

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
May 6, 2013–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Invocation/Pledge of Allegiance to the Flag.
3. Proof of Publication.
4.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 01, 2013 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for April 2013.
 - C. Planning Board 6-Month Outlook for May 2013.
5. Public Hearings.
 - A. Comprehensive Plan - Small Scale Amendment SSA-2013-01

A Public Hearing Concerning the Review of a Small Scale Amendment SSA-2013-01

That the Planning Board review and recommend for adoption to the Board of County Commissioners (BCC) a Small Scale Amendment SSA-2013-01; amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use map designation.
 - B. Comprehensive Plan - Small Scale Amendment SSA-2013-02

A Public Hearing Concerning the Review of a Small Scale Amendment SSA-2013-02

That the Planning Board review and recommend for adoption to the Board of County Commissioners (BCC), a Small Scale Amendment SSA-2013-02, amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use map.

C. LDC Article 10 Floodplain Management

A Public Hearing Concerning the Review of an Ordinance Amending Article 10

That the Planning Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 10; to repeal and replace Article 10 in its entirety; to adopt a new Article 10; to adopt flood hazard maps and to designate a floodplain administrator; to adopt procedures and criteria for development in flood hazard areas.

D. LDC Ordinance-Article 6, Zoning District, Agriculture

A Public Hearing Concerning the Review of an Ordinance Amending Article 6

That the Planning Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 6, Zoning Districts

E. Escambia County Comprehensive Plan Implementation Annual Report 2011/2012

A Public Hearing Concerning the Review of the Comprehensive Plan Annual Report 2011/2012

That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) the 2011/2012 CPIC Annual Report.

6. Discussion Items.

A. Chicken Ordinance

Presented by: Ryan Ross, Assistant County Attorney

B. Allowing Alcohol Sales in Existing Condos in R3-PK Zoning

Presented by: Andrew Holmer

C. Barrancas Overlay Modifications

Presented by: David Forte, Community Redevelopment Agency

D. Perdido Key Master Plan

Presented by: Lloyd Kerr, AICP

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

The next Regular Planning Board meeting is scheduled for **Monday, June 3, 2013 at 8:30 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.
12. Adjournment.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular
Meeting Date: 05/06/2013

4.

Agenda Item:

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 01, 2013 Planning Board Meeting.
- B. Planning Board Monthly Action Follow-up Report for April 2013.
- C. Planning Board 6-Month Outlook for May 2013.

Attachments

Quasi-Judicial Resume
Planning Board Regular Mtg Resume
Monthly Action Follow-Up Report
Six Month Outlook

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD April 1, 2013

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:37 A.M. – 9:50 AM)

Present: Tim Tate, Vice Chairman
David Luther Woodward
Robert V. Goodloe
Karen Sindel
Alvin Wingate
Patty Hightower, School Board (non-voting)
Stephanie Oram, Navy (Non voting)

Absent: Wayne Briske, Chairman
Dorothy Davis

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning
Horace Jones, Division Mgr., Planning & Zoning
Kayla Meador, Sr Office Assistant
Stephen West, Assistant County Attorney

1. Call to Order.
2. Invocation was given by Mr. Alvin Wingate and the Pledge of Allegiance to the Flag was given by Ms. Karen Sindel.
3. Proof of Publication was given by Ms. Allyson Cain and the board voted to Waive the Reading of the Legal Advertisement.

Motion by David Luther Woodward, Seconded by Karen Sindel
Motion was made to approve Proof of Publication and to waive the reading of the legal advertisement.

Vote: 5 - 0 Approved

Other: Wayne Briske (ABSENT)
Dorothy Davis (ABSENT)

4. Quasi-judicial Process Explanation.
5. Public Hearings.

Z-2013-04

Applicant: T.J. Monti, Agent for Ethel
Nowak, Owner

Address: 2842 Nowak Dairy Road

From: VAG-2, Villages Agriculture
Districts, Gross Density (one
du/five acres)

To: V-3, Villages Single Family
Residential, Gross Density (five
du/acre)

No planning board member acknowledged visiting the site.

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

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

Motion by David Luther Woodward, Seconded by Karen Sindel
David Woodward motioned to accept applicant's modified request from V-3 to V-2 and Karen Sindel seconded motion.

Mr. Woodward stated that based upon reviewing exhibits and consistency of live testimony, he disagreed with staff findings and made a **motion to deny** the rezoning. He also stated that it was incompatible with criteria 3, 4, and 6. Karen Sindel seconded motion.

Vote: 3 - 2 Approved

Voted No: Robert V. Goodloe
Alvin Wingate

Other: Wayne Briske (ABSENT)
Dorothy Davis (ABSENT)

6. Adjournment.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD April 1, 2013

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(10:06 A.M. – 12:00 PM)
(1:00 PM - 1:55 PM)
(2:04 PM - 3:12 PM)

Present: Tim Tate, Vice Chairman
David Luther Woodward
Robert V. Goodloe
Karen Sindel
Alvin Wingate
Patty Hightower, School Board (non-voting)
Stephanie Oram, Navy (Non voting)

Absent: Wayne Briske, Chairman
Dorothy Davis

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

1. Call to Order.
2. Proof of Publication was given by the board clerk.
3.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the March 4, 2013 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for March 2013.
 - C. Planning Board 6-Month Outlook for April 2013.

