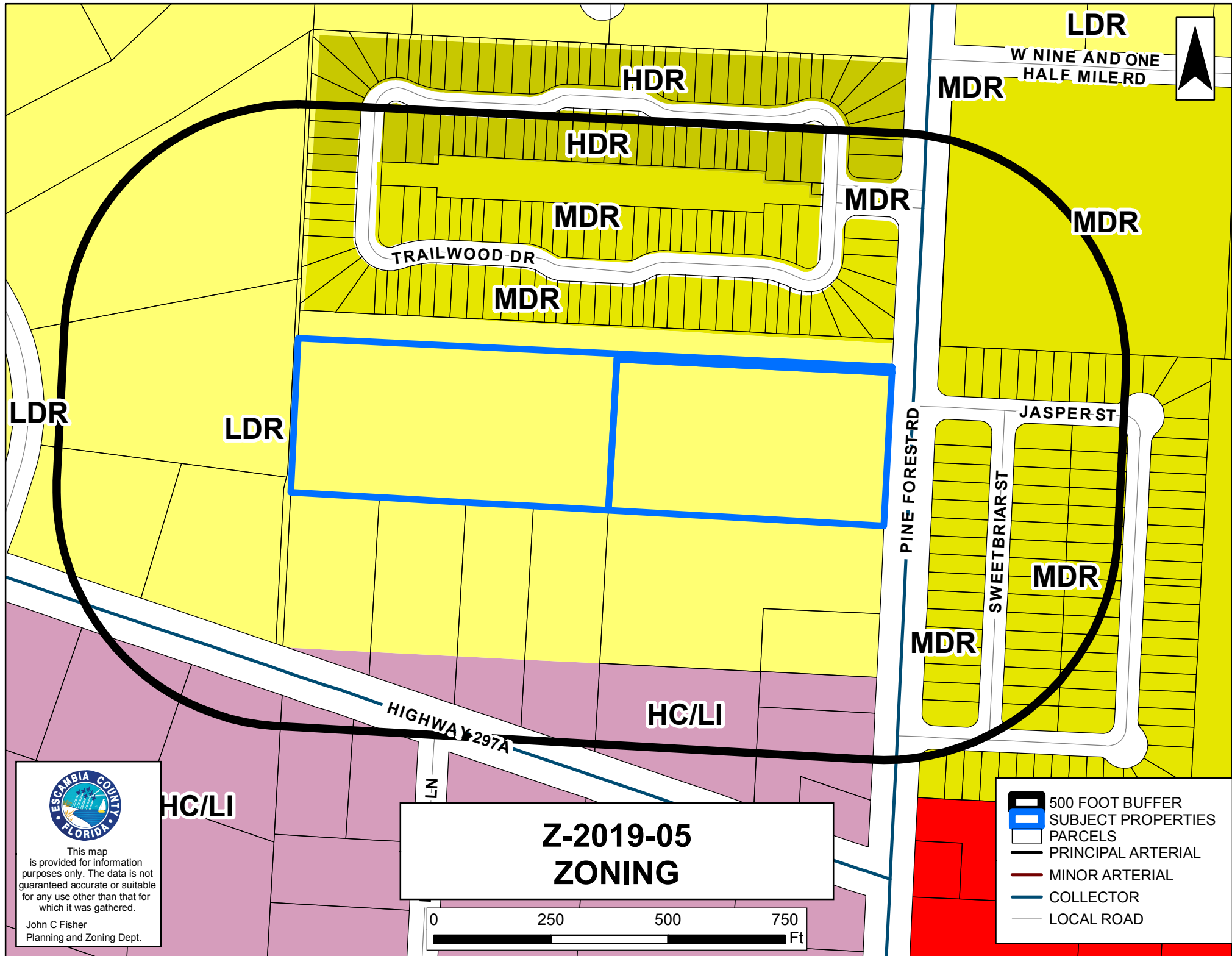
I'll have a hard copy delivered.

Thanks

Joe

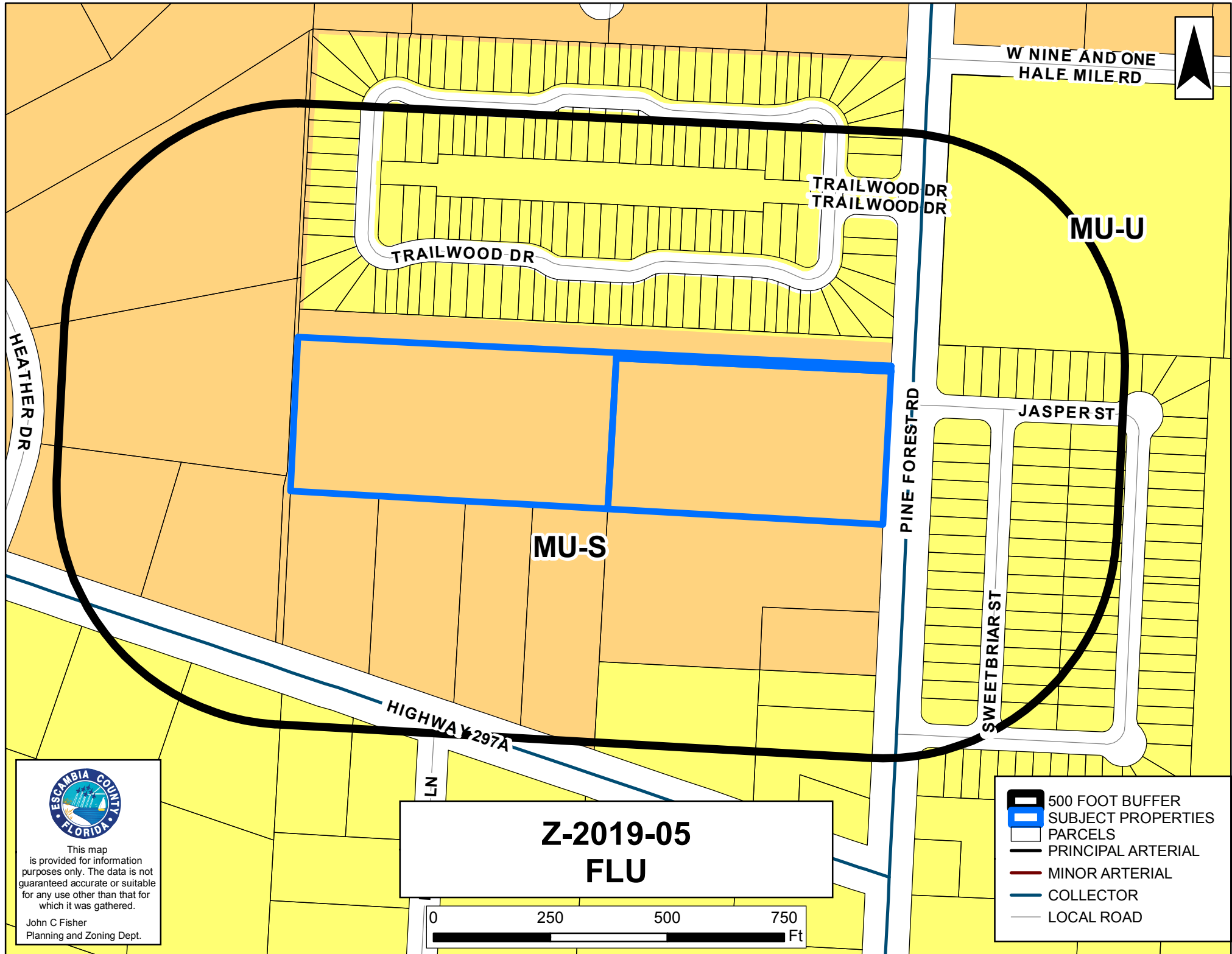
From: Allyson Lindsay <malindsay@myescambia.com>
Sent: Monday, March 11, 2019 3:28 PM
To: Joe Rector <joe.ector@mullinsllc.net>
Cc: Andrew D. Holmer <ADHOLMER@myescambia.com>; Kayla R. Meador <krmeador@myescambia.com>; Horace L Jones <HLJONES@myescambia.com>; Denise Halstead <DHALSTEAD@myescambia.com>

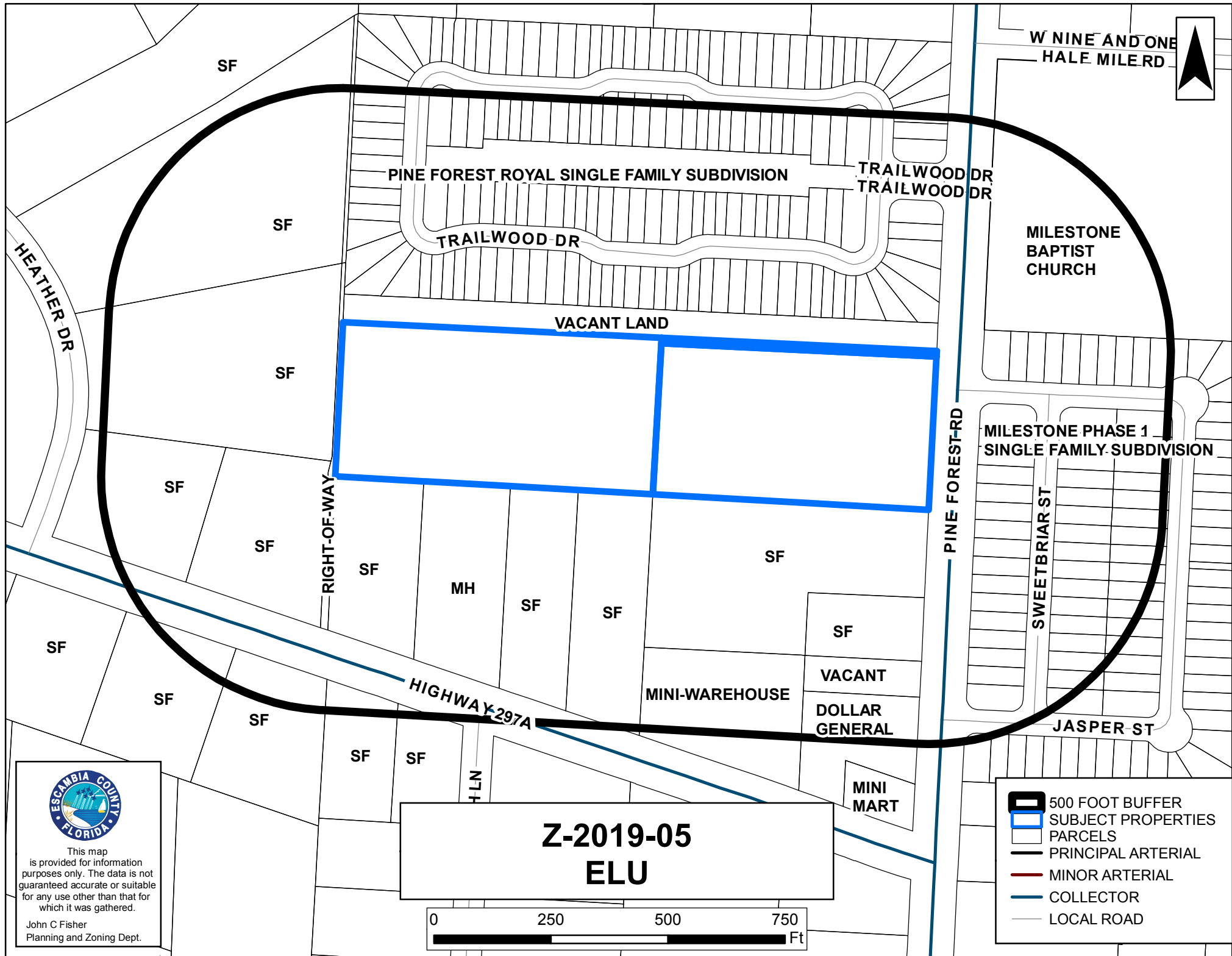
Z-2019-05



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.

John C Fisher
Planning and Zoning Dept.







TRAILWOOD DR

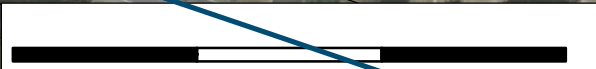
TRAILWOOD DR


JASPER ST

PINE FOREST RD

CONSTITUTION ST

PLYMOUTH LN



 **NOTICE OF
PUBLIC HEARING
REZONING**

CASE NO.: Z-2019-05

CURRENT ZONING: LDR PROPOSED ZONING: MDR

PLANNING BOARD

DATE: 05/07/19 TIME: 8:30 AM

LOCATION OF HEARING
ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE
BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 06/06/19 TIME: 5:45 PM

LOCATION OF HEARING
ERNIE LEE MAGAHA GOVERNMENT BLDG
221 PALAFOX PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 595-3475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

PUBLIC HEARING SIGN



LOOKING SOUTH ALONG
PINEFOREST ROAD



LOOKING WEST ONTO THE SUBJECT PROPERTY

**NOTICE OF
PUBLIC HEARING
REZONING**

CASE NO.: Z-2019-05

CURRENT ZONING: LDR PROPOSED ZONING: MDR

PLANNING BOARD

DATE: 05/07/19 TIME: 8:30 AM

LOCATION OF HEARING
ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE
BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 06/06/19 TIME: 5:45 PM

LOCATION OF HEARING
ERNIE LEE MAGAHA GOVERNMENT BLDG
221 PALAFOX PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 598-3475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

LOOKING NORTH ALONG PINEFOREST ROAD



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2019-05

CURRENT ZONING: LDR PROPOSED ZONING: IMDR

PLANNING BOARD

DATE: 05/07/19 TIME: 8:30 AM

LOCATION OF HEARING
ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3360 WEST PARK PLACE
BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 06/06/19 TIME: 5:45 PM

LOCATION OF HEARING
ERNE LEE MAGANA GOVERNMENT BLDG
221 PALADIN PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 980-8475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

LOOKING EAST ACROSS PINEFOREST ROAD



Escambia County Planning and Zoning

Development Services Department

3363 West Park Place Pensacola, FL 32505

Phone: (850) 595-3475 • Fax: (850) 595-3481 <http://myescambia.com/business/ds>

Rezoning Application

FOR OFFICE USE ONLY - Case Number: _____ Accepted by: _____ PB Meeting: _____

1. Contact Information:

A. Property Owner/Applicant: JAMES CHRISTOPHER JENNINGS III LIVING TRUST

Mailing Address: 800 GREEN HILLS RD CANTONMENT, FL

Business Phone: 251-947-4326 Cell: _____

Email: _____

B. Authorized Agent (if applicable): JOE RECTOR / MULLINS LLC

Mailing Address: 41 N JEFFERSON ST, STE 106, PENSACOLA, FL

Business Phone: _____ Cell: 850-502-7160

Email: joe.rector@mullinsllc.net

***Note:** Owner must complete the attached Agent Affidavit. If there is more than one owner, each owner must complete an Agent Affidavit. Application will be voided if changes to this application are found.*

2. Property Information:

A. Existing Street Address: 4000 BLK PINE FOREST

Parcel ID (s): _____

021S314106000000, 021S314106001001, 021S314106000001

B. Total acreage of the subject property: 9.09 +/-

C. Existing Zoning: LDR

Proposed Zoning: MDR; explain why necessary and/or appropriate

The smaller lot size and reduced setbacks allow for a more consistent development to the neighborhoods directly north and directly east of the site.

FLU Category: MU-S

D. Is the subject property developed (if yes, explain): NO

E. Sanitary Sewer: X **Septic:** _____

3. Amendment Request

Approval conditions. The applicant has the burden of presenting competent substantial evidence to the reviewing board establishing that the requested zoning district would contribute to or result in a logical and orderly development pattern. The appropriate surrounding area within which uses and conditions must be considered may vary with those uses and conditions and is not necessarily the same area required for mailed notification. A logical and orderly pattern shall require demonstration of each of the following conditions:

Please address *ALL* the following approval conditions for your rezoning request.

(use supplement sheets as needed)

- a. **Consistent with Comprehensive Plan.** The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

The requested zoning of MDR is consistent with the Comp plan because the Mixed-Use Urban (MU-U) future land use category is one of only two categories which allow for MDR zoning. The area is a suburban or urban areas with central water and sewer and a developed street network. The location provides transition between an area used for medium and high density residential and mixed-use, and areas used for low density residential.

- b. **Consistent with zoning district provisions.** The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3

Medium Density Residential (MDR) district purpose is to establish areas for medium density residential uses within suburban or urban areas. The parcel is on a suburban thoroughfare which borders a commercial shopping center, which functions as a gateway to an urban area. The connectivity of this site provides the future occupants the ability to walk and ride bikes to shopping and dining.

- c. **Compatible with surroundings.** All of the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the

compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

The areas immediately adjacent this property have the exact same zoning, MDR. The uses are townhomes, and garden homes to the north, and garden homes to the east. The parcels with 700 feet to the south and southeast are used for neighborhood shopping and grocery centers. MDR is compatible and appropriate in this location.

- d. **Appropriate if spot zoning.** Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site-specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or “spot” zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development

Per LDC Chapter 6, definition of Spot Zoning, this site could be considered, spot zoning, only for the fact that the parcel directly south is zoned LDR. However, it is important to note that the parcels heading north are zoned MDR and HDR, which is in the opposite direction of the intent of the LDC. This rezoning would correct this by moving the progression of MDR back toward the direction of the more urbanized areas.

- e. **Appropriate with changed or changing conditions.** If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

The conditions are continuing to change in this area. As residential development moves further north and west of this area, these smaller, vacant, infill parcels become prime candidates for this type of transitional zoning.

4. Please complete the following Forms: Concurrency Determination Acknowledgement and Affidavit of Owner/Limited Power of Attorney (if applicable).

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

Property Reference Number(s): 021S314106000000, 021S314106001001, 021S314106000001

Property Address: 4000 BLK PINE FOREST

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. 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 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT

ON THIS _____ DAY OF _____, YEAR OF _____

Signature of Property Owner

Printed Name of Property Owner

Date

Signature of Property Owner

Printed Name of Property Owner

Date

AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at 4001 Pine Forest Rd, Pen, Florida, property reference number(s) _____, I hereby designate Mullins LLC and Breland Coastal Homes LLC for the purpose of completing the necessary governmental reviews and to act on my behalf during the processing of the development review on the above referenced property.

This Limited Power of Attorney is granted on this _____ day of _____ the year of _____ and is effective until the County 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 governmental agencies.

James C. Jennings III 9-11-18
Signature of Property Owner Date Printed

James C. Jennings III
Name of Owner

STATE of Georgia

COUNTY of Coweta


The forgoing instrument was acknowledged before me this 11th day of September the year of 2018 by James C. Jennings III 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]
Signature of Notary Public Date 9/11/18

Brenton Coleman
Printed Name of Notary

May 30/2022
My Commission Expires


Commission No. (seal must be affixed)

AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at 4001 Pine Forest Rd, Pen, Florida, property reference number(s) _____, I hereby designate Mullins LLC and Breland Coastal Homes LLC for the purpose of completing the necessary governmental reviews and to act on my behalf during the processing of the development review on the above referenced property.

This Limited Power of Attorney is granted on this 12th day of Sept. the year of 2018 and is effective until the County 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 governmental agencies.

Lauree Jennings Helm 9/12/18
Signature of Property Owner Date Printed Name of Owner

STATE of FL

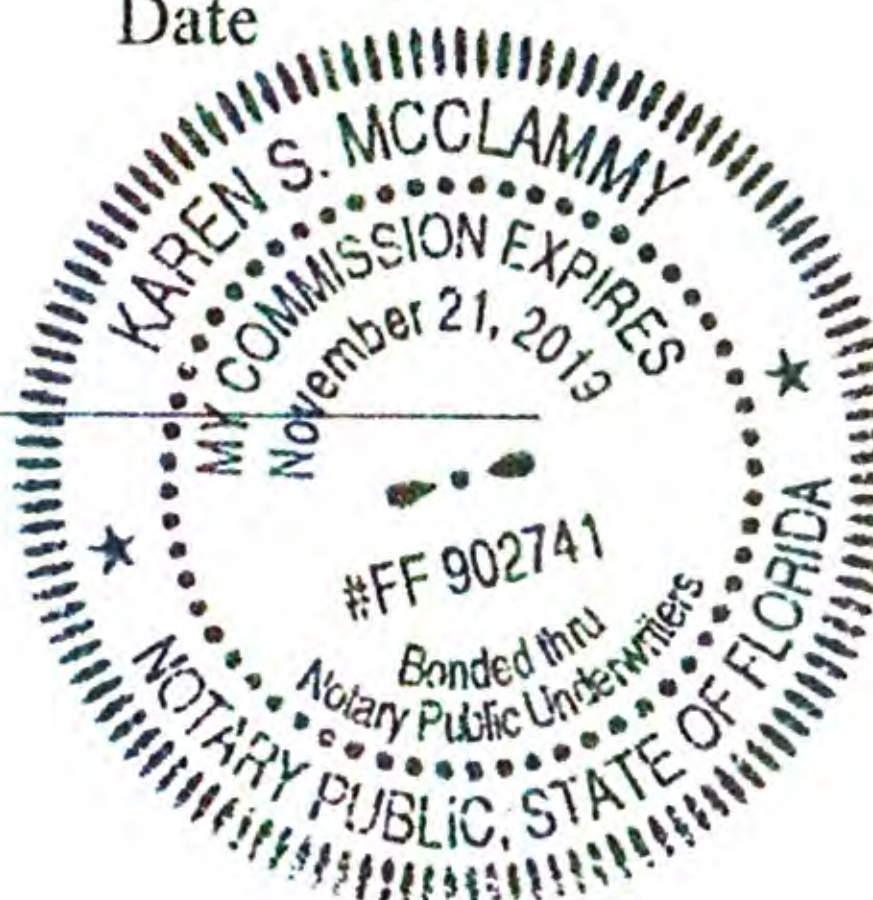
COUNTY of Escambia

The forgoing instrument was acknowledged before me this 12 day of Sept the year of 2018 by Lauree Jennings Helm 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 dlu as identification. 14 452. 530. 45. 843-0

[Signature] 9-12-18
Signature of Notary Public Date Printed Name of Notary

My Commission Expires



Commission No. (seal must be affixed)

AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at 4001 Pine Forest Rd, Pen, Florida, property reference number(s) _____, I hereby designate Mullins LLC and Breland Coastal Homes LLC for the purpose of completing the necessary governmental reviews and to act on my behalf during the processing of the development review on the above referenced property.

This Limited Power of Attorney is granted on this _____ day of _____ the year of _____ and is effective until the County 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 governmental agencies.

James C. Jennings III 9-11-18
Signature of Property Owner Date Printed

James C. Jennings III
Name of Owner

STATE of Georgia

COUNTY of Coweta


The forgoing instrument was acknowledged before me this 11th day of September the year of 2018 by James C. Jennings III 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]
Signature of Notary Public Date 9/11/18

Brenton Coleman
Printed Name of Notary

May 30/2022
My Commission Expires


Commission No. (seal must be affixed)

AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

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This Limited Power of Attorney is granted on this 12th day of Sept. the year of 2018 and is effective until the County 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 governmental agencies.

Lauree Jennings Helm 9/12/18
Signature of Property Owner Date Printed Name of Owner

STATE of FL

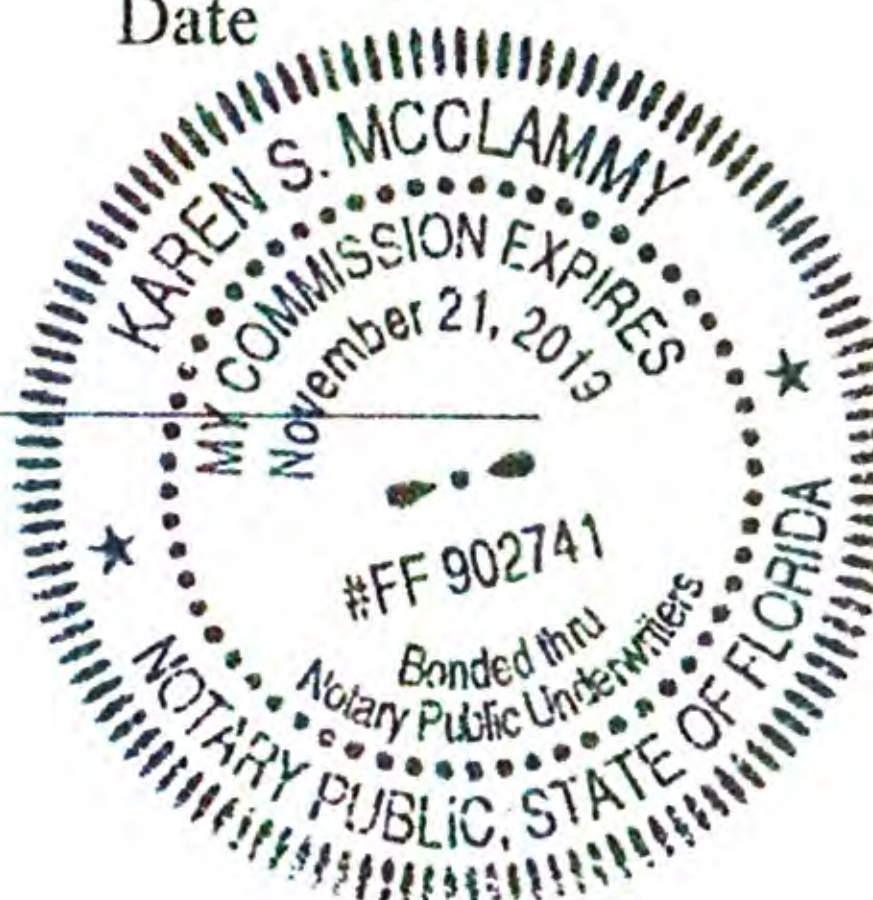
COUNTY of Escambia

The forgoing instrument was acknowledged before me this 12 day of Sept the year of 2018 by Lauree Jennings Helm 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 dlu as identification. 14 452. 530. 45. 843-0

[Signature] 9-12-18
Signature of Notary Public Date Printed Name of Notary

My Commission Expires



Commission No. (seal must be affixed)

5. Submittal Requirements

A. X Completed application: All applicable areas of the application shall be filled in and submitted to the Planning and Zoning Department, 3363 West Park Place, Pensacola, FL 32505.

B. X Application Fees: To view fees visit the website: **\$1,948.00**
<http://myescambia.com/business/ds/planning-board> or contact us at 595-3547

Note: Application fees include a \$5 technical fee. Cost of the public notice mailing is to be borne by the applicant. Payments must be submitted prior to 3 pm of the closing date of acceptance of application. Please make checks payable to Escambia County. MasterCard and Visa are also accepted (a 3% fee will be added for credit card payments).

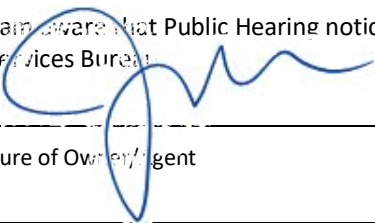
 X Legal Proof of Ownership (ex: copy of Tax Notice or Warranty Deed) **AND** a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)

C. N/A Compatibility Analysis (if applicable): If the subject property does not meet the roadway requirements of Locational Criteria, a compatibility analysis prepared by the applicant is required to provide substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria. (See "Documented Compatibility" within the request zoning district of the LDC.)

D. X Signed and Notarized Affidavit of Owner/Limited Power of Attorney AND Concurrency Determination Acknowledgement (pages 4 and 5).

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) 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 that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.



Signature of Owner/Agent

Joe A. Rector, Jr.

Printed Name Owner/Agent

1/11/2018

Date

Signature of Owner

Printed Name of Owner

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____.

Personally Known ☒ OR Produced Identification ☒. Type of Identification Produced: _____

Signature of Notary

Printed Name of Notary

(notary seal)

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

INTEROFFICE MEMORANDUM



**TO: Andrew Holmer, Division Manager
Development Services Department**

**FROM: Terri V. Malone, AICP, Transportation Planner
Transportation & Traffic Operations Division**

**THRU: David Forte, Division Manager
Transportation & Traffic Operations Division**

DATE: March 21, 2019

RE: Transportation & Traffic Operations (TTO) Comments – Z-2019-05

TTO Staff has reviewed the Rezoning Case (Z)-2019-05 4000 Pine Forest Road (LDR to MDR), agenda item for the Planning Board meeting scheduled for April 2, 2019. Please see the below comments.

The property in question fronts Pine Forest Road north of W. Nine Mile Road. Pine Forest Road in front of the property is a two-lane facility with paved shoulders. The road widens out to form a right turn lane into the housing development. The travel lanes are 10 feet wide. The posted speed is 35 MPH.

The County is pursuing a project on Pine Forest Road from I-10 to Nine Mile Road. This project would increase the capacity of this three-lane facility by expanding it to a four-lane facility with complete street features. This project is in the planning stages. There are no near-term proposed projects on Pine Forest Road, north of Nine Mile Road.

Per the TPO's Congestion Management Process Plan, this section of Pine Forest Road is classified as an urban collector with a maximum Level of Service of "D" and a daily capacity of 24,200. The daily volume for 2017 was recorded as 13,000.

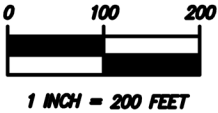
TTO's review is solely based off the application submittal packet, so the comments above hold no bearing on any future TTO comments during the Development Review process.

**cc: Horace Jones, Development Services Department Director
Joy Jones, P.E., Engineering Department Director
John Fisher, Development Services Department**



LEGAL DESCRIPTION

THE WEST HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 2, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA.
AND
THE EAST HALF OF THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 2, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA, LESS THE NORTH 12' FEET FOR RD R/W LESS EAST 50' FT FOR STATE ROAD R/W.



	SKETCH OF DESCRIPTION			DRAWING DATE:	PROJECT NO. 18-010P S1
	HELMS PARCELS SECTION 2, T-1-S, R-31-W ESCAMBIA COUNTY, FLORIDA			2/14/18	
				BY:	
				JAR	
	FB/PG:	FLD DATE:	SCALE: 1"=200'	APPROVED BY:	
				JTM	

Recorded in Public Records 3/17/2017 2:44 PM OR Book 7681 Page 1511,
Instrument #2017019535, Pam Childers Clerk of the Circuit Court Escambia
County, FL Recording \$35.50 Deed Stamps \$0.70

Prepared by and return to:

Stephen B. Shell
Shell, Fleming, Davis & Menge, P.A.
Post Office Box 1831
Pensacola, FL 32591-1831
850-434-2411
File Number: B2861.00000

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Deed of Realty

This Deed of Realty made this 4th day of April, 2016 between Laurie Jennings Helms and Christopher Jennings, III, individually and as co-Successor Trustees of the Kathleen H. Jennings Revocable Trust dated September 5, 2008, collectively referred to as "Grantors"*, and Laurie Jennings Helms, as Trustee of the Laurie Jennings Helms Revocable Trust dated June 4, 2007 and James Christopher Jennings, III, as Trustee of the James Christopher Jennings, III Living Trust dated July 24, 2003, as tenants in common, collectively referred to as "Grantees":

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that Grantors, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to Grantors in hand paid by said Grantees, the receipt whereof is hereby acknowledged, have granted, bargained, and sold to the said Grantees, and Grantees' heirs and assigns forever, Grantors' interest in the following described land, situate, lying and being in Escambia County, Florida to-wit:

E1/2 OF N1/2 OF S1/2 OF NE1/4 OF SE1/4 LESS N 12 FT OF E 1/2 FOR RD R/W LESS E 50 FT FOR ST RD R/W OR 50 P 507 OR 2014 P 357/358/361 CASE #2001-CP-1344

Property Reference Number: 021S314106000000

Address: Off Hwy 297

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

The Grantees, as Trustees herein is hereby conferred with the power and authority to protect, conserve, sell, lease, encumber, convey and otherwise manage and dispose of the above-described property pursuant to the provisions of Section 689.073, Florida Statutes. The interest of any beneficiary hereunder is hereby defined and declared to be personal property only.

And subject to taxes for the current year and later years and all valid easements and restrictions of record, if any, which are not hereby reimposed; and also subject to any claim, right, title or interest arising from any recorded instrument reserving, conveying, leasing, or otherwise alienating any interest in the oil, gas and other minerals.

* Grantors are the duly qualified and appointed successor co-trustees of the Kathleen H. Jennings Revocable Trust dated September 5, 2008. Kathleen H. Jennings died on September 10, 2015 and a true and correct copy of her death certificate is attached hereto as Exhibit "A." The property conveyed is held by the co-trustees under the aforementioned Trust. Grantors have full power and authority to hold and convey title to the subject property. The aforementioned Trust has been in full force and effect during the period of ownership of the property thereunder.

The preparer of this deed represents that: this deed has been prepared at the express direction of the grantor and grantee solely from the legal description provided to the preparer by the grantor and grantee; that no title search, survey, or inspection of the

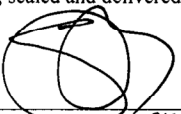
DoubleTime®

BK: 7681 PG: 1512

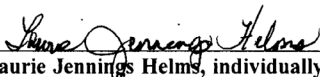
above-described property has been performed by the preparer; that the title to the above-described property has not been examined by the preparer; and that the preparer makes no representations, warranties or guarantees whatsoever as to the status of the title to or ownership of said property.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


 Witness Name: STEPHEN B. SHELL


 Witness Name: LOUELLA F. CONN



 Laurie Jennings Helms, individually and as co-Successor
 Trustee of the Kathleen H. Jennings Revocable Trust
 dated September 5, 2008

State of Florida

County of Escambia

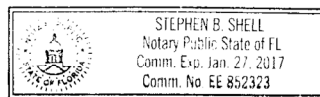
The foregoing instrument was sworn to, subscribed, and acknowledged before me this 4th day of April, 2016 by **Laurie Jennings Helms, individually and as co-Successor Trustee of the Kathleen H. Jennings Revocable Trust dated September 5, 2008** who ☒ is personally known to me or ☐ has produced a driver's license as identification.

[Notary Seal]


 Notary Public

Printed Name: _____

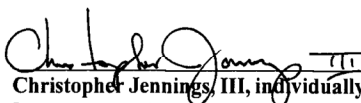
My Commission Expires: _____

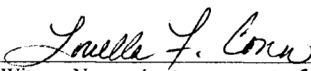


BK: 7681 PG: 1513

Signed, sealed and delivered in our presence:


 Witness Name: Stephen B. Shell


 Christopher Jennings, III, individually and as co-Successor
 Trustee of the Kathleen H. Jennings Revocable Trust dated
 September 5, 2008

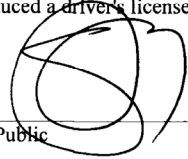

 Witness Name: LORELLA F. CONN

State of Florida

County of Escambia

The foregoing instrument was sworn to, subscribed, and acknowledged before me this 24th day of Feb., 2017
Christopher Jennings, III, individually and as co-Successor Trustee of the Kathleen H. Jennings Revocable Trust dated
September 5, 2008 who ☒ is personally known to me or [] has produced a driver's license as identification.

[Notary Seal]


 Notary Public

Printed Name: _____

My Commission Expires: _____



BK: 7681 PG: 1514
CFN: 2017019535
SEQ: 4
IS NOT VIEWABLE VIA WEB

Recorded in Public Records 01/14/2009 at 08:48 AM OR Book 6415 Page 654,
Instrument #2009002384, Ernie Lee Magaha Clerk of the Circuit Court Escambia
County, FL Recording \$44.00 Deed Stamps \$0.70

Prepared by and return to:
Stephen B. Shell
Shell, Fleming, Davis & Menge, P.A.
Post Office Box 1831
Pensacola, FL 32591-1831
850-434-2411
File Number: B2884.00000

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Warranty Deed

This Warranty Deed made this 14th day of November, 2008 between **JAMES CHRISTOPHER JENNINGS, III**, whose post office address is 820 Green Hills Road, Cantonment, FL 32533, grantor, and **JAMES CHRISTOPHER JENNINGS, III, as Trustee of the James Christopher Jennings, III Living Trust dated July 24, 2003**, whose post office address is 820 Green Hills Road, Cantonment, FL 32533, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, **Grantor's undivided interest** in and to the following described land, situate, lying and being in **Escambia County, Florida** to-wit:

See Exhibit "A" attached hereto and made a part hereof.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

The property conveyed hereby, being vacant land, is not the homestead of Grantor nor is it contiguous to Grantor's homestead.

The Trustee herein is hereby conferred with the powers and authority set forth in the Exhibit B attached hereto and made a part hereof. The interest of any beneficiary hereunder is hereby defined and declared to be personal property only.

And subject to taxes for the current year and later years and all valid easements and restrictions of record, if any, which are not hereby reimposed; and also subject to any claim, right, title or interest arising from any recorded instrument reserving, conveying, leasing, or otherwise alienating any interest in the oil, gas and other minerals. And grantor does warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, subject only to the exceptions set forth herein.

The preparer of this deed represents that: this deed has been prepared at the express direction of the grantor and grantee solely from the legal description provided to the preparer by the grantor and grantee; that no title search, survey, or inspection of the above-described property has been performed by the preparer; that the title to the above-described property has not been examined by the preparer; and that the preparer makes no representations, warranties or guarantees whatsoever as to the status of the title to or ownership of said property.

DoubleTime®

BK: 6415 PG: 655

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

M Underwood
 Stephen B. Shell Meredith L. Underwood

James Christopher Jennings, III (seal)
 James Christopher Jennings, III

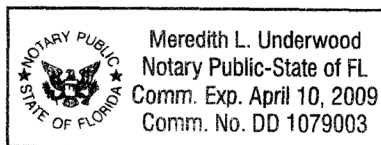
Witness Name: Shirley J. Olvanly

State of Florida

County of Escambia

The foregoing instrument was sworn to, subscribed, and acknowledged before me this 14th day of November, 2008 by **James Christopher Jennings, III**, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



M Underwood
 Notary Public

Printed Name: Stephen B. Shell Meredith Underwood

My Commission Expires: 1/27/2009 4/10/09

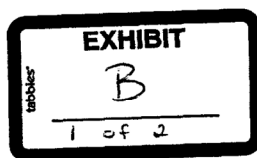
BK: 6415 PG: 656

EXHIBIT "A"

Grantor's undivided one-half interest in the following-described property:

The west half of the north half of the south half of the northeast quarter of the southeast quarter, Section 2, Township 1 South, Range 31 West, Escambia County, Florida.

BK: 6415 PG: 657



(1) To sell, exchange, or otherwise dispose of any property at any time held or acquired hereunder, at public or private sale, for cash or on terms, without advertisement, including the right to lease for any term notwithstanding the period of the Trust, and to grant options (including writing covered call options) to buy for any period, including a period beyond the duration of the Trust;

(2) To invest all monies in such stocks, bonds, securities, investment company or trust shares, mortgages, notes, choses in action, real estate, improvements thereon, interests in partnerships, limited liability companies and other entities, and other property as the Trustee may deem best without regard to any law or regulation now or hereafter in force limiting investments of fiduciaries;

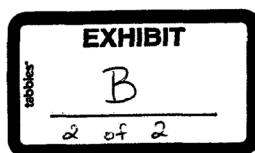
(3) To retain for investment any property or choses in action deposited with the Trustee hereunder;

(4) To vote in person or by proxy any corporate stock or other security or ownership interest and to agree to or take any other action in regard to any reorganization, merger, consolidation, liquidation, bankruptcy, or other procedure or proceeding affecting any stock, bond, note, or other security or ownership interest;

(5) To employ attorneys, real estate brokers, accountants and other agents, if such employment be deemed appropriate, to rely reasonably on the advice of such agents, and to pay reasonable compensation for their services;

(6) To compromise, settle or adjust any claim or demand by or against the Trust and to agree to any rescission or modification of any contract or agreement affecting the Trust;

(7) To renew any indebtedness, as well as to borrow money, and to secure the same by mortgaging, pledging or conveying any property of the Trust, including the power to borrow from the Trustee at a reasonable rate of interest;



(8) To retain and carry on any business in which the Trust acquires an interest, to acquire additional interests in any such business, to agree to the liquidation in kind of any corporation or other entity in which the Trust may have an interest and to carry on the business thereof, to join with other owners in adopting any form of management for any business or property in which the Trust may have an interest, to become or remain a partner, general or limited in regard to any such business or property, to incorporate any such business or property or to form a limited liability company or other entity with respect thereto, and to hold the stock or other ownership interest as an investment, and to employ agents and confer on them authority to manage and operate such business, property, corporation or other entity, without liability for the acts of any such agents or for any loss, liability, or indebtedness of such business if the management is selected or retained with reasonable care;

(9) To register any stock, bond, or other security in the name of a nominee, and use nationally and internationally recognized depositories, without the addition of words indicating that such security is held in a fiduciary capacity; but accurate records shall be maintained showing that such security is a Trust asset; and

(10) To pay from any Trust created hereunder all charges which the Trustee deems necessary or appropriate to comply with laws regulating environmental conditions and to remedy or ameliorate any such conditions which the Trustee determines adversely affect such Trust or otherwise are liabilities of such Trust, and to pay any liabilities, fines or penalties incurred by the Trustee, either in its fiduciary capacity or personally, on account of such conditions and arising out of the performance of its duties hereunder, other than any such charges which are directly caused by its own gross negligence or wilful misconduct, and to apportion all of such charges among the several Trusts hereunder and the interests of the beneficiaries therein in such manner as the Trustee deems fair, prudent and equitable under all of the circumstances.

[ECPA Home](#)

Chris Jones

Escambia County Property Appraiser

[Real Estate Search](#)
[Tangible Property Search](#)
[Sale List](#)
[Amendment 1/Portability Calculations](#)
[←](#) [Navigate Mode](#) ☒ [Account](#) ☐ [Reference](#) [→](#)
[Printer Friendly Version](#)

General Information

Reference: 021S314106000000
Account: 090220000
Owners: HELMS LAURIE JENNINGS TRUSTEE FOR
 HELMS LAURIE JENNINGS REVOCABLE TRUST
 JENNINGS JAMES CHRISTOPHER III TRUSTEE FOR
 JENNINGS JAMES CHRISTOPHER III LIVING TRUST
Mail: 800 GREEN HILLS RD
 CANTONMENT, FL 32533
Situs: OFF HWY 297 32533
Use Code: VACANT RESIDENTIAL
Taxing Authority: COUNTY MSTU
Tax Inquiry: [Open Tax Inquiry Window](#)
 Tax Inquiry link courtesy of Scott Lunsford
 Escambia County Tax Collector

Assessments

Year	Land	Imprv	Total	Cap Val
2018	\$105,213	\$0	\$105,213	\$105,213
2017	\$105,213	\$0	\$105,213	\$105,213
2016	\$105,213	\$0	\$105,213	\$105,213

[Disclaimer](#)
[Amendment 1/Portability Calculations](#)
[File for New Homestead Exemption Online](#)

Sales Data

Sale Date	Book	Page	Value	Type	Official Records (New Window)
02/24/2017	7681	1511	\$100	WD	View Instr
12/11/2016	7821	1894	\$100	QC	View Instr
06/16/2016	7730	968	\$100	QC	View Instr
04/04/2016	7506	1495	\$100	TR	View Instr
09/05/2008	6375	1723	\$100	WD	View Instr
09/1984	2014	361	\$100	QC	View Instr
09/1984	2014	357	\$100	QC	View Instr
08/1984	2014	358	\$100	QC	View Instr

Official Records Inquiry courtesy of Pam Childers
 Escambia County Clerk of the Circuit Court and Comptroller

2018 Certified Roll Exemptions

None

Legal Description

E1/2 OF N1/2 OF S1/2 OF NE1/4 OF SE1/4 OR
 7381 P 1511 OR 7730 P 968 OR 7821 P 1894
 LESS N 12 FT OF E 1/2 FOR RD...

Extra Features

None

Parcel Information

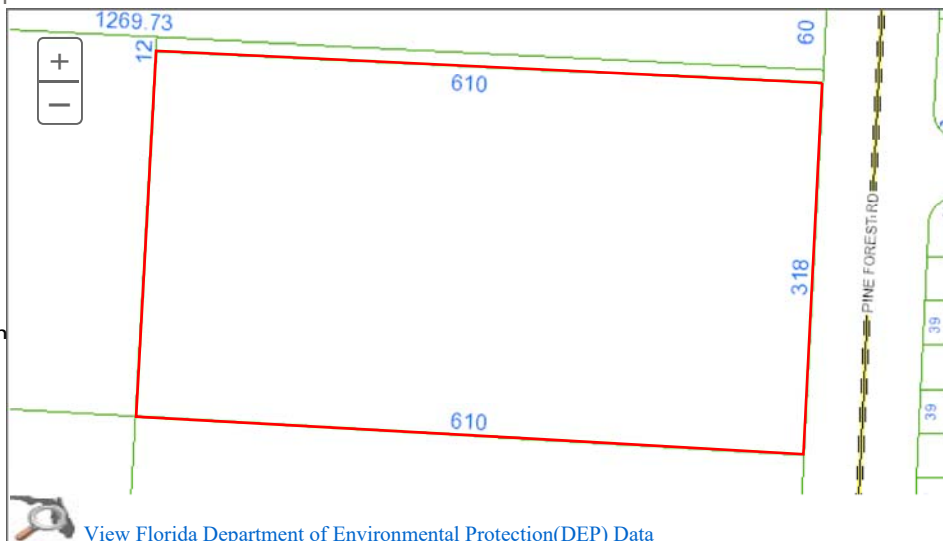
[Launch Interactive Map](#)

Section Map Id:
[02-1S-31-2](#)

Approx. Acreage:
 4.4300

Zoned:
 LDR

Evacuation & Flood Information
[Open Report](#)



[View Florida Department of Environmental Protection\(DEP\) Data](#)

Buildings

Images

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Chris Jones Escambia County Property Appraiser

Real Estate
SearchTangible Property
SearchSale
ListAmendment 1/Portability
Calculations

← Navigate Mode ☒ Account ☐ Reference →

[Printer Friendly Version](#)**General Information**

Reference: 021S314106000001
Account: 090220100
Owners: JENNINGS J C SR EST OF
Mail: PO BOX 62
 GONZALEZ, FL 32560
Situs: 4000 BLK PINE FOREST RD 32533
Use Code: VACANT RESIDENTIAL
Taxing Authority: COUNTY MSTU
Tax Inquiry: [Open Tax Inquiry Window](#)

Tax Inquiry link courtesy of Scott Lunsford
 Escambia County Tax Collector

Assessments

Year	Land	Imprv	Total	Cap Val
2018	\$1	\$0	\$1	\$1
2017	\$1	\$0	\$1	\$1
2016	\$1	\$0	\$1	\$1

[Disclaimer](#)[Amendment 1/Portability Calculations](#)> [File for New Homestead Exemption Online](#)**Sales Data**

Sale Date Book Page Value Type **Official Records (New Window)**
 09/1977 1148 468 \$100 OT [View Instr](#)

Official Records Inquiry courtesy of Pam Childers
 Escambia County Clerk of the Circuit Court and
 Comptroller

2018 Certified Roll Exemptions
 None

Legal Description

N 12 FT OF E 1/2 OF N 1/2 OF S 1/2 OF NE 1/4 OF SE
 1/4 LESS E 50 FT FOR ST RD DB 107 P 394

Extra Features

None

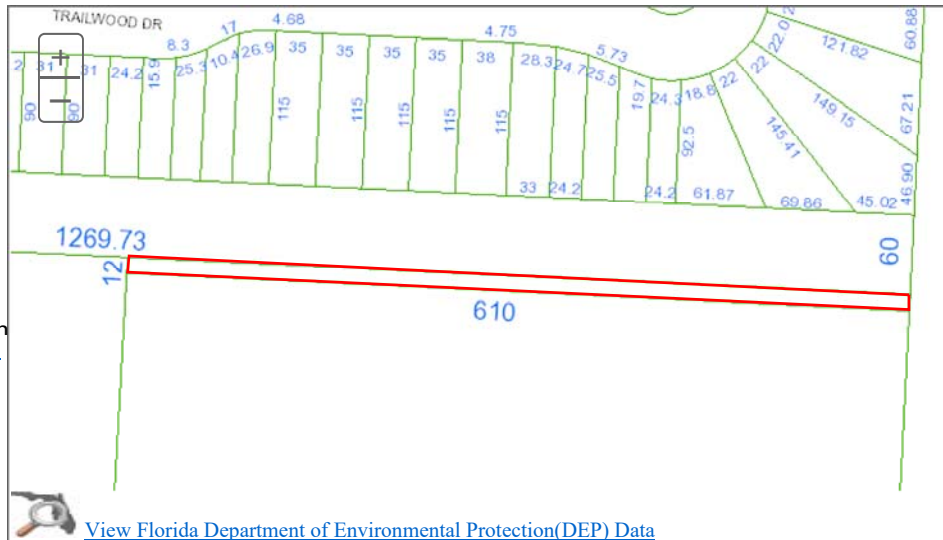
Parcel Information[Launch Interactive Map](#)

Section
Map Id:
[02-1S-31-2](#)

Approx. Acreage:
 0.1619

Zoned:
 LDR

Evacuation & Flood Information
[Open Report](#)

[View Florida Department of Environmental Protection\(DEP\) Data](#)**Buildings**

Images

None

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

Last Updated: 09/17/2018 (tc.1523)

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Chris Jones Escambia County Property Appraiser

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Search](#)
[Sale
List](#)
[Amendment 1/Portability
Calculations](#)
[←](#) Navigate Mode ☒ Account ☐ Reference [→](#)
[Printer Friendly Version](#)

General Information

Reference: 021S314106001001

Account: 090220200

Owners: HELMS LAURIE JENNINGS TRUSTEE FOR
HELMS LAURIE JENNINGS TRUST 1/2 INT
JENNINGS JAMES C III TRUSTEE FOR
JENNINGS JAMES CHRISTOPHER III LIVING
TRUST 1/2... [P](#)
Mail: 800 GREENHILLS RD
CANTONMENT, FL 32533

Situs: OFF HIGHWAY 297A 32533

Use Code: VACANT RESIDENTIAL [P](#)
**Taxing
Authority:** COUNTY MSTU

**Tax
Inquiry:** [Open Tax Inquiry Window](#)

 Tax Inquiry link courtesy of Scott Lunsford
Escambia County Tax Collector

Assessments

Year	Land	Imprv	Total	Cap Val
2018	\$5,131	\$0	\$5,131	\$5,131
2017	\$5,131	\$0	\$5,131	\$5,131
2016	\$5,131	\$0	\$5,131	\$5,131

[Disclaimer](#)
[Amendment 1/Portability Calculations](#)
[> File for New Homestead Exemption
Online](#)

Sales Data

Sale Date	Book	Page	Value	Type	Official Records (New Window)
11/14/2008	6415	654	\$100	WD	View Instr
09/05/2008	6375	1713	\$100	WD	View Instr
06/2007	6175	837	\$100	WD	View Instr
07/2002	4955	602	\$100	CJ	View Instr

 Official Records Inquiry courtesy of Pam Childers
Escambia County Clerk of the Circuit Court and Comptroller

2018 Certified Roll Exemptions
None

Legal Description

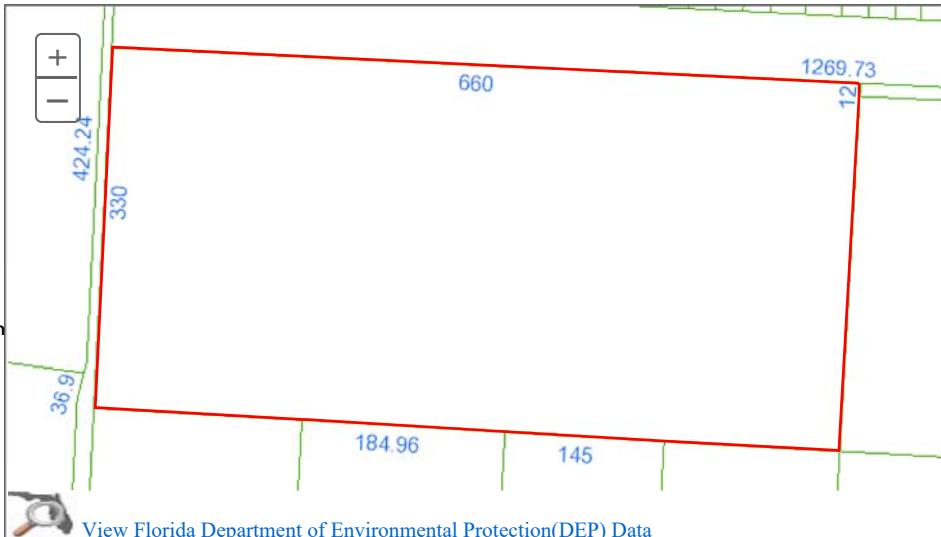
 W1/2 OF N1/2 OF S1/2 OF NE1/4 OF SE1/4 OR
4955 P 602 OR 6175 P 837 OR 6375 P 1713 OR
6415 P 654

Extra Features
None

Parcel Information

[Launch Interactive Map](#)
**Section
Map Id:**
[02-1S-31-2](#)
**Approx.
Acreage:**
4.5000

Zoned: [P](#)
LDR

**Evacuation
& Flood
Information**
[Open Report](#)

[View Florida Department of Environmental Protection\(DEP\) Data](#)

Buildings

Images

None

The primary use of the assessment data is for the preparation of the current year tax roll. No responsibility or liability is assumed for inaccuracies or errors.

Location Map



January 4, 2019

polygonLayer

Streets

Override 1

— PRINCIPAL ARTERIAL

— MINOR ARTERIAL

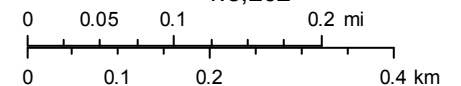
— COLLECTOR

— LOCAL ROAD

□ Parcels

□ County Outline

1:8,262



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Topography Map



January 4, 2019

polygonLayer

Streets

Override 1

PRINCIPAL ARTERIAL

MINOR ARTERIAL



COLLECTOR



LOCAL ROAD

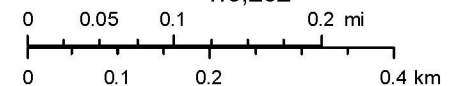


Parcels



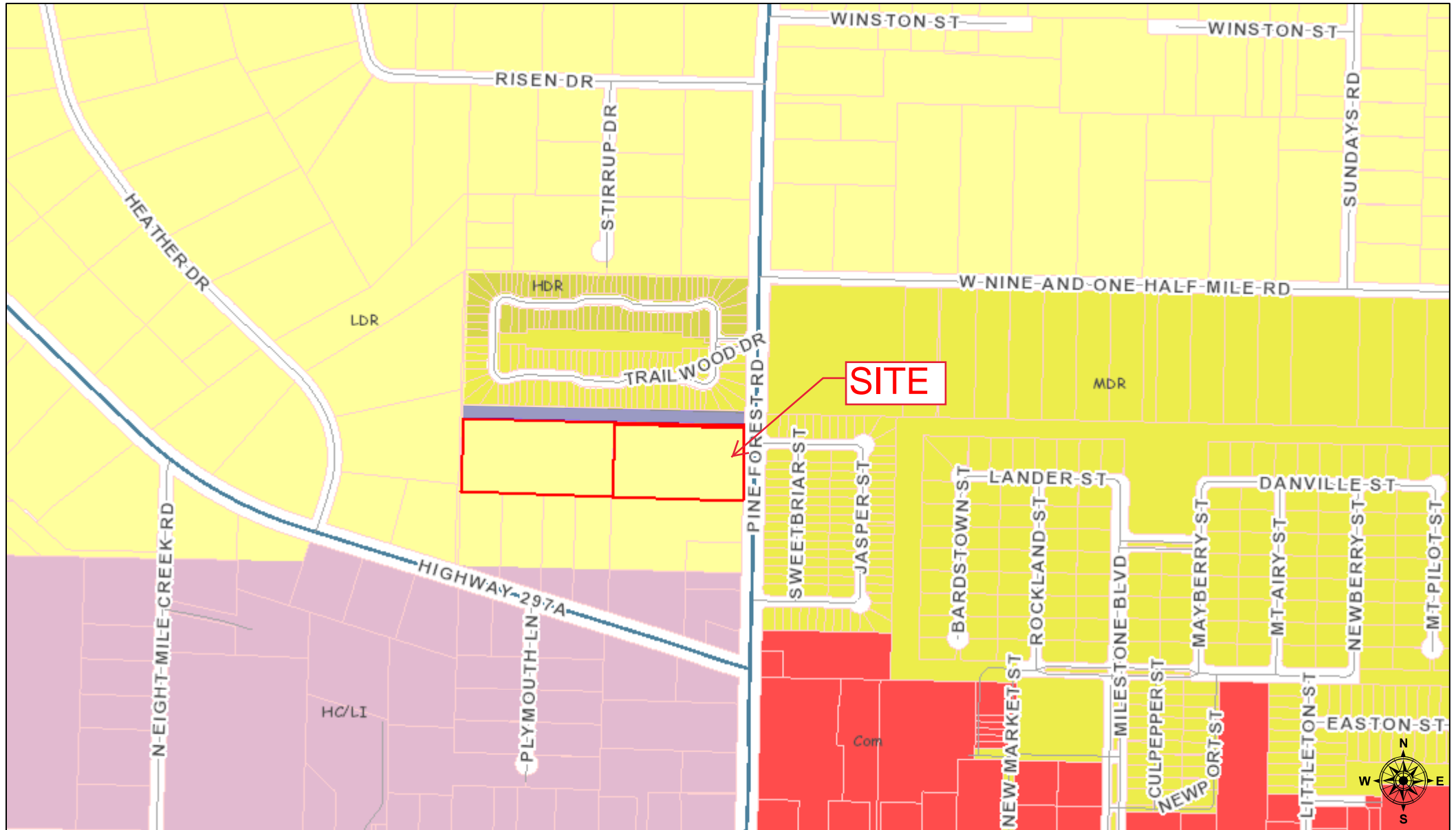
County Outline

1:8,262



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Zoning



January 4, 2019

polygonLayer

Streets

Override 1

— PRINCIPAL ARTERIAL

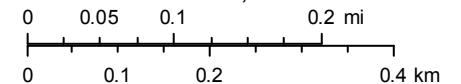
— MINOR ARTERIAL

— COLLECTOR

— LOCAL ROAD

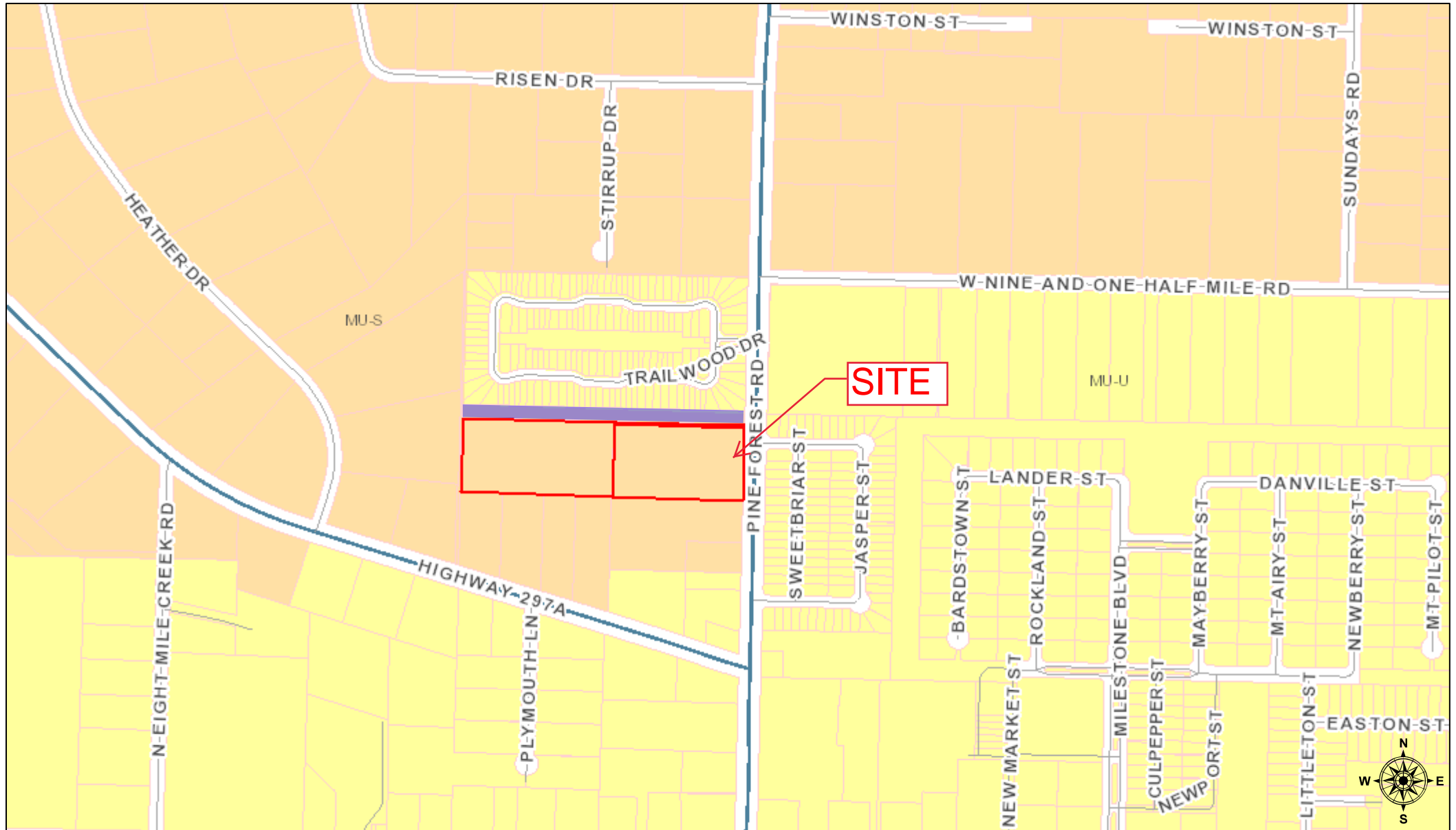
□ Parcels

1:8,262



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

FLUM



January 4, 2019

polygonLayer

Streets

Override 1

PRINCIPAL ARTERIAL

MINOR ARTERIAL



COLLECTOR

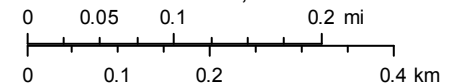


LOCAL ROAD

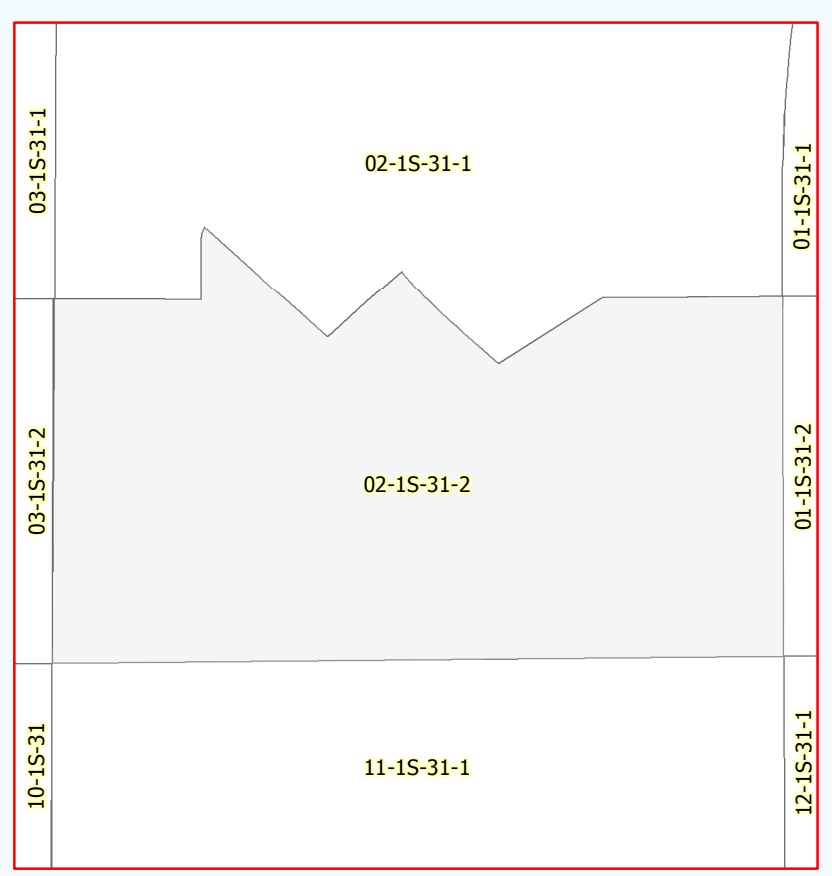
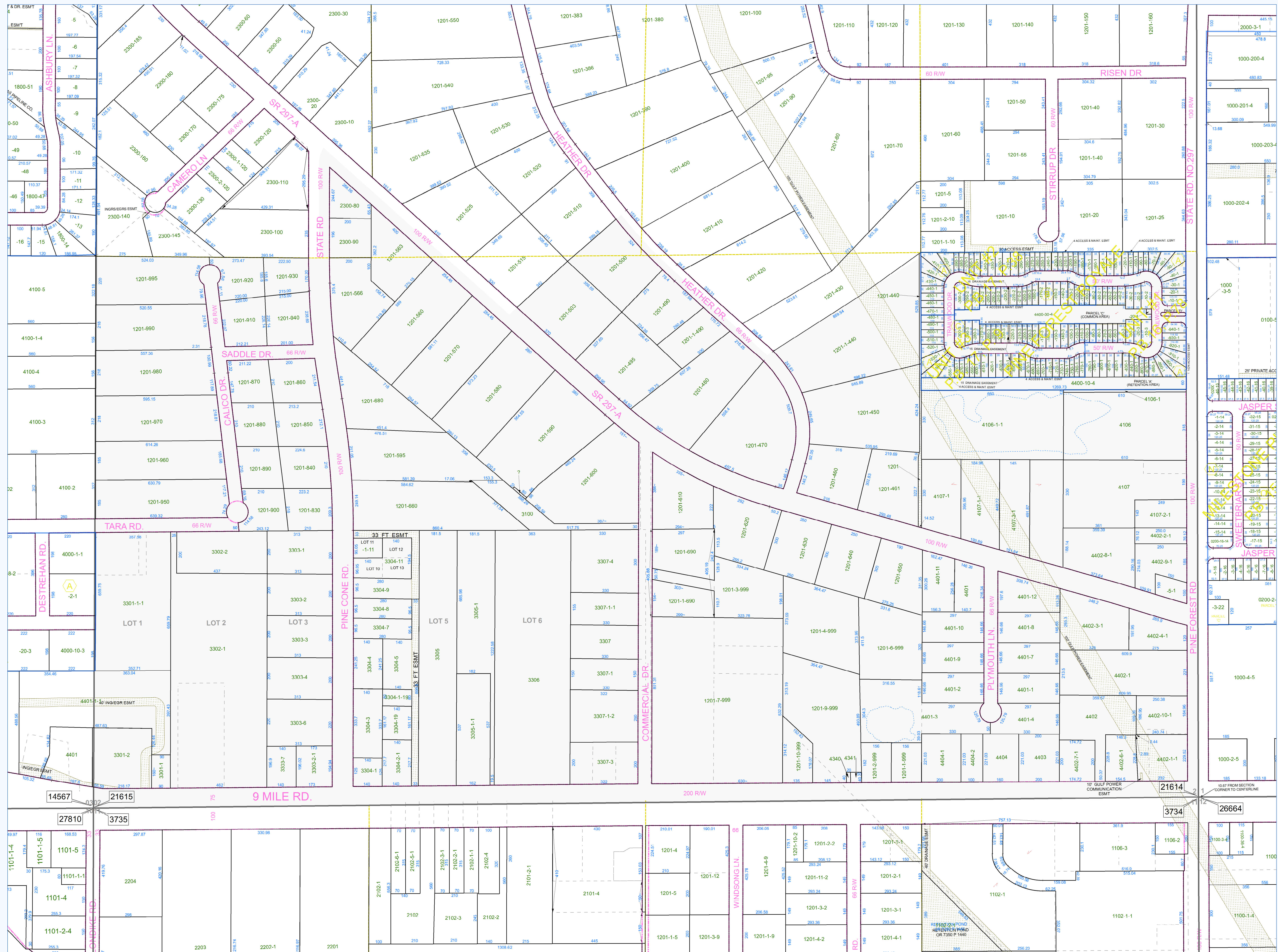


Parcels

1:8,262

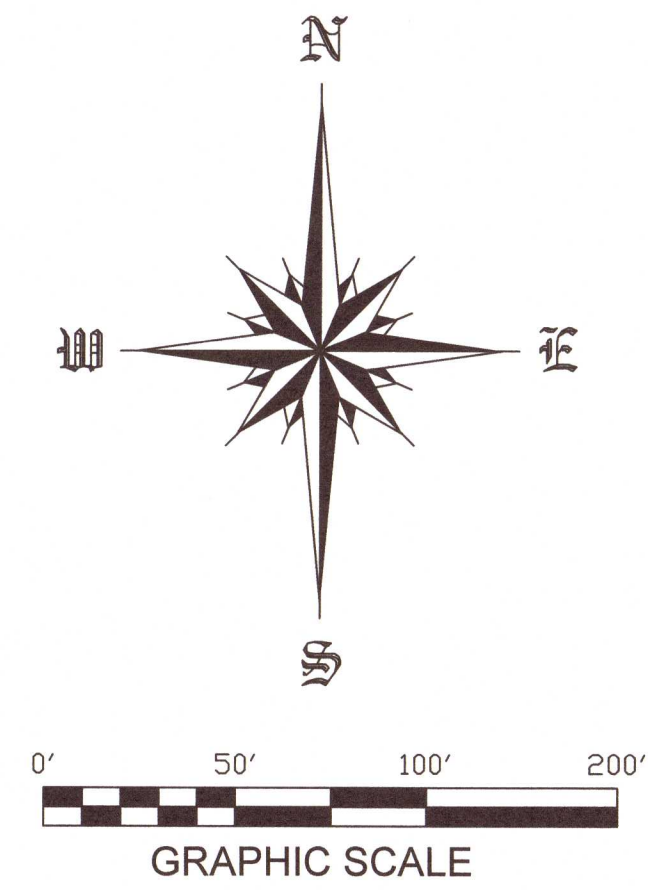


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



- City Limits Boundary
- Subdivision Boundary
- Property Line
- Govt. Section Line
- Govt. Lot Line
- Right of Way Line
- History Line
- Waterway Line
- Easement
- Submerged Land Lease
- MapGrid

NOTES
THIS MAP WAS COMPILED FOR ESCAMBIA COUNTY
PROPERTY APPRAISAL PURPOSES ONLY.
CONTENTS OF THIS MAP SHOULD BE CONSIDERED
AS APPROXIMATE, UNLESS VERIFIED BY SURVEY
OR OTHER MEANS.



LEGEND

- ⊙ CAPPED REBAR SET
- CONCRETE MONUMENT FOUND
- OPEN TOP IRON PIPE FOUND
- ⊙ CAPPED PIPE FOUND
- ⊙ CAPPED REBAR FOUND
- ⊙ NAIL WITH CAP FOUND
- REBAR FOUND
- ⊙ UTILITY POLE
- ⊙ PHONE BOX
- ⊙ GAS LINE MARKER
- ⊙ GULF POWER EASEMENT MARKER
- CPF CAPPED PIPE FOUND
- CRF CAPPED REBAR FOUND
- () RECORD PER DEED/PLAT
- *—*—*— WIRE FENCE
- CHAIN LINK FENCE
- — — — — OVERHEAD ELECTRICAL LINES

NOTES:

1. ACTUAL BEARINGS AND NORTH ARROW REFERENCED TO REAL TIME KINEMATIC GPS OBSERVATIONS (GRID NORTH) (ALDOT CORS NETWORK).
2. FIELD WORK COMPLETED: MARCH 13, 2019
3. REFERENCES USED IN THIS SURVEY: PLAT BOOK 16 PAGE 78, PLAT BOOK 17 PAGE 38, OR BOOK 2431 PAGE 230, OR BOOK 2620 PAGE 274, DEED BOOK 114 PAGE 203 FOUND IN THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA, OR BOOK 6415 PAGE 654, OR BOOK 7681 PAGE 1511, TITLE COMMITMENT NUMBER 7195320 DATED 9-21-2018 BY CHICAGO TITLE INSURANCE COMPANY PROVIDED BY CLIENT.
4. THIS PLAT IS THE PROPERTY OF TIMOTHY BRANDON BAILEY, PLS. IT IS SOLELY FOR THE USE OF THE CLIENT NAMED HEREON. IT IS NOT TRANSFERABLE TO ANY OTHER PARTY AND MAY NOT BE USED FOR ANY OTHER PURPOSE WITHOUT PRIOR WRITTEN CONSENT FROM TIMOTHY BRANDON BAILEY, PLS.

DESCRIPTION PROVIDED BY CLIENT:

- PARCEL 1:
THE EAST 1/2 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA. LESS THE NORTH 12 FEET WHICH IS RESERVED FOR A ROAD RIGHT OF WAY.
- PARCEL 2:
THE WEST 1/2 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA.
- PARCEL 3:
THE NORTH 12 FEET OF THE EAST 1/2 OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 1 SOUTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA.

THE SURVEY SHOWN HEREON IS TRUE AND CORRECT AND IN COMPLIANCE WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17.050, 5J-17.051 AND 5J-17.052, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Timothy Brandon Bailey DATE: 3-25-19
TIMOTHY BRANDON BAILEY, P.L.S.
FLORIDA LICENSE NUMBER 6978

SURVEY PREPARED BY: Timothy Brandon Bailey, PLS 208 Mohawk Street Mobile, Alabama 36606 Telephone: 251-564-7295 tbbailey@hotmail.com		Scale: 1" = 50'	THIS DRAWING DOES NOT REFLECT ANY TITLE OR EASEMENT RESEARCH OTHER THAN WHAT IS VISIBLE ON THE GROUND OR PROVIDED BY THE CLIENT'S CONVEYANCE.	<table><thead><tr><th>No.</th><th>Date</th><th>Revisions</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table>	No.	Date	Revisions																TYPE OF SURVEY: BOUNDARY	CLIENT: MULLINS INC.	Plat Not Valid Without Original Raised Seal and Signature
No.	Date	Revisions																							
File No.: 19-19																									

1902479PPB

04/25/2019 09:17 AM

4000 BLK PINE FOREST RD

Applicant:
Mullins LLC
Joe Rector

Permit Type

Type	Fee
Rezoning (Multiple Parcels)	\$1,876.00
Project Fee	\$2.00
Project Fee	\$331.21
Total	\$2,209.21

Payments

Payment ID	Payment Date	Payment Type	Description	Ref. Number	Amount
				Total	\$0.00
				Discount Total	(\$0.00)
				Payment Amount	\$0.00
				Balance Due	\$0.00

THIS IS NOT A PERMIT. This receipt does not authorize you to begin construction of your project.

Planning Board-Rezoning

7. B.

Meeting Date: 05/07/2019
CASE : Z-2019-06
APPLICANT: June Baird Guerra, Owner
ADDRESS: 23 Arthur Lane
PROPERTY REF. NO.: 36-1S-30-9002-011-028
FUTURE LAND USE: MU-U, Mixed Use Urban
DISTRICT: 5
OVERLAY DISTRICT: Oakfield Redevelopment
BCC MEETING DATE: 06/06/2019

SUBMISSION DATA:

REQUESTED REZONING:

FROM: HDMU, High Density Mixed use (25 du/acre)

TO: HC/LI-NA, Heavy Commercial and Light Industrial district, prohibiting the subsequent establishment of any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult entertainment uses (25 du/acre)

RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

APPROVAL CONDITIONS

Criterion a., LDC Sec. 2-7.2(b)(4)

Consistent with Comprehensive Plan

The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

CPP FLU 1.3.1 Future Land Use Categories The Mixed-Use Urban (MU-U) Future Land Use (FLU) category is intended for an intense mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban

land uses within the category as a whole. Range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic. The maximum residential density is 25 dwelling units per acre.

CPP FLU 1.5.1 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).

FINDINGS

The proposed amendment to HC/LI-NA is **consistent** with the intent and purpose of Future Land Use category Mixed Use Urban as stated in CPP FLU 1.3.1. The Comprehensive Plan allows for professional offices, light industrial, recreational facilities, public and civic. The parcel will utilize the existing public road, utilities, and infrastructure.

Criterion b., LDC Sec. 2-7.2(b)(4)

Consistent with The Land Development Code

The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3.

Sec. 3-2.9 High Density Mixed-use district (HDMU)

Purpose. The High Density Mixed-use (HDMU) district establishes appropriate areas and land use regulations for a complimentary mix of high density residential uses and compatible non-residential uses within urban areas. The primary intent of the district is to provide for a mix of neighborhood retail sales, services and professional offices with greater dwelling unit density and diversity than the Low Density Mixed-use district. Additionally, the HDMU district is intended to rely on urban street connectivity and encourage vertical mixes of commercial and residential uses within the same building to accommodate a physical pattern of development characteristic of village main streets and older neighborhood commercial areas. Residential uses within the district include all forms of single-family, two-family and multi-family dwellings.

Sec. 3-2.11 Heavy Commercial and Light Industrial district (HC/LI).

(a) Purpose. The Heavy Commercial and Light Industrial (HC/LI) district establishes appropriate areas and land use regulations for a complementary mix of industrial uses with a broad range of commercial activities. The primary intent of the district is to allow light manufacturing, large-scale wholesale and retail uses, major services, and other more intense uses than allowed in the Commercial district. The variety and intensity of non-residential uses within the HC/LI district is limited by the applicable FLU and their compatibility with surrounding uses. All commercial and industrial operations are limited to the confines of buildings and not allowed to produce undesirable effects on other property. To retain adequate area for commercial and industrial activities, other uses within the district are limited.

(b) Permitted uses. Permitted uses within the HC/LI district are limited to the following:

(1) Residential. Any residential uses outside of the Industrial (I) future land use category but if within the Commercial (C) future land use category (and not the principal single-family dwelling on an existing lot of record), only as part of a predominantly commercial development; and excluding new or expanded

manufactured (mobile) home parks and subdivisions. See also conditional uses in this district.

(2) Retail sales. Retail sales, including Low-THC marijuana dispensing facilities, sales of alcoholic beverages, sales of automotive fuels, and sales of new and used automobiles, motorcycles, boats, and manufactured (mobile) homes.

(3) Retail services.

- a. Car washes, automatic or manual, full service or self-serve.
- b. Child care facilities.
- c. Hotels, motels and all other public lodging, including boarding and rooming houses.
- d. Personal services, including those of beauty shops, health clubs, pet groomers, dry cleaners and tattoo parlors.
- e. Professional services, including those of realtors, bankers, accountants, engineers, architects, dentists, physicians, and attorneys.
- f. Rental of automobiles, trucks, utility trailers and recreational vehicles.
- g. Repair services, including appliance repair, furniture refinishing and upholstery, watch and jewelry repair, small engine and motor services, and major motor vehicle and boat service and repair, but excluding outdoor work or storage.
- h. Restaurants and brewpubs, including on-premises consumption of alcoholic beverages, drive-in and drive-through service, and brewpubs with the distribution of on-premises produced alcoholic beverages for off-site sales. The parcel boundary of any restaurant or brewpub with drive-in or drive-through service shall be at least 200 feet from any LDR or MDR zoning district unless separated by a 50-foot or wider street right-of-way.

i. Taxi and limousine services

See also conditional uses in this district.

(4) Public and civic.

- a. Broadcast stations with satellite dishes and antennas, including towers.
- b. Cemeteries, including family cemeteries.
- c. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
- d. Educational facilities, including preschools, K-12, colleges, and vocational schools.
- e. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
- f. Funeral establishments.
- g. Homeless shelters.
- h. Hospitals.
- i. Offices for government agencies or public utilities.
- j. Places of worship.
- k. Public utility structures, including telecommunications towers, but excluding industrial uses not otherwise permitted.

See also conditional uses in this district.

(5) Recreation and entertainment.

- a. Commercial entertainment facilities, indoor or outdoor, including movie theatres, amusement parks, and stadiums, but excluding motorsports facilities.
- Carnival-type amusements shall be at least 500 feet from any residential district.

Bars, nightclubs, and adult entertainment are prohibited in areas with the zoning designation HC/LI-NA or areas zoned ID-CP or ID-1 prior to adoption of HC/LI zoning.

b. Commercial recreation facilities, passive or active, including those for walking, hiking, bicycling, camping, recreational vehicles, swimming, skateboarding, bowling, court games, field sports, and golf, but excluding off-highway vehicle uses and outdoor shooting ranges. Campgrounds and recreational vehicle parks require a minimum lot area of five acres.

c. Marinas, private and commercial.

d. Parks, with or without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

(6) Industrial and related. The following industrial and related uses, except within MU-S.

a. Light industrial uses, including research and development, printing and binding, distribution and wholesale warehousing, and manufacturing, all completely within the confines of buildings and without adverse off-site impacts.

b. Marinas, industrial.

c. Microbreweries, microdistilleries, and microwineries, except in areas with the zoning designation HC/LI-NA.

See also conditional uses in this district.

(7) Agricultural and related.

a. Food produced primarily for personal consumption by the producer, but no farm animals.

b. Nurseries and garden centers, including adjoining outdoor storage or display of plants.

c. Veterinary clinics, excluding outside kennels.

See also conditional uses in this district.

(8) Other uses. Within MU-S, outside storage is permitted only when adequately screened per LDC regulations.

a. Billboards structures, excluding areas zoned ID-CP, GBD, or GID prior to adoption of HC/LI zoning.

b. Building or construction trades shops and warehouses, including on-site outside storage.

c. Bus leasing and rental facilities, not allowed within MU-S.

d. Deposit boxes for donation of used items when placed as an accessory structure on the site of a charitable organization.

e. Outdoor adjacent display of plants by garden shops and nurseries.

f. Outdoor sales.

g. Outdoor storage of trailered boats and operable recreational vehicles, excluding repair, overhaul or salvage activities.

h. Parking garages and lots, commercial, not allowed within MU-S.

i. Sales and outdoor display of prefabricated storage sheds.

j. Self-storage facilities, including vehicle rental as an accessory use.

(2) HC/LI-NA designation. Any applicant for rezoning to the HC/LI zoning district may request a HC/LI-NA designation prohibiting the subsequent establishment of any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult entertainment uses on the rezoned property. The request shall be in the form of a

notarized affidavit that acknowledges this use restriction and affirms that it is a voluntary request. Once approved according to the rezoning process of Chapter 2, the HC/LI-NA zoning designation and its prohibitions shall apply to the property, regardless of ownership, unless the parcel is rezoned.

(e) Location criteria. All new non-residential uses proposed within the HC/LI district that are not part of a planned unit development or not identified as exempt by district regulations shall be on parcels that satisfy at least one of the following location criteria.

(1) Parcel previously zoned GBD within the MU-S FLU along Hwy 29 or SR 95A. Parcels previously zoned GBD and within the MU-S future land use category which are located along and directly fronting U.S. Highway 29 or State Road 95A

(2) Proximity to intersection. Along an arterial street and within one-quarter mile of its intersection with an arterial street.

(3) Site design. Along an arterial street, no more than one-half mile from its intersection with an arterial street, and all of the following site design conditions:

- a. Not abutting a RR, LDR or MDR zoning district
- b. Any intrusion into a recorded residential subdivision is limited to a corner lot
- c. A system of service roads or shared access is provided to the maximum extent feasible given the lot area, lot shape, ownership patterns, and site and street characteristics.

d. Adverse impacts to any adjoining residential uses are minimized by placing the more intensive elements of the use, such as solid waste dumpsters and truck loading/unloading areas, furthest from the residential uses.

e. Location in an area where already established non-residential uses are otherwise consistent with the HC/LI, and where the new use would constitute infill development of similar intensity as the conforming development on surrounding parcels. Additionally, the location would promote compact development and not contribute to or promote strip commercial development.

(4) Documented compatibility. A compatibility analysis prepared by the applicant provides competent substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria, and the proposed use will be able to achieve long-term compatibility with existing and potential uses. Additionally, the following conditions exist:

- a. The parcel has not been rezoned by the landowner from the mixed-use, commercial, or industrial zoning assigned by the county.
- b. If the parcel is within a county redevelopment district, the use will be consistent with the district's adopted redevelopment plan, as reviewed and recommended by the Community Redevelopment Agency (CRA).

FINDINGS

The proposed amendment **is not** consistent with the intent and purpose of the Land Development Code. The current zoning of HDMU allows for a complimentary mix of high density residential uses and compatible non-residential uses with the intent to exclude permanent outdoor storage and display outdoor retail sales and services. The primary intent of the HC/LI-NA zoning district designation is to establish appropriate areas and land use regulations for a mix of industrial type uses with a broad range of commercial

activities and uses with the exclusion of bars, nightclubs, microbreweries, microdistilleries, microwineries, and adult entertainment as referenced therein. Equally important, Section 3-2.11(f) of the Land Development Code (LDC) generally states that rezoning to HC/LI is appropriate to provide transitions between areas **zoned commercial** or used for commercial and industrial with the intent to avoid undesirable effects on nearby property and residential uses. There is an existing non-conforming commercial business on the subject property. Unfortunately, appropriate authorization, as required by the LDC, was not given for the commercial establishment to proceed, nor does it comply with the applicable zoning provisions as well as with the site and building requirements of High Density Mixed use. Again staff concludes that the proposed rezoning request to HC/LI-NA is not consistent with Criterion B.

Now in order to provide for consistency with what is currently in operation on the parcel, and what can be better suited with any future scenarios, staff determines **a more suitable designation for the subject property would be Commercial (Com)**. The primary intent of the Commercial district is to provide for general commercial activities, especially the retailing of commodities and services with limitation on certain types of outdoor uses. The commercial zoning designation will allow more diverse commercial uses than the current HDMU zoning while maintaining compatibility with existing uses in the surrounding area. Furthermore, Section 3-2.10(f) of the LDC affirms that rezoning to Commercial is appropriate to provide transition for areas used as high-density mixed use. Accordingly, the parcel is located at the corner of Arthur Lane, a local street and Old Palafox, a urban collector roadway with zoning designations of HC/LI across the street from the subject parcel. The parcels adjacent and surrounding the subject property are zoned HDMU and contain either a church, mobile home park, auto parts store, car lots, or residential.

Criterion c., LDC Sec. 2-7.2(b)(4)

Compatible with surrounding uses

All the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

FINDINGS

While the proposed amendment **is** compatible with surrounding existing uses in the area, a more suitable zoning would be Commercial.

Within the 500 radius impact area, staff observed properties with zoning districts HDMU and HC/LI. The parcel currently has a single family residence on the eastern portion and a plant nursery on the west half, at the corner of Old Palafox and Arthur. The businesses within 500 feet are car lots, auto parts stores, churches and a mobile home park, as well as residential homes. The use of the parcel will include a plant nursery which has already completed a pre-application conference for the development. If this request is granted, the applicant will submit plans for a site plan review and permitting.

Criterion d., LDC Sec. 2-7.2(b)(4)

Appropriate if spot zoning. Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: *Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or “spot” zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development*

FINDINGS

The proposed request to HC/LI-NA as well as the recommended Commercial zoning designation are considered spot zoning by the definition. The commercial zoning would be less intense for the adjacent parcels and regardless of the zoning designation, for practical purposes, the development would result in logical and orderly development.

Criterion e., LDC Sec. 2-7.2(b)(4)

Appropriate with changed or changing conditions.

If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

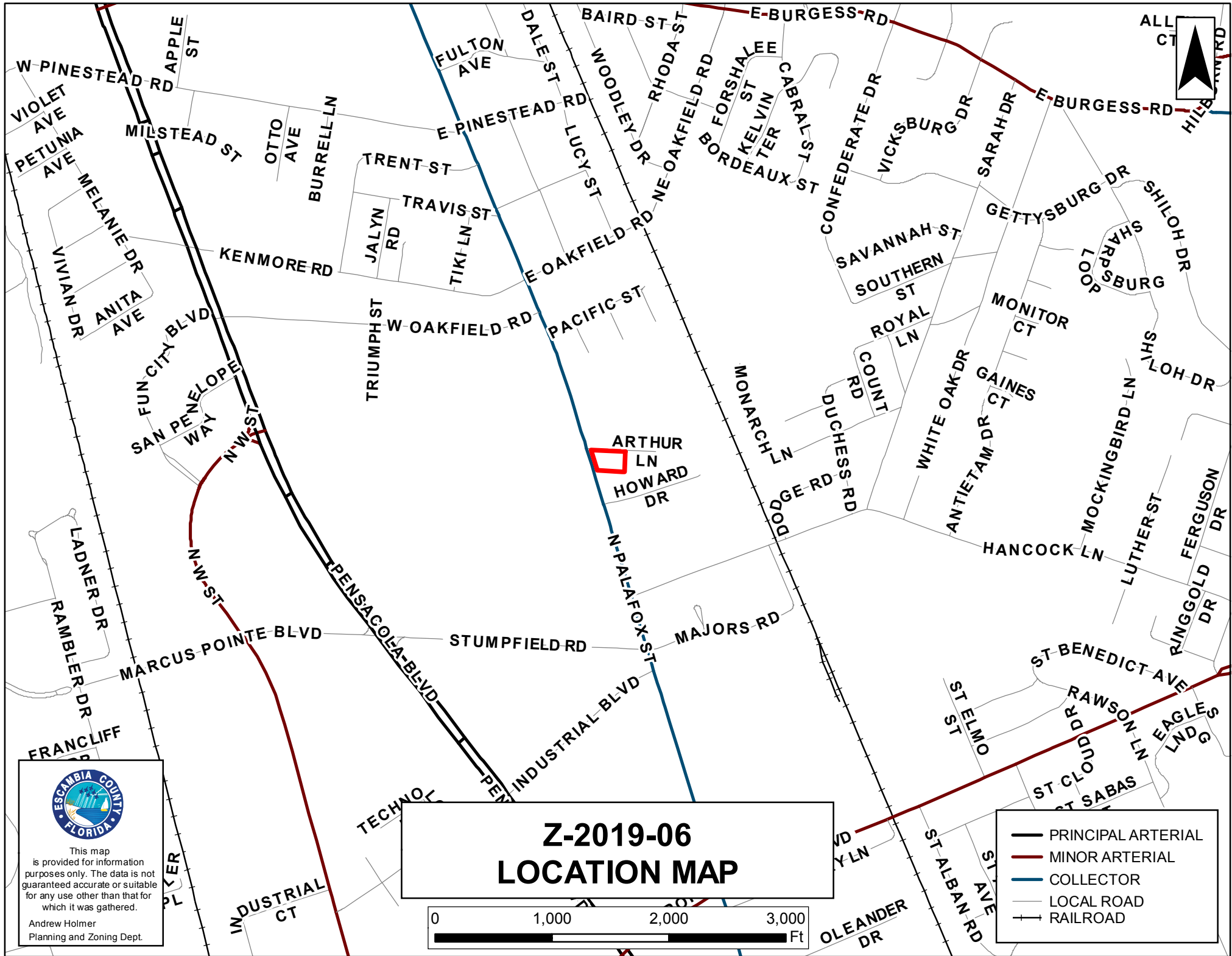
FINDINGS

The land uses or development conditions within the area surrounding the property of rezoning **have not** changed. The area has existing public infrastructure and the redevelopment of the existing built property aims for a better use of the property that could provide an economic return on the community, as well as being compatible to the existing uses in the area and could be considered as infill development.

Attachments

Working case file

Z-2019-06



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.



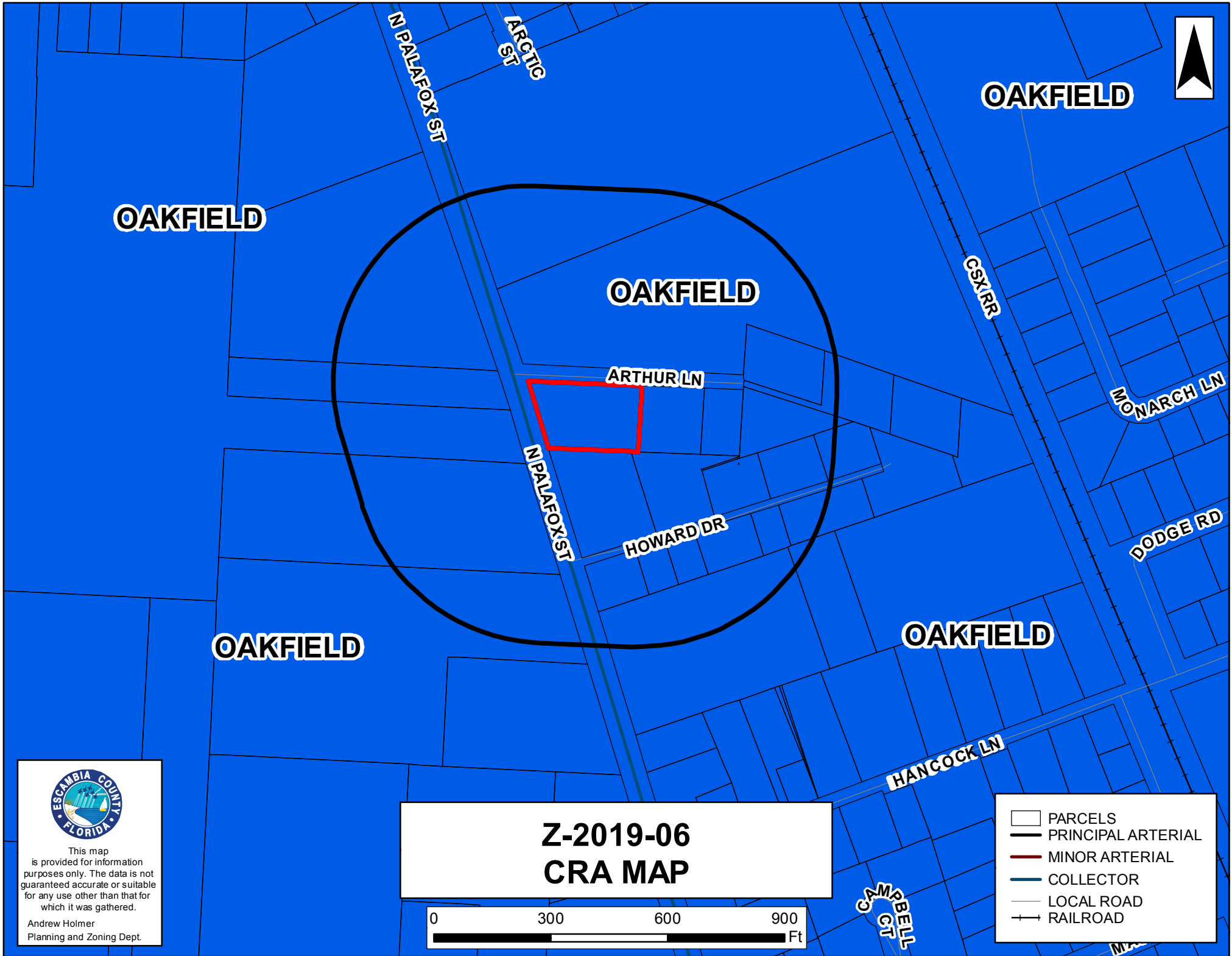
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

Z-2019-06 AERIAL MAP

0 100 200 300
Ft

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



OAKFIELD

OAKFIELD

OAKFIELD

OAKFIELD

OAKFIELD

Z-2019-06
CRA MAP

0 300 600 900
Ft

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



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.



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2019-06

CURRENT ZONING: HDMU PROPOSED ZONING: HC/LI NA

PLANNING BOARD

DATE: 05/07/19 TIME: 8:30 AM

LOCATION OF HEARING

ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE
BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 06/06/19 TIME: 5:45 PM

LOCATION OF HEARING

ERNIE LEE MAGAHA GOVERNMENT BLDG
221 PALAFOX PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 595-3475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

Public Hearing Sign



Subject property



Subject property



Looking southeast onto
property from the home on
site



View looking toward
Old Palafox from
subject property



Looking across Old
Palafox from subject
property



Looking across Old
Palafox from subject
property



Looking north along
Old Palafox from
Subject property



Looking east along
Arthur Lane



Looking west toward
Old Palafox from
Arthur Lane



Looking
northeast across
Arthur Lane from
subject property



Looking south onto
Old Palafox from
corner of Arthur
and Old Palafox



Looking
northwest from
subject property



Escambia County Planning and Zoning

Development Services Department

3363 West Park Place

Pensacola, FL 32505

Phone: (850) 595-3475 • Fax: (850) 595-3481

<http://myescambia.com/business/ds>

1903745 PPR

Rezoning Application

FOR OFFICE USE ONLY - Case Number: 2-2019-06 Accepted by: A. Lindsay PB Meeting: 5/7/19

1. Contact Information:

A. Property Owner/Applicant:

Mailing Address:

Business Phone:

Email:

B. Authorized Agent (if applicable):

Mailing Address:

Business Phone:

Email:

Note: Owner must complete the attached Agent Affidavit. If there is more than one owner, each owner must complete an Agent Affidavit. Application will be voided if changes to this application are found.

2. Property Information:

A. Existing Street Address:

Parcel ID (s):

B. Total acreage of the subject property:

C. Existing Zoning:

Proposed Zoning:

want to operate plant nursery for retail and/or wholesale

FLU Category:

D. Is the subject property developed (if yes, explain):

Property has material mats with plants and trees

E. Sanitary Sewer: na Septic: na

3. Amendment Request

Approval conditions. The applicant has the burden of presenting competent substantial evidence to the reviewing board establishing that the requested zoning district would contribute to or result in a logical and orderly development pattern. The appropriate surrounding area within which uses and conditions must be considered may vary with those uses and conditions and is not necessarily the same area required for mailed notification. A logical and orderly pattern shall require demonstration of each of the following conditions:

Please address **ALL** the following approval conditions for your rezoning request. (use supplement sheets as needed)

- a. **Consistent with Comprehensive Plan.** The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

Changing from HDMU to HC/LI-NA, which is consistent with the Comprehensive Plan, under the FLU heading, allowed categories include HC/LI-NA as an appropriate and an adjective use.

- b. **Consistent with zoning district provisions.** The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3

This request is consistent with the stated purpose for HC/LI-NA at Sec 3-2.11676. The site is located with HC/LI zoning surrounding and trending to this zone category. Any future development or signage will be reviewed through the DRC.

- c. **Compatible with surroundings.** All of the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

Property to the West of the subject property, (within the 500 figure) are all zoned HC-LI and are owned by BulPower (60+ acres), Butler Auto Sales, and Escambia County Education Association. This request will be compatible with those adjacent uses.

- d. **Appropriate if spot zoning.** Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site-specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or "spot" zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development

The purpose zoning would not establish spot zoning

- e. **Appropriate with changed or changing conditions.** If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

There are no rezoning changed in this area.

4. Please complete the following Forms: Concurrency Determination Acknowledgement and Affidavit of Owner/Limited Power of Attorney (if applicable).

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

Property Reference Number(s): 04-0777-000(361530902201028)

Property Address: 23 Arthur Lane Pensacola, FL 32503

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. 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 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 28th DAY OF February, YEAR OF 2019


Signature of Property Owner

June Baird Saerra
Printed Name of Property Owner

2/28/19
Date

Signature of Property Owner

Printed Name of Property Owner

Date

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY
(if applicable)

As owner of the property located at _____
_____, Florida, property reference number(s) _____
_____ I hereby designate _____
_____ for the sole purpose of completing this application and making
a presentation to the Planning Board and the Board of County Commissioners to request a rezoning 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 or the Board of
Adjustment 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 Development Services Bureau.

Agent Name: _____ Email: _____
Address: _____ Phone: _____

Signature of Property Owner

Printed Name of Property Owner

Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20 ____,
by _____.

Personally Known ☐ OR Produced Identification ☐. Type of Identification Produced: _____

Signature of Notary

Printed Name of Notary

(Notary Seal)

5. Submittal Requirements

A. ☒ Completed application: All applicable areas of the application shall be filled in and submitted to the Planning and Zoning Department, 3363 West Park Place, Pensacola, FL 32505.

B. ☒ Application Fees: To view fees visit the website:
<http://myescambia.com/business/ds/planning-board> or contact us at 595-3547

Note: Application fees include a \$5 technical fee. Cost of the public notice mailing is to be borne by the applicant. Payments must be submitted prior to 3 pm of the closing date of acceptance of application. Please make checks payable to Escambia County. MasterCard and Visa are also accepted (a 3% fee will be added for credit card payments).

C. ☒ Legal Proof of Ownership (ex: copy of Tax Notice or Warranty Deed) AND a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)

D. ☒ Compatibility Analysis (if applicable): If the subject property does not meet the roadway requirements of Locational Criteria, a compatibility analysis prepared by the applicant is required to provide substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria. (See "Documented Compatibility" within the request zoning district of the LDC.)

E. ☒ Signed and Notarized Affidavit of Owner/Limited Power of Attorney AND Concurrency Determination Acknowledgement (pages 4 and 5).

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) 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 that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Signature of Owner/Agent

Printed Name Owner/Agent

Date

Signature of Owner

Printed Name of Owner

Date

STATE OF Florida COUNTY OF Escambia The foregoing instrument was acknowledged before me this 28 day of February, 2019, by June Baird Guerra

Personally Known ☒ OR Produced Identification ☐ Type of Identification Produced: _____

Signature of Notary



Printed Name of Notary

(notary seal)



Development Services Department
Escambia County, Florida

FOR OFFICE USE:

CASE #:

AFFIDAVIT OF ACKNOWLEDGEMENT

As applicant for rezoning of the property located at 23 Arthur Lane
Pensacola, Florida, property reference number(s) 3615309002011028

I affirm this to be a voluntary request and hereby acknowledge if
this parcel is designated HC/LI-NA, then notwithstanding any other provision of LDC Chapter 3
Sec. 3-2.11, bars, nightclubs, and adult entertainment uses shall be prohibited uses for this
parcel.

Applicant Name: June Baird Guerra Email: junebguerra@gmail.com
Address: 23 Arthur Lane Pensacola, FL Phone: 850 712 8538

June Baird Guerra
Signature of Applicant

June Baird Guerra
Printed Name of Applicant

2/12/2019
Date

June Baird Guerra
Signature of Property Owner

June Baird Guerra
Printed Name of Property Owner

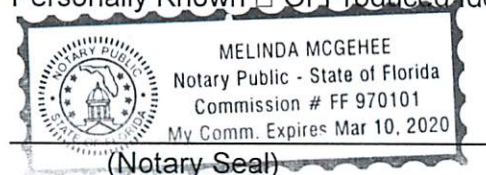
2/12/2019
Date

STATE OF Florida

COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 12 day of Feb 20 19,
by June Baird Guerra.

Personally Known ☐ Or Produced Identification ☐ Type of Identification Produced: FL DL



(Notary Seal)
Signature of Notary

Melinda McGehee
Printed Name of Notary

June Baird Guerra
23 Arthur Lane
Pensacola, Florida 32503
850 712 8538
Parcel ID 04-0777-000
Reference Number: 3615309002011028

The parcel is located at 23 Arthur Lane, on the corner of Arthur Lane and Palafox Street. Currently zoned HDMU with the future land use of Mixed-Use Urban. As stated in the Comprehensive Plan Policy FLU 1.5.1, Mixed-Use Urban allows for residential as well as commercial uses. The parcel will use the existing roads, utilities, and infrastructure.

The proposed nursery will not adversely or negatively impact the surrounding existing uses. The requested zoning to HC/LI-NA will maintain a balance between different land uses, allowing commercial uses to coexist and achieve long term compatibility with residential uses, as there is already established business which, are consistent with the HC/LI-NA zoning and the new use would constitute infill development of similar intensities as development on other parcels in the area.

On the .51 acre parcel, I plan to construct a nursery with no additional buildings on site. The project is going through the development review process to address, parking, buffering, and landscape. The ingress/egress to the site will be from Arthur Lane. The parcel is on a corner lot and access to the site will be on Arthur Lane as per access easements commands. No available access on the arterial road, Palafox, and will not be traverse into the neighborhood.

Hours of operation will be 9:00AM to 5:00 PM Monday through Saturday. There will not be any noise, smoke, glare, emissions, dust or odors emitted from this use. There are no wet lands or endangered species on the site.

The parcel is currently HDMU and surrounded on the East side of Palafox Street by Community House of Prayer, Tanglewood Gardens Mobile Home Park, Pentecostal Temple Ministries, Moye Auto Sales, and on the West side of Palafox Street is surrounded by Escambia County Education Association, 60+ acres owned by Gulf Power Company, Butler Auto Sales and Butler Tire Store. These are all commercial uses, such as, churches, car lot, mobile home park, and county association.

I believe that as we look to the future of this area of Palafox Street the request to HC/LI-NA is in keeping with the surrounded uses and will be compatible.

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

INTEROFFICE MEMORANDUM



**TO: Andrew Holmer, Division Manager
Development Services Department**

**FROM: Terri V. Malone, AICP, Transportation Planner
Transportation & Traffic Operations Division**

**THRU: David Forte, Division Manager
Transportation & Traffic Operations Division**

DATE: April 26, 2019

RE: Transportation & Traffic Operations (TTO) Comments – Z-2019-06

TTO Staff has reviewed the Rezoning Case (Z)-2019-06 23 Arthur Lane (HDMU to HC/LI), agenda item for the Planning Board meeting scheduled for May 7, 2019. Please see the below comments.

Arthur Lane is a narrow two-lane local roadway. Arthur Lane is approximately 16 feet wide with a right-of-way of 40 feet. Arthur Lane is a dead-end street that ties into Palafox Street at the property in question.

The Florida Department of Transportation will be resurfacing this section of Palafox Street in year 2022. County does not have any proposed improvement projects scheduled for Arthur Lane.

Per the Florida-Alabama TPO's Congestion Management Process Plan, N. Palafox Street is classified as an Urban Collector with a Maximum LOS of D and a corresponding daily volume threshold of 17,700. Near Arthur Lane, the daily volume on North Palafox for 2018 was recorded as 14,700. Arthur Lane is classified as a local street and assumed to be functioning within its allowable capacity for traffic volumes.

TTO's review is solely based off the application submittal packet, so the comments above hold no bearing on any future TTO comments during the Development Review process.

**cc: Horace Jones, Development Services Department Director
Joy Jones, P.E., Engineering Department Director
Allyson Lindsay, Development Services Department**



Board of County Commissioners • Escambia County, Florida

Clara Long, FRA-RP, Division Manager
Community Redevelopment Agency

April 29, 2019

Planning and Zoning Department
C/O Horace Jones, Director

RE: Z-2019-06

This rezoning project is in the Oakfield CRA District. Currently there are no overlay restrictions that address "Spot Zoning" and therefore CRA agrees with any of the findings conducted by the Planning and Zoning staff. I can be reached at 850-595-3596 or email: cflong@myescambia.com

Thanks in advance,

Clara Long

Clara Long, FRA-RP
CRA Division Manager

11-11-70
State of Florida
Escambia County

WARRANTY DEED

Form 168
Revised and For Sale
State of Florida
Panama City, Fla.

Knows All Men by These Presents: That we, CHARLES E. SERMON and ETOYLE SERMON, husband and wife,

for and in consideration of ONE HUNDRED DOLLARS and other good and valuable considerations the receipt whereof is hereby acknowledged, do bargain, sell, convey and grant unto MICHAEL A. GUERRA and JUNE BAIRD GUERRA, husband and wife, (whose mailing address is 20 Arthur Lane, Pensacola, Florida) their heirs, executors, administrators and assigns, forever, the following described real property, situate, lying and being in the County of Escambia, State of Florida

in-wit: That portion of Lot 28 of Boley's Subdivision of Section Thirty-eight (38), Township One (1) South, Range Thirty (30) West, more particularly described as follows: The South 156 feet of the North 198 feet of that part of Lot 28 as lies between the East line of Section 36 and the East line of the right-of-way of Florida State Road No. 7; LESS AND EXCEPT THE EAST 260 FEET THEREOF.

TO HAVE AND TO HOLD unto the grantees, their heirs and assigns, forever.

STATE OF FLORIDA
DOCUMENTARY STAMP TAX
\$ 51.00
DOCUMENTARY SURTAX
\$ 18.70

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, free from all exemptions and right of homestead.

And we covenant that we are well seized of an indefeasible estate in fee simple in the said property, and have a good right to convey the same; that it is free of lien or encumbrance, and that we, our heirs, executors and administrators, the said grantee, their heirs, executors, administrators and assigns, in the quiet and peaceable possession and enjoyment thereof, against all persons lawfully claiming the same, shall and will forever warrant and defend, except for 1970 taxes which are assumed by the grantees.

IN WITNESS WHEREOF, we have hereunto set our hand and seal this 11th day of November, A.D. 1970.
Charles E. Sermon (SEAL)
ETOYLE SERMON (SEAL)

State of Florida
Escambia County

Subscribed and sworn to before me this 11th day of November, 1970, by CHARLES E. SERMON and ETOYLE SERMON, and known to me to be the individual described by said name in and who executed the same for the uses and purposes therein set forth.

Notary Public
State of Florida at Large
My commission expires
Pensacola, Florida 32501



Development Services Department
Escambia County, Florida

**PLANNING BOARD
REZONING SUMMARY FORM**

36-15-30-9002-011-028

Property Reference Number

June Guerra

Name

6520 Palafox

Address

☒ Owner

☐ Agent

Referral Form

Included? Y / N

MAPS PREPARED

PROPERTY INFORMATION

☒ Zoning

Current Zoning: HDmu Size of Property: 1.11 +/-

☒ FLU

Future Land Use: mu-U Commissioner District: 3

☐ Aerial

Overlay/AIPD: NA Subdivision: _____

☐ Other: _____

Sanitary Sewer _____ Septic Tank _____

Redevelopment Area*: Oakfield

*For more info please contact the CRA at 595-3217 prior to application submittal.

COMMENTS

Desired Zoning: HC/LI-NA

Is Locational Criteria applicable? yes If so, is a compatibility analysis required? _____

Owner began process for a plant nursery + needs to rezone from HDmu to a zoning that will allow this use. HC/LI-NA will allow a nursery. Does not meet locational criteria. & apply will documented compatibility w/ application. Will need to complete split zoning request from Property Appraiser prior to submittal of rezoning.

☒ Applicant will contact staff for next appointment

☐ Applicant decided against rezoning property

☐ Applicant was referred to another process

☐ BOA

☒ DRC

☐ Other: Site Plan Review

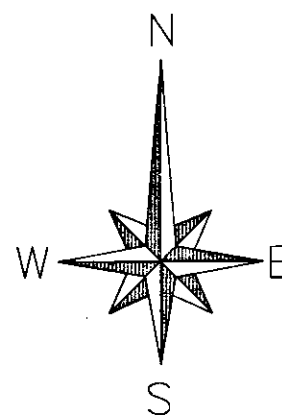
Process Name

Staff present: Alleyson Lindsay

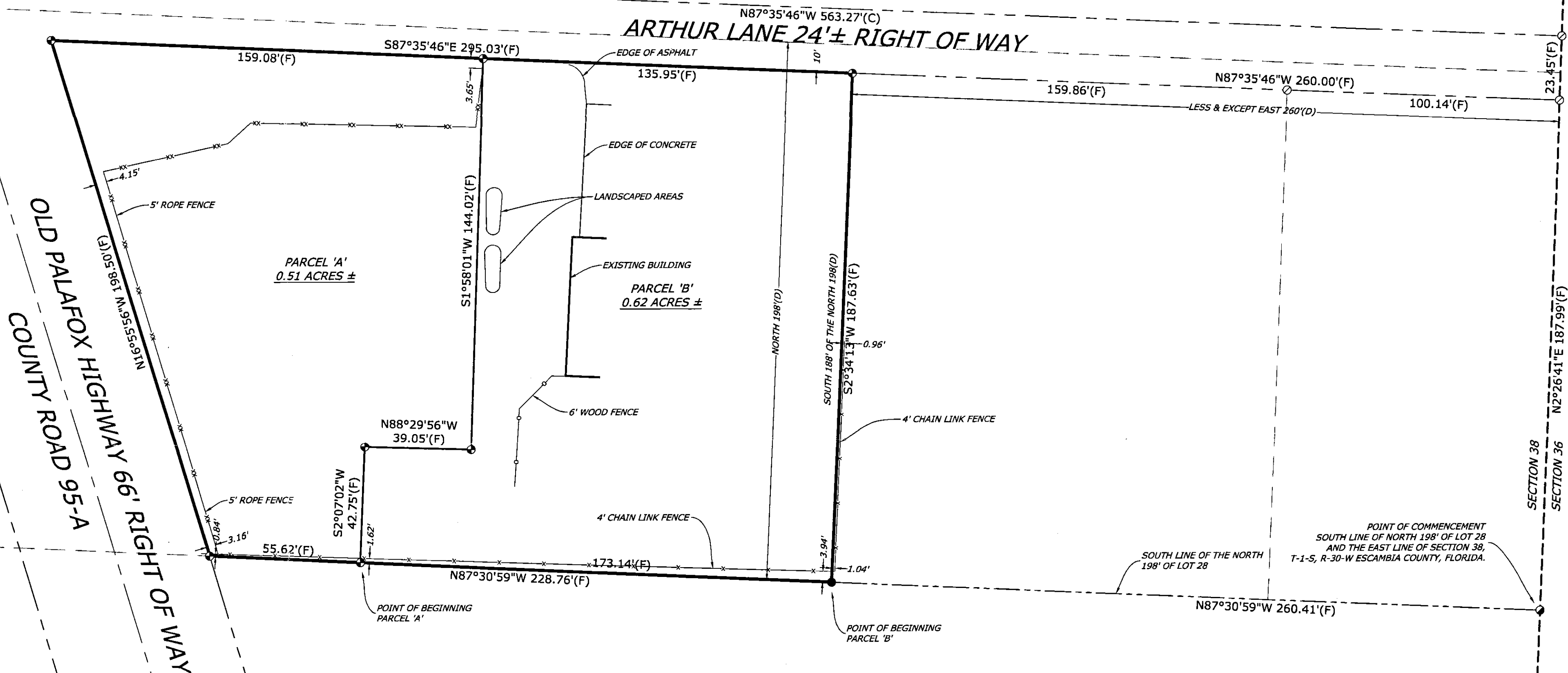
Date: 2/12/19

Applicant/Agent Name & Signature: June Guerra

This form is for rezoning inquiries only and it doesn't negate or elevate the owner/applicant/ agent from any other necessary regulations, process or procedures required for development of this site. Applicant shall not rely on comments made by any County staff as approval or rejection of the proposed development. until the appropriate application has been submitted.



30 15 0 30
GRAPHIC SCALE IN FEET



LEGEND

F FIELD
D DEED
C CALCULATED

- 1/2" CAPPED IRON ROD "LB6679" SET
- 1/2" IRON ROD FOUND
- 1/2" CAPPED IRON ROD "ILLEGIBLE" FOUND
- 1/2" CAPPED IRON ROD "LB919" FOUND

LEGAL DESCRIPTION:

PARENT TRACT (OR BOOK 481, PAGE 404)

THAT PORTION OF LOT 28 OF BOLEY'S SUBDIVISION OF SECTION THIRTY EIGHT (38), TOWNSHIP ONE (1) SOUTH, RANGE THIRTY (30) WEST, MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE SOUTH 188 FEET OF THE NORTH 198 FEET OF THAT PART OF LOT 28 AS LIES BETWEEN THE EAST LINE OF SECTION 38 AND AND THE EAST LINE OF THE RIGHT OF WAY OF FLORIDA STATE ROAD NO. 7: LESS AND EXCEPT THE EAST 260 FEET THEREOF.

LEGAL DESCRIPTION PARCEL 'A'

(PREPARED BY FABRE ENGINEERING & SURVEYING)

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF NORTH 198 FEET OF LOT 28 OF BOLEY'S SUBDIVISION AND THE EAST LINE OF SECTION 38, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE PROCEED N87°30'59"W ALONG SAID SOUTH LINE OF THE NORTH 198 FEET OF LOT 28 OF BOLEY'S SUBDIVISION FOR A DISTANCE OF 260.41 FEET; THENCE CONTINUE N87°30'59"W FOR A DISTANCE OF 173.14 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N87°30'59"W FOR A DISTANCE OF 55.62 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF OLD PALAFOX HIGHWAY (66 FOOT RIGHT OF WAY); THENCE PROCEED N16°55'56"W ALONG SAID EASTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 198.50 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ARTHUR LANE (24'± RIGHT OF WAY); THENCE PROCEED S87°35'46"E ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 159.08 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE PROCEED S01°58'01"W FOR A DISTANCE OF 144.02 FEET; THENCE PROCEED N88°29'56"W FOR A DISTANCE OF 39.05 FEET; THENCE PROCEED S02°07'02"W FOR A DISTANCE OF 42.75 FEET FOR THE POINT OF BEGINNING.

ALL LYING AND BEING IN A PORTION OF SECTION 38, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA. CONTAINING 0.51 ACRES MORE OR LESS.

LEGAL DESCRIPTION PARCEL 'B'

(PREPARED BY FABRE ENGINEERING & SURVEYING)

COMMENCING AT THE INTERSECTION OF THE SOUTH LINE OF NORTH 198 FEET OF LOT 28 OF BOLEY'S SUBDIVISION AND THE EAST LINE OF SECTION 38, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA; THENCE PROCEED N87°30'59"W ALONG SAID SOUTH LINE OF THE NORTH 198 FEET OF LOT 28 OF BOLEY'S SUBDIVISION FOR A DISTANCE OF 260.41 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N87°30'59"W FOR A DISTANCE OF 173.14 FEET; THENCE DEPARTING SAID SOUTH LINE PROCEED N02°07'02"E FOR A DISTANCE OF 42.75 FEET; THENCE PROCEED S88°29'56"E FOR A DISTANCE OF 39.05 FEET; THENCE PROCEED N01°58'01"E FOR A DISTANCE OF 144.02 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF ARTHUR LANE (24'± RIGHT OF WAY); THENCE PROCEED S87°35'46"E ALONG SAID SOUTH RIGHT OF WAY LINE FOR A DISTANCE OF 159.08 FEET; THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE PROCEED S02°07'02"W FOR A DISTANCE OF 42.75 FEET FOR THE POINT OF BEGINNING.

ALL LYING AND BEING IN A PORTION OF SECTION 38, TOWNSHIP 1 SOUTH, RANGE 30 WEST, ESCAMBIA COUNTY, FLORIDA. CONTAINING 0.62 ACRES MORE OR LESS.

GENERAL SURVEY NOTES:

- THIS IS A BOUNDARY SURVEY.
- THE FIELD SURVEY WAS PERFORMED ON 10/23/18 AND RECORDED IN FIELD BOOK 263, PAGES 12, 15, 16.
- NORTH AND THE SURVEY DATUM SHOWN HEREON IS BASED ON THE FLORIDA STATE PLANE COORDINATE SYSTEM, U.S. SURVEY FEET, FLORIDA NORTH ZONE, NAD83.
- 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.
- THIS IS A NEW PARCEL SURVEYED PER THE CLIENT'S REQUEST. THE PARENT TRACT DESCRIPTION IS RECORDED IN OR BOOK 481, PAGE 404 IN ESCAMBIA COUNTY, FLORIDA.
- IMPROVEMENTS OTHER THAN SHOWN HEREON WERE NOT LOCATED PER THE CLIENT'S REQUEST.
- THIS SURVEY DOES NOT REPRESENT OR GUARANTEE OWNERSHIP.
- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
- THE OFFICIAL RECORD OF THIS SURVEY IS THE SIGNED AND SEALED PAPER ORIGINAL. ANY ELECTRONIC VERSIONS OF SURVEY DOCUMENTS ARE NOT VALID UNLESS THEY ARE IDENTICAL TO THE SEALED ORIGINAL.

SURVEYORS CERTIFICATE

I CERTIFY THE INFORMATION SHOWN HEREON IS TRUE, CORRECT, AND COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR SURVEYING PER CHAPTER 28, § 28.05, § 28.06, § 28.07, § 28.08, § 28.09, § 28.10, § 28.11, § 28.12, § 28.13, § 28.14, § 28.15, § 28.16, § 28.17, § 28.18, § 28.19, § 28.20, § 28.21, § 28.22, § 28.23, § 28.24, § 28.25, § 28.26, § 28.27, § 28.28, § 28.29, § 28.30, § 28.31, § 28.32, § 28.33, § 28.34, § 28.35, § 28.36, § 28.37, § 28.38, § 28.39, § 28.40, § 28.41, § 28.42, § 28.43, § 28.44, § 28.45, § 28.46, § 28.47, § 28.48, § 28.49, § 28.50, § 28.51, § 28.52, § 28.53, § 28.54, § 28.55, § 28.56, § 28.57, § 28.58, § 28.59, § 28.60, § 28.61, § 28.62, § 28.63, § 28.64, § 28.65, § 28.66, § 28.67, § 28.68, § 28.69, § 28.70, § 28.71, § 28.72, § 28.73, § 28.74, § 28.75, § 28.76, § 28.77, § 28.78, § 28.79, § 28.80, § 28.81, § 28.82, § 28.83, § 28.84, § 28.85, § 28.86, § 28.87, § 28.88, § 28.89, § 28.90, § 28.91, § 28.92, § 28.93, § 28.94, § 28.95, § 28.96, § 28.97, § 28.98, § 28.99, § 29.00, 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40.11, § 40.12, § 40.13, § 40.14, § 40.15, § 40.16, § 40.17, § 40.18, § 40.19, § 40.20, § 40.21, § 4

Planning Board-Rezoning

7. C.

Meeting Date: 05/07/2019

CASE : Z-2019-07

APPLICANT: Wiley C. "Buddy" Page, Agent for Linda Raney Trust

ADDRESS: 2400 Gulf Beach Hwy

PROPERTY REF. NO.: 35-2S-31-1000-018-071

FUTURE LAND USE: MU-U, Mixed-Use Urban

DISTRICT: 2

OVERLAY DISTRICT: Warrington

BCC MEETING DATE: 06/06/2019

SUBMISSION DATA:

REQUESTED REZONING:

FROM: HDMU, High Density Mixed-use district (25 du/acre)

TO: HC/LI-NA, Heavy Commercial Light Industrial district. prohibiting the subsequent establishment of any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult entertainment uses (25 du/acre)

RELEVANT AUTHORITY:

- (1) Escambia County Comprehensive Plan
- (2) Escambia County Land Development Code
- (3) Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993)
- (4) Resolution 96-34 (Quasi-judicial Proceedings)
- (5) Resolution 96-13 (Ex-parte Communications)

APPROVAL CONDITIONS

Criterion a., LDC Sec. 2-7.2(b)(4)

Consistent with Comprehensive Plan

The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

CPP FLU 1.3.1 Future Land Use Categories The Mixed-Use Urban (MU-U) Future Land Use (FLU) category is intended for an intense mix of residential and nonresidential uses while promoting compatible infill development and the separation of urban and suburban

land uses within the category as a whole. Range of allowable uses include: Residential, Retail and Services, Professional Office, Light Industrial, Recreational Facilities, Public and Civic. The maximum residential density is 25 dwelling units per acre.

CPP FLU 1.5.1 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).

FINDINGS

The proposed amendment to HC/LI-NA is **consistent** with the intent and purpose of Future Land Use category Mixed-Use Urban as stated in CPP FLU 1.3.1 and CPP FLU 1.5.1. The Comprehensive Plan allows for professional offices, light industrial, recreational facilities, public and civic. The parcel will utilize the existing public road, utilities, and infrastructure.

Criterion b., LDC Sec. 2-7.2(b)(4)

Consistent with The Land Development Code

The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3.

Sec. 3-2.9 High Density Mixed-use district (HDMU).

(a) Purpose. The High Density Mixed-use (HDMU) district establishes appropriate areas and land use regulations for a complimentary mix of high density residential uses and compatible non-residential uses within urban areas. The primary intent of the district is to provide for a mix of neighborhood retail sales, services and professional offices with greater dwelling unit density and diversity than the Low Density Mixed-use district. Additionally, the HDMU district is intended to rely on urban street connectivity and encourage vertical mixes of commercial and residential uses within the same building to accommodate a physical pattern of development characteristic of village main streets and older neighborhood commercial areas. Residential uses within the district include all forms of single-family, two-family and multi-family dwellings.

Sec. 3-2.11 Heavy Commercial and Light Industrial district (HC/LI).

(a) Purpose. The Heavy Commercial and Light Industrial (HC/LI) district establishes appropriate areas and land use regulations for a complementary mix of industrial uses with a broad range of commercial activities. The primary intent of the district is to allow light manufacturing, large-scale wholesale and retail uses, major services, and other more intense uses than allowed in the Commercial district. The variety and intensity of non-residential uses within the HC/LI district is limited by the applicable FLU and their compatibility with surrounding uses. All commercial and industrial operations are limited to the confines of buildings and not allowed to produce undesirable effects on other property. To retain adequate area for commercial and industrial activities, other uses within the district are limited.

(b) Permitted uses. Permitted uses within the HC/LI district are limited to the following:

(1) Residential. Any residential uses outside of the Industrial (I) future land use category but if within the Commercial (C) future land use category (and not the principal single-family dwelling on an existing lot of record), only as part of a predominantly commercial development; and excluding new or expanded manufactured (mobile) home parks and subdivisions. See also conditional uses in this district.

(2) Retail sales. Retail sales, including medical marijuana dispensing facilities, sales of alcoholic beverages, sales of automotive fuels, and sales of new and used automobiles, motorcycles, boats, and manufactured (mobile) homes.

(3) Retail services.

a. Car washes, automatic or manual, full service or self-serve.

b. Child care facilities.

c. Hotels, motels and all other public lodging, including boarding and rooming houses.

d. Personal services, including those of beauty shops, health clubs, pet groomers, dry cleaners and tattoo parlors.

e. Professional services, including those of realtors, bankers, accountants, engineers, architects, dentists, physicians, and attorneys.

f. Rental of automobiles, trucks, utility trailers and recreational vehicles.

g. Repair services, including appliance repair, furniture refinishing and upholstery, watch and jewelry repair, small engine and motor services, and major motor vehicle and boat service and repair, but excluding outdoor work or storage.

h. Restaurants and brewpubs, including on-premises consumption of alcoholic beverages, drive-in and drive-through service, and brewpubs with the distribution of on-premises produced alcoholic beverages for off-site sales. The parcel boundary of any restaurant or brewpub with drive-in or drive-through service shall be at least 200 feet from any LDR or MDR zoning district unless separated by a 50-foot or wider street right-of-way. i. Taxi and limousine services.

See also conditional uses in this district.

(4) Public and civic.

a. Broadcast stations with satellite dishes and antennas, including towers.

b. Cemeteries, including family cemeteries.

c. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.

d. Educational facilities, including preschools, K-12, colleges, and vocational schools.

e. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

f. Funeral establishments.

g. Homeless shelters.

h. Hospitals.

i. Offices for government agencies or public utilities.

j. Places of worship.

k. Public utility structures, including telecommunications towers, but excluding industrial uses not otherwise permitted.

See also conditional uses in this district.

(Ord. No. 2015-24, § 1, 7-7-15)

(5) Recreation and entertainment.

a. Commercial entertainment facilities, indoor or outdoor, including movie theaters, amusement parks, and stadiums, but excluding motorsport facilities. Carnival-type

amusements shall be at least 500 feet from any residential district. Bars, nightclubs, and adult entertainment are prohibited in areas with the zoning designation HC/LI-NA or areas zoned ID-CP or ID-1 prior to adoption of HC/LI zoning.

b. Commercial recreation facilities, passive or active, including those for walking, hiking, bicycling, camping, recreational vehicles, swimming, skateboarding, bowling, court games, field sports, and golf, but excluding off-highway vehicle uses and outdoor shooting ranges. Campgrounds and recreational vehicle parks require a minimum lot area of five acres.

c. Marinas, private and commercial.

d. Parks, with or without permanent restrooms or outdoor event lighting.

See also conditional uses in this district.

(6) Industrial and related. The following industrial and related uses, except within MU-S.

a. Light industrial uses, including research and development, printing and binding, distribution and wholesale warehousing, and manufacturing, all completely within the confines of buildings and without adverse off-site impacts.

b. Marinas, industrial.

c. Microbreweries, microdistilleries, and microwineries, except in areas with the zoning designation HC/LI-NA.

See also conditional uses in this district.

(7) Agricultural and related.

a. Food produced primarily for personal consumption by the producer, but no farm animals.

b. Nurseries and garden centers, including adjoining outdoor storage or display of plants.

c. Veterinary clinics, excluding outside kennels.

See also conditional uses in this district.

(8) Other uses. Within MU-S, outside storage is permitted only when adequately screened per LDC regulations.

a. Billboards structures, excluding areas zoned ID-CP, GBD, or GID prior to adoption of HC/LI zoning.

b. Building or construction trades shops and warehouses, including on-site outside storage.

c. Bus leasing and rental facilities, not allowed within MU-S.

d. Deposit boxes for donation of used items when placed as an accessory structure on the site of a charitable organization.

e. Outdoor adjacent display of plants by garden shops and nurseries.

f. Outdoor sales.

g. Outdoor storage of trailered boats and operable recreational vehicles, excluding repair, overhaul or salvage activities.

h. Parking garages and lots, commercial, not allowed within MU-S.

i. Sales and outdoor display of prefabricated storage sheds.

j. Self-storage facilities, including vehicle rental as an accessory use.

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA, or the BCC as noted, may conditionally allow the following uses within the HC/LI district:

(1) Residential. Caretaker residences not among the permitted uses of the district and for permitted non-residential uses.

(2) Retail services. Restaurants not among the permitted uses of the district.

(3) Public and civic. Cinerators.

(4) Recreation and entertainment.

a. Motorsports facilities on lots 20 acres or larger.

b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.

c. Shooting ranges, outdoor.

(5) Industrial and related. The following industrial and related uses, except within MU-S:

a. Asphalt and concrete batch plants if within the Industrial (I) future land use category and within areas zoned GID prior to adoption of HC/LI zoning.

b. Borrow pits and reclamation activities 20 acres minimum and (subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part III, the Land Development Code, chapter 4.) *Borrow pits are prohibited on land zoned GBD, GID, and WMU prior to the adoption of the HC/LI zoning.

c. Salvage yards not otherwise requiring approval as solid waste processing facilities.

d. Solid waste processing facilities, including solid waste collection points, solid waste transfer facilities, materials recovery facilities, recovered materials processing facilities, recycling facilities and operations, resource recovery facilities and operations, and volume reduction plants.

The conditional use determination for any of these solid waste facilities shall be made by the BCC in lieu of any hearing before the BOA. The applicant shall submit a site boundary survey, development plan, description of anticipated operations, and evidence that establishes each of the following conditions in addition to those prescribed in Chapter 2:

1. Trucks have access to and from the site from adequately wide collector or arterial streets and do not use local residential streets.

2. The scale, intensity, and operation of the use will not generate unreasonable noise, traffic, objectionable odors, dust, or other potential nuisances or hazards to contiguous properties.

3. The processing of materials will be completely within enclosed buildings unless otherwise approved by the BCC.

4. The plan includes appropriate practices to protect adjacent land and resources, minimize erosion, and treat stormwater; landscaping and buffering for adjacent uses; hours of operation; methods to comply with maximum permissible noise levels; means of access control to prevent illegal dumping; and plans for materials storage.

(6) Agricultural and related. Kennels or animal shelters not interior to veterinary clinics.

(7) Other uses. a. Structures of permitted uses exceeding the district structure height limit.

b. Heliports.

(d) Site and building requirements. The following site and building requirements apply to uses within the HC/LI district:

(1) Density. A maximum density of 25 dwelling units per acre. Lodging unit density is not limited by zoning.

(2) Floor area ratio. A maximum floor area ratio of 1.0 within the Mixed-Use Suburban (MU-S), Commercial (C) and Industrial (I) future land use categories, and 2.0 within Mixed-Use Urban (MU-U).

(3) Structure height. A maximum structure height of 150 feet above highest adjacent grade, except that for any parcel previously zoned GBD and within the MU-S future land use category the mean roof height (average of roof eave and peak heights) of a building

shall not exceed 50 feet above average finished grade.

(4) Lot area. No minimum lot area unless prescribed by use.

(5) Lot width. No minimum lot width required by zoning.

(6) Lot coverage. Minimum pervious lot coverage of 15 percent (85 percent maximum semi-impervious and impervious cover) for all uses. A maximum 75 percent of lot area occupied by principal and accessory buildings on lots of non-residential uses.

(7) Structure setbacks. For all principal structures, minimum setbacks are:

a. Front and rear. Fifteen feet in both front and rear.

b. Sides. On each side of a single-family detached dwelling, 10 feet or 10 percent of the lot width at the street right-of-way, whichever is less, but at least five feet. For all other structures, including any group of attached townhouses, ten feet on each side. For structures exceeding 35 feet above highest adjacent grade, an additional two feet for each additional 10 feet in height.

c. Corner lots. Will have one front setback and one side setback.

(8) Other requirements.

a. Access. For any industrial use south of Well Line Road, site access shall be provided by curb cuts on an arterial or collector street. Alternatively, a private or public street may link the site to an arterial or collector, provided that the private or public street does not traverse a residential subdivision or predominantly residential neighborhood between the site and the arterial or collector street.

b. Chapters 4 and 5. Refer to chapters 4 and 5 for additional development regulations and standards.

(e) Location criteria. All new non-residential uses proposed within the HC/LI district that are not part of a planned unit development or not identified as exempt by district regulations shall be on parcels that satisfy at least one of the following location criteria:

(1) Parcels along Hwy 29 or SR 95A. Parcels previously zoned GBD and within the MU-S future land use category which are located along and directly fronting U.S. Highway 29 or State Road 95A

(2) Proximity to intersection. Along an arterial street and within one-quarter mile of its intersection with an arterial street.

(3) Site design. Along an arterial street, no more than one-half mile from its intersection with an arterial street, and all of the following site design conditions:

a. Not abutting a RR, LDR or MDR zoning district

b. Any intrusion into a recorded residential subdivision is limited to a corner lot

c. A system of service roads or shared access is provided to the maximum extent feasible given the lot area, lot shape, ownership patterns, and site and street characteristics.

d. Adverse impacts to any adjoining residential uses are minimized by placing the more intensive elements of the use, such as solid waste dumpsters and truck loading/unloading areas, furthest from the residential uses.

e. Location in an area where already established non-residential uses are otherwise consistent with the HC/LI, and where the new use would constitute infill development of similar intensity as the conforming development on surrounding parcels. Additionally, the location would promote compact development and not contribute to or promote strip commercial development.

(4) Documented compatibility. A compatibility analysis prepared by the applicant provides competent substantial evidence of unique circumstances regarding the parcel

or use that were not anticipated by the alternative criteria, and the proposed use will be able to achieve long-term compatibility with existing and potential uses. Additionally, the following conditions exist:

- a. The parcel has not been rezoned by the landowner from the mixed-use, commercial, or industrial zoning assigned by the county.
- b. If the parcel is within a county redevelopment district, the use will be consistent with the district's adopted redevelopment plan, as reviewed and recommended by the Community Redevelopment Agency (CRA).

(f) Rezoning to HC/LI.

(1) Generally. Heavy Commercial and Light Industrial zoning may be established by rezoning only within the Mixed-Use Urban (MU-U), Commercial (C), or Industrial (I) future land use categories. The district is appropriate to provide transitions between areas zoned or used for commercial and areas zoned or used for industrial. The district is suitable for areas able to receive bulk deliveries by truck in locations served by major transportation networks and able to avoid undesirable effects on nearby property and residential uses. Rezoning to HC/LI is subject to the same location criteria as any non-residential use proposed within the HC/LI district.

(2) HC/LI-NA designation. Any applicant for rezoning to the HC/LI zoning district may request a HC/LI-NA designation prohibiting the subsequent establishment of any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult entertainment uses on the rezoned property. The request shall be in the form of a notarized affidavit that acknowledges this use restriction and affirms that it is a voluntary request. Once approved according to the rezoning process of Chapter 2, the HC/LI-NA zoning designation and its prohibitions shall apply to the property, regardless of ownership, unless the parcel is rezoned.

(Ord. No. 2015-56, § 5, 12-10-2015; Ord. No. 2016-2, § 3, 1-7-2016; Ord. No. 2017-5, § 2, 1-5-2017; Ord. No. 2018-25, § 1, 6-21-2018; Ord. No. 2018-30, § 2, 8-2-2018)

Sec. 3-3.8 Warrington Overlay (Warr-OL).

(a) Purpose. The Warrington Overlay (Warr-OL) district establishes supplemental land use regulations to support the objectives of the adopted Warrington area community redevelopment plan. The intent of the additional land use controls is to enhance the character of an area undergoing revitalization, especially along those commercial corridors that provide primary access or gateways to the adjoining military installations within the Warrington area.

(b) Permitted uses. Within the Warr-OL district, the permitted uses of the underlying zoning districts are limited by the following:

(1) Mix of uses. For any mix of residential and non-residential uses within the same building, the non-residential uses shall occupy the first or bottom floor and the residential uses shall occupy the second or upper floors.

(2) Separation of same uses. Any two locations of the same use shall be separated by at least 2500 feet as measured between the closest points of the two property boundaries for the following uses:

- a. Bars and nightclubs.
- b. Check cashing services.
- c. Convenience stores.
- d. Pawnshops.

e. Retail sales of alcohol for off-premises consumption.

f. Tattoo parlors.

(c) Conditional uses. The Warr-OL district does not modify the conditional uses of any underlying zoning districts except for those uses prohibited by the overlay and the requirement that uses be separated as required for permitted uses within the overlay.

(d) Prohibited uses. The following uses are prohibited in the Warr-OL district regardless of their status in any underlying zoning district:

(1) Manufactured (mobile) homes. The construction of modular homes is not prohibited.

(2) Manufactured (mobile) home subdivisions or parks.

(Ord. No. 2015-21, § 1, 7-7-15)

(e) Non-residential site and building requirements. The site and building requirements of non-residential uses within the Warr-OL are modified as follows:

(1) Structure height. New buildings, additions and redeveloped buildings shall complement the existing pattern of building heights. No structure shall exceed 45 feet in height and any lower height required by the underlying zoning district shall govern.

(2) Setbacks. New construction must maintain the existing alignment of facades along the street front. Exceptions may be granted if the setback is pedestrian oriented and contributes to the quality and character of the street scape.

(3) Materials and detailing. New structures, additions and renovations shall be constructed to be long-lasting and use materials and detailing that maintain the distinct character and harmony of the Warrington Community Redevelopment District. Vinyl or metal siding is prohibited on the primary facades of buildings adjacent to public rights-of-way. All accessory structures shall use the same materials, color, and/or style of the primary facade if visible from a public way.

(4) Facades.

a. Front facade. A front building facade more than 80 feet in width shall be divided into increments by changes in materials, bay windows, wall offsets, or similar methods.

b. Rear facades. A minimum of 15 feet of a building's rear facade facing a public right of way, parking area, or open space shall consist of transparent materials, not including reflective glass.

(5) Awnings. Awnings are encouraged to enhance the character of Warrington while providing sun protection for display windows, shelter for pedestrians, and a sign panel for businesses.

(6) Natural features. Natural features shall be protected and integrated into site design/development where possible. The applicant shall demonstrate how the development protects and incorporates existing vegetation.

(7) Landscaping. Water conservation is encouraged through proper landscape plant selection, installation and maintenance practices. Native plant species are required. All non-residential development applications shall include a landscape plan as part of compliance review. The plan shall include the areas of natural vegetation to be protected, location and species of all plants to be installed, and an irrigation plan.

(8) Buffers and screening of outdoor storage. All outside storage must be screened from public view. The screening must use the same materials, color, and/or style as the primary building for architectural compatibility with the primary building and the building it is adjacent to. If the outside storage area is separate from the building it serves the following shall apply:

1. Type. Only fences constructed of legitimate fencing materials (may or may not be opaque) or masonry, concrete or stucco walls may supplement buffers.

Specifically, garage doors and sheets of roofing material do not qualify for fencing or wall materials.

2. Screening of outdoor storage. Opaque fencing shall mean chain link fence with slats, privacy wooden fence, or privacy PVC/vinyl fence. A six-foot concrete or stucco wall may also be used to screen outdoor storage.

(9) Signs. Site signage is limited to one freestanding monument sign per development parcel, scaled primarily for pedestrians, and not to exceed 100 square feet in area and 12 feet in height, except for multi-tenant development where the sign may be up to 300 square feet. Sign colors, materials, and lighting shall avoid adverse visual impacts on surrounding properties. Wall signs shall not obstruct design details, windows, or cornices of the buildings to which they are attached.

(10) Lighting. Lighting in the overlay district should serve to illuminate facades entrances and signage to provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings. Building and signage lighting must be indirect, with the light source(s) hidden from direct pedestrian and motorist view.

(11) Parking. Parking in the overlay district must adequately serve the users without detracting from the compact design that makes it a successful commercial center. Off-street parking must be located in the rear. If the lot orientation cannot accommodate adequate rear parking, parking on the side will be permitted.

(12) If within HC/LI zoning. Development within the HC/LI zoning district is subject to the following design standards.

a. Landscaping. A minimum 10-foot wide landscaped strip is required on all roadway frontages. The strip shall contain one tree and 10 shrubs for every 35 linear feet of frontage. Preservation of existing plants within the required landscaped areas can be used to satisfy this requirement. Buffers required adjacent to residential districts shall include a minimum of two trees and 15 shrubs for every 35 linear feet of required buffer length.

b. Vehicular use areas. Areas other than public rights-of-way, designed to be used for parking, storage of vehicles for rent or sales, or movement of vehicular traffic, shall be separated by a minimum five-foot wide landscaped strip from any boundary of the property on which the vehicular use area is located. The strip shall contain shrubs or ground covers with a minimum mature height of 24 inches and a maximum height of 30 inches. Plant material shall be spaced 18 inches to 24 inches apart, depending on mature size.

c. Parking lots. Interior parking areas shall have one landscape island containing at least one tree and shrubs or ground covers as per the above specifications, for every eight contiguous spaces.

d. Irrigation system. An irrigation system shall be installed for all landscaped areas of the site. All systems shall include rain sensors and all system materials used shall be ASTM approved.

e. Existing development. Any change of use to a HC/LI use within the overlay district must meet the above standards.

(f) Rezoning. Rezoning of Commercial zoned property to a more intense zoning district is prohibited if located on an arterial roadway.

(Ord. No. 2017-65, §, 2 11-30-2017; Ord No. 2018-xx, §, 1, 4-5-2018)

(6) AIPD-2 requirements. AIPD-2 is additional areas extended beyond AIPD-1 that is sufficiently close to the airfield to require some protections. AIPD-2 requirements are the

same for all airfields. Densities and minimum lot sizes of the underlying zoning districts are not modified by AIPD-2.

Sec. 4-7.9 Outdoor Storage.

General. Where the LDC allows any outdoor storage of equipment, goods, junk, material, or merchandise, the storage shall comply with the regulations of this section unless specifically identified in the LDC as exempt from these regulations. The regulations are intended to allow outdoor storage, including retail display, while assuring it is not a hazard to public health and safety, does not have a depreciating effect on adjacent property values, and does not create nuisance conditions. Unless specifically identified as a principal use, outdoor storage in all zoning districts is limited to items accessory (subordinate and incidental) to a permitted principal use on the same parcel, and complying with the provisions of this section.

(c) Retail display. Outdoor retail display shall comply with the following standards:

(1) Accessory. The display shall be accessory to a permitted retail use on the same parcel.

(2) Access. The display shall not be located where it will interfere with any required vehicular or pedestrian access, including access to public rights-of-way, parking stalls, loading zones, driveways, drive aisles, fire lanes, hydrants, alarms, emergency exits, or sidewalks. Additionally, displays shall not interfere with any sight visibility triangles prescribed in Chapter 5, or any utilities, services or drainage systems.

(3) Order. Items displayed shall be maintained in a neat and orderly manner.

(4) Height. The height of items displayed shall not exceed the height of any required screening.

(5) Condition of approval. The location of permissible display area shall be established as a condition of any applicable county approval for a retail use.

FINDINGS

The proposed amendment is **not** consistent with the intent and purpose of the Land Development Code due the Community Redevelopment Area (CRA) Warrington overlay area. Attached in the case file a letter from Clara Long, CRA Division Manager referencing section 3-3.9(f) rezoning of commercial zoned property to a more intense zoning district is prohibited if located on an arterial roadway. The parcel is located on a principal arterial roadway Gulf Beach Hwy currently zoned HDMU which is considered neighborhood commercial & residential area. Changing the zoning designation to HC/LI-NA would allow for many permitted heavy and intense commercial and light industrial type uses that will create other adverse impacts upon the surrounding properties more than the uses, density, or intensity of the current zoning of High Density Mixed Use. Furthermore, staff determines that this will be an indirect conflict with Section 3-3.8 (f) Warrington Overlay as mentioned therein the proposed rezoning request would not enhance this quality of life that is an established residential community which is one of the primary goals for the adoption of the Community Redevelopment areas and there corresponding regulations that include prohibitions and restrictions as reference in the land Development Code. Likewise, the applicant had stated that they are wanting to rezone to sale shipping containers. If this is the case, Per the LDC the Warrington Overlay Sec. 3-3.8(e)(8) All outside storage must be screened from public view. As well all outdoor storage must comply with all of Sec.4-7.9 Outdoor Storage. Depending on the height of the shipping container a eight to twelve foot opaque fence would be

required. Thus, type of screening and buffering is intended for existing heavy commercial and industrial type area that are not contiguous and/or adjacent to significantly residential and limited neighborhood commercial type or zoned areas.

Criterion c., LDC Sec. 2-7.2(b)(4)

Compatible with surrounding uses

All the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

FINDINGS

The proposed amendment **is not compatible** with surrounding existing uses in the area. Within the 500' radius impact area, staff observed properties with zoning districts MDR, HDMU, and HC/LI. There are single-family parcels, vacant parcels, a repair shop, car lot and an office in the area surrounding the subject properties. The overall area is single family residence with limited light commercial land uses. Rezoning the property to HC/LI-NA would not be compatible with the surrounding existing uses.

Criterion d., LDC Sec. 2-7.2(b)(4)

Appropriate if spot zoning. Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: *Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or “spot” zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development*

FINDINGS

The request to rezone to HC/LI-NA is spot zoning due to the adjacent parcels currently zoned HDMU.

Criterion e., LDC Sec. 2-7.2(b)(4)

Appropriate with changed or changing conditions.

If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the

area or likely to create or contribute to sprawl.

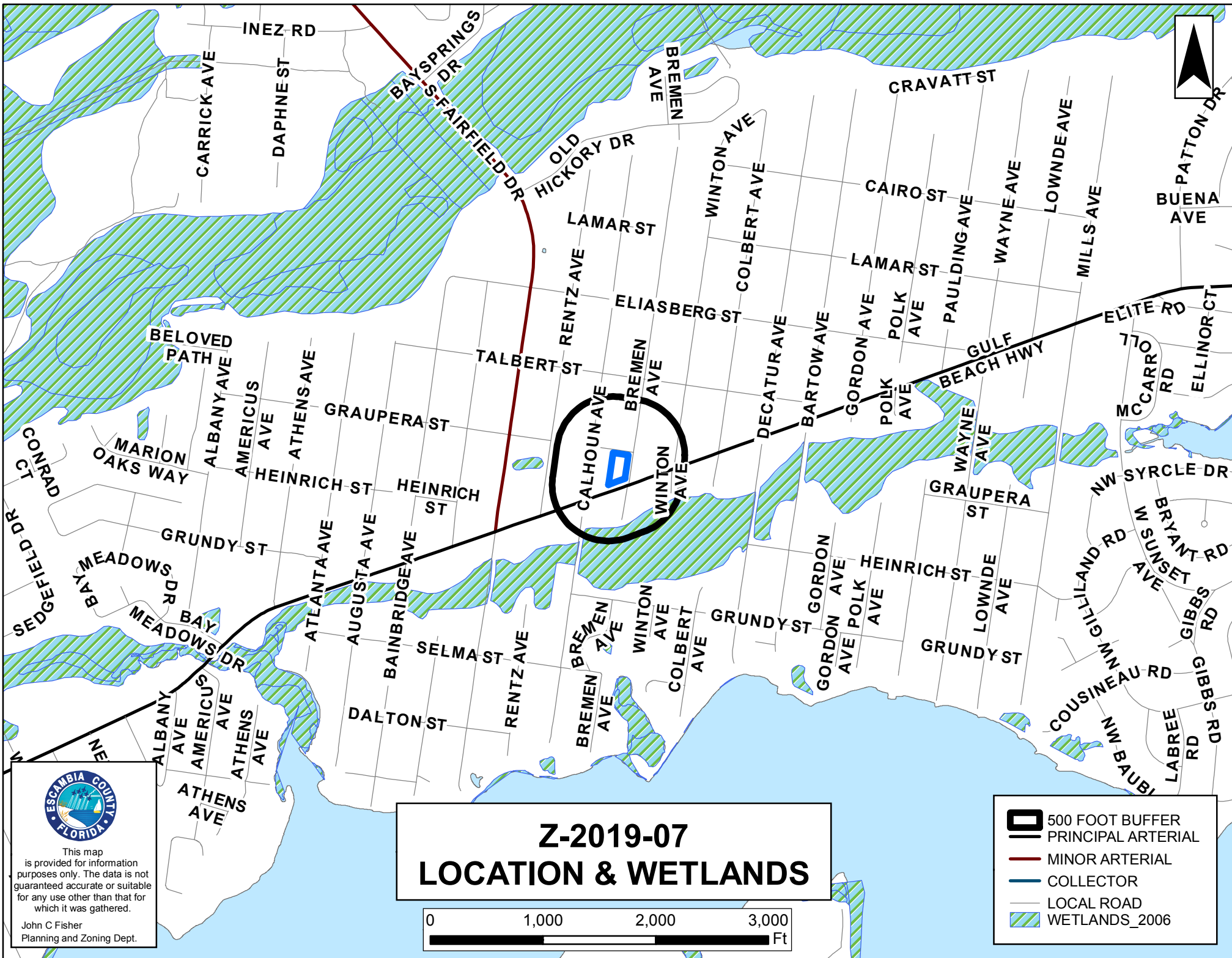
FINDINGS

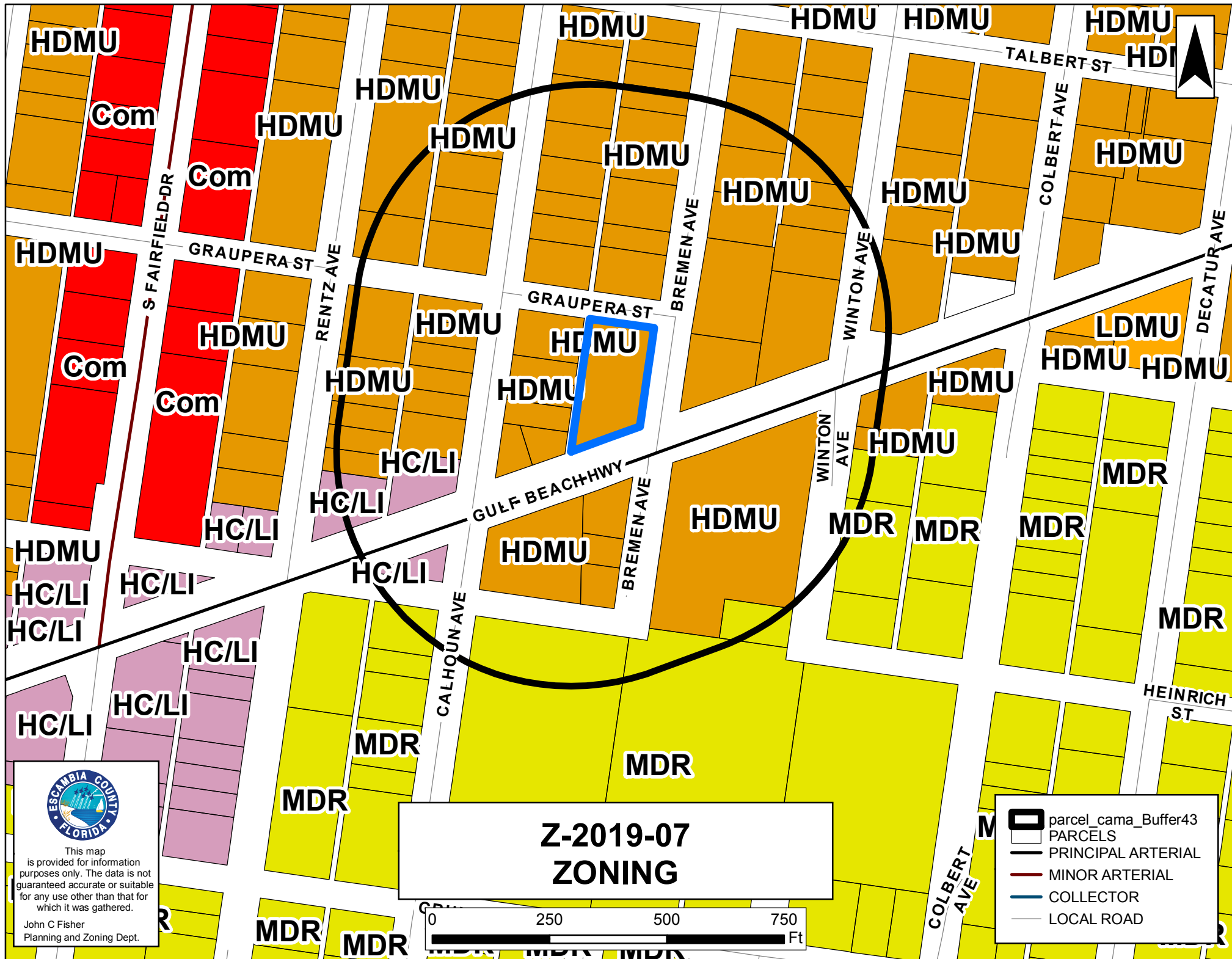
The land uses or development conditions within the area surrounding the property of rezoning **have not** changed. The area along Gulf Beach Highway has parcels with a light commercial, vacant land and mostly residential uses.

Attachments

Working Case File

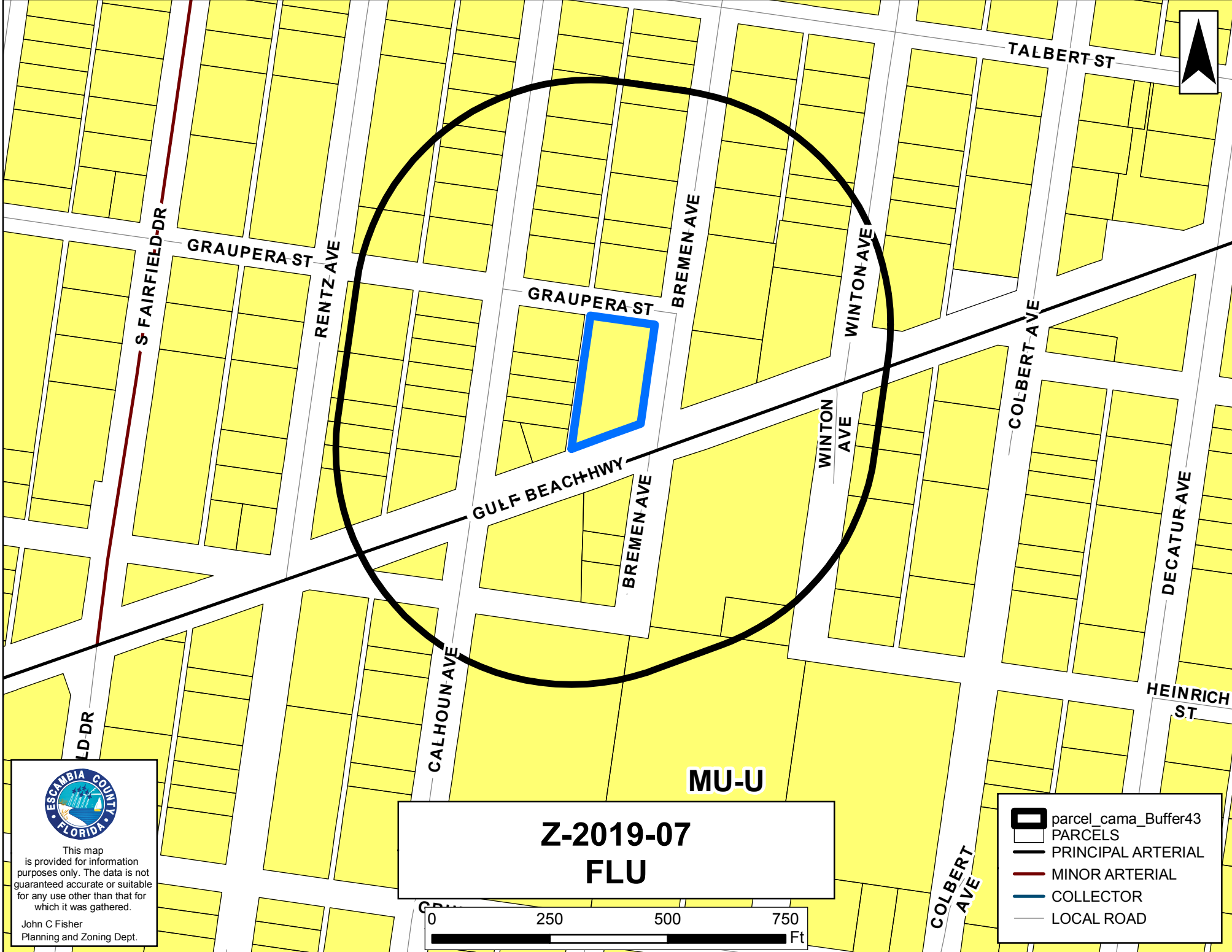
Z-2019-07





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.

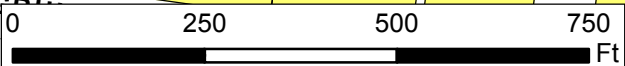
John C Fisher
Planning and Zoning Dept.









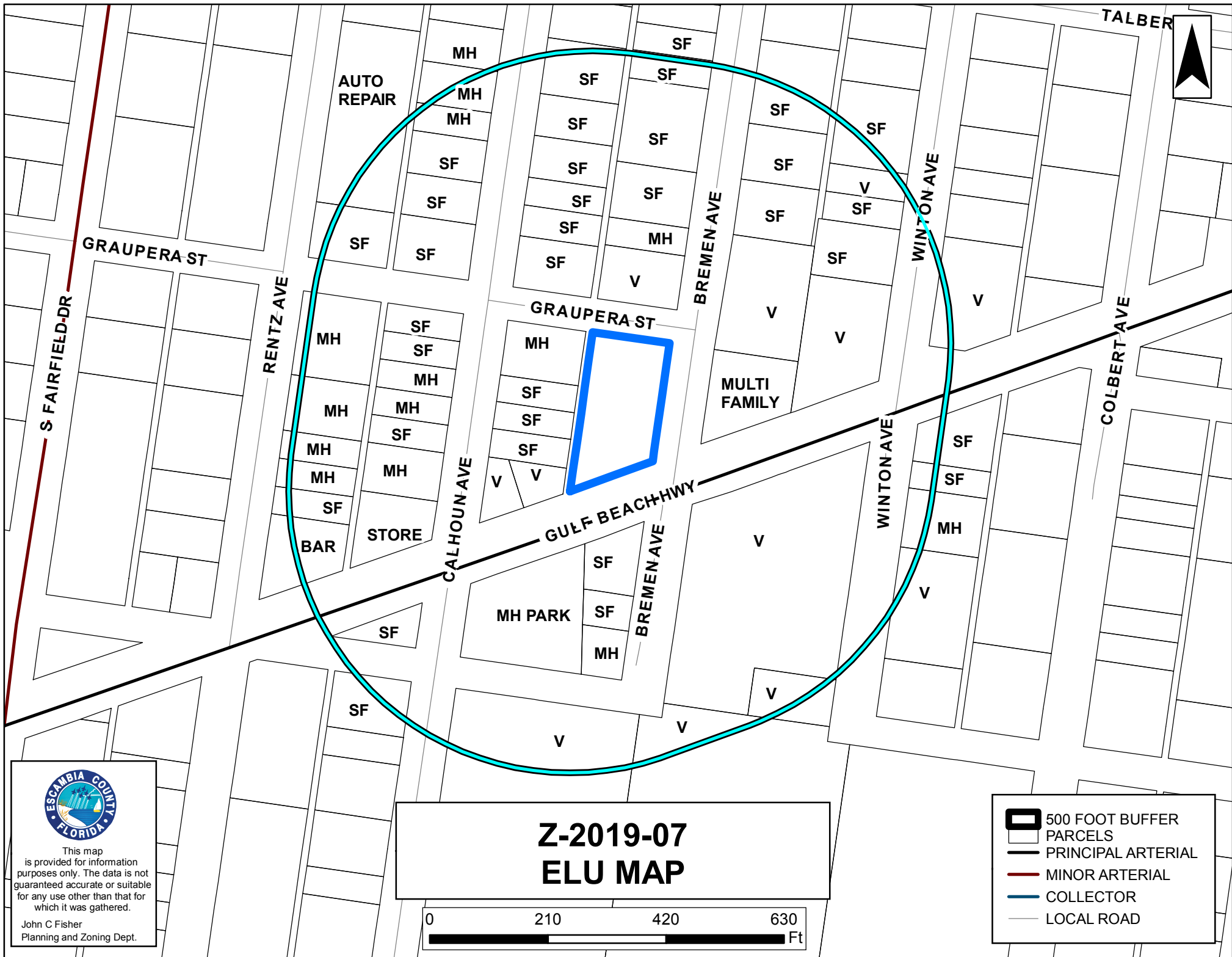
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.


John C Fisher
Planning and Zoning Dept.

**Z-2019-07
FLU**









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

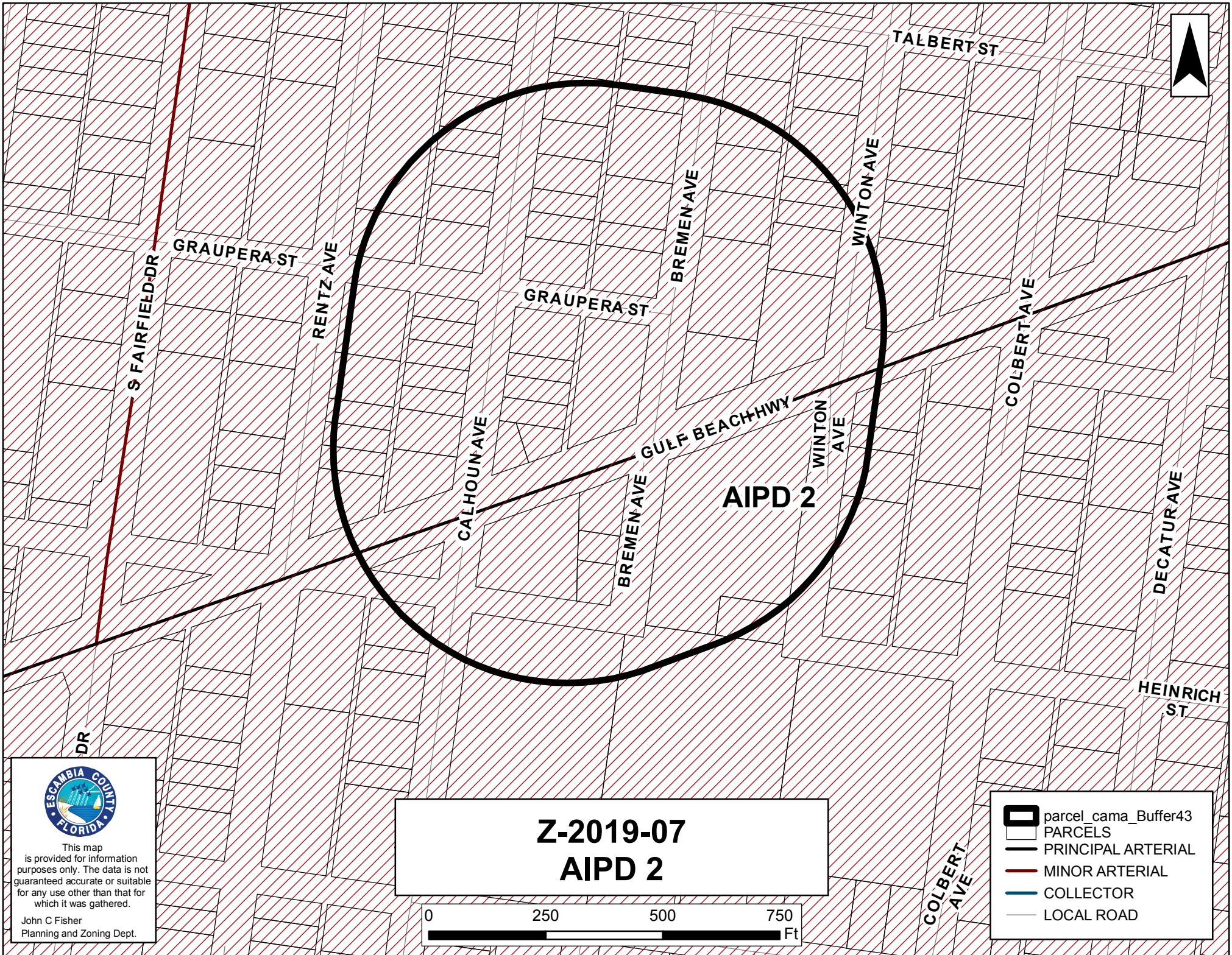



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
John C Fisher
Planning and Zoning Dept.

**Z-2019-07
ELU MAP**



-  500 FOOT BUFFER
-  PARCELS
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



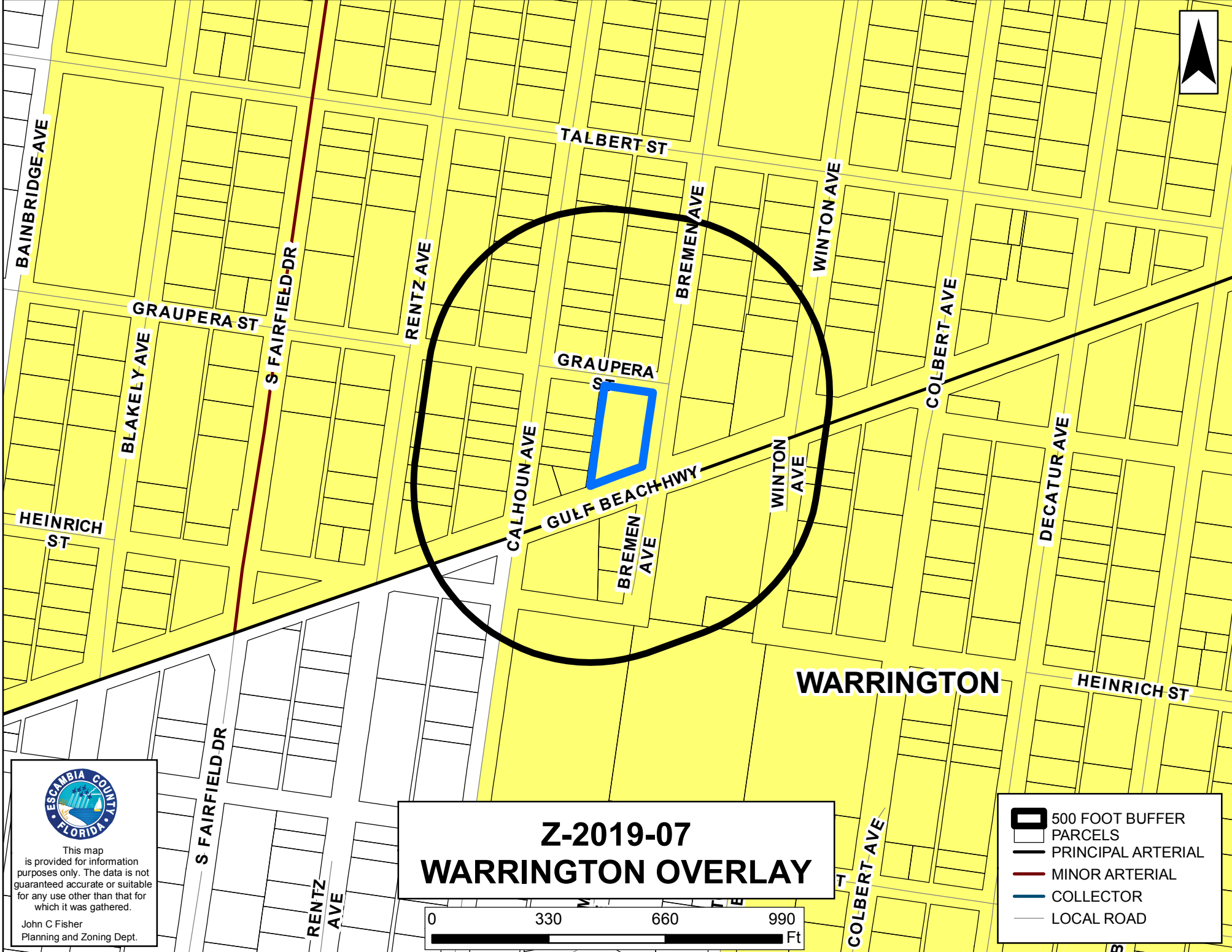
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.


John C Fisher
Planning and Zoning Dept.

Z-2019-07
AIPD 2

0 250 500 750
Ft







- parcel_cama_Buffer43
- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD




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.
John C Fisher
Planning and Zoning Dept.

Z-2019-07
WARRINGTON OVERLAY

0 330 660 990 Ft

 500 FOOT BUFFER
 PARCELS
 PRINCIPAL ARTERIAL
 MINOR ARTERIAL
 COLLECTOR
 LOCAL ROAD



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.

John C Fisher
Planning and Zoning Dept.

Z-2019-07 AERIAL

0 100 200 300
Ft

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



NOTICE OF PUBLIC HEARING REZONING

CASE NO.: Z-2019-07

CURRENT ZONING: HDMU PROPOSED ZONING: HC/LI-NA

PLANNING BOARD

DATE: 05/07/19 TIME: 8:30 AM

LOCATION OF HEARING

ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE
BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 06/06/19 TIME: 5:45 PM

LOCATION OF HEARING

ERNIE LEE MAGAHA GOVERNMENT BLDG
221 PALAFOX PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 595-3475 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

PUBLIC HEARING SIGN



SPEEDING FINES
DOUBLED
WHEN WORKERS
• PRESENT •

**NOTICE OF
PUBLIC HEARING
REZONING**

CASE NO.: Z-2019-07

CURRENT ZONING: HDMU PROPOSED ZONING: HC/LI-NA

PLANNING BOARD

DATE: 05/07/19 TIME: 8:30 AM

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ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE
BOARD MEETING ROOM

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DATE: 06/06/19 TIME: 5:45 PM

LOCATION OF HEARING
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221 PALAFOX PLACE
1ST FLOOR BOARD MEETING ROOM

FOR MORE INFORMATION CALL:
DEVELOPMENT SERVICES AT 906-3476 OR VISIT
WWW.MYESCAMBIA.COM

PLEASE DO NOT REMOVE THIS SIGN
PROPERTY OF ESCAMBIA COUNTY

LOOKING WEST ALONG GULF BEACH HWY



LOOKING AT SUBJECT PROPERTY



LOOKING WEST ALONG GULF BEACH HWY



LOOKING NORTH ALONG BREMEN AVE



LOOKING SOUTH ACROSS GULF BEACH HWY

Wiley C."Buddy" Page, MPA, APA
Professional Growth Management Services, LLC
5337 Hamilton Lane Pace, Florida 32571
Cell 850.232.9853
budpagel@att.net

March 10, 2019
VIA HAND DELIVERY

Mr. Horace Jones, Director
Department of Growth Management
3363 West Park Avenue
Pensacola, Florida 32505

RE: Rezoning request: HDMU to HC/LI-NA
Parcel: 35-2S-31-1000-018-071
Owner: Linda Raney Trust
Address: 2400 Gulf Beach Highway Pensacola

Dear Mr. Jones:

The attached application requests Planning Board consideration to change the existing HDMU to HC/LI zoning.

The application contains the required filing fee together with additional information regarding location, proof of ownership and referenced materials. Please contact me if you have any questions or require anything further. Thank you.

Very truly yours,


Wiley C."Buddy" Page

copy: Linda Raney Trust



Escambia County Planning and Zoning

Development Services Department

3363 West Park Place

Pensacola, FL 32505

Phone: (850) 595-3475 • Fax: (850) 595-3481

<http://myescambia.com/business/ds>

Rezoning Application

FOR OFFICE USE ONLY - Case Number: 2209-07 Accepted by: Alondra PB Meeting: 5/7/19

1. Contact Information:

A. Property Owner/Applicant: Linda Raney Trust

Mailing Address: 2902 Greystone Drive Pace, FL 32571

Business Phone: _____ Cell: _____

Email: _____

B. Authorized Agent (if applicable): Wiley C. "Buddy" Page

Mailing Address: 5337 Hamilton Lane Pace, Florida 32571

Business Phone: _____ Cell: 850 232-9853

Email: budpage1@att.net

Note: Owner must complete the attached Agent Affidavit. If there is more than one owner, each owner must complete an Agent Affidavit. Application will be voided if changes to this application are found.

2. Property Information:

A. Existing Street Address: 2400 Gulf Beach Hwy

Parcel ID (s): _____

35-2S-31-1000-018-071

B. Total acreage of the subject property: 0.79ac

C. Existing Zoning: HDMU

Proposed Zoning: HC/LI - NA; explain why necessary and/or appropriate

Desired retail use is not a listed use under HDMU

FLU Category: MU-U

D. Is the subject property developed (if yes, explain): _____
Lot is vacant _____

E. Sanitary Sewer: _____ Septic: X _____

3. Amendment Request

Approval conditions. The applicant has the burden of presenting competent substantial evidence to the reviewing board establishing that the requested zoning district would contribute to or result in a logical and orderly development pattern. The appropriate surrounding area within which uses and conditions must be considered may vary with those uses and conditions and is not necessarily the same area required for mailed notification. A logical and orderly pattern shall require demonstration of each of the following conditions:

Please address *ALL* the following approval conditions for your rezoning request. (use supplement sheets as needed)

- a. **Consistent with Comprehensive Plan.** The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. If the rezoning is required to properly enact a proposed FLU map amendment transmitted for state agency review, the proposed zoning is consistent with the proposed FLU and conditional to its adoption.

As per LDC Sec. 3-1.3 (h) Zoning Implementation of FLU, the requested HC/LI designation is an allowable zoning designation under the MU-U Future Land Use category.

- b. **Consistent with zoning district provisions.** The proposed zoning is consistent with the purpose and intent and with any other zoning establishment provisions prescribed by the proposed district in Chapter 3

The requested HC/LI category allows for "wholesale and retail uses" as an allowed purpose and intent. The intended retail use of the property is consistent with this provision.

- c. **Compatible with surroundings.** All of the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible, as defined in Chapter 6, with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not considered with potential conditional uses or with any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by fair housing law.

This area of Gulf Beach Highway has numerous examples where HC/LI zoning fronts on the highway and has HD/MU zoned adjacent parcels. As shown on the attached location map, the site is located less than 1/4 mile from Fairfield Drive. Both Fairfield and Gulf Beach Highway are classified as Arterial roadways by the FDOT.

- d. **Appropriate if spot zoning.** Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site-specific balancing of interests between the isolated district and adjoining lands.

As per LDC Chapter 6, Spot Zoning is: Zoning applied to an area of land, regardless of its size, that is different from the zoning of all contiguous land. Such isolated or "spot" zoning is usually higher in its density or intensity of use than the adjoining zoning and may, therefore, extend privileges not generally extended to property similarly located in the area. Spot zoning is not by itself prohibited, but due to its potentially adverse impacts on adjoining zoning it carries a higher burden of demonstration that, if authorized, it will contribute to or result in logical and orderly development

The requested zoning will be transitional in character, as evidenced by nearby examples where HC/LI and HD/MU are existing adjacent uses that demonstrates a historical logical and orderly development pattern.

- e. **Appropriate with changed or changing conditions.** If the land uses or development conditions within the area surrounding the property of rezoning have changed, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

Change in the area has been historically slow, however properties fronting on Gulf Beach Highway continue to migrate toward non residentialL uses.

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

(if applicable)

As owner of the property located at 2400 Gulf Beach Hwy
Pensacola, Florida, property reference number(s) 35-2S-31-1000-018-071
I hereby designate Wiley C. "Buddy" Page
for the sole purpose of completing this application and making
a presentation to the Planning Board and the Board of County Commissioners to request a rezoning on
the above referenced property. This Limited Power of Attorney is granted on this 3 day of MAR
the year of, 2019, and is effective until the Board of County Commissioners or the Board of
Adjustment 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 Development Services Bureau.

Agent Name: Wiley C. "Buddy" Page Email: budpage1@att.net
Address: 5337 Hamilton Lane Pace, Florida 32571 Phone: 850 232-9853



Linda Rancy
Signature of Property Owner

LINDA RANCY
Printed Name of Property Owner

3/14/19
Date

Signature of Property Owner

Printed Name of Property Owner

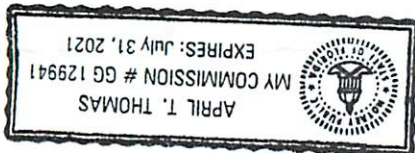
Date

STATE OF Florida COUNTY OF Sarasota
The foregoing instrument was acknowledged before me this 14 day of MARCH 20 19
by Linda Rancy

Personally Known ☐ OR Produced Identification ☒ Type of Identification Produced: FL DL R50053654744

April T. Thomas
Signature of Notary

April T. Thomas
Printed Name of Notary



(Notary Seal)

5. Submittal Requirements

- A. X Completed application: All applicable areas of the application shall be filled in and submitted to the Planning and Zoning Department, 3363 West Park Place, Pensacola, FL 32505.
- B. X Application Fees: To view fees visit the website:
<http://myescambia.com/business/ds/planning-board> or contact us at 595-3547

Note: Application fees include a \$5 technical fee. Cost of the public notice mailing is to be borne by the applicant. Payments must be submitted prior to 3 pm of the closing date of acceptance of application. Please make checks payable to Escambia County. MasterCard and Visa are also accepted (a 3% fee will be added for credit card payments).

- C. X Legal Proof of Ownership (ex: copy of Tax Notice or Warranty Deed) **AND** a Certified Boundary Survey (Include Corporation/LLC documentation if applicable.)
- D. X Compatibility Analysis (if applicable): If the subject property does not meet the roadway requirements of Locational Criteria, a compatibility analysis prepared by the applicant is required to provide substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative criteria. (See "Documented Compatibility" within the request zoning district of the LDC.)
- E. ✓ Signed and Notarized Affidavit of Owner/Limited Power of Attorney AND Concurrency Determination Acknowledgement (pages 4 and 5).

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) 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 that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Signature of Owner/Agent

Printed Name Owner/Agent

Date

Signature of Owner

Printed Name of Owner

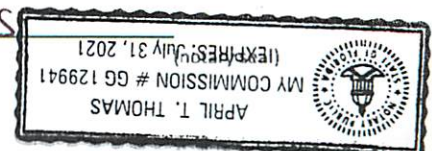
Date

STATE OF Florida COUNTY OF Santa Rosa The foregoing instrument was acknowledged before me this 14 day of March 20 19, by Linda Raney.

Personally Known X OR Produced Identification Type of Identification Produced: FLDL R500536547461

Signature of Notary

Printed Name of Notary



27
85120

PREPARED BY: Tracy Ratzin

RECORD & RETURN TO:

Prepared by: Tracy Ratzin

Lawyers Title Agency of North Florida, Inc.

14118 Perdido Key Drive, Suite #3

Pensacola, FL 32507

File No: PNS-05-09033

This Warranty Deed

Made this 1st day of August, 2005 by The J. Lillian Cartwright Revocable Trust Agreement dated May 26, 1999, hereinafter called the grantor, to Linda Raney-Paul, Trustee of the Linda Raney Trust dated November 21, 1995 whose post office address is: 2902 Greystone Drive, Pace, FL 32571; hereinafter called the grantee:

(Whenever used herein the term "grantor and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Escambia County, Florida, viz:

- see attached Schedule "A" for legal description -

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

Parcel Identification Number: 35-2S-31-1000-010-079 & 35-2S-31-1000-018-071

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2004.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

1st Witness Sign: Tracy Ratzin

Print Name: Tracy Ratzin

2nd Witness Sign: Kendra D. Thompson

Print Name: Kendra D. Thompson

The J. Lillian Cartwright Revocable Trust Agreement
dated May 26, 1999

J. Lillian Cartwright
J. Lillian Cartwright, Trustee

5131 Choctaw Avenue
Pensacola, FL 32507

State of Florida

County of Escambia

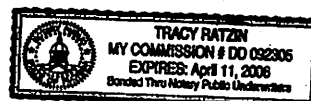
The foregoing instrument was acknowledged before me this 1st day of August, 2005, by The J. Lillian Cartwright Revocable Trust Agreement dated May 26, 1999 who is personally known to me or who has produced FL D.C. as identification

Notary Signature: Tracy Ratzin

Print Name: Tracy Ratzin

My Commission Expires: 04/11/06

(SEAL)





Chris Jones Escambia County Property Appraiser

Real Estate Search Tangible Property Search Sale List

← Navigate Mode ☒ Account ☐ Reference →

Printer Friendly Version

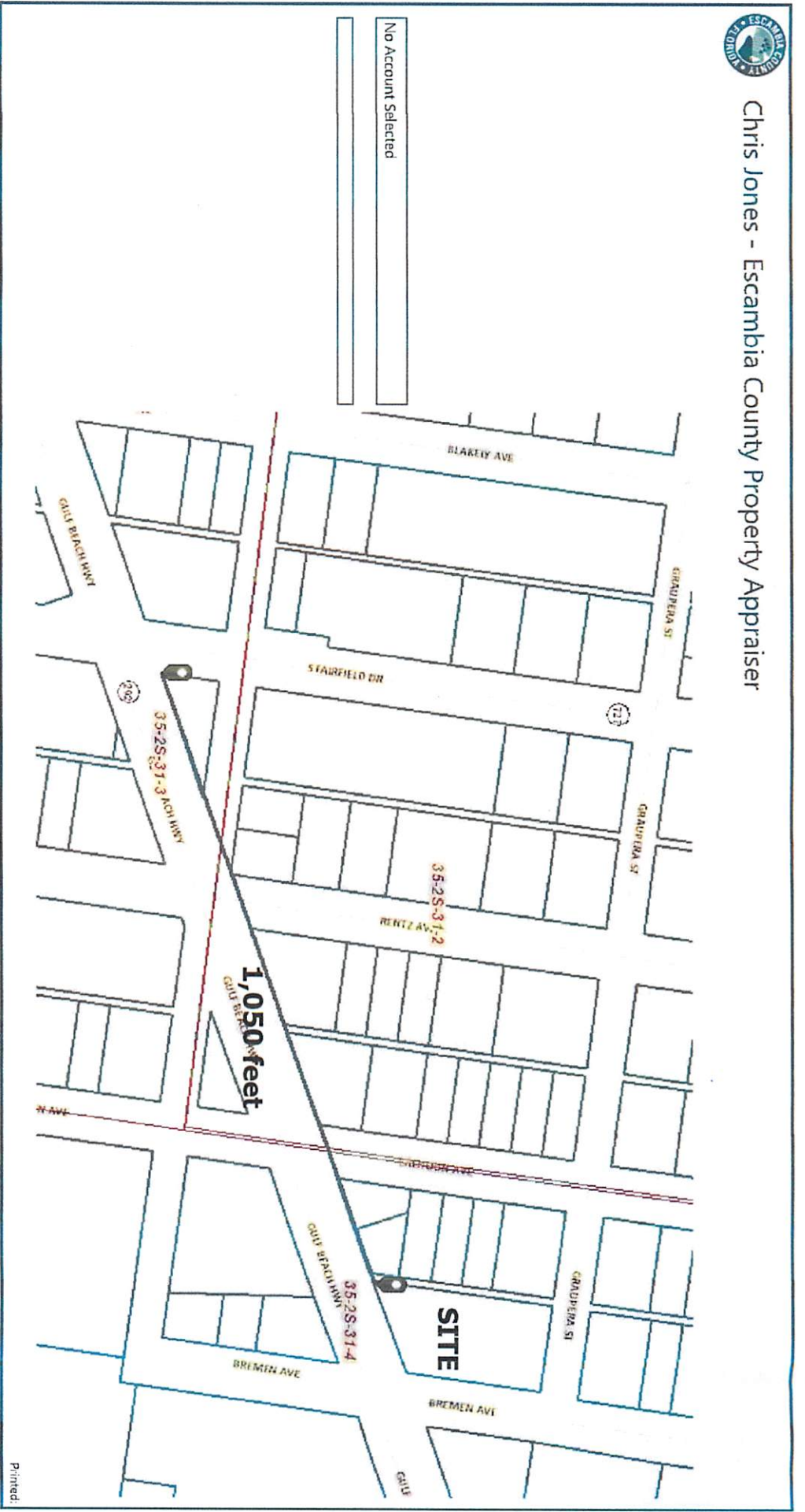
General Information Reference: 352S311000018071 Account: 100581000 Owners: PAUL-RANEY LINDA TRUSTEE FOR RANEY LINDA TRUST Mail: 2902 GREYSTONE DR PACE, FL 32571 Situs: 2400 GULF BEACH HWY 32507 Use Code: VACANT COMMERCIAL Taxing Authority: COUNTY MSTU Tax Inquiry: Open Tax Inquiry Window <small>Tax Inquiry link courtesy of Scott Lunsford Escambia County Tax Collector</small>		Assessments <table border="1"> <thead> <tr> <th>Year</th> <th>Land</th> <th>Imprv</th> <th>Total</th> <th>Cap Val</th> </tr> </thead> <tbody> <tr> <td>2018</td> <td>\$39,092</td> <td>\$0</td> <td>\$39,092</td> <td>\$39,092</td> </tr> <tr> <td>2017</td> <td>\$39,092</td> <td>\$0</td> <td>\$39,092</td> <td>\$39,092</td> </tr> <tr> <td>2016</td> <td>\$39,092</td> <td>\$0</td> <td>\$39,092</td> <td>\$39,092</td> </tr> </tbody> </table> <p align="center">Disclaimer</p> <p align="center"><u>Tax Estimator</u></p> <p align="center">> <u>File for New Homestead Exemption Online</u></p>	Year	Land	Imprv	Total	Cap Val	2018	\$39,092	\$0	\$39,092	\$39,092	2017	\$39,092	\$0	\$39,092	\$39,092	2016	\$39,092	\$0	\$39,092	\$39,092
Year	Land	Imprv	Total	Cap Val																		
2018	\$39,092	\$0	\$39,092	\$39,092																		
2017	\$39,092	\$0	\$39,092	\$39,092																		
2016	\$39,092	\$0	\$39,092	\$39,092																		

Sales Data <table border="1"> <thead> <tr> <th>Sale Date</th> <th>Book</th> <th>Page</th> <th>Value</th> <th>Type</th> <th>Official Records (New Window)</th> </tr> </thead> <tbody> <tr> <td>08/2005</td> <td>5702</td> <td>279</td> <td>\$121,600</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>12/1999</td> <td>4509</td> <td>1087</td> <td>\$100</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>10/1993</td> <td>3457</td> <td>349</td> <td>\$45,300</td> <td>OJ</td> <td>View Instr</td> </tr> </tbody> </table> <small>Official Records Inquiry courtesy of Pam Childers Escambia County Clerk of the Circuit Court and Comptroller</small>	Sale Date	Book	Page	Value	Type	Official Records (New Window)	08/2005	5702	279	\$121,600	WD	View Instr	12/1999	4509	1087	\$100	WD	View Instr	10/1993	3457	349	\$45,300	OJ	View Instr	2018 Certified Roll Exemptions None Legal Description FRAC LT 18 AND ALL LTS 19 TO 24 BLK 71 BEACH HAVEN PLAT DB 46 P 51 OR 5702 P 279 SEC 54/35 T2S R 30/31 LESS OR... Extra Features None
Sale Date	Book	Page	Value	Type	Official Records (New Window)																				
08/2005	5702	279	\$121,600	WD	View Instr																				
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10/1993	3457	349	\$45,300	OJ	View Instr																				

Parcel Information Section Map Id: 35-2S-31-4 Approx. Acreage: 0.7900 Zoned: HDMU Evacuation & Flood Information Open Report	<p align="right">Launch Interactive Map</p> <p align="center">View Florida Department of Environmental Protection (DEP) Data</p>
<p align="center">Buildings</p> <p align="center">Images</p>	



Chris Jones - Escambia County Property Appraiser



Site located less than 1/4 mile from Fairfield Drive

Printed



Board of County Commissioners • Escambia County, Florida

Tonya Gant, Director
Neighborhood & Human Services Department

Clara Long, Division Manager
Community Redevelopment Agency

April 3, 2019

Horace Jones, Director
Escambia County Planning & Zoning Division
3363 West Park Place
Pensacola, FL 32505

**SUBJECT: REZONING REQUEST FOR THE FOLLOWING
PARCEL #35-2S-31-1000-018-071 FROM HDMU to HC/LI
ADDRESS: 2400 Gulf Beach Highway**

Horace,

I have reviewed the Rezoning Request package for the abovementioned location and my comments are below:

This property is located in the Warrington Redevelopment District. The property is subject to the Warrington Overlay District.

Please note that per Sec. 3-3.8 (e)(8) outside storage must be screened from public view. While this may not pertain to the rezoning per se, it will apply to the use of the property if the rezoning is approved.

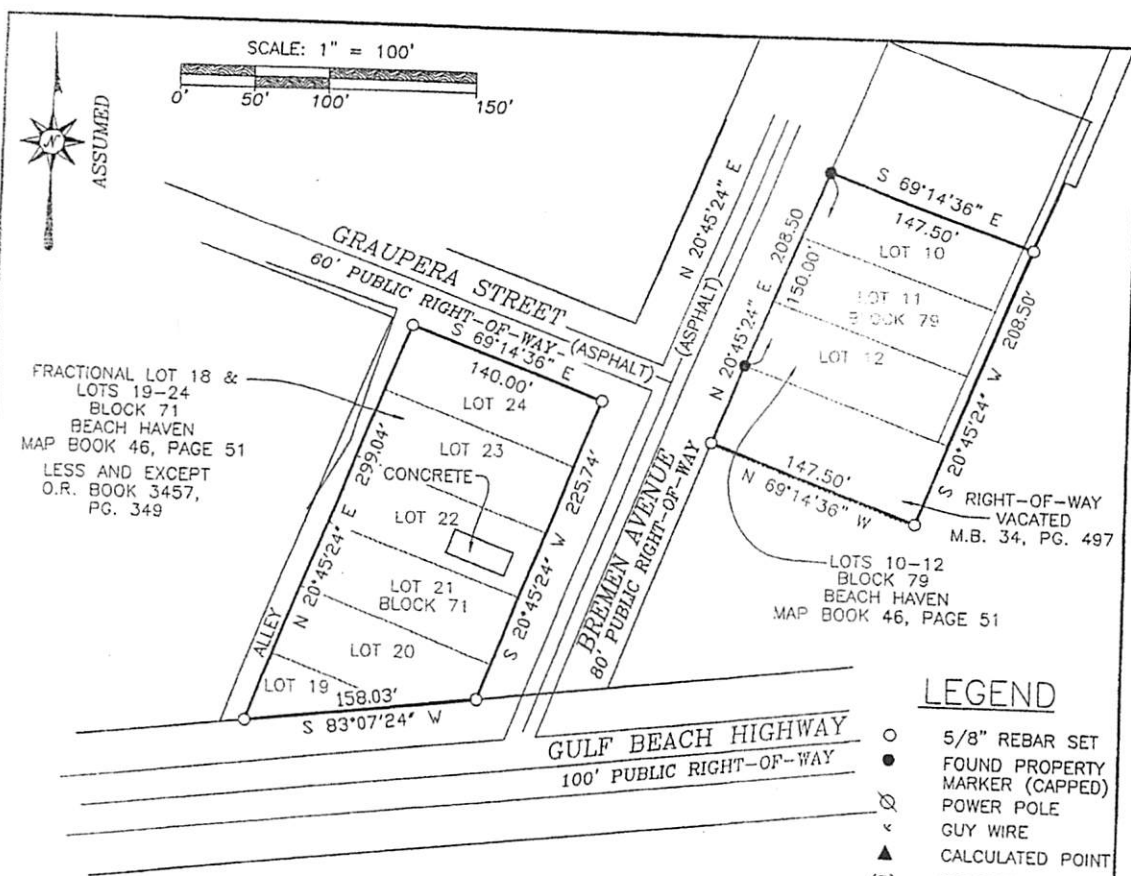
Sec. 3-3.8 (f) does not permit commercial zoned property to be rezoned to a more intense zoning district if located on an arterial roadway. We leave it to the discretion and jurisdiction of the Planning Department to determine if the existing zoning of HDMU is considered commercial.

If you have any questions or comments, please contact me at 850-595-3596.

Sincerely,

A handwritten signature in blue ink that reads "Clara Long".

Clara Long, CRA Division Manager



PROPERTY ADDRESS
625 & 700 BREMEN AVENUE
PENSACOLA, FL 32507

MORTGAGE SURVEY
STATE OF FLORIDA
COUNTY OF ESCAMBIA

TO ALL INTERESTED PARTIES:
SCALE: 1" = 100'

Certify to: The Linda Raney Trust, dated November 21, 1995, Lawyers Title Insurance Corporation

I, William H. Sommerville, III, Florida Registered No. 0006141, hereby state that all parts of this survey and drawing, performed on the 26th day of May, 2005, have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Florida to the best of my knowledge, information, and belief.

Fractional Lot 18 lying north of Gulf Beach Highway and All of Lots 19-24, Block 71, Lots 10-12, Block 79 and the North 55 1/2 feet of that portion of vacated Right-of-Way (Graupera Street) as recorded in Minute Book 34, page 497, of Beach Haven, a map or plat of which is recorded in Deed Book 46, at Page 51, or Official Records 4509, at page 1087, in the Office of the Clerk of the Circuit Court, Escambia County, Florida.

That there are no rights-of-way, easements, joint driveways or encroachments, over or across said land, visible on the surface or shown on recorded map, except as shown; that this survey shows the improvements located on said property; and that there are no electrical or telephone wires, (excluding wire which serve the premises only) or structures or supports thereof, including poles, anchors and guy wires, on or over said property, except as shown; and that the property is not located in a special flood hazard area and is shown in a Zone "X" of the Flood Insurance Rate Map Community Panel No. 12033C 0508 F, Dated February 23, 2000 for said Escambia County, Florida.

Note: No title or abstract research was performed by the undersigned.

GIVEN UNDER MY HAND AND SEAL, this the 20th day of July, 2005.

William H. Sommerville, III

William H. Sommerville, III
Florida Registered No. 0006141

SMW
sommerville muggeo webb
engineering group, inc.

SMW Engineering Group, Inc.
208 Oak Mountain Circle
Pelham, Alabama 35124
(205) 252-6985
Fax: (205) 320-1504

REVISIONS		
NO.	DESCRIPTION	DATE

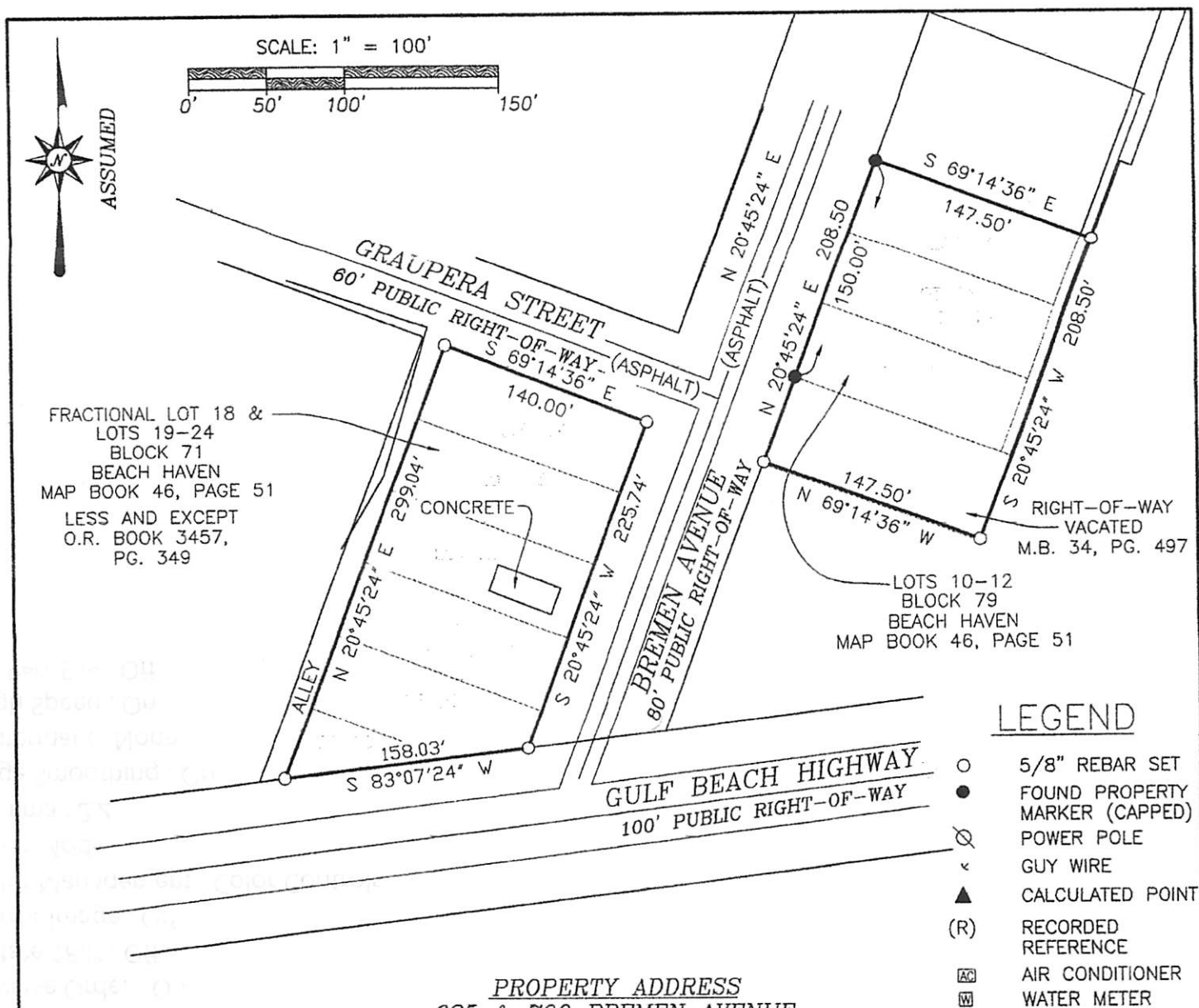
TYPE OF SURVEY
MORTGAGE

CLIENT
CHARTER REALTY
13430 GULF BEACH HIGHWAY
PENSACOLA, FL 32507

DATE: 07/20/05 DRAWN: KEL CHKD: WMC SCALE: 1"=100'



PROJECT NO. 05-470



PROPERTY ADDRESS
625 & 700 BREMEN AVENUE
PENSACOLA, FL 32507

MORTGAGE SURVEY
STATE OF FLORIDA
COUNTY OF ESCAMBIA

TO ALL INTERESTED PARTIES:
SCALE: 1" = 100'

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Note: No title or abstract research was performed by the undersigned.

GIVEN UNDER MY HAND AND SEAL THIS 26th day of May, 2005

EPSON WP-4530 Series Advanced Driver Settings

Paper Source : Auto Select

Document Size : Letter (8 1/2 x 11 in)

Orientation : Portrait

Paper Type : Plain Paper/Bright White Paper

Quality : Normal

Color : Black/Grayscale

Reduce/Enlarge Document : Off

2-Sided Printing : Off

Create Folded Booklet : Off

Pages per Sheet : Off

Poster : Off

Copies : 1

Collate : Off

Reverse Order : On

Rotate 180° : Off

Mirror Image : Off

Color Management : Color Controls

Color Mode : -

Gamma : 2.2

Edge Smoothing : On

Watermark : None

High Speed : On

Fix Red-Eye : Off

the North 58 1/2 feet of that portion of ~~vacated~~ Right-of-Way (Graupera Street) as recorded in Minute Book 34, page 497, of Beach Haven, a map or plat of which is recorded in Deed Book 46, at Page 51, or Official Records 4509, at page 1087, in the Office of the Clerk of the Circuit Court, Escambia County, Florida.

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Note: No title or abstract research was performed by the undersigned.

GIVEN UNDER MY HAND AND SEAL, this the 20th day of July, 2005.



William H. Sommerville, III
Florida Registered No. 0006141

PROJECT NO. 05-470



SMW Engineering Group, Inc.
208 Oak Mountain Circle
Pelham, Alabama 35124
(205) 252-6985
Fax: (205) 320-1504

TYPE OF SURVEY
MORTGAGE

CLIENT
CHARTER REALTY
13430 GULF BEACH HIGHWAY
PENSACOLA, FL 32507

REVISIONS

NO.	DESCRIPTION	DATE

DATE: 07/20/05	DRAWN: KEL	CHKD: WMC	SCALE: 1"=100'
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POTENTIAL FOR COMPATIBILITY BETWEEN USES

The proposed change of zoning from HD/MU to HC/LI will be compatible with surrounding uses at this site. Existing uses are numerous in the area where properties facing Gulf Beach Highway have commercial uses while rear adjoining parcels are zoned for high density residential uses. These adjacent uses have been in place since prior to Escambia county adopting zoning ordinances in the late 1980s.

The Escambia Land Development Code defines Compatibility as:

Compatible. A condition in which land uses, activities or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use, activity, or condition is unduly negatively impacted directly or indirectly by another use, activity, or condition.

The location of the subject parcel and its potential to be compatible with adjacent uses is best measured by the longtime existence of other similarly situated zoned properties in the area that have historically exhibited the same zoning coexistence as is being requested.



Development Services Department
Escambia County, Florida

**PLANNING BOARD
REZONING PRE-APPLICATION SUMMARY FORM**

35-25-31-1000-610-079
Property Reference Number

Buddy Page
Name

700 Blk Bremen
Address

☐ Owner

☒ Agent

Referral Form
Included? Y/N

MAPS PREPARED

☒ Zoning

☒ FLU

☐ Aerial

☒ Other: _____

Redevelopment Area*: Warrington

PROPERTY INFORMATION

Current Zoning: ADMU Size of Property: .70 +/-

Future Land Use: MU U Commissioner District: 2

Overlay/AIPD: AIPD 2 Subdivision: _____

Sanitary Sewer _____ Septic Tank _____

*For more info please contact the CRA at 595-3217 prior to application submittal.

COMMENTS

Desired Zoning: HC/L

Is Locational Criteria applicable? yes If so, is a compatibility analysis required? yes

Applicant wants to have a storage container sales business. There is a second parcel with separate parcel #; same owner - want both rezoned. Suggested 2 separate applications. 2nd parcel fronts Gulf Bch Hwy (2400 Gulf Beach Hwy). The parcel addressed off Bremen will not meet locational criteria & may be problematic to anyone meeting LDC requirements.

☐ Applicant will contact staff for next appointment

☐ Applicant decided against rezoning property

☐ Applicant was referred to another process

☐ BOA

☐ DRC

☐ Other: _____

Process Name

Staff present: Lindsay Date: 1/28/19

Applicant/Agent Name & Signature: Buddy Page 1-28-19

No comment made by any persons associated with the County during any pre-application conference or discussion shall be considered either as approval or rejection of the proposed development, development plans, and/or outcome of any process.

3363 West Park Place Pensacola, FL 32505
(850) 595-3475 * FAX: (850) 595-3481

(Revised 08/11/15)

H:\DEV SRVCS\FOR-000 Forms\Rezoning\Pre-App Form 08-11-15.docx

1903918PPB

04/25/2019 10:21 AM

2400 GULF BEACH HWY

Applicant:
Professional Growth Management Services
Buddy Page

Permit Type

Type	Fee
Rezoning Request	\$1,275.50
Total	\$1,275.50

Payments

Payment ID	Payment Date	Payment Type	Description	Ref. Number	Amount
				Total	\$0.00
					Discount Total (\$0.00)
					Payment Amount \$0.00
					Balance Due \$0.00

THIS IS NOT A PERMIT. This receipt does not authorize you to begin construction of your project.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Rezoning
Meeting Date: 05/07/2019

8. A.

Agenda Item:

Locational Criteria Discussion

Attachments

locational criteria

Planning Board 3rd Discussion Draft for Replacement of LDC Location Criteria

Explanation of Changes Made to 2nd Discussion Draft

The primary changes made to the 2nd discussion draft (3-21-19) are the inclusion of specific findings within the compatibility analysis and the consideration of compatibility for conditional uses. All changes to the draft are shown in blue.

Findings. The prior draft enumerated multiple characteristics of uses to be evaluated by the analysis for their influences on the compatibility of a proposed use with its surrounding uses, but there were no summary statements to be used as findings for the conclusion of the process.

Conditional use. The prior draft assumed no application of proposed district compatibility conditions to conditional uses even though existing location criteria also apply to CUs, relying instead on the CU process to evaluate compatibility. With the shared evaluation of compatibility, the CU compatibility provisions were modified to also utilize the compatibility analysis.

Chapter 2 DEVELOPMENT AND COMPLIANCE REVIEW

Article 2 Verifications and Confirmations

Sec. 2-2.7 Compatibility. [Note: Existing provisions are insufficient to implement the compatibility analysis option. Modifications include response to identified deficiencies.]

(a) General. ~~To confirm that proposed land uses and development activities are compatible with adjacent uses or conditions, a review for compatibility is required for rezoning and may be necessary for certain types developments specified herein.~~

Confirmation required. Compatibility confirmation through site-specific analysis is required by mainland zoning districts when a proposed non-residential permitted use cannot satisfy other district compatibility conditions. Confirmation is also required by the conditional use review process. A compatibility analysis determines what development conditions for the proposed will reasonably be necessary to establish and maintain compatibility with neighboring uses. The compatibility confirmation process, however, is not a substitute for any separately required development plan, conditional use, or other site-specific approval.

(b) Confirmation for compatibility process (compatibility analysis).

(1) Application. Application for land use compatibility confirmation shall be submitted for review to the Planning Official. The application shall include a written compatibility analysis in compliance with the provisions of this section, but any analysis for a proposed conditional use shall be submitted with the conditional use application.

a. Application timing. To minimize potential modifications of any site development plan separately required for a proposed permitted use, application should be submitted prior to or concurrently with the site plan review application.

1 **b. Analysis preparation.** In the preparation of the analysis, the participation of
2 a certified planner or land use professional is encouraged but not required.

3 **c. Document relevance.** The analysis may include maps, photographs, and
4 other documents as evidence, but they should not be included without written
5 explanation of their relevance.

6 **d. Analysis considerations.** The analysis shall consider all compatibility
7 implications of the proposed use and neighboring uses, including the
8 following:

9 **1. Surroundings.** The surrounding zoning and land uses for which
10 compatibility is evaluated. The uses of undeveloped land shall be
11 considered the range of permitted uses of the applicable zoning.

12 **2. Intensities.** The intensities of the proposed use and surrounding uses,
13 including residential densities, occupancies, capacities, hours of
14 operation, setbacks, outdoor work areas, and off-site visibility.

15
16 **3. Structures.** The general design of proposed structures and relevant
17 features of existing structures, including height, gross floor area, site
18 coverage, orientation, and materials.

19 **4. Mobility.** Vehicle and pedestrian access to the site of the proposed and
20 on-site circulation, including sidewalks, parking, drive-through lanes,
21 queuing space, and loading/unloading zones. Also, the reliance on the
22 existing street network, especially on local streets and any streets having
23 deficiencies relative to current design standards.

24 **5. Accessories.** The proposed or potential on-site accessory uses and the
25 placement of accessory structures and outdoor equipment, including
26 storage sheds, HVAC units, waste/recycling dumpsters, shipping
27 containers, tanks, speakers, fences/walls, signs, and lighting.

28 **6. Continuing obligations.** The means by which those use and site
29 conditions found reasonably necessary to establish and maintain
30 compatibility will be preserved, especially for any conditions exceeding the
31 minimum requirements of the LDC.

32 **7. Other considerations.** Other compatibility considerations of the
33 proposed use or existing surrounding uses as may be deemed relevant by
34 the applicant or the Planning Official.

35 **(2) Review.** The compatibility analysis for a proposed use shall be reviewed for
36 factual and relevant evidence demonstrating that the use would be able to
37 coexist with neighboring uses in a stable fashion over time without undue
38 adverse impacts to those uses. More specifically, the analysis shall provide
39 adequate evidence of the following:

40 **a. Proposed use allowed.** The proposed use is a permitted or conditional use
41 authorized by the applicable zoning district, including any applicable overlay
42 zoning.

1 **b. Adverse impacts characterized.** Any nuisance, hazard, or other adverse
2 off-site impacts that could reasonably be expected from the proposed use are
3 accurately characterized.

4 **c. Neighboring uses identified.** Conforming neighboring uses subject to any
5 adverse off-site impacts from the proposed use are accurately identified.

6 **d. Site conditions described.** All permanent conditions of site development
7 and use that exist or are proposed to avoid or abate adverse impacts and
8 ensure compatibility for the proposed use are fully described.

9 **e. Impacts avoided or abated.** The conditions of site development and use
10 would effectively avoid the adverse impacts expected from the proposed use
11 or would adequately minimize and mitigate any unavoidable impacts.

12 **f. Haphazard development avoided.** The proposed use and site development
13 would not contribute to or promote strip commercial sprawl or any other
14 patterns of haphazard development.

15 **(3) Final determination.** A final determination on the site-specific compatibility of a
16 proposed use shall be made by the Planning Official and based on the
17 applicant's documentation of the conditions above. A determination of
18 compatibility shall require a finding of compliance with each condition. Final
19 determinations are also subject to the following:

20 **a. Conditional uses.** The final determination for a proposed conditional use
21 shall be forwarded to the reviewing board as evidence in the board's public
22 hearing consideration of the requested use.

23 **b. Timing.** The final determination for an analysis submitted as part of a site
24 plan or conditional use application shall be made within the review schedule
25 of that application. All other determinations shall be made within five
26 business days after receipt of a complete application, unless the applicant
27 provides a modified analysis or otherwise requests the Planning Official to
28 delay the determination.

29 **c. Other Information.** Prior to a final determination, the Planning Official may
30 request from the applicant other relevant information appropriate to the
31 compatibility characteristics of the proposed use and location.

32 **d. Modifications.** Prior to a final determination, the applicant may modify the
33 content of the submitted analysis. Modifications proposed after a final
34 determination require submittal of a new application for review.

35 **e. Development approval.** As determined by the Planning Official, or the
36 reviewing board if applicable, those permanent conditions of the proposed
37 use or its development found in the analysis to ensure compatibility with
38 neighboring uses shall be retained and referenced in any associated site
39 development plan approval.

40 **f. Period of approval.** A final determination of compatibility for a permitted use
41 shall be valid for a period of two years or the valid period of an approved site
42 development plan for the subject use, whichever is greater.

1 **g. Appeal.** A final determination of the Planning Official regarding compatibility
2 of a permitted use under the provisions of this section may only be appealed
3 to the Board of County Commissioners as prescribed in Article 6 of this
4 chapter for appeal of administrative decisions. [Note: This is a commissioner
5 requested condition.]

6 **Sec. 2-6.4 Conditional uses.**

7 **(a) General.** The LDC may conditionally allow other uses in addition to the permitted
8 uses within each zoning district when there are unique conditions not anticipated by
9 the district and site-specific compatibility of the proposed use can be demonstrated.

10 Conditions that may justify conditional use approval are evaluated through
11 quasi-judicial public hearing review by the Board of Adjustment (BOA), the Santa
12 Rosa Island Authority (SRIA) for Pensacola Beach properties, or the Board of
13 County Commissioners (BCC) for certain uses as noted in the applicable zoning
14 district.

15 **(b) Limits on conditional uses.** Conditional uses are subject to the following
16 limitations:

17 **(1) Availability.** Conditional uses are available and may be granted only to land for
18 which that option is specifically provided by the applicable zoning district or other
19 provisions of the LDC.

20 **(2) Invalid reasons.** Nonconforming, unapproved, or unlawful uses, structures, or
21 conditions are not considered special conditions or other valid reasons for
22 granting any conditional use.

23 **(3) Site specific.** A conditional use can only be granted based on a site-specific
24 review of an individual lot of record or development parcel. Conditional uses are
25 not available to subdivisions or other groups of individually developed lots.

26 **(4) Multiple uses.** If more than one conditional use is proposed, the conditions shall
27 be addressed for each use.

28 **(c) Conditional use provisions.**

29 **(1) Application.** Application for conditional use approval shall be submitted for
30 compliance review to the clerk of the reviewing board within the time period
31 stated in the application. A pre-application meeting with staff for the board is
32 recommended.

33 **(2) Public participation.** Hearings to consider a conditional use shall be open to the
34 public. Prior to any hearing to consider a conditional use, the county shall provide
35 reasonable notice to the public as required by Florida Statutes.

36 **a. Publication.** At least ten days prior to the hearing, notice shall be published
37 in a newspaper of general circulation in Escambia County.

38 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than 24
39 inches by 48 inches shall be prominently posted on, or as near as practicable
40 to, the subject property and shall be clearly readable from the nearest public
41 right-of-way.

1 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent
2 via U.S. mail to the address registered with the property appraiser for each
3 owner of real property with any portion of the property located within 500' of
4 the subject property. The cost of the mailing is to be borne by the applicant.

5 **(3) Compliance Review.** The reviewing board shall conduct the quasi-judicial public
6 hearing to consider the requested conditional use. The applicant has the burden
7 of presenting competent substantial evidence that establishes each of the
8 following conditions:

9 **a. General compatibility.** The proposed use can be conducted and operated in
10 a manner that is compatible with neighboring uses adjacent properties and
11 ~~other properties in the immediate area, as documented within a written~~
12 ~~compatibility analysis in compliance with Article 2 of this chapter. In~~
13 ~~establishing the compatibility of a residential use, there is no additional~~
14 ~~burden to demonstrate the compatibility of specific residents or activities~~
15 ~~protected by fair housing law. [Note: Revised to use terms and conditions of~~
16 ~~compatibility analysis. Fair housing condition same as with rezoning~~
17 ~~compatibility.]~~

18 **b. Facilities and services.** Public facilities and services, especially those with
19 adopted levels of service, will be available, and will provide adequate capacity
20 to serve the proposed use consistent with capacity requirements.

21 **c. On-site circulation.** Ingress to and egress from the site and its structures
22 will be sufficient, particularly regarding vehicle and pedestrian safety and
23 convenience, efficient traffic flow and control, on-site parking and loading, and
24 emergency vehicle access.

25 [Note: The following four conditions identify specific but limited adverse off-site
26 impacts that are within the general compatibility condition above. The
27 compatibility analysis allows all potential impacts to be considered in a uniform
28 and systematic way for each conditional use.]

29 ~~**d. Nuisances and hazards.** The scale, intensity, and operation of the use will~~
30 ~~not generate unreasonable noise, glare, dust, smoke, odor, vibration,~~
31 ~~electrical interference, or other nuisances or hazards for adjoining properties~~
32 ~~and other properties in the immediate area.~~

33 ~~**e. Solid waste.** All on-site solid waste containers will be appropriately located~~
34 ~~for functional access, limited off-site visibility and minimal odor and other~~
35 ~~nuisance impacts.~~

36 ~~**f. Screening and buffering.** Where not otherwise required by the LDC,~~
37 ~~screening and buffering will be provided if appropriate to the proposed use~~
38 ~~and site.~~

39 ~~**g. Signs and lighting.** All exterior signs and lights, whether attached or~~
40 ~~freestanding, will be compatible with adjoining properties and other properties~~
41 ~~in the immediate area, especially regarding glare and traffic safety.~~

42 **hd. Site characteristics.** The size, shape, location and topography of the site
43 appear adequate to accommodate the proposed use, including setbacks,
44 intensity, bulk, height, open space and aesthetic considerations.

1 **ie. Use requirements.** The proposed use complies with any additional
2 conditional use requirements of the applicable zoning district, the specific use,
3 or other provisions of the LDC.

4 **(4) Final determination.**

5 **a. Action of board.** If the reviewing board finds from the record of the hearing
6 that the applicant has presented competent substantial evidence proving the
7 required conditions, the board shall grant a conditional use, unless the board
8 finds from the evidence presented that granting the conditional use will be
9 adverse-averse to the public interest.

10 **b. Period of valid approval.** A conditional use approval is valid for a period of
11 four years from the date of approval. If within that period the conditional use
12 is not part of an approved site development application or one continuing in
13 good faith review as determined by the Planning Official, the conditional use
14 approval expires and is void. No extension of the initial approval is available.
15 However, once the conditional use is part of an approved site development
16 plan, the conditional use approval will remain valid through the approved plan.

17 **c. Other conditions of approval.** In granting a conditional use, the reviewing
18 board shall have the authority to attach any conditions directly related to the
19 use as the board may find necessary for satisfaction of the conditional use
20 conditions and preservation of the intent of the applicable zoning district.
21 Such conditions include setbacks, height, impervious cover, total floor area,
22 building orientation, screening, buffering, site signage and lighting, and hours
23 of operation.

24 **Article 6 Special Conditions and Circumstances**

25 **Section 2-6.10 Appeal of Administrative Decisions**

26 **(a) Appeal option.** Any person whose substantial interests have been adversely
27 affected by an error in the order, requirement, interpretation, or determination of an
28 administrative official regarding compliance with the requirements of the LDC may
29 appeal that decision according to the provisions of this section. The provisions do
30 not apply to decisions regarding administration of the building code, actions of code
31 enforcement officers, or challenges of consistency of LDC regulations with the
32 Comprehensive Plan. A claim to appeal or challenge the consistency of a
33 development order with the adopted Comprehensive Plan must be filed with the
34 Clerk of the Circuit Court of Escambia County pursuant to Florida Statute 163.3215.

35 **(b) Appeal process.** Conditions that may justify modification of administrative
36 decisions are evaluated through quasi-judicial public hearing review by the Board of
37 Adjustment (BOA), or by the Board of County Commissioners (BCC) for conditions
38 specifically reserved by LDC provisions for BCC review. [Note: This and the other
39 section changes are necessary to allow commissioner requested BCC review of
40 appeals of the Planning Official's compatibility analysis final determinations.]

41 **(1) Application.** Application for appeal of an administrative decision shall be
42 submitted for compliance review within 15 days after the date of the decision
43 being appealed. A quasi-judicial public hearing for the appeal shall be scheduled

1 to occur within 30 business days after receipt of a complete application. The
2 application shall provide information as required by the adopted appeal
3 procedures, including the following:

- 4 **a. Decision appealed.** A copy of the written administrative decision to be
5 reviewed on appeal.
6 **b. LDC reference.** Identification of the specific LDC provisions for which
7 noncompliance is alleged.
8 **c. Alleged error.** A description of how the decision of the administrative official
9 is considered arbitrary or capricious.
10 **d. Conditions.** Documentation satisfying the conditions established in the
11 compliance review provisions of this section.
12 **e. Remedy.** A description of the proposed remedy.
13 **f. Other information.** Any other pertinent information the applicant wishes to
14 have considered.

15 **(2) Public participation.** Hearings to consider an appeal of administrative decision
16 shall be open to the public. Prior to any hearing to consider an appeal of
17 administrative decision, the county shall provide reasonable notice to the public
18 as required by Florida Statutes.

- 19 **a. Publication.** At least ten days prior to the hearing, notice shall be published
20 in a newspaper of general circulation in Escambia County.
21 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than 24
22 inches by 48 inches shall be prominently posted on, or as near as practicable
23 to, the subject property and shall be clearly readable from the nearest public
24 right-of-way.
25 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent
26 via U.S. mail to the address registered with the property appraiser for each
27 owner of real property with any portion of the property located within 500' of
28 the subject property. The cost of the mailing is to be borne by the applicant.

29 **(3) Standing.** Although the hearing before the ~~BOA~~reviewing board is open to the
30 public, only those person or entities with "standing" will be allowed to present
31 testimony or other evidence during the hearing. Persons with standing include:

- 32 **a.** The applicant or any other person who received the adverse decision from
33 the county administrative official.
34 **b.** Those persons who are third parties to the administrative decision and who
35 suffer an adverse impact that differs in kind (as opposed to degree) to any
36 adverse impact suffered by the community as a whole.

37 **(4) Compliance review.** The ~~BOA~~reviewing board shall conduct the quasi-judicial
38 public hearing to consider the appeal of an administrative decision. The
39 applicant has the burden of presenting competent substantial evidence to the
40 board that establishes each of the following conditions with regard to the decision
41 being appealed:

- 1 **a. Arbitrary or capricious.** The decision of the administrative official was
2 neither required nor supported by the Comprehensive Plan or the LDC and
3 was therefore arbitrary or capricious.
- 4 **b. LDC noncompliance.** The specific LDC provisions identified in the appeal
5 application are appropriate to the decision and the decision was not in
6 compliance with those provisions.
- 7 **c. Adverse impact.** The applicant's property will suffer an adverse impact as a
8 result of the decision if it is not modified.
- 9 **d. Protected interest.** The adverse impact is to a specific interest protected or
10 furthered by the LDC or Comprehensive Plan.
- 11 **e. Greater impact.** The adverse impact adversely affects the applicant in a
12 greater degree than any adverse impact shared by the community at large;
13 and, if the applicant is a third party to the decision, the adverse impact
14 peculiar to the applicant differs in kind (as opposed to degree) to any suffered
15 by the community as a whole.

16 **(5) Final determination.**

- 17 **a. Board finding.** If the ~~BOA~~reviewing board finds from the record of the
18 hearing that the applicant has presented competent substantial evidence
19 proving the required conditions set out in the compliance review provisions of
20 this section, the board shall find the appealed decision in error. The finding
21 shall state with particularity how the decision of the administrative official was
22 arbitrary or capricious. If the conditions are not proven the board shall affirm
23 the decision.
- 24 **b. Board authority.** The ~~BOA~~reviewing board shall have the same authority
25 and responsibility to change a decision found to be in error as is given by the
26 LDC to the official who made the decision, but no more. The board may act
27 only to the extent supported by the established record of evidence and only
28 as necessary to maintain compliance with the LDC and the Comprehensive
29 Plan. The board cannot offer opinions or interpretations generally. The
30 authority of the board to act as the official does not include any authority to
31 diminish or otherwise change the application of any technical design standard
32 or specification established or referenced in the LDC, to change any
33 concurrency management provisions, or to exempt any development from
34 required compliance review and approval.

1 **Article 7 LDC and Comprehensive Plan Amendment**

2 **Sec. 2-7.2 LDC zoning map and text amendments.**

3 **(a) General.** All provisions of the LDC are established, modified, or repealed by
4 ordinance of the Board of County Commissioners (BCC). Zoning map and text
5 amendments may be proposed by the county or others according to the ordinance
6 enactment procedures prescribed by Florida Statutes and the provisions of this
7 section. Since any LDC amendment is a change to implementing the land use
8 regulations of the county and can modify the requirements for subsequent
9 authorizations of land uses and development activities, significant opportunities for
10 public participation are provided. These map and text amendment processes are
11 established for the county to authorize appropriate changes to its land development
12 regulations.

13 **(b) Zoning map amendment (rezoning and special-use rezoning).** County-initiated
14 comprehensive changes to the zoning map that set policy require enactment through
15 the legislative procedures of the BCC. In compliance with the following process, an
16 owner-initiated zoning map amendment (rezoning or special-use rezoning) that
17 affects a limited number of identifiable parties and interests is evaluated first through
18 quasi-judicial public hearings by the Planning Board, or the Santa Rosa Island
19 Authority (SRIA) for property on Pensacola Beach, and then by the BCC:

20 **(1) Application.** Application for rezoning or a special-use rezoning through the
21 quasi-judicial process shall be submitted to the clerk of the reviewing board within
22 the time required by the adopted rezoning procedures of the board prior to the
23 scheduled board meeting at which the applicant requests to be heard. The
24 application shall provide the information required by the rezoning procedures. A
25 pre-application meeting of the applicant with the staff for the reviewing board is
26 recommended to discuss the process and to review county, board, and applicant
27 responsibilities.

28 **(2) Public participation.** Hearings to consider a rezoning application shall be open
29 to the public. Prior to any such hearing, the clerk of the reviewing board shall
30 provide reasonable notice to the public as required by Florida Statutes and the
31 Comprehensive Plan. Public notification shall include the following, each
32 identifying the purpose, subject, reviewing authorities, case number, dates, times
33 and locations of the hearings; the current and proposed zoning; and county
34 contacts for additional information:

35 **a. Publication.** At least ten days prior to the hearing, notice shall be published
36 in a newspaper of general circulation in Escambia County.

37 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than 24
38 inches by 48 inches shall be prominently posted on, or as near as practicable
39 to, the subject property and shall be clearly readable from the nearest public
40 right-of-way.

41 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent
42 via U.S. mail to the address registered with the property appraiser for each
43 owner of real property with any portion of the property located south of Nine
44 Mile Rd within 500 feet of the subject property. For property located north of

1 Nine Mile Rd, notification will be sent to properties within 2500 feet of the
2 subject property. The cost of the mailing is to be borne by the applicant.

3 **(3) Compliance review.** A quasi-judicial public hearing shall be conducted by the
4 appropriate reviewing board to consider a requested rezoning according to the
5 provisions of this article. At the conclusion of the hearing, based on the record
6 evidence, the reviewing board shall submit a recommendation to the BCC for
7 rezoning approval, denial, or if appropriate and acceptable to the applicant,
8 approval of a district with less intensive uses than the requested zoning.

9 **(4) Approval conditions.**

10 **a. Rezoning.** The applicant has the burden of presenting competent substantial
11 evidence to the reviewing board establishing that the requested zoning district
12 would contribute to or result in a logical and orderly development pattern.
13 The appropriate surrounding area within which uses and conditions must be
14 considered may vary with those uses and conditions and is not necessarily
15 the same area required for mailed notification. A logical and orderly pattern
16 shall require demonstration of each of the following conditions:

17 **1. Consistent with Comprehensive Plan.** The proposed zoning is
18 consistent with the future land use (FLU) category as prescribed in LDC
19 Chapter 3, and with all other applicable goals, objectives, and policies of
20 the Comprehensive Plan. If the rezoning is required to properly enact a
21 proposed FLU map amendment transmitted for state agency review, the
22 proposed zoning is consistent with the proposed FLU and conditional to its
23 adoption.

24 **2. Consistent with zoning district provisions.** The proposed zoning is
25 consistent with the purpose and intent of the proposed district, and with
26 any other zoning establishment provisions prescribed by the ~~proposed~~
27 district in Chapter 3. [Note: Text change to better convey that a substantial
28 measure of compatibility is in the consistency a proposed zoning has with
29 the stated purposes of the proposed district.]

30 **3. Compatible with surroundings.** All of the permitted uses of the
31 proposed zoning, not just those anticipated by the rezoning applicant, ~~are~~
32 compatible, can be developed and maintained compatibly with surrounding
33 uses as the term "compatible" is defined in Chapter 6, with the surrounding
34 uses. Such compatibility presumes that new uses will fully comply with all
35 requirements of the proposed district and other applicable regulations.
36 The uses of any surrounding undeveloped land shall be considered the
37 range of permitted uses of the applicable district.

38 Compatibility is not considered with potential conditional uses or with any
39 nonconforming or unapproved uses. Also, in establishing the compatibility
40 of a residential use, there is no additional burden to demonstrate the
41 compatibility of specific residents or activities protected by fair housing
42 law. [Note: Without specific use and site development characteristics to
43 evaluate, a finding of compatibility for all uses of a district can only be a
44 general confirmation of what is more accurately the "potential"

compatibility of the uses. It is appropriate and useful to explicitly state these limits to avoid any assumption that all compatibility conditions for any individual use have already been confirmed by a rezoning. Also, a finding of compatibility is always predicated on the assumption that uses will be developed and maintained in compliance with all applicable development standards.]

4. Appropriate if spot zoning. Where the proposed zoning would establish or reinforce a condition of spot zoning as defined in Chapter 6, the isolated district would nevertheless be transitional in character between the adjoining districts, or the differences with those districts would be minor or sufficiently limited. The extent of these mitigating characteristics or conditions demonstrates an appropriate site-specific balancing of interests between the isolated district and adjoining lands.

5. Appropriate with changed or changing conditions. If the land uses or development conditions within the area surrounding the property of the proposed rezoning have changed or are changing, the changes are to such a degree and character that it is in the public interest to allow new uses, density, or intensity in the area through rezoning; and, the permitted uses of the proposed district are appropriate and not premature for the area or likely to create or contribute to sprawl.

b. Special-use rezoning criteria for use of mobile homes:

1. Notwithstanding the rezoning criteria enumerated above, a request for a special-use rezoning may be permitted in zoning districts Medium Density Residential district (MDR) and High Density Residential district (HDR) for the use and placement of a mobile home as a single-family dwelling. The applicant has the burden of presenting competent substantial evidence to the reviewing board establishing that the site, use and proposed structure would meet the following criteria:
 - i. Must be on a conforming lot or lot of record.
 - ii. Minimum lot size of one acre.
 - iii. Front setback must be a minimum of 40 feet.
 - iv. Only one mobile home allowed per lot.
 - v. Lot may not be subdivided.
 - vi. Lot may not be located within a platted subdivision.
 - vii. Use may not otherwise be prohibited by any overlay district.
 - viii. The use of a mobile home is compatible with the surrounding area.
 - ix. Structure may not be located in a FEMA designated Special Flood Hazard Area, in a designated Coastal High Hazard Area or within Escambia County designated Evacuation Zones A, B or C.
 - x. No other permitted or conditional use contained within the special use zoning, except for use of a mobile home as a single-family residence shall be allowed.

1 xi. Upon notice to the County and confirmation that the property is no
2 longer being used for placement of a mobile home as a single-family
3 residence, the property owner or agent shall request reversion to the
4 prior zoning category pursuant the rezoning criteria contained herein.

5 xii. Lot may not be located in the Escambia County Mid-West Sector
6 Plan.

7 **(5) Board Action.** If the reviewing board finds from the record of the hearing that the
8 applicant has presented competent substantial evidence establishing the
9 required conditions, the board shall then consider whether maintaining the current
10 zoning will serve a greater public interest. The board shall recommend approval
11 of the rezoning request to the BCC if the board finds that no new uses, density, or
12 intensity of use of the proposed zoning will likely diminish quality of life, reduce
13 property values, confer a special benefit on the subject property to the detriment
14 of the community as a whole or create other adverse impacts upon surrounding
15 properties, more than the uses, density, or intensity of the current zoning unless
16 the board determines that maintaining the current zoning.

17 **(6) Final determination.** The BCC at its scheduled hearing shall adopt, modify, or
18 reject the recommendation of the Planning Board or SRIA or return the rezoning
19 case to the board with instructions for additional facts or clarification. The staff of
20 the recommending board shall inform the board of all formal actions taken by the
21 BCC on the rezoning request.

22 **(7) Appeals.** Actions by the BCC adopting, rejecting, or modifying the
23 recommended rezoning of the reviewing board are final. Any party seeking
24 judicial review of the final determination shall do so according to the general
25 provisions of Article 1. Additionally, written notice of the filing of any such petition
26 for judicial review shall be promptly provided by the petitioner through the county
27 to each owner of real property with any portion within a 500-foot radius of the
28 rezoning subject property.

Chapter 3 ZONING REGULATIONS

Article 1 General Provisions

Sec. 3-1.4 Allowed uses.

(a) Generally. The uses of land and structures are limited to those identified within the applicable zoning district as “permitted uses” or “conditional uses,” and to their valid accessory uses, unless other uses are secured through applicable vesting, and nonconformance, or temporary use provisions of the LDC. Uses not so identified or secured are prohibited, and the conducting of any prohibited use is a violation of the LDC punishable as provided by law and ordinance. The burden is on the landowner, not the county, to show that a use is allowed.

Even when a use is allowed by the applicable zoning, authorization to develop the use within the district is not guaranteed. In addition to compatibility and other requirements specific to the district, uses are subject to the general development standards of Chapter 5 and the use and location regulations established in Chapter 4. [Note: Text additions to emphasize that a use allowed within a district is also subject to compatibility and other conditions of the district.]

(b) Function of headings. As established by the general provisions of the LDC for any text headings within the code, those placed within zoning district lists of permitted and conditional uses do not define or otherwise limit the scope or meaning of the uses or the districts. Uses are defined only as provided in Chapter 6, and headings are employed solely to organize the uses into comparably ordered district lists. [Note: Text addition to avoid the assumptions that the order or grouping of uses within a district defines the uses, and that uses can only be characterized by one group.]

(bc) Conditional uses. The identification of a use as conditional within a zoning district is an indication that, given certain existing or imposed conditions, the use may be appropriate for some locations in that district. The appropriateness of the use is determined through discretionary county review of an applicant’s demonstration that specific conditions will assure compatibility with surrounding uses. Conditions applicable to all conditional uses are established in the conditional use process provisions of Chapter 2. Additional conditions applicable to a specific use may be established by the LDC where the conditional use is established.

(ed) Accessory uses and structures. Uses and structures accessory to permitted uses and approved conditional uses are allowed as prescribed by the supplemental use regulations of Chapter 4 unless otherwise prohibited by the applicable zoning district. Where more than one zoning district applies to a parcel, an accessory use or structure may not be established in one zoning district to serve a primary use in the other district if the principal use is not allowed in the district in which the accessory use is located.

(de) Single-family dwellings and lots of record. A single-family dwelling is a vested and conforming principal use on any existing lot of record within any zoning district and future land use category, regardless of applicable density, available lot access, and lot width along any street right-of-way. A single-family dwelling may be authorized for construction on a lot of record in compliance with all remaining

1 applicable requirements of the LDC. Additionally, where a lot of record is completely
2 divided by and along the boundary of an existing public right-of-way, the two
3 separate areas of the lot may each be authorized for a single-family dwelling,
4 regardless of density, lot width, and whether the two areas are retained in common
5 ownership.

6 **(ef) Mix of uses.** Unless clearly indicated otherwise in the LDC, the identification of
7 multiple permitted or conditionally permitted uses within a zoning district allows any
8 mix of those uses within an individual development, parcel, or building, regardless of
9 any designation or other characterization of the district as mixed-use. A mix of uses
10 generally does not modify the development standards and regulations applicable to
11 any individual use within the mix.

12 **(fg) Classifying uses.** Classifying a particular land use is the discretionary process of
13 determining whether the use is one already identified in the LDC as allowed by right
14 (permitted use) or by special approval (conditional use).

15 **(1) Information.** The Planning Official, or Board of Adjustment (BOA) on appeal,
16 shall obtain the information necessary to accurately classify a use. At a
17 minimum, the applicant shall describe in writing the nature of the use and the
18 county shall utilize public records, site investigations and other reliable sources of
19 information, including the *Land-Based Classification Standards* of the American
20 Planning Association and the *North American Industry Classification System*
21 (NAICS) of the U.S. Department of Commerce.

22 **(2) Rules for classification.** Classifying a use is not specific to any individual site,
23 project or applicant, but shall be appropriate and valid for all occasions of the
24 use. Use classification shall be guided by Chapter 1 provisions for interpreting
25 the LDC and the following rules:

- 26 a. If a use is defined in the LDC, that definition shall be applied to the
27 classification.
- 28 b. The reviewing authority shall not read an implied prohibition of a particular
29 use into a classification.
- 30 c. Classification is limited to giving meaning to the uses already allowed within
31 the applicable zoning district. No policy determinations shall be made on
32 what types of uses are appropriate within the district.
- 33 d. When the use regulations are ambiguous, the purpose and intent of the
34 zoning district and the nature of the uses allowed within it shall be considered.
- 35 e. Classification is not based on the proximity of the proposed use to other uses.
- 36 f. The use or activity determines the classification, not property ownership,
37 persons carrying out the use or activity, or other illegitimate considerations.
- 38 g. Generally, the function rather than the form of a structure is relevant to its
39 classification.

40 **(3) Determinations.** All classifications determined by the Planning Official shall be
41 recorded to ensure consistency with future classifications. A use not determined
42 to be one specifically identified in the LDC as permitted or conditionally permitted

may be proposed to the Planning Board for consideration of subsequent zoning district use amendment.

(gh) Temporary uses and structures. Temporary uses and structures are allowed as prescribed by the supplemental use regulations of Chapter 4 unless otherwise modified or prohibited by the applicable zoning district.

(hi) Outdoor storage. Outdoor storage is allowed as prescribed by the supplemental use regulations of Chapter 4 unless modified or prohibited by the applicable zoning district.

(ij) Subdivision. The subdivision of land to accommodate the permitted uses or approved conditional uses of the applicable zoning district is allowed as prescribed by the standards of Chapter 5 unless otherwise prohibited by the district.

(jk) Medical use of cannabis. Section 381.986, Florida Statutes (2018), as amended, and Florida Administrative Code Chapter 64-4, as amended, authorize a limited number of dispensing organizations throughout the State of Florida to cultivate, process, and dispense medical cannabis for use by qualified patients. The dispensing organizations must be approved by the Florida Department of Health and, once approved, are subject to state regulation and oversight.

(1) Intent. The intent of this article is to establish the criteria for the location and permitting of facilities that dispense medical cannabis by State authorized dispensing organizations in accordance with Section 381.986, Florida Statutes (2018), as amended, and Florida Administrative Code Chapter 64-4, as amended.

(2) Applicability. The provisions of this section shall be applicable in the unincorporated areas of Escambia County. This section shall only be construed to allow the dispensing of medical cannabis by a state-approved dispensing organization for medical use. The sale of cannabis or marijuana is prohibited in Escambia County except in accordance with this provision.

This provision does not exempt a person from prosecution in any criminal offense related to impairment or intoxication resulting from the use of medical cannabis or relieve a person from any requirement under law to submit to a breath, blood, urine, or other test to detect the presence of a controlled substance.

Sec. 3-1.6 Compatibility. [Note: Section changes made to emphasize that compatibility among uses is the purpose of zoning, with location a principal consideration but only one of many that influence compatibility.]

(a) Generally. Zoning districts provide the primary means to establish and maintain the necessary balance between the needs and interests of compatibility among different land uses, allowing neighboring uses to coexist successfully in a stable fashion over time, protecting the investments in each. Although zoning separates many generally incompatible development uses, inclusion as a permitted use within a district does not alone ensure compatibility with other district uses. [Note: Revised to clarify that sharing the same district does not guarantee compatibility.]

(b) Location criteria-District requirements. All land uses, regardless of their zoning, shall be located, developed, and maintained to avoid nuisance, hazard, and other

adverse impacts to neighboring uses in compliance with the LDC. ~~Location criteria~~
In addition to district use limitations and standards, specific compatibility
requirements are established within some zoning districts to protect prime farmland
and promote the compatibility among uses, especially of new non-residential uses,
especially non-residential uses in relation to existing residential uses. Most
requirements ~~criteria~~ are designed to create smooth transitions of use intensity from
large-scale ~~concentrations of~~ general commercial uses concentrated near major
street intersections to small-scale dispersed neighborhood commercial uses in
proximity to residential areas. Such transitions prevent the adverse impacts of
continuous strip commercial development along major streets and avoid negative or
blighting influences of some commercial uses on adjacent residential
neighborhoods. For the purposes of district requirements, a change of use as
defined in Chapter 6 is considered a new use. [Note: Change from narrow emphasis
on location to broader emphasis on all elements of compatibility.]

(1) Intersection distance. Any distance from a street intersection that is required
by ~~location criteria~~ a compatibility condition shall be measured along the street
right-of-way that forms the frontage of the subject parcel to the nearest point of
intersection with the other street right-of-way. A proposed use or rezoning of a
parcel will be considered in compliance with the required distance where at least
75 percent of the parcel frontage is within the required distance.

(2) Local streets as collectors. For the purposes of ~~location criteria~~ compatibility
conditions only, and on a case-by-case basis, a local street not classified by the
Florida Department of Transportation as a collector street may be designated by
the County Engineer as a collector if all of the following conditions exist for the
applicable street segment:

- a. Twenty-two foot width of pavement (two lanes) or more.
- b. Posted speed limit of 35 mph or more.
- c. Signalized intersection on the segment or at its termini.
- d. Connection to a collector or arterial street.
- e. Average Annual Daily Traffic at least 1500 vehicles.

(3) Alternative analysis. Where identified as an alternative compatibility condition
by the applicable zoning district, a site-specific compatibility analysis may be
prepared for a proposed use as prescribed in Article 2 of Chapter 2. The
analysis shall demonstrate that the use at the location proposed will be able to
coexist with existing neighboring uses in a stable fashion over time without undue
adverse impacts to either.

(c) Other measures. In addition to ~~the location criteria of the~~ zoning districts
requirements, landscaping, buffering, and screening may be required to protect
lower intensity uses from more intensive uses, such as residential from commercial
or commercial from industrial. Buffers may also be required to protect natural
resources from intrusive activities and negative impacts of development such as
trespass, pets, vehicles, noise, lights, and stormwater.

Article 2 Mainland Districts

Sec. 3-2.2 Agricultural district (Agr).

(a) Purpose. The Agricultural (Agr) district establishes appropriate areas and land use regulations for the routine agricultural production of plants and animals, and such related uses as silviculture and aquaculture. The primary intent of the district is to avoid the loss of prime farmland to other uses, its division into smaller parcels of multiple owners, and other obstacles to maintaining or assembling sufficient agricultural acreage for efficient large-scale farming. Other than agricultural production, non-residential uses within the Agricultural district are generally limited to rural community uses that directly support agriculture, and to public facilities and services necessary for the basic health, safety, and welfare of a rural population. The absence of urban or suburban infrastructure is intentional. Residential uses within the district are largely self-sustaining, consistent with rural land use and limited infrastructure. Single-family dwellings are allowed at a very low density sufficient for the needs of the district's farm-based population.

(b) Permitted uses. Permitted uses within the Agricultural district are limited to the following:

(1) Residential.

- a. Manufactured (mobile) homes, excluding new or expanded manufactured home parks or subdivisions.
- b. Single-family dwellings (other than manufactured homes), detached only. Maximum single-family lot area within any proposed subdivision of 100 acres or more of prime farmland shall be one and one-half acres.

See also conditional uses in this district.

(2) Retail sales. Medical marijuana dispensing facilities, only where ancillary to cultivation or processing of medical marijuana. No other retail sales, except as may be within other permitted or conditional use categories of this district. [Note: Modified to correct form and not limit other retail sales to the agricultural category.]

- ~~a. Medical marijuana dispensing facilities. Where ancillary to cultivation or processing, dispensing of medical marijuana shall also be permitted in the Agr zoning district.~~
- ~~b. No other retail sales except as permitted agricultural and related uses in this district.~~

(3) Retail services. No retail services, except as may be within other permitted agricultural and related uses or as conditional use uses in categories of this district. [Note: Modified to not limit retail services to the agricultural category.]

(4) Public and civic.

- a. Cemeteries, including family cemeteries. (compatibility exception)
- b. Clubs, civic or fraternal.
- c. Educational facilities, including preschools, K-12, colleges, and vocational schools.

- d. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
- e. Funeral establishments.
- f. Places of worship.
- g. Public utility structures 150 feet or less in height, including telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

- a. Campgrounds and recreational vehicle parks on lots five acres or larger.
- b. Golf courses, tennis centers, swimming pools, and similar active outdoor recreational facilities, including associated country clubs.
- c. Hunting clubs and preserves. (compatibility exception)
- d. Marinas, private only. (compatibility exception)
- e. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
- f. Parks without permanent restrooms or outdoor event lighting. (compatibility exception)
- g. Passive recreational uses, including hiking and bicycling. (compatibility exception)
- h. Shooting ranges.

See also conditional uses in this district.

(6) Industrial and related. Borrow pit and reclamation activities 20 acres minimum and subject to local permit and development review requirements per Escambia County Code of Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part III, the Land Development Code, chapter 4. (compatibility exception) [Note: The exception is due to the review processes already required, not the character of the use.]

(7) Agricultural and related.

- a. Agriculture, including raising livestock, storing harvested crops, and cultivation of nursery plants. A minimum of two acres for keeping any farm animal on site and a maximum of one horse or other domesticated *equine* per acre. (compatibility exception)
- b. Agricultural processing, minor only.
- c. Agricultural research or training facilities.
- d. Aquaculture, marine or freshwater.
- e. Farm equipment and supply stores.
- f. Kennels and animal shelters on lots two acres or larger.
- g. Produce display and sales of fruit, vegetables and similar agricultural products. All structures for such uses limited to non-residential farm buildings. (compatibility exception)
- h. Silviculture. (compatibility exception)

- 1 i. Stables, public or private, on lots two acres or larger. (private are compatibility
2 exception)
- 3 j. Veterinary clinics. A minimum two acres for boarding animals.
- 4 **(8) Other uses.** Airports, private only, including crop dusting services.
- 5 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2, the
6 BOA may conditionally allow the following uses within the Agricultural district:
- 7 **(1) Residential.** Group living, limited to nursing homes, assisted living facilities,
8 hospice facilities, and other uses providing similar services, assistance, or
9 supervision.
- 10 **(2) Retail services.**
- 11 a. Bed and breakfast inns.
- 12 b. Medical clinics, including those providing out-patient surgery, rehabilitation,
13 and emergency treatment.
- 14 **(3) Public and civic.**
- 15 a. Cinerators.
- 16 b. Community service facilities, including auditoriums, libraries, museums, and
17 neighborhood centers.
- 18 c. Hospitals.
- 19 d. Offices for government agencies or public utilities.
- 20 e. Public utility structures greater than 150 feet in height, including
21 telecommunications towers, but excluding any industrial uses.
- 22 f. Warehousing or maintenance facilities for government agencies or public
23 utilities.
- 24 **(4) Recreation and entertainment.**
- 25 a. Canoe, kayak, and float rental facilities.
- 26 b. Parks with permanent restrooms or outdoor event lighting.
- 27 c. Zoos and animal parks.
- 28 **(5) Industrial and related.**
- 29 a. Mineral extraction, including oil and gas wells, not among the permitted uses
30 of the district.
- 31 b. Power plants.
- 32 c. Salvage yards, not including any solid waste facilities.
- 33 d. Solid waste collection points and transfer facilities.
- 34 e. Wastewater treatment plants.
- 35 ~~**(e) Location criteria.** The following location criteria apply to uses within the Agricultural~~
36 ~~district:~~
- 37 **Compatibility requirements.** Uses within the Agricultural district shall promote
38 compatibility by avoiding adverse impacts to surrounding uses, and shall comply
39 with in compliance with LDC standards and the following:

1 (1) **Prime farmland.** All new or expanded uses shall be located to avoid the loss of
2 prime farmland (as defined in Chapter 6) to development that does not require
3 such soils. Where such loss cannot be avoided, it shall be effectively limited to
4 five acres or 10 percent of the development parcel area, whichever is greater.

5 [Note: This addition made to all three rural districts to emphasize that existing soil
6 resource protection is soils-based, not use-based.]

7 (2) **Non-residential permitted uses.** All non-residential uses shall be located to
8 avoid nuisance, hazard, and other adverse impacts to surrounding residential
9 uses. ~~Retail sales and services shall be located along collector or arterial~~
10 ~~streets. Industrial uses shall be on parcels that comply with the location criteria~~
11 ~~of the Industrial (Ind) zoning district. All new non-residential permitted uses shall~~
12 ~~satisfy at least one of the following compatibility conditions, unless specifically~~
13 ~~identified as a compatibility exception:~~ [Note: The street requirement is applied to
14 all non-residential uses, but exceptions are identified, and compatibility can be
15 assessed for any other locations. The lack of required proximity to any
16 intersecting street seems appropriate to the character of the district and its
17 limited uses.]

18 a. **Location.** The parcel of the use is located along a street that is functionally
19 classified as an arterial or major collector.

20 b. **Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
21 documents and confirms that the use can achieve and maintain compatibility
22 with surrounding uses at the location proposed.

23 (3) **Conditional uses.** The compatibility of all new conditional uses shall be
24 evaluated within the conditional use review process prescribed in Chapter 2.

25 (f) **Rezoning to Agr.** Agricultural zoning may be established only within the Agriculture
26 (AG) and Rural Community (RC) future land use categories. The district is suitable
27 for prime farmland, agriculturally used or assessed areas, large tracts of open
28 space, woodlands, or fields, but not for areas with central sewer or highly developed
29 street networks. The district is appropriate to provide transitions between areas
30 zoned or used for conservation or outdoor recreation and areas zoned or used for
31 more intense uses.

32 **Sec. 3-2.3 Rural Residential district (RR).**

33 (a) **Purpose.** The Rural Residential (RR) district establishes appropriate areas and
34 land use regulations for low density residential uses and compatible non-residential
35 uses characteristic of rural land development. The primary intent of the district is to
36 provide for residential development at greater density than the Agricultural district on
37 soils least valuable for agricultural production, but continue to support small-scale
38 farming on more productive district lands. The absence of urban and suburban
39 infrastructure is intentional. Residential uses within the RR district are largely self-
40 sustaining and generally limited to detached single-family dwellings on large lots,
41 consistent with rural land use and limited infrastructure. Clustering of smaller
42 residential lots may occur where needed to protect prime farmland from
43 non-agricultural use. The district allows public facilities and services necessary for

the basic health, safety, and welfare of a rural population, and other non-residential uses that are compatible with agricultural community character.

(b) Permitted uses. Permitted uses within the RR district are limited to the following:

(1) Residential.

- a. Manufactured (mobile) homes, excluding new or expanded manufactured home parks or subdivisions.
- b. Single-family dwellings (other than manufactured homes), detached only, on lots four acres or larger, or on lots a minimum of one acre if clustered to avoid prime farmland.

See also conditional uses in this district.

(2) Retail sales. No retail sales, except as may be within other permitted agricultural and related uses in or conditional use categories of this district. [Note: Modified to avoid limiting other retail sales to the agricultural category.]

(3) Retail services. Bed and breakfast inns. No other retail services except as may be within other permitted agricultural and related uses or as conditional use uses in categories of this district. [Note: Modified to avoid limiting other retail services to the agricultural category.]

(4) Public and civic.

- a. Cemeteries, including family cemeteries. (compatibility exception)
- b. Clubs, civic or fraternal.
- c. Educational facilities, K-12, on lots one acre or larger.
- d. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
- e. Funeral establishments.
- f. Places of worship on lots one acre or larger.
- g. Public utility structures 150 feet or less in height, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

- a. Campgrounds and recreational vehicle parks on lots five acres or larger.
- b. Golf courses, tennis centers, swimming pools and similar active outdoor recreational facilities, including associated country clubs.
- c. Marinas, private. (compatibility exception)
- d. Parks without permanent restrooms or outdoor event lighting. (compatibility exception)
- e. Passive recreational uses. (compatibility exception)

See also conditional uses in this district.

(6) Industrial and related. [Reserved]

(7) Agricultural and related.

- a. Agriculture, including raising livestock, storing harvested crops, and cultivation of nursery plants. A minimum of two acres for keeping any farm animal on site and a maximum of one horse or other domesticated *equine* per acre. (compatibility exception)
- b. Aquaculture, marine or freshwater.
- c. Farm equipment and supply stores.
- d. Kennels and animal shelters on lots two acres or larger.
- e. Produce display and sales of fruit, vegetables and similar agricultural products. All structures for such use limited to non-residential farm buildings. (compatibility exception)
- f. Silviculture. (compatibility exception)
- g. Stables, public or private, on lots two acres or larger. (private are compatibility exception)
- h. Veterinary clinics. A minimum of two acres for boarding animals.

(8) Other uses. [Reserved]

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA may conditionally allow the following uses within the RR district:

(1) Residential.

- a. Group living, limited to nursing homes, assisted living facilities, hospice facilities, and other uses providing similar services, assistance, or supervision.
- b. Manufactured (mobile) home parks on land zoned VR-1 prior to adoption of RR zoning.
- c. Two-family dwellings (duplex) and multi-family dwellings up to four units per dwelling (triplex and quadruplex) on land zoned VR-1 prior to adoption of RR zoning.

(2) Retail services. Medical clinics, including those providing out-patient surgery, rehabilitation, and emergency treatment.

(3) Public and civic.

- a. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
- b. Educational facilities not among the permitted uses of the district.
- c. Hospitals.
- d. Offices for government agencies or public utilities.
- e. Public utility structures greater than 150 feet in height, and telecommunications towers of any height, excluding any industrial uses.
- f. Warehousing or maintenance facilities for government agencies or public utilities.

(4) Recreation and entertainment.

- a. Hunting clubs and preserves.
- b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.

1 c. Parks with permanent restrooms or outdoor event lighting.

2 d. Shooting ranges.

3 **(5) Industrial and related.**

4 a. Borrow pit and reclamation activities 20 acres minimum and subject to local
5 permit and development review requirements per Escambia County Code of
6 Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part
7 III, the Land Development Code, chapter 4.

8 b. Mineral extraction, including oil and gas wells.

9 c. Power plants.

10 d. Salvage yards, not including any solid waste facilities.

11 e. Solid waste collection points and transfer facilities.

12 f. Wastewater treatment plants.

13 **(6) Other uses.** Airports, private only, including crop dusting facilities.

14 **(e) Location criteria.** ~~The following location criteria apply to uses within the RR district:~~

15 **Compatibility requirements.** Uses within the RR district shall promote
16 compatibility by avoiding adverse impacts to surrounding uses, and shall comply
17 with in compliance with LDC standards and the following:

18 **(1) Prime farmland.** All new or expanded uses shall ~~be located to avoid the loss of~~
19 prime farmland (as defined in Chapter 6) to development that does not require
20 such soils. Where such loss cannot be avoided, it shall be effectively limited to
21 five acres or 10 percent of the development parcel area, whichever is greater.

22 **(2) Non-residential permitted uses.** ~~All non-residential uses shall be located to~~
23 ~~avoid nuisance, hazard and other adverse impacts to surrounding residential~~
24 ~~uses. Retail sales and services shall be located along collector or arterial~~
25 ~~streets. Industrial uses shall be on parcels that comply with the location criteria~~
26 ~~of the Industrial (Ind) zoning district. All new non-residential permitted uses shall~~
27 satisfy at least one of the following compatibility conditions, unless specifically
28 identified as a compatibility exception: [Note: Given that the district is intended for
29 single-family residential but allows various non-residential uses other than retail,
30 the street location limit on retail was replaced with compatibility conditions for all
31 non-residential uses not part of predominantly residential development.]

32 **a. Mixed-use.** The use is part of a predominantly residential development.

33 **b. Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
34 documents and confirms that the use can achieve and maintain compatibility
35 with surrounding uses at the location proposed.

36 **(3) Conditional uses.** The compatibility of all new conditional uses shall be
37 evaluated within the conditional use review process prescribed in Chapter 2.

38 **(f) Rezoning to RR.** Rural Residential zoning may be established only within the Rural
39 Community (RC) future land use category. The district is suitable for rural areas not
40 used to support large farming operations due to economic viability, soil productivity,
41 surrounding development, or similar constraints. The district is appropriate to
42 provide transitions between areas zoned or used for agriculture, conservation, or

1 outdoor recreation and areas zoned or used for rural mixed-use or low density
2 residential.

3 **Sec. 3-2.4 Rural Mixed-use district (RMU).**

4 **(a) Purpose.** The Rural Mixed-use (RMU) district establishes appropriate areas and
5 land use regulations for a mix of low-density residential uses and compatible non-
6 residential uses within areas that have historically developed as rural or semi-rural
7 communities. The primary intent of the district is to sustain these communities by
8 allowing greater residential density, smaller residential lots, and a more diverse mix
9 of non-residential uses than the Agricultural or Rural Residential districts, but
10 continue to support the preservation of agriculturally productive lands. The RMU
11 district allows public facilities and services necessary for the health, safety, and
12 welfare of the rural mixed-use community, and other non-residential uses that are
13 compact, traditionally neighborhood supportive, and compatible with rural community
14 character. District communities are often anchored by arterial and collector streets,
15 but they are not characterized by urban or suburban infrastructure. Residential uses
16 are generally limited to detached single-family dwellings, consistent with existing
17 rural communities and limited infrastructure.

18 **(b) Permitted uses.** Permitted uses within the RMU district are limited to the following:

19 **(1) Residential.**

- 20 a. Manufactured (mobile) homes, excluding new or expanded manufactured
21 home parks or subdivisions.
- 22 b. Single-family dwellings (other than manufactured homes), detached only, on
23 lots one half acre or larger.

24 See also conditional uses in this district.

25 **(2) Retail sales.** The following small-scale (gross floor area 6000 sq.ft. or less per
26 lot) retail sales with no outdoor storage:

- 27 a. Automotive fuel sales.
- 28 b. Convenience stores.
- 29 c. Drugstores.
- 30 d. Grocery or food stores, including bakeries and butcher shops whose products
31 are prepared and sold on the premises.
- 32 e. Hardware stores.
- 33 f. Medical marijuana dispensing facilities.

34 See also retail sales as may be within other permitted agricultural and related
35 uses and or conditional use uses in categories of this district. [Note: Modified to
36 not limit other retail sales to the agricultural category.]

37 **(3) Retail services.** The following small scale (gross floor area 6000 sq.ft. or less
38 per lot) retail services with no outdoor work or storage.

- 39 a. Bed and breakfast inns. (compatibility exception)
- 40 b. Personal services, including those of beauty shops, health clubs, pet
41 groomers, dry cleaners, and tattoo parlors.

- 1 c. Professional services, including those of realtors, bankers, accountants,
2 engineers, architects, dentists, physicians, and attorneys.
3 d. Repair services, including motor vehicle repair, appliance repair, furniture
4 refinishing and upholstery, watch and jewelry repair, and small engine and
5 motor services.
6 e. Restaurants, excluding on-premises consumption of alcoholic beverages and
7 drive-in or drive-through service.
8 See also retail services as may be within other permitted agricultural and related
9 uses and or conditional use uses in categories of this district. [Note: Modified to
10 not limit other retail services to the agricultural category.]

11 **(4) Public and civic.**

- 12 a. Cemeteries, including family cemeteries. (compatibility exception)
13 b. Clubs, civic or fraternal.
14 c. Community service facilities, including auditoriums, libraries, museums, and
15 neighborhood centers.
16 d. Educational facilities, including preschools, K-12, colleges, and vocational
17 schools, on lots one acre or larger.
18 e. Emergency service facilities, including law enforcement, fire fighting, and
19 medical assistance.
20 f. Funeral establishments.
21 g. Offices for government agencies or public utilities, small scale (gross floor
22 area 6000 sq.ft. or less per lot).
23 h. Places of worship on lots one acre or larger.
24 i. Public utility structures 150 feet or less in height, excluding
25 telecommunications towers.

26 See also, conditional uses in this district.

27 **(5) Recreation and entertainment.**

- 28 a. Campgrounds and recreational vehicle parks on lots five acres or larger.
29 b. Golf courses, tennis centers, swimming pools and similar active outdoor
30 recreational facilities, including associated country clubs.
31 c. Marinas, private only. (compatibility exception)
32 d. Parks, with or without permanent restrooms or outdoor event lighting.
33 (facilities without are compatibility exception)

34 See also conditional uses in this district.

35 **(6) Industrial and related.** Borrow pit and reclamation activities 20 acres minimum
36 and subject to local permit and development review requirements per Escambia
37 County Code of Ordinances, Part I, Chapter 42, article VIII, and location and use
38 regulation Part III, the Land Development Code, chapter 4. *Borrow pits require
39 conditional use on land zoned RR prior to the adoption of the RMU zoning.
40 (compatibility exception) [Note: The exemption is due to the review processes
41 already required, not the use.]

1 **(7) Agricultural and related.**

- 2 a. Agriculture, including raising livestock, storing harvested crops, and
3 cultivation of nursery plants. A minimum of two acres for keeping any farm
4 animal on site and a maximum of one horse or other domesticated *equine* per
5 acre. (compatibility exception)
6 b. Agricultural research or training facilities.
7 c. Aquaculture, marine or freshwater.
8 d. Farm equipment and supply stores.
9 e. Produce display and sales of fruit, vegetables and similar agricultural
10 products. (compatibility exception)
11 f. Silviculture. (compatibility exception)
12 g. Stables, public or private, on lots two acres or larger. (private are compatibility
13 exception)
14 h. Veterinary clinics, excluding outside kennels.
15 See also conditional uses in this district.

16 **(8) Other uses.**

- 17 a. Airports, private only, including crop dusting facilities.

18 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2, the
19 BOA may conditionally allow the following uses within the RMU district:

20 **(1) Residential.**

- 21 a. Group living, limited to nursing homes, assisted living facilities, hospice
22 facilities, and other uses providing similar services, assistance, or
23 supervision.
24 b. Manufactured (mobile) home parks.
25 c. Two-family dwellings (duplex).

26 **(2) Retail sales.** Small-scale (gross floor area 6000 sq. ft. or less per lot) retail sales
27 not among the permitted uses of the district, including outdoor display of
28 merchandise, but excluding sales of liquor or motor vehicles.

29 **(3) Retail services.**

- 30 a. Boarding or rooming houses.
31 b. Medical clinics, including those providing out-patient surgery, rehabilitation,
32 and emergency treatment.

33 **(4) Public and civic.**

- 34 a. Cinerators.
35 b. Hospitals.
36 c. Offices for government agencies or public utilities with greater floor area than
37 those among the permitted uses of the district.
38 d. Public utility structures greater than 150 feet in height, and
39 telecommunications towers of any height, excluding any industrial uses.

- e. Warehousing or maintenance facilities for government agencies or public utilities.

(5) Recreation and entertainment.

- a. Hunting clubs and preserves.
b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
c. Shooting ranges.

(6) Industrial and related.

- a. Mineral extraction, including oil and gas wells not among the permitted uses in the district.
b. Power plants.
c. Salvage yards, not including any solid waste facilities.
d. Solid waste collection points and transfer facilities.
e. Wastewater treatment plants.

(7) Agricultural and related.

- a. Exotic animals, keeping or breeding.
b. Kennels not interior to veterinary clinics.

(e) Location criteria. ~~The following location criteria apply to uses within the RMU district:~~

Compatibility requirements. ~~Uses within the RMU district shall promote compatibility by avoiding adverse impacts to surrounding uses, and shall comply with in compliance with LDC standards and the following:~~

(1) Prime farmland. ~~All new or expanded uses shall be located to avoid the loss of prime farmland (as defined in Chapter 6) to development that does not require such soils. Where such loss cannot be avoided, it shall be effectively limited to five acres or 10 percent of the development parcel area, whichever is greater.~~

(2) Non-residential permitted uses. ~~All new non-residential uses shall be located to avoid nuisance, hazard and other adverse impacts to surrounding residential uses. Industrial uses shall be on parcels that comply with the location criteria of the Industrial (Ind) zoning district. All other non-residential uses that are not part of a predominantly residential development or a planned unit development, or are not specifically identified as exempt by district regulations, shall be on parcels that comply with at least one of the following location criteria: All new non-residential permitted uses shall satisfy at least one of the following compatibility conditions, unless specifically identified as a compatibility exception:~~

a. Proximity to intersection. ~~Along an arterial or collector street, and within 200 feet of an intersection with another arterial or collector.~~

b. Proximity to traffic generator. ~~Along an arterial or collector street and within a one-quarter mile radius of an individual traffic generator of more than 600 daily trips, such as an apartment complex, military base, college campus, hospital, shopping mall, or industrial plant.~~

c. Infill development. ~~Along an arterial or collector street, in an area where already established non-residential uses are otherwise consistent with the~~

- 1 RMU district, and where the new use would constitute infill development of
2 similar intensity as the conforming development on surrounding parcels.
3 Additionally, the location would promote compact development and not
4 contribute to or promote strip commercial development.
- 5 **d. Site design.** Along an arterial street at the intersection with a local street that
6 connects the arterial street to another arterial, and all of the following site
7 design conditions:
- 8 1. Any intrusion into a recorded residential subdivision is limited to a corner
9 lot.
- 10 2. Access and stormwater management is shared with adjoining uses or
11 properties to the extent practicable.
- 12 3. Adverse impacts to any adjoining residential uses are minimized by
13 placing the more intensive elements of the use (solid waste dumpsters,
14 truck loading/unloading areas, drive-thru facilities, etc.) furthest from the
15 residential uses.
- 16 **e. Documented compatibility.** A compatibility analysis prepared by the
17 applicant provides competent substantial evidence of unique circumstances
18 regarding the parcel or use that were not anticipated by the alternative
19 location criteria, and the proposed use will be able to achieve long-term
20 compatibility with existing and potential uses. Additionally, the parcel has not
21 been rezoned by the landowner from mixed-use, commercial, or industrial
22 zoning assigned by the county.
- 23 **a. Location.** The parcel of the use is located along a street that is functionally
24 classified as an arterial or a major collector and is within one-quarter mile of
25 an intersection with another arterial or major collector. [Note: Distance from
26 intersection expanded, consistent with purpose and character of the district.]
- 27 **b. Mixed-use.** The use is part of a predominantly residential development.
- 28 **c. Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
29 documents and confirms that the use can achieve and maintain compatibility
30 with surrounding uses at the location proposed.
- 31 **(3) Conditional uses.** The compatibility of all new conditional uses shall be
32 evaluated within the conditional use review process prescribed in Chapter 2.
- 33 **(f) Rezoning to RMU.** Rural Mixed-use zoning may be established only within the
34 Rural Community (RC) future land use category. The district is suitable for
35 recognized rural communities, especially those developed around intersections of
36 higher classification streets and in areas that are generally not agriculturally
37 productive. The district is appropriate to reinforce the value of existing rural
38 communities in serving surrounding areas and minimizing the need to travel long
39 distances for basic necessities. Rezoning to RMU is subject to the same location
40 criteria as any new non-residential use proposed within the RMU district limited to
41 either parcels along arterial or major collector streets and within one-quarter mile of
42 an intersection with another arterial or major collector, or parcels directly adjoining
43 existing RMU zoning. [Note: RMU is intended "within areas that have historically
44 developed as rural or semi-rural communities," and those communities are typically

1 anchored by arterial and collector streets. The “adjoining parcel” provision is an
2 expansion from the existing street location limit.]

3 **Sec. 3-2.5 Low Density Residential district (LDR).**

4 **(a) Purpose.** The Low Density Residential (LDR) district establishes appropriate areas
5 and land use regulations for residential uses at low densities within suburban areas.
6 The primary intent of the district is to provide for large-lot suburban type residential
7 neighborhood development that blends aspects of rural openness with the benefits
8 of urban street connectivity, and at greater density than the Rural Residential district.
9 Residential uses within the LDR district are predominantly detached single-family
10 dwellings. Clustering dwellings on smaller residential lots may occur where needed
11 to protect prime farmland from non-agricultural use or to conserve and protect
12 environmentally sensitive areas. The district allows non-residential uses that are
13 compatible with suburban residential neighborhoods and the natural resources of the
14 area.

15 **(b) Permitted uses.** Permitted uses within the LDR district are limited to the following:

16 **(1) Residential.**

- 17 a. Manufactured (mobile) homes only within existing manufactured home parks
18 or subdivisions, or on land zoned SDD prior to adoption of LDR zoning. No
19 new or expanded manufactured home parks or subdivisions.
- 20 b. Single-family dwellings (other than manufactured homes), detached and only
21 one per lot, excluding accessory dwellings. Accessory dwellings only on lots
22 two acres or larger. Attached single-family dwellings and zero lot line
23 subdivision only on land zoned V-5 or SDD prior to adoption of LDR zoning.
- 24 c. Two-family dwellings and multi-family dwellings up to four units per dwelling
25 (triplex and quadruplex) only on land zoned V-5 or SDD prior to adoption of
26 LDR zoning.

27 See also conditional uses in this district.

28 **(2) Retail sales.** No retail sales except as may be within other permitted use or
29 conditional use categories of this district. [Note: Modified to not exclude retail
30 sales that may be within other use categories.]

31 **(3) Retail services.** No retail services except as may be within other permitted use
32 or conditional use categories of this district. [Note: Modified to not exclude retail
33 services that may be within other use categories.]

34 **(4) Public and civic.**

- 35 a. Cemeteries, family only. (compatibility exception)
- 36 b. Public utility structures, excluding telecommunications towers.

37 See also conditional uses in this district.

38 **(5) Recreation and entertainment.**

- 39 a. Marinas, private only. (compatibility exception)
- 40 b. Parks without permanent restrooms or outdoor event lighting. (compatibility
41 exception)

See also conditional uses in this district.

(6) Industrial and related. No industrial or related uses.

(7) Agricultural and related. On land not zoned SDD prior to adoption of LDR zoning, agricultural production and storage is limited to food primarily for personal consumption by the producer. The following additional agricultural uses are allowed on lands zoned SDD prior to LDR zoning:

a. Agriculture, but no farm animals except horses and other domesticated *equines* kept on site, and stables for such animals, accessory to a private residential use with a minimum lot area of two acres and a maximum of one animal per acre.

b. Aquaculture, marine or freshwater. [recommend change to conditional use]

c. Produce display and sales of fruit, vegetables and similar agricultural products.

d. Silviculture. (compatibility exception)

See also conditional uses in this district.

(8) Other uses. [reserved].

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA may conditionally allow the following uses within the LDR district:

(1) Residential.

a. Accessory dwellings on lots less than two acres.

b. Home occupations with non-resident employees.

(2) Public and civic.

a. Clubs, civic and fraternal.

b. Educational facilities, excluding preschools or kindergartens independent of other elementary grades.

c. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.

d. Offices for government agencies or public utilities, small scale (gross floor area 6000 sq.ft. or less per lot).

e. Places of worship.

f. Public utility structures exceeding the district structure height limit, excluding telecommunications towers.

(3) Recreation and entertainment.

a. Golf courses, tennis centers, swimming pools and similar active outdoor recreational facilities, including associated country clubs.

b. Parks with permanent restrooms or outdoor event lighting.

(4) Agricultural and related. Horses and other domesticated *equines* kept on site, and stables for such animals, as a private residential accessory not among the permitted uses of the district, or for public riding on land zoned SDD prior to adoption of LDR zoning. A minimum lot area of two acres if accessory to a

private residential use and a minimum 10 acres if for public riding, with a maximum of one animal per acre for either use.

- (e) Location criteria.** ~~All non-residential uses within the LDR district shall be located to avoid nuisance, hazard and other adverse impacts to surrounding residential uses.~~

Compatibility requirements. Uses within the LDR district shall avoid adverse impacts to surrounding uses in compliance with LDC standards and the following:

(1) Non-residential permitted uses. All new non-residential permitted uses are limited to parcels that satisfy at least one of the following compatibility conditions, unless specifically identified as a compatibility exception:

a. Mixed-use. The use is part of a predominantly residential development.

b. Analysis. A compatibility analysis, as prescribed in Article 2 of Chapter 2, documents and confirms that the use can achieve and maintain compatibility with surrounding uses at the location proposed.

(2) Conditional uses. The compatibility of all new conditional uses shall be evaluated within the conditional use review process prescribed in Chapter 2.

- (f) Rezoning to LDR.** Low Density Residential zoning may be established only within the Mixed-Use Suburban (MU-S) future land use category. The district is suitable for suburban areas with or without central water and sewer. The district is appropriate to provide transitions between areas zoned or used for rural residential or rural mixed-use and areas zoned or used for low density mixed-use or medium density residential.

Sec. 3-2.6 Low Density Mixed-use district (LDMU).

- (a) Purpose.** The Low Density Mixed-use (LDMU) district establishes appropriate areas and land use regulations for a complementary mix of low density residential uses and compatible non-residential uses within mostly suburban areas. The primary intent of the district is to provide for a mix of neighborhood-scale retail sales, services and professional offices with greater dwelling unit density and diversity than the Low Density Residential district. Additionally, the LDMU district is intended to rely on a pattern of well-connected streets and provide for the separation of suburban uses from more dense and intense urban uses. Residential uses within the district include most forms of single-family, two-family and multi-family dwellings.

- (b) Permitted uses.** Permitted uses within the LDMU district are limited to the following:

(1) Residential.

- a.** Manufactured (mobile) homes within manufactured home parks or subdivisions, including new or expanded manufactured home parks and subdivisions.
- b.** Single-family dwellings (other than manufactured homes), attached or detached, including townhouses and zero lot line subdivisions.
- c.** Two-family dwellings (duplex) and multi-family dwellings up to four units per building (triplex and quadruplex).

See also conditional uses in this district.

(2) Retail sales. Small-scale (gross floor area 6000 sq. ft. or less per lot) retail sales, or retail sales within a neighborhood retail center no greater than 35,000 square feet per lot and containing a mix of retail sales and services. Retail sales including medical marijuana dispensing facilities, sales of beer and wine, but excluding sales of liquor or motor vehicles, and exclude permanent outdoor storage, display, or sales. See also retail sales as may be within other permitted use or conditional uses in categories of this district.

(3) Retail services. Small-scale (gross floor area 6000 sq. ft. or less per lot) retail services, or retail services within a neighborhood retail center no greater than 35,000 square feet per lot and containing a mix of retail sales and services. Retail services are limited to the following with no outdoor work or permanent outdoor storage:

- a. Bed and breakfast inns.
- b. Personal services, including those of beauty shops, health clubs, pet groomers, dry cleaners, and tattoo parlors.
- c. Professional services, including those of realtors, bankers, accountants, engineers, architects, dentists, physicians, and attorneys.
- d. Repair services, including appliance repair, furniture refinishing and upholstery, watch and jewelry repair, small engine and motor services, but excluding major motor vehicle or boat service or repair.
- e. Restaurants, including on-premises consumption of alcohol, but excluding drive-in or drive-through service.

See also retail services as may be within other permitted use or conditional uses in categories of this district.

(4) Public and civic.

- a. Cemeteries, including family cemeteries. (compatibility exception)
- b. Educational facilities, including preschools, K-12, colleges, and vocational schools.
- c. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
- d. Funeral establishments.
- e. Offices for government agencies or public utilities, small scale (gross floor area 6000 sq.ft. or less per lot).
- f. Places of worship.
- g. Public utility structures, excluding telecommunications towers.

See also conditional uses in this district.

(5) Recreation and entertainment.

- a. Marinas, private only. (compatibility exception)
- b. Parks without permanent restrooms or outdoor event lighting. (compatibility exception)

1 **(6) Industrial and related.** No industrial or related uses.

2 **(7) Agricultural and related.** Veterinary clinics, excluding outside kennels.
3 Agricultural production limited to food primarily for personal consumption by the
4 producer, but no farm animals.

5 **(8) Other uses.** [reserved]

6 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
7 the BOA may conditionally allow the following uses within the LDMU district:

8 **(1) Residential.**

9 a. Group living, including nursing homes, assisted living facilities, dormitories
10 and residential facilities providing substance abuse treatment and post-
11 incarceration reentry.

12 b. Manufactured (mobile) homes outside manufactured home parks or
13 subdivisions.

14 **(2) Retail sales.**

15 1. Liquor sales.

16 2. Medium-scale(gross floor area greater than 6000 sq. ft. per lot, but no greater
17 than 35,000 sq. ft.) retail sales, excluding sales of motor vehicles and
18 excluding permanent outdoor storage, sales, or display.

19 **(3) Retail services.**

20 a. Medium-scale (gross floor area greater than 6000 sq. ft. per lot, but no
21 greater than 35,000 sq. ft.) retail services, excluding outdoor work and
22 permanent outdoor storage.

23 b. Restaurants with drive-in or drive-through service.

24 **(4) Public and civic.**

25 a. Clubs, civic and fraternal.

26 b. Community service facilities, including auditoriums, libraries, museums, and
27 neighborhood centers.

28 c. Offices for government agencies or public utilities, with gross floor area
29 greater than 6000 square feet.

30 d. Public utility structures exceeding the district structure height limit, and
31 telecommunications towers of any height, excluding any industrial uses.

32 e. Warehousing or maintenance facilities for government agencies or public
33 utilities.

34 **(5) Recreation and entertainment.**

35 a. Golf courses, tennis centers, swimming pools and similar active outdoor
36 recreational facilities, including associated country clubs.

37 b. Parks with permanent restrooms or outdoor event lighting.

38 **(6) Other uses.** Self-storage facilities with a maximum lot area of one acre and no
39 vehicle rental or outdoor storage.

40 ~~**(e) Location criteria.** All new non-residential uses proposed within the LDMU district~~
41 ~~that are not part of a predominantly residential development or a planned unit~~

development, or are not identified as exempt by district regulations, shall be on parcels that satisfy at least one of the following location criteria:

Compatibility requirements. Uses within the LDMU district shall promote compatibility by avoiding adverse impacts to surrounding uses in compliance with LDC standards and the following:

(1) Proximity to intersection. Along an arterial or collector street, and within 200 feet of an intersection with another arterial or collector.

(2) Proximity to traffic generator. Along an arterial or collector street and within a one-quarter mile radius of an individual traffic generator of more than 600 daily trips, such as an apartment complex, military base, college campus, hospital, or shopping mall.

(3) Infill development. Along an arterial or collector street, in an area where already established non-residential uses are otherwise consistent with the LDMU district, and where the new use would constitute infill development of similar intensity as the conforming development on surrounding parcels. Additionally, the location would promote compact development and not contribute to or promote strip commercial development.

(4) Site design. Along an arterial street and at the intersection with a local street that serves to connect the arterial street to another arterial, and all of the following site design conditions:

a. Any intrusion into a recorded residential subdivision is limited to a corner lot

b. Access and stormwater management is shared with adjoining uses or properties to the extent practicable.

c. Adverse impacts to any adjoining residential uses are minimized by placing the more intensive elements of the use (solid waste dumpsters, truck loading/unloading areas, drive-thru facilities, etc.) furthest from the residential uses.

(5) Documented compatibility. A compatibility analysis prepared by the applicant provides competent substantial evidence of unique circumstances regarding the parcel or use that were not anticipated by the alternative location criteria, and the proposed use will be able to achieve long-term compatibility with existing and potential uses. Additionally, that the following conditions exist:

a. The parcel has not been rezoned by the landowner from mixed-use, commercial, or industrial zoning assigned by the county.

b. If the parcel is within a county redevelopment area, the use will be consistent with the area's adopted redevelopment plan, as reviewed and recommended by the Community Redevelopment Agency (CRA).

(1) Non-residential permitted uses. All new non-residential permitted uses shall satisfy at least one of the following compatibility conditions, unless specifically identified as a compatibility exception:

a. **Location.** The parcel of the use is located along a street that is functionally classified as an arterial or major collector and is within 200 feet of an intersection with another arterial or major collector.

1 b. Mixed-use. The use is part of a predominantly residential development,
2 c. Analysis. A compatibility analysis, as prescribed in Article 2 of Chapter 2,
3 documents and confirms that the use can achieve and maintain compatibility
4 with surrounding uses at the location proposed.

5 (2) Conditional uses. The compatibility of all new conditional uses shall be
6 evaluated within the conditional use review process prescribed in Chapter 2.

7 (f) **Rezoning to LDMU.** Low Density Mixed-use zoning may be established only within
8 the Mixed-Use Suburban (MU-S) and Mixed-Use Urban (MU-U) future land use
9 categories. The district is suitable for suburban or urban areas with central water and
10 sewer and developed street networks. The district is appropriate to provide
11 transitions between areas zoned or used for low or medium density residential and
12 areas zoned or used for high density mixed-use. Rezoning to LDMU is ~~subject to the~~
13 ~~same location criteria as any new non-residential use proposed within the LDMU~~
14 district limited to either parcels along arterial or major collector streets and within 200
15 feet of an intersection with another arterial or major collector, or parcels directly
16 adjoining existing LDMU zoning but not adjoining existing Rural Residential (RR)
17 zoning.

18 **Sec. 3-2.7 Medium Density Residential district (MDR).**

19 (a) **Purpose.** The Medium Density Residential (MDR) district establishes appropriate
20 areas and land use regulations for residential uses at medium densities within
21 suburban or urban areas. The primary intent of the district is to provide for
22 residential neighborhood development in an efficient urban pattern of well-connected
23 streets and at greater dwelling unit density than the Low Density Residential district.
24 Residential uses within the MDR district are limited to single-family and two-family
25 dwellings. The district allows non-residential uses that are compatible with suburban
26 and urban residential neighborhoods.

27 (b) **Permitted uses.** Permitted uses within the MDR district are limited to the following:

28 **(1) Residential.**

- 29 a. Manufactured (mobile) homes only within manufactured home parks or
30 subdivisions. No new or expanded manufactured home parks, and new or
31 expanded manufactured home subdivisions only on land zoned V-4 prior to
32 adoption of MDR zoning.
- 33 b. Single-family dwellings (other than manufactured homes), detached and only
34 one per lot, excluding accessory dwellings. Accessory dwellings only on lots
35 one acre or larger. Attached single-family dwellings and zero lot line
36 subdivisions only on land zoned R-3 or V-4 prior to adoption of MDR zoning.
- 37 c. Two-family dwellings only on land zoned R-3 or V-4 prior to adoption of MDR
38 zoning, and multi-family dwellings up to four units per dwelling (quadruplex)
39 only on land zoned V-4 prior to MDR zoning.

40 See also conditional uses in this district.

41 (2) **Retail sales.** No retail sales, except as may be within other permitted use or
42 conditional use categories of this district. [Note: Modified to not exclude retail
43 sales that may be within other use categories.]

1 **(3) Retail services.** No retail services, except as may be within other permitted use
2 or conditional uses in categories of this district. [Note: Modified to not exclude
3 retail services that may be within other use categories.]

4 **(4) Public and civic.** Public utility structures, excluding telecommunications towers.
5 See also conditional uses in this district.

6 **(5) Recreation and entertainment.**

7 a. Marinas, private. (compatibility exception)

8 b. Parks without permanent restrooms or outdoor event lighting. (compatibility
9 exception)

10 See also conditional uses in this district.

11 **(6) Industrial and related.** No industrial or related uses.

12 **(7) Agricultural and related.** Agricultural production limited to food primarily for
13 personal consumption by the producer, but no farm animals. See also
14 conditional uses in this district.

15 **(8) Other uses.** [reserved]

16 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
17 the BOA may conditionally allow the following uses within the MDR district:

18 **(1) Residential.**

19 a. Accessory dwellings on lots less than one acre.

20 b. Group living, excluding residential facilities providing substance abuse
21 treatment, post-incarceration reentry, or similar services.

22 c. Home occupations with non-resident employees.

23 d. Townhouses not among the permitted uses of the district.

24 **(2) Retail services.** Boarding and rooming houses.

25 **(3) Public and civic.**

26 a. Clubs, civic and fraternal.

27 b. Educational facilities, excluding preschools or kindergartens independent of
28 other elementary grades.

29 c. Emergency service facilities, including law enforcement, fire fighting, and
30 medical assistance.

31 d. Offices for government agencies or public utilities, small scale (gross floor
32 area 6000 sq.ft. or less per lot).

33 e. Places of worship.

34 f. Public utility structures exceeding the district structure height limit, excluding
35 telecommunications towers.

36 **(4) Recreation and entertainment.**

37 a. Golf courses, tennis centers, swimming pools and similar active outdoor
38 recreational facilities, including associated country clubs.

39 b. Parks with permanent restrooms or outdoor event lighting.

1 **(5) Agricultural and related.** Horses or other domesticated *equines* kept on site,
2 and stables for such animals, only as a private residential accessory with a
3 minimum lot area of two acres and a maximum of one animal per acre.

4 **(e) ~~Location criteria.~~** ~~All non-residential uses within the MDR district shall be located~~
5 ~~to avoid nuisance, hazard and other adverse impacts to surrounding residential~~
6 ~~uses.~~

7 **Compatibility requirements.** Uses within the MDR district shall promote
8 compatibility by avoiding adverse impacts to surrounding uses in compliance with
9 LDC standards and the following:

10 **(1) Non-residential permitted uses.** All new non-residential permitted uses within
11 the district shall satisfy at least one of the following compatibility conditions,
12 unless specifically identified as a compatibility exception:

13 a. **Mixed-use.** The use is part of a predominantly residential development.

14 b. **Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
15 documents and confirms that the use can achieve and maintain compatibility
16 with surrounding uses at the location proposed.

17 **(2) Conditional uses.** The compatibility of all new conditional uses shall be
18 evaluated within the conditional use review process prescribed in Chapter 2.

19 **(f) Rezoning to MDR.** Medium Density Residential zoning may be established only
20 within the Mixed-Use Suburban (MU-S) and Mixed-Use Urban (MU-U) future land
21 use categories. The district is suitable for suburban or urban areas with central
22 water and sewer and developed street networks. The district is appropriate to
23 provide transitions between areas zoned or used for low density residential and
24 areas zoned or used for high density residential or mixed-use.

25 **Sec. 3-2.8 High Density Residential district (HDR).**

26 **(a) Purpose.** The High Density Residential (HDR) district establishes appropriate areas
27 and land use regulations for residential uses at high densities within urban areas.
28 The primary intent of the district is to provide for residential neighborhood
29 development in an efficient urban pattern of well-connected streets and at greater
30 dwelling unit density and diversity than the Medium Density Residential district.
31 Residential uses within the HDR district include most forms of single-family, two-
32 family and multi-family dwellings. Non-residential uses within the district are limited
33 to those that are compatible with urban residential neighborhoods.

34 **(b) Permitted uses.** Permitted uses within the HDR district are limited to the following:

35 **(1) Residential.**

- 36 a. Group living, excluding dormitories, fraternity and sorority houses, and
37 residential facilities providing substance abuse treatment, post-incarceration
38 reentry, or similar services.
- 39 b. Manufactured (mobile) homes only within existing manufactured home parks
40 or subdivisions. No new or expanded manufactured home parks or
41 subdivisions.

1 c. Single-family dwellings (other than manufactured homes), attached or
2 detached, including townhouses and zero lot line subdivisions.

3 d. Two-family and multi-family dwellings.

4 See also conditional uses in this district.

5 **(2) Retail sales.** No retail sales, except as may be within other permitted or
6 conditional uses in categories of this district. [Note: Modified to not exclude retail
7 sales that may be within other use categories.]

8 **(3) Retail services.**

9 a. Boarding and rooming houses.

10 b. Child care facilities.

11 See also retail services as may be within other permitted and conditional uses in
12 categories of this district. [Note: Modified to not exclude retail services that may
13 be within other use categories.]

14 **(4) Public and civic.** Public utility structures, excluding telecommunications towers.

15 See also conditional uses in this district.

16 **(5) Recreation and entertainment.**

17 a. Marina, private.

18 b. Parks without permanent restrooms or outdoor event lighting. (compatibility
19 exception)

20 See also conditional uses in this district.

21 **(6) Industrial and related.** No industrial or related uses.

22 **(7) Agricultural and related.** Agricultural production limited to food primarily for
23 personal consumption by the producer, but no farm animals. See also
24 conditional uses in this district.

25 **(8) Other uses.** [Reserved].

26 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2, the
27 BOA may conditionally allow the following uses within the HDR district:

28 **(1) Residential.**

29 a. Dormitories.

30 b. Fraternity or sorority houses.

31 c. Home occupations with non-resident employees.

32 **(2) Retail sales.** Retail sales only within a predominantly residential multi-story
33 building.

34 **(3) Retail services.** Retail services only within a predominantly residential multi-
35 story building.

36 **(4) Public and civic.**

37 a. Clubs, civic and fraternal.

38 b. Educational facilities, excluding preschools or kindergartens independent of
39 other elementary grades.

- c. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
- d. Hospitals.
- e. Offices for government agencies or public utilities, small scale (gross floor area 6000 sq.ft. or less per lot).
- f. Places of worship.
- g. Public utility structures exceeding the district structure height limit, excluding telecommunications towers.

(5) Recreation and entertainment.

- a. Golf courses, tennis centers, swimming pools and similar active outdoor recreational facilities, including associated country clubs.
- b. Parks with permanent restrooms or outdoor event lighting.

(6) Agricultural and related. Horses or other domesticated *equines* kept on site, and stables for such animals, only as a private residential accessory with a minimum lot area of two acres and a maximum of one animal per acre.

(e) Location criteria. ~~All non-residential uses within the HDR district shall be located to avoid nuisance, hazard, and other adverse impacts to surrounding residential uses.~~

Compatibility requirements. Uses within the HDR district shall promote compatibility by avoiding adverse impacts to surrounding uses in compliance with LDC standards and the following:

(1) Non-residential permitted uses. All new non-residential permitted uses within the district shall satisfy at least one of the following compatibility conditions, unless specifically identified as a compatibility exception:

a. Mixed-use. The use is part of a predominantly residential development.

b. Analysis. A compatibility analysis, as prescribed in Article 2 of Chapter 2, documents and confirms that the use can achieve and maintain compatibility with surrounding uses at the location proposed.

(2) Conditional uses. The compatibility of all new conditional uses shall be evaluated within the conditional use review process prescribed in Chapter 2.

(f) Rezoning to HDR. High Density Residential zoning may be established only within the Mixed-Use Suburban (MU-S) or Mixed-Use Urban (MU-U) future land use category. The district is suitable for urban areas with central water and sewer and developed street networks. The district is appropriate to provide transitions between areas zoned or used for medium density residential and areas zoned or used for high density mixed-use or commercial.

Sec. 3-2.9 High Density Mixed-use district (HDMU).

(a) Purpose. The High Density Mixed-use (HDMU) district establishes appropriate areas and land use regulations for a complimentary mix of high density residential uses and compatible non-residential uses within urban areas. The primary intent of the district is to provide for a mix of neighborhood retail sales, services and professional offices with greater dwelling unit density and diversity than the Low

Density Mixed-use district. Additionally, the HDMU district is intended to rely on urban street connectivity and encourage vertical mixes of commercial and residential uses within the same building to accommodate a physical pattern of development characteristic of village main streets and older neighborhood commercial areas. Residential uses within the district include all forms of single-family, two-family and multi-family dwellings.

(b) Permitted uses. Permitted uses within the HDMU district are limited to the following:

(1) Residential. The following residential uses are allowed throughout the district, but if within a Commercial (C) future land use category they are permitted only if part of a predominantly commercial development.

- a. Group living, excluding dormitories, fraternity and sorority houses, and residential facilities providing substance abuse treatment, post-incarceration reentry, or similar services.
- b. Manufactured (mobile) homes, including manufactured home subdivisions, but excluding new or expanded manufactured home parks.
- c. Single-family dwellings (other than manufactured homes), detached or attached, including townhouses and zero lot line subdivisions.
- d. Two-family and multi-family dwellings.

See also conditional uses in this district.

(2) Retail sales. Small-scale (gross floor area 6000 sq.ft. or less per lot) retail sales, including medical marijuana dispensing facilities, sales of beer and wine, but excluding sales of liquor, automotive fuels, or motor vehicles, and excluding permanent outdoor storage, display, or sales. See also retail sales that may be within other permitted or conditional uses in categories of this district.

(3) Retail services. The following small-scale (gross floor area 6000 sq.ft. or less per lot) retail services, excluding outdoor work or permanent outdoor storage:

- a. Bed and breakfast inns.
- b. Boarding and rooming houses.
- c. Child care facilities.
- d. Personal services, including those of beauty shops, health clubs, pet groomers, dry cleaners, and tattoo parlors.
- e. Professional services, including those of realtors, bankers, accountants, engineers, architects, dentists, physicians, and attorneys.
- f. Repair services, including appliance repair, furniture refinishing and upholstery, watch and jewelry repair, small engine and motor services, but excluding major motor vehicle or boat service or repair.
- g. Restaurants, and brewpubs, including on-premises consumption of alcoholic beverages, but excluding drive-in or drive-through service and brewpubs with distribution of alcoholic beverages for off-site sales.

See also retail services that may be within other permitted or conditional uses in categories of this district.

(4) Public and civic.

- a. Preschools and kindergartens.
 - b. Emergency service facilities, including law enforcement, fire fighting, and medical assistance.
 - c. Foster care facilities.
 - d. Places of worship.
 - e. Public utility structures, excluding telecommunications towers.
- See also conditional uses in this district.

(5) Recreation and entertainment.

- a. Marinas, private only. (compatibility exception)
- b. Parks without permanent restrooms or outdoor event lighting. (compatibility exception)

See also conditional uses in this district.

(6) Industrial and related. No industrial or related uses.

(7) Agricultural and related. Agricultural production limited to food primarily for personal consumption by the producer, but no farm animals.

(8) Other uses. [Reserved]

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA may conditionally allow the following uses within the HDMU district:

(1) Residential.

- a. Dormitories.
- b. Fraternity and sorority houses.
- c. Manufactured (mobile) home parks.

(2) Retail sales. Medium-scale (gross floor area greater than 6000 sq.ft. per lot, but no greater than 35,000 sq.ft.) retail sales, including sales of beer and wine and automotive fuels, but excluding sales of motor vehicles and liquor, and excluding permanent outdoor storage, display, or sales.

(3) Retail services.

- a. Medium-scale (gross floor area greater than 6000 sq. ft. per lot, but no greater than 35,000 sq. ft.) retail services, excluding motor vehicle service and repair.
- b. Restaurants and brewpubs with drive-in or drive-through service and brewpubs with the distribution of on-premises produced alcoholic beverages for off-site sales.
- c. Small-scale (gross floor area 6000 sq.ft. or less per lot) major motor vehicle service and repair, excluding painting or body work and outdoor work.

(4) Public and civic.

- a. Broadcast stations with satellite dishes and antennas, excluding towers.
- b. Cemeteries, including family cemeteries. (compatibility exception)
- c. Clubs, civic and fraternal.

- d. Community service facilities, including auditoriums, libraries, museums, and neighborhood centers.
- e. Cinerators.
- f. Educational facilities not among the permitted uses of the district.
- g. Funeral establishments.
- h. Hospitals.
- i. Offices for government agencies or public utilities.
- j. Public utility structures exceeding the district structure height limit and telecommunications towers of any height, excluding any industrial uses.
- k. Warehousing or maintenance facilities for government agencies or public utilities.

(5) Recreation and entertainment.

- a. Amusement arcade centers and bingo facilities.
- b. Golf courses, tennis centers, swimming pools and similar active outdoor recreational facilities, including associated country clubs.
- c. Parks with permanent restrooms or outdoor event lighting.

(6) Industrial and related. Microbreweries, microdistilleries, and microwineries

(7) Agricultural and related.

- a. Horses or other domesticated *equines* kept on site, and stables for such animals, only as a private residential accessory with a minimum lot area of two acres and a maximum of one animal per acre.
- b. Veterinary clinics.

(8) Other uses.

- a. Self-storage facilities with a maximum lot area of one acre and outdoor storage limited to operable motor vehicles and boats. No vehicle rental.
- b. Structures of permitted uses exceeding the district structure height limit, excluding telecommunications towers.

(e) Location criteria. ~~All new non-residential uses proposed within the HDMU district that are not part of a predominantly residential development or a planned unit development, or are not identified as exempt by district regulations, shall be on parcels that satisfy at least one of the following location criteria:~~

Compatibility requirements. Uses within the HDMU district shall promote compatibility by avoiding adverse impacts to surrounding uses in compliance with LDC standards and the following:

~~(1) Proximity to intersection.~~ ~~Along an arterial or collector street and within 200 feet of an intersection with another arterial or collector.~~

~~(2) Proximity to traffic generator.~~ ~~Along an arterial or collector street and within a one-quarter mile radius of an individual traffic generator of more than 600 daily trips, such as an apartment complex, military base, college campus, hospital, shopping mall or similar generator.~~

1 ~~(3) Infill development.~~ Along an arterial or collector street, in an area where
2 already established non-residential uses are otherwise consistent with the HDMU
3 district, and where the new use would constitute infill development of similar
4 intensity as the conforming development on surrounding parcels.

5 ~~(4) Site design.~~ Along an arterial street and at the intersection with a local street
6 that serves to connect the arterial street to another arterial, and all of the
7 following site design conditions:

8 ~~a.~~ Any intrusion into a recorded residential subdivision is limited to a corner lot

9 ~~b.~~ Access and stormwater management is shared with adjoining uses or
10 properties to the extent practicable.

11 ~~c.~~ Adverse impacts to any adjoining residential uses are minimized by placing
12 the more intensive elements of the use, such as solid waste dumpsters and
13 truck loading/unloading areas, furthest from the residential uses.

14 ~~(5) Documented compatibility.~~ A compatibility analysis prepared by the applicant
15 provides competent substantial evidence of unique circumstances regarding the
16 parcel or use that were not anticipated by the alternative criteria, and the
17 proposed use will be able to achieve long-term compatibility with existing and
18 potential uses. Additionally, the following conditions exist:

19 ~~a.~~ The parcel has not been rezoned by the landowner from the mixed-use,
20 commercial, or industrial zoning assigned by the county.

21 ~~b.~~ If the parcel is within a county redevelopment district, the use will be
22 consistent with the district's adopted redevelopment plan, as reviewed and
23 recommended by the Community Redevelopment Agency (CRA).

24 (1) Non-residential permitted uses. All new non-residential permitted uses within
25 the district shall satisfy at least one of the following compatibility conditions,
26 unless specifically identified as a compatibility exception:

27 a. Location. The parcel of the use is located along a street that is functionally
28 classified as an arterial or major collector and is within 200 feet of an
29 intersection with another arterial or major collector.

30 b. Mixed-use. The use is part of a predominantly residential development.

31 c. Analysis. A compatibility analysis, as prescribed in Article 2 of Chapter 2,
32 documents and confirms that the use can achieve and maintain compatibility
33 with surrounding uses at the location proposed.

34 (2) Conditional uses. The compatibility of all new conditional uses shall be
35 evaluated within the conditional use review process prescribed in Chapter 2.

36 **(f) Rezoning to HDMU.** High Density Mixed-use zoning may be established only
37 within the Mixed-Use Suburban (MU-S), Mixed-Use Urban (MU-U), or Commercial
38 (C) future land use categories. The district is suitable for areas where the
39 intermixing of uses has been the custom, where future uses are uncertain, and some
40 redevelopment is probable. The district is appropriate to provide transitions between
41 areas zoned or used for medium or high density residential and areas zoned or used
42 for commercial. Rezoning to HDMU is subject to the same location criteria as any
43 new non-residential use proposed within the HDMU district limited to either parcels

1 along arterial or collector streets and within 200 feet of an intersection with an
2 arterial or collector, or parcels directly adjoining existing HDMU zoning but not
3 adjoining existing Rural Residential (RR) or Low Density Residential (LDR) zoning.

4 **Sec. 3-2.10 Commercial district (Com).**

5 **(a) Purpose.** The Commercial (Com) district establishes appropriate areas and land
6 use regulations for general commercial activities, especially the retailing of
7 commodities and services. The primary intent of the district is to allow more diverse
8 and intense commercial uses than the neighborhood commercial allowed within the
9 mixed-use districts. To maintain compatibility with surrounding uses, all commercial
10 operations within the Commercial district are limited to the confines of buildings and
11 not allowed to produce undesirable effects on surrounding property. To retain
12 adequate area for commercial activities, new and expanded residential development
13 within the district is limited, consistent with the Commercial (C) future land use
14 category.

15 **(b) Permitted uses.** Permitted uses within the Commercial district are limited to the
16 following:

17 **(1) Residential.** The following residential uses are allowed throughout the district,
18 but if within the Commercial (C) future land use category they are permitted only
19 if part of a predominantly commercial development:

- 20 a. Group living, excluding dormitories, fraternity and sorority houses, and
21 residential facilities providing substance abuse treatment, post-incarceration
22 reentry, or similar services.
- 23 b. Manufactured (mobile) homes, including new or expanded manufactured
24 home parks or subdivisions.
- 25 c. Single-family dwellings (other than manufactured homes), detached or
26 attached, including townhouses and zero lot line subdivisions.
- 27 d. Two-family and multi-family dwellings.

28 See also conditional uses in this district.

29 **(2) Retail sales.** Retail sales, including medical marijuana dispensing facilities, sales
30 of alcoholic beverages and automotive fuels, but excluding motor vehicle sales
31 and permanent outdoor storage. See also retail sales that may be within other
32 permitted and conditional uses in categories of this district.

33 **(3) Retail services.** The following retail services, excluding permanent outdoor
34 storage:

- 35 a. Car washes, automatic or manual, full service or self-serve.
- 36 b. Child care facilities.
- 37 c. Hotels, motels and all other public lodging, including boarding and rooming
38 houses.
- 39 d. Personal services, including those of beauty shops, health clubs, pet
40 groomers, dry cleaners and tattoo parlors.
- 41 e. Professional services, including those of realtors, bankers, accountants,
42 engineers, architects, dentists, physicians, and attorneys.

- 1 f. Repair services, including appliance repair, furniture refinishing and
2 upholstery, watch and jewelry repair, small engine and motor services, but
3 excluding major motor vehicle or boat service or repair, and outdoor work.
4 g. Restaurants and brewpubs, including on-premises consumption of alcoholic
5 beverages, drive-in and drive-through service, and brewpubs with the
6 distribution of on-premises produced alcoholic beverages for off-site sales.
7 The parcel boundary of any restaurant or brewpub with drive-in or drive-
8 through service shall be at least 200 feet from any LDR or MDR zoning
9 district unless separated by a 50-foot or wider street right-of-way.

10 See also retail services that may be within other permitted and conditional uses
11 in categories of this district.

12 **(4) Public and civic.**

- 13 a. Broadcast stations with satellite dishes and antennas, including towers.
14 b. Cemeteries, including family cemeteries. (compatibility exception)
15 c. Community service facilities, including auditoriums, libraries, museums, and
16 neighborhood centers.
17 d. Educational facilities, including preschools, K-12, colleges, and vocational
18 schools.
19 e. Emergency service facilities, including law enforcement, fire fighting, and
20 medical assistance.
21 f. Foster care facilities.
22 g. Funeral establishments.
23 h. Hospitals.
24 i. Offices for government agencies or public utilities.
25 j. Places of worship.
26 k. Public utility structures, including telecommunications towers, but excluding
27 any industrial uses.
28 l. Warehousing or maintenance facilities for government agencies or for public
29 utilities.

30 See also conditional uses in this district.

31 **(5) Recreation and entertainment.**

- 32 a. Campgrounds and recreational vehicle parks on lots five acres or larger.
33 b. Indoor recreation or entertainment facilities, including movie theaters, bowling
34 alleys, skating rinks, arcade amusement centers, bingo facilities and shooting
35 ranges, but excluding bars, nightclubs or adult entertainment facilities.
36 c. Marinas, private and commercial. (private are compatibility exception)
37 d. Parks without permanent restrooms or outdoor event lighting. (compatibility
38 exception)

39 See also conditional uses in this district.

40 **(6) Industrial and related.**

- 41 a. Printing, binding, lithography and publishing.

- b. Wholesale warehousing with gross floor area 10,000 sq.ft. or less per lot.
- See also conditional uses in this district.

(7) Agricultural and related.

- a. Agricultural food production primarily for personal consumption by the producer, but no farm animals.
 - b. Nurseries and garden centers, including adjoining outdoor storage or display of plants.
 - c. Veterinary clinics.
- See also conditional uses in this district.

(8) Other uses.

- a. Billboard structures.
- b. Outdoor storage if minor and customarily incidental to the allowed principal use, and if in the rear yard, covered, and screened from off-site view, unless otherwise noted.
- c. Parking garages and lots, commercial.
- d. Self-storage facilities, excluding vehicle rental.

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA may conditionally allow the following uses within the Commercial district:

(1) Residential.

- a. Group living not among the permitted uses of the district.
- b. Home occupations with non-resident employees.

(2) Retail sales.

- a. Boat sales, new and used.
- b. Automobile sales, used autos only, excluding parcels fronting on any of the following streets: Sorrento Road/Gulf Beach Highway/Barrancas Avenue (SR 292); Blue Angel Parkway (SR 173); Pine Forest Road, south from Interstate 10 to State Road 173; Navy Boulevard (SR 295 and US 98); and Scenic Highway (SR 10A and US 90). Additionally, the parcel shall be no larger than one acre and provided with a permanent fence, wall, or other structural barrier of sufficient height and mass along all road frontage to prevent encroachment into the right-of way other than through approved site access.
- c. Automobile rental limited to the same restrictions as used automobile sales.
- d. Utility trailer, heavy truck (gross vehicle weight rating more than 8500 lbs), and recreational vehicle sales, rental, or service limited to the same restrictions as used automobile sales.

(3) Retail services.

- a. Restaurants not among the permitted uses of the district.
- b. Service and repair of motor vehicles, small scale (gross floor area 6000 sq. ft. or less per lot), excluding painting and body work and outdoor work and storage.

(4) Public and civic.

1 a. Cemeteries, including family cemeteries. (compatibility exception)

2 b. Clubs, civic and fraternal.

3 c. Cinerators.

4 d. Homeless shelters.

5 **(5) Recreation and entertainment.**

6 a. Bars and nightclubs.

7 b. Golf courses, tennis centers, swimming pools and similar active outdoor
8 recreational facilities, including associated country clubs.

9 c. Parks with permanent restrooms or outdoor event lighting.

10 **(6) Industrial and related.**

11 a. Borrow pits and reclamation activities 20 acres minimum and (subject to local
12 permit and development review requirements per Escambia County Code of
13 Ordinances, Part I, Chapter 42, article VIII, and land use and regulations in
14 Part III, the Land Development Code, chapter 4. *Borrow pits are prohibited
15 on land zoned GMD prior to the adoption of the Commercial (Com) zoning.

16 b. Microbreweries, microdistilleries, microwineries.

17 **(7) Agricultural and related.** Horses or other domesticated *equines* kept on site,
18 and stables for such animals, only as a private residential accessory with a
19 minimum lot area of two acres and a maximum of one animal per acre.

20 **(8) Other uses.**

21 a. Outdoor sales not among the permitted uses of the district.

22 b. Outdoor storage not among the permitted uses of the district, including
23 outdoor storage of trailered boats and operable recreational vehicles, but no
24 repair, overhaul, or salvage activities. All such storage shall be screened
25 from residential uses and maintained to avoid nuisance conditions.

26 c. Self-storage facilities, including vehicle rental as an accessory use.

27 d. Structures of permitted uses exceeding the district structure height limit.

28 ~~**(e) Location criteria.** All new non-residential uses proposed within the Commercial~~
29 ~~district that are not part of a planned unit development or not identified as exempt by~~
30 ~~the district shall be on parcels that satisfy at least one of the following location~~
31 ~~criteria:~~

32 **Compatibility requirements.** Uses within the Commercial district shall promote
33 compatibility by avoiding adverse impacts to surrounding uses in compliance with
34 LDC standards and the following:

35 ~~**(1) Proximity to intersection.** Along an arterial or collector street and within one-~~
36 ~~quarter mile of its intersection with an arterial street.~~

37 ~~**(2) Infill development.** Along an arterial or collector street, in an area where~~
38 ~~already established non-residential uses are otherwise consistent with the~~
39 ~~Commercial district, and where the new use would constitute infill development of~~
40 ~~similar intensity as the conforming development on surrounding parcels.~~

1 Additionally, the location would promote compact development and not contribute
2 to or promote strip commercial development.

3 **(3) Site design.** Along an arterial or collector street, no more than one-half mile
4 from its intersection with an arterial or collector street, not abutting a single-family
5 residential zoning district (RR, LDR or MDR), and all of the following site design
6 conditions:

7 a. Any intrusion into a recorded subdivision is limited to a corner lot.

8 b. A system of service roads or shared access is provided to the maximum
9 extent made feasible by lot area, shape, ownership patterns, and site and
10 street characteristics.

11 c. Adverse impacts to any adjoining residential uses are minimized by placing
12 the more intensive elements of the use, such as solid waste dumpsters and
13 truck loading/unloading areas, furthest from the residential uses.

14 **(4) Documented compatibility.** A compatibility analysis prepared by the applicant
15 provides competent substantial evidence of unique circumstances regarding the
16 potential uses of parcel that were not anticipated by the alternative criteria, and
17 the proposed use, or rezoning as applicable, will be able to achieve long-term
18 compatibility with existing and potential uses. Additionally, the following
19 conditions exist:

20 a. The parcel has not been rezoned by the landowner from the mixed-use,
21 commercial, or industrial zoning assigned by the county.

22 b. If the parcel is within a county redevelopment district, the use will be
23 consistent with the district's adopted redevelopment plan, as reviewed and
24 recommended by the Community Redevelopment Agency (CRA).

25 **(1) Non-residential permitted uses.** All new non-residential permitted uses within
26 the district shall satisfy at least one of the following compatibility conditions,
27 unless specifically identified as a compatibility exception:

28 a. **Location.** The parcel of the use is located along a street that is functionally
29 classified as an arterial or major collector and is within one-quarter mile of an
30 intersection with another arterial or major collector.

31 b. **Mixed-use.** The use is part of a predominantly residential development.

32 c. **Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
33 documents and confirms that the use can achieve and maintain compatibility
34 with surrounding uses at the location proposed.

35 **(2) Conditional uses.** The compatibility of all new conditional uses shall be
36 evaluated within the conditional use review process prescribed in Chapter 2.

37 **(f) Rezoning to Commercial.** Commercial zoning may be established only within the
38 Mixed-Use Suburban (MU-S), Mixed-Use Urban (MU-U) or Commercial (C) future
39 land use categories. The district is appropriate to provide transitions between areas
40 zoned or used as high density mixed-use and areas zoned or used as heavy
41 commercial or industrial. Rezoning to Commercial is subject to the same location
42 criteria as any new non-residential use proposed within the Commercial district
43 limited to either parcels along arterial or major collector streets and within one-

1 quarter mile of an intersection with another arterial or major collector, or parcels
2 directly adjoining existing Commercial zoning but not adjoining existing single-family
3 residential use or zoning (RR, LDR, MDR, HDR).

4 **Sec. 3-2.11 Heavy Commercial and Light Industrial district (HC/LI).**

5 **(a) Purpose.** The Heavy Commercial and Light Industrial (HC/LI) district establishes
6 appropriate areas and land use regulations for a complementary mix of industrial
7 uses with a broad range of commercial activities. The primary intent of the district is
8 to allow light manufacturing, large-scale wholesale and retail uses, major services,
9 and other more intense uses than allowed in the Commercial district. The variety
10 and intensity of non-residential uses within the HC/LI district is limited by the
11 applicable FLU and their compatibility with surrounding uses. All commercial and
12 industrial operations are limited to the confines of buildings and not allowed to
13 produce undesirable effects on other property. To retain adequate area for
14 commercial and industrial activities, other uses within the district are limited.

15 **(b) Permitted uses.** Permitted uses within the HC/LI district are limited to the following:

16 **(1) Residential.** Any residential uses outside of the Industrial (I) future land use
17 category but if within the Commercial (C) future land use category (and not the
18 principal single-family dwelling on an existing lot of record), only as part of a
19 predominantly commercial development; and excluding new or expanded
20 manufactured (mobile) home parks and subdivisions. See also conditional uses
21 in this district.

22 **(2) Retail sales.** Retail sales, including medical marijuana dispensing facilities,
23 sales of alcoholic beverages, sales of automotive fuels, and sales of new and
24 used automobiles, motorcycles, boats, and manufactured (mobile) homes. See
25 also retail sales that may be within other permitted or conditional use categories
26 of this district.

27 **(3) Retail services.**

- 28 **a.** Car washes, automatic or manual, full service or self-serve.
29 **b.** Child care facilities.
30 **c.** Hotels, motels and all other public lodging, including boarding and rooming
31 houses.
32 **d.** Personal services, including those of beauty shops, health clubs, pet
33 groomers, dry cleaners and tattoo parlors.
34 **e.** Professional services, including those of realtors, bankers, accountants,
35 engineers, architects, dentists, physicians, and attorneys.
36 **f.** Rental of automobiles, trucks, utility trailers and recreational vehicles.
37 **g.** Repair services, including appliance repair, furniture refinishing and
38 upholstery, watch and jewelry repair, small engine and motor services, and
39 major motor vehicle and boat service and repair, but excluding outdoor work
40 or storage.
41 **h.** Restaurants and brewpubs, including on-premises consumption of alcoholic
42 beverages, drive-in and drive-through service, and brewpubs with the

1 distribution of on-premises produced alcoholic beverages for off-site sales.
2 The parcel boundary of any restaurant or brewpub with drive-in or drive-
3 through service shall be at least 200 feet from any LDR or MDR zoning
4 district unless separated by a 50-foot or wider street right-of-way.

5 i. Taxi and limousine services.

6 See also retail services that may be within other permitted or conditional uses in
7 categories of this district.

8 **(4) Public and civic.**

9 a. Broadcast stations with satellite dishes and antennas, including towers.

10 b. Cemeteries, including family cemeteries. (compatibility exception)

11 c. Community service facilities, including auditoriums, libraries, museums, and
12 neighborhood centers.

13 d. Educational facilities, including preschools, K-12, colleges, and vocational
14 schools.

15 e. Emergency service facilities, including law enforcement, fire fighting, and
16 medical assistance.

17 f. Funeral establishments.

18 g. Homeless shelters.

19 h. Hospitals.

20 i. Offices for government agencies or public utilities.

21 j. Places of worship.

22 k. Public utility structures, including telecommunications towers, but excluding
23 industrial uses not otherwise permitted.

24 See also conditional uses in this district.

25 **(5) Recreation and entertainment.**

26 a. Commercial entertainment facilities, indoor or outdoor, including movie
27 theatres, amusement parks, and stadiums, but excluding motorsports
28 facilities. Carnival-type amusements shall be at least 500 feet from any
29 residential district. Bars, nightclubs, and adult entertainment are prohibited in
30 areas with the zoning designation HC/LI-NA or areas zoned ID-CP or ID-1
31 prior to adoption of HC/LI zoning.

32 b. Commercial recreation facilities, passive or active, including those for walking,
33 hiking, bicycling, camping, recreational vehicles, swimming, skateboarding,
34 bowling, court games, field sports, and golf, but excluding off-highway vehicle
35 uses and outdoor shooting ranges. Campgrounds and recreational vehicle
36 parks require a minimum lot area of five acres.

37 c. Marinas, private and commercial. (private are compatibility exception)

38 d. Parks, with or without permanent restrooms or outdoor event lighting.
39 (facilities without are compatibility exception)

40 See also conditional uses in this district.

(6) Industrial and related. The following industrial and related uses, except within MU-S.

- a. Light industrial uses, including research and development, printing and binding, distribution and wholesale warehousing, and manufacturing, all completely within the confines of buildings and without adverse off-site impacts.
- b. Marinas, industrial, not allowed within MU-S.
- c. Microbreweries, microdistilleries, and microwineries, except in areas with the zoning designation HC/LI-NA.

See also conditional uses in this district.

(7) Agricultural and related.

- a. Food produced primarily for personal consumption by the producer, but no farm animals.
- b. Nurseries and garden centers, including adjoining outdoor storage or display of plants.
- c. Veterinary clinics, excluding outside kennels.

See also conditional uses in this district.

(8) Other uses. Within MU-S, outside storage is permitted only when adequately screened per LDC regulations.

- a. Billboards structures, excluding areas zoned ID-CP, GBD, or GID prior to adoption of HC/LI zoning.
- b. Building or construction trades shops and warehouses, including on-site outside storage.
- c. Bus leasing and rental facilities, not allowed within MU-S.
- d. Deposit boxes for donation of used items when placed as an accessory structure on the site of a charitable organization.
- e. Outdoor adjacent display of plants by garden shops and nurseries.
- f. Outdoor sales.
- g. Outdoor storage of trailered boats and operable recreational vehicles, excluding repair, overhaul or salvage activities.
- h. Parking garages and lots, commercial, not allowed within MU-S.
- i. Sales and outdoor display of prefabricated storage sheds.
- j. Self-storage facilities, including vehicle rental as an accessory use.

(c) Conditional uses. Through the conditional use process prescribed in Chapter 2, the BOA, or the BCC as noted, may conditionally allow the following uses within the HC/LI district:

(1) Residential. Caretaker residences not among the permitted uses of the district and for permitted non-residential uses.

(2) Retail services. Restaurants not among the permitted uses of the district.

(3) Public and civic. Cinerators.

1 **(4) Recreation and entertainment.**

- 2 a. Motorsports facilities on lots 20 acres or larger.
- 3 b. Off-highway vehicle commercial recreation facilities on lots 20 acres or larger.
- 4 c. Shooting ranges, outdoor.

5 **(5) Industrial and related.** The following industrial and related uses, except within
6 MU-S:

- 7 a. Asphalt and concrete batch plants if within the Industrial (I) future land use
8 category and within areas zoned GID prior to adoption of HC/LI zoning.
- 9 b. Borrow pits and reclamation activities 20 acres minimum and (subject to local
10 permit and development review requirements per Escambia County Code of
11 Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part
12 III, the Land Development Code, chapter 4.) *Borrow pits are prohibited on
13 land zoned GBD, GID, and WMU prior to the adoption of the HC/LI zoning.
- 14 c. Salvage yards not otherwise requiring approval as solid waste processing
15 facilities.
- 16 d. Solid waste processing facilities, including solid waste collection points, solid
17 waste transfer facilities, materials recovery facilities, recovered materials
18 processing facilities, recycling facilities and operations, resource recovery
19 facilities and operations, and volume reduction plants.

20 The conditional use determination for any of these solid waste facilities shall
21 be made by the BCC in lieu of any hearing before the BOA. The applicant
22 shall submit a site boundary survey, development plan, description of
23 anticipated operations, and evidence that establishes each of the following
24 conditions in addition to those prescribed in Chapter 2:

- 25 1. Trucks have access to and from the site from adequately wide collector or
26 arterial streets and do not use local residential streets.
- 27 2. The scale, intensity, and operation of the use will not generate
28 unreasonable noise, traffic, objectionable odors, dust, or other potential
29 nuisances or hazards to contiguous properties.
- 30 3. The processing of materials will be completely within enclosed buildings
31 unless otherwise approved by the BCC.
- 32 4. The plan includes appropriate practices to protect adjacent land and
33 resources, minimize erosion, and treat stormwater; landscaping and
34 buffering for adjacent uses; hours of operation; methods to comply with
35 maximum permissible noise levels; means of access control to prevent
36 illegal dumping; and plans for materials storage.

37 **(6) Agricultural and related.** Kennels or animal shelters not interior to veterinary
38 clinics.

39 **(7) Other uses.**

- 40 a. Structures of permitted uses exceeding the district structure height limit.
- 41 b. Heliports.

1 **(e) Location criteria.** All new non-residential uses proposed within the HC/LI district
2 that are not part of a planned unit development or not identified as exempt by district
3 regulations shall be on parcels that satisfy at least one of the following location
4 criteria:

5 **Compatibility requirements.** Uses within the HC/LI district shall promote
6 compatibility by avoiding adverse impacts to surrounding uses in compliance with
7 LDC standards and the following:

8 ~~(1) Parcel previously zoned GBD within the MU-S FLU along Hwy 29 or SR 95A.~~
9 ~~Parcels previously zoned GBD and within the MU-S future land use category~~
10 ~~which are located along and directly fronting U.S. Highway 29 or State Road~~
11 ~~95A.~~

12 ~~(2) Proximity to intersection.~~ Along an arterial street and within one-quarter mile
13 of its intersection with an arterial street.

14 ~~(3) Site design.~~ Along an arterial street, no more than one-half mile from its
15 intersection with an arterial street, and all of the following site design conditions:

16 ~~a. Not abutting a RR, LDR or MDR zoning district~~

17 ~~b. Any intrusion into a recorded residential subdivision is limited to a corner lot~~

18 ~~c. A system of service roads or shared access is provided to the maximum~~
19 ~~extent feasible given the lot area, lot shape, ownership patterns, and site and~~
20 ~~street characteristics.~~

21 ~~d. Adverse impacts to any adjoining residential uses are minimized by placing~~
22 ~~the more intensive elements of the use, such as solid waste dumpsters and~~
23 ~~truck loading/unloading areas, furthest from the residential uses.~~

24 ~~e. Location in an area where already established non-residential uses are~~
25 ~~otherwise consistent with the HC/LI, and where the new use would constitute~~
26 ~~infill development of similar intensity as the conforming development on~~
27 ~~surrounding parcels. Additionally, the location would promote compact~~
28 ~~development and not contribute to or promote strip commercial development.~~

29 ~~(4) Documented compatibility.~~ A compatibility analysis prepared by the applicant
30 provides competent substantial evidence of unique circumstances regarding the
31 parcel or use that were not anticipated by the alternative criteria, and the
32 proposed use will be able to achieve long-term compatibility with existing and
33 potential uses. Additionally, the following conditions exist:

34 ~~a. The parcel has not been rezoned by the landowner from the mixed-use,~~
35 ~~commercial, or industrial zoning assigned by the county.~~

36 ~~b. If the parcel is within a county redevelopment district, the use will be~~
37 ~~consistent with the district's adopted redevelopment plan, as reviewed and~~
38 ~~recommended by the Community Redevelopment Agency (CRA).~~

39 (1) Non-residential permitted uses. All new non-residential permitted uses shall
40 satisfy at least one of the following compatibility conditions, unless specifically
41 identified as a compatibility exception:

42 a. Location. The parcel of the use is located along a street that is functionally
43 classified as an arterial and is either (a) directly fronting U.S. Highway 29 or

- 1 State Road 95A, and within future land use category MU-S, and previously
2 zoned GBD, or (b) within one-quarter mile of an intersection with another
3 arterial.
- 4 **b. Mixed-use.** The use is part of a predominantly residential development.
- 5 **c. Analysis.** A compatibility analysis, as prescribed in Article 2 of Chapter 2,
6 documents and confirms that the use can achieve and maintain compatibility
7 with surrounding uses at the location proposed.
- 8 **(2) Conditional uses.** The compatibility of all new conditional uses shall be
9 evaluated within the conditional use review process prescribed in Chapter 2.
- 10 **(f) Rezoning to HC/LI.**
- 11 **(1) Generally.** Heavy Commercial and Light Industrial zoning may be established
12 by rezoning only within the Mixed-Use Urban (MU-U), Commercial (C), or
13 Industrial (I) future land use categories. The district is appropriate to provide
14 transitions between areas zoned or used for commercial and areas zoned or
15 used for industrial. The district is suitable for areas able to receive bulk deliveries
16 by truck in locations served by major transportation networks and able to avoid
17 undesirable effects on nearby property and residential uses. Rezoning to HC/LI
18 is subject to the same location criteria as any non-residential use proposed within
19 the HC/LI district limited to either parcels along arterial streets and within
20 one-quarter mile of an intersection with another arterial, or parcels directly
21 adjoining existing HC/LI zoning but not adjoining existing residential use or
22 zoning (RR, LDR, MDR, HDR).
- 23 **(2) HC/LI-NA designation.** Any applicant for rezoning to the HC/LI zoning district
24 may request a HC/LI-NA designation prohibiting the subsequent establishment of
25 any microbreweries, microdistilleries, microwineries, bars, nightclubs, or adult
26 entertainment uses on the rezoned property. The request shall be in the form of
27 a notarized affidavit that acknowledges this use restriction and affirms that it is a
28 voluntary request. Once approved according to the rezoning process of Chapter
29 2, the HC/LI-NA zoning designation and its prohibitions shall apply to the
30 property, regardless of ownership, unless the parcel is rezoned.

31 **Sec. 3-2.12 Industrial district (Ind).**

- 32 **(a) Purpose.** The Industrial (Ind) district establishes appropriate areas and land use
33 regulations for a broad range of industrial uses. The primary intent of the district is
34 to accommodate general assembly, outdoor storage, warehousing and distribution,
35 major repair and services, manufacturing, salvage and other such uses and activities
36 that contribute to a diverse economic base but cannot satisfy the compatibility
37 requirements and higher performance standards of other districts. The Industrial
38 district is also intended to provide appropriate locations and standards that minimize
39 dangers to populations and the environment from heavy industrial activities, and to
40 preserve industrial lands for the continuation and expansion of industrial production.
41 Non-industrial uses within the district are limited to ensure the preservation of
42 adequate areas for industrial activities. New or expanded residential development is
43 generally prohibited.

1 **(b) Permitted uses.** Permitted uses within the Industrial district are limited to the
2 following:

3 **(1) Residential.** No new residential uses, including accessory dwelling units, except
4 caretaker residences for permitted non-residential uses. Caretaker and vested
5 single-family dwellings include manufactured (mobile) homes.

6 **(2) Retail sales.** No retail sales except as ~~permitted industrial and related uses~~ may
7 be within other permitted or conditional use categories of this district.

8 **(3) Retail services.** No retail services except as ~~permitted industrial and related~~
9 uses may be included within other permitted use and conditional use categories
10 of this district.

11 **(4) Public and civic.**

12 a. Cinerators, including direct disposition.

13 b. Emergency service facilities, including law enforcement, firefighting, and
14 medical assistance.

15 c. Public utility structures, including telecommunications towers.

16 **(5) Recreation and entertainment.** No recreation or entertainment uses.

17 **(6) Industrial and related.**

18 a. Bulk storage.

19 b. Industrial uses, light and heavy, including research and development, printing
20 and binding, distribution and wholesale warehousing, processing of raw
21 materials, manufacturing of finished and semi-finished products, salvage
22 yards, solid waste transfer and processing facilities, materials recovery and
23 recovered materials processing facilities, landfills, concrete and asphalt batch
24 plants, power plants, and mineral extraction.

25 c. Solid waste collection points.

26 **(7) Agricultural and related.** No agricultural or related uses except as permitted
27 industrial and related uses.

28 **(8) Other uses.** [reserved]

29 **(c) Conditional uses.** Through the conditional use process prescribed in Chapter 2,
30 the BOA or BCC as noted, may conditionally allow the following uses within the
31 Industrial district.

32 **(1)** The BOA may conditionally allow the following uses:

33 a. A permitted use of the industrial district to exceed the district structure height
34 limit.

35 b. Borrow pits and reclamation activities 20 acres minimum (subject to local
36 permit and development review requirements per Escambia County Code of
37 Ordinances, Part I, Chapter 42, article VIII, and land use regulations in Part
38 III, the Land Development Code, chapter 4.)

39 **(2)** The BCC may conditionally allow solid waste processing facilities, including solid
40 waste collection points, solid waste transfer facilities, materials recovery facilities,
41 recovered materials processing facilities, recycling facilities and operations,
42 resource recovery facilities and operations, and volume reduction plants.

For any of these solid waste facilities the applicant shall submit, to the Planning Official or his designee, a site boundary survey, development plan, description of anticipated operations, and evidence that establishes each of the following compatibility conditions in addition to those prescribed in Chapter 2 to the Planning department:

- a. Trucks have access to and from the site from adequately wide collector or arterial streets and do not use local residential streets.
- b. The scale, intensity, and operation of the use will not generate unreasonable noise, traffic, objectionable odors, dust, or other potential nuisances or hazards to contiguous properties.
- c. The processing of materials will be completely within enclosed buildings unless otherwise approved by the BCC.
- d. The plan includes appropriate practices to protect adjacent land and resources, minimize erosion, and treat stormwater; landscaping and buffering for adjacent uses; hours of operation; methods to comply with maximum permissible noise levels; means of access control to prevent illegal dumping; and plans for materials storage.

(e) Location criteria-Compatibility requirements. Uses within the Industrial district shall promote compatibility by avoiding adverse impacts to surrounding uses in compliance with LDC standards. All new industrial uses, as "industrial use" is defined in Chapter 6, proposed within the Industrial district that are not part of a planned unit development shall be on parcels that satisfy all of the following location criteria compatibility conditions:

- (1) Environmental impacts.** Located so that the The negative impacts of the uses on the functions of natural systems are avoided, if possible, and minimized when unavoidable.
- (2) Access to services.** Accessible to essential Essential public facilities and services are accessible by the use at the adopted levels of service adopted in the Comprehensive Plan.
- (3) Adequate area.** Located on parcels of The land area for the use is large enough to adequately support the type of industrial development proposed and minimize any adverse impacts upon surrounding properties through effective buffering so that the proposed use is compatible with surrounding uses.

(e) Rezoning to Ind. Industrial zoning may be established only within the Industrial (I) future land use category. The district is appropriate where conflicts with other uses can be minimized through orderly zoning transitions and effective buffering, and where sufficient access to transportation and other public facilities is available. Rezoning to Industrial is subject to the same location criteria compatibility requirements as any new industrial use proposed within the Industrial district.

1 **Chapter 6 DEFINITIONS**

2 **Sec. 6-0.3 Terms defined.**

3 **Compatible.** A condition in which land uses, activities or conditions can coexist in
4 relative proximity to each other in a stable fashion over time such that no use, activity,
5 or condition is unduly negatively impacted directly or indirectly by another use, activity,
6 or condition. [Note: Current definition included only for reference.]

7 **Retail services.** Services provided directly and primarily to the general public for
8 personal or household use, but also to business and industry, and including products
9 that are incidental to the services and usually consumed on the premises. The term
10 “retail services” includes restaurants, public lodging, personal services, professional
11 services, ~~and repair services, and retail forms of recreation, entertainment, and other~~
12 services. [Note: Additional forms of services added to avoid implication that zoning
13 district categories define their listed uses.]