Motion by Karen Sindel, Seconded by Robert V. Goodloe
Motion was made to approve minutes from March 4, 2013 Planning Board meeting.

Vote: 7 - 0 Approved

4. Public Hearings.

A. LDC Article 10, Floodplain Management

Postponed until next month. No vote was taken

5. Discussion Items.

A. Public Parks and Recreational Facilities as Permitted Uses in Agriculture (AG) Zoning District. Presented by Andrew Holmer

Board agreed with permitted uses.

B. Chicken Ordinance Workshop Chickens Accessory to Single Family Workshop

Board suggested for the ordinance, a minimum lot size, number of chickens, and wanted to check into the cost for the code enforcement and animal control.

C. **LUNCH BREAK**

D. Perdido Key Masterplan Presented by Lloyd Kerr, Director of Development Services
PK Master Plan Powerpoint Presentation

Board decided to have another workshop next month and wants to discuss changes to the code and zoning designations.

6. Public Forum.

7. Director's Review.

8. County Attorney's Report.

9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Monday, May 6, 2013 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

10. Announcements/Communications.

11. 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
Planning & Zoning Division

DATE: April 22, 2013

RE: Monthly Action Follow-Up Report for April 2013

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

PROJECTS, PLANS, & PROGRAMS

1. **PERDIDO KEY MASTER PLAN**

01/12/12	BCC directed staff to send out a Request for Letters of Interest
06/28/12	BCC selected Duany Plater-Zyberk & Company, LLC.
08/15/12	Site Visit – Duany Plater-Zyberk & Company, LLC.
09/13/12	Workshop was held at Perdido Bay Community Center
10/15-10/22	Charrette
3/4/13	Presentation - Duany Plater-Zyberk & Company, LLC

COMMITTEES & WORKING GROUP MEETINGS

COMPREHENSIVE PLAN AMENDMENTS

- **Text Amendments:**

1. **Comprehensive Plan Text Amendment – CIE (CPA 2012-07), amending the Escambia County Comprehensive Plan 2030 consistent with Chapter 2011-139.**

12/10/12	PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment
01/03/13	BCC approved transmittal to DEO
2. **Comprehensive Plan Text Amendment – Annex, Adding Language - amending the Escambia County Comprehensive Plan: 2030, as amended, to allow certain documents incorporated by reference to be updated in the Escambia County ordinances without amendment to the comprehensive plan; amending policy MOB 1.1.8 to allow uncoded updates to the Florida-Alabama Transportation Planning**

Organization fiscal years 2010-2014 transportation improvement program; amending Objective CIE 1.2 to allow uncoded updates to the five-year schedule of capital improvements.

03/04/13 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Text Amendment CPA-2013-01
03/21/13 BCC approved transmittal to DEO

- **Map Amendments:**

3. Comprehensive Plan Map Amendment – Large Scale Amendment (CPA-2012-02) amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use Map designation.

08/13/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Map Amendment CPA-2012-02.
08/23/12 BCC approved transmittal to DEO
09/28/12 Response letter from DEO
01/03/13 BCC adopted

4. Comprehensive Plan Map Amendment – Large Scale Amendment (CPA-2012-04), amending Part II of the Escambia County Code of Ordinances, the Escambia County Comprehensive Plan: 2030, as amended; amending Chapter 7, “The Future Land Use Element,” providing for an amendment to the 2030 Future Land Use Map, changing the future land use category of a parcel within Section 4, Township 1S, Range 31W, Parcel Number 1101-000-000, totaling 241.9 (+/-) acres, located at 4810 West Nine Mile Road, from Recreation (REC) to Mixed-Use Urban (MU-U).

12/10/12 PB reviewed and forwarded to the Board of County Commissioners the proposed Comprehensive Plan Map Amendment CPA-2012-04.
01/03/13 BCC approved transmittal to DEO

LAND DEVELOPMENT CODE ORDINANCES

1. Article 13 SRIA Signage

01/07/13 PB recommended adoption of ordinance
02/07/13 BCC adopted

2. Article 13.01 Administration

02/04/13 PB recommended adoption of ordinance
04/02/13 BCC adopted

3. Article 13 Docks and Piers

02/04/13 PB recommended adoption of ordinance
04/02/13 BCC adopted

REZONING CASES

- 1. Rezoning Case Z-2013-01**
03/04/13 PB recommended approval of rezoning
04/02/13 BCC approved
- 2. Rezoning Case Z-2013-02**
03/04/13 PB recommended continuing case for 60 days
05/06/13 PB meeting
- 3. Rezoning Case Z-2013-03**
03/04/13 PB recommended approval of rezoning
04/02/13 BCC approved
- 4. Rezoning Case Z-2013-04**
04/01/13 PB recommended denial of rezoning
05/02/13 BCC meeting

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR MAY 2013

(Revised 11/20/12)

A.H. = Adoption Hearing

T.H. = Transmittal Hearing

P.H. = Public Hearing

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

Meeting Date	LDC Changes and/or Public Hearings	Comprehensive Plan Amendments	Rezoning	Reports, Discussion and/or Action Items
Monday, January 7, 2013	<ul style="list-style-type: none"> LDC SRIA Signage 		<ul style="list-style-type: none"> Z-2012-25 	
Monday, February 4, 2013	<ul style="list-style-type: none"> LDC SRIA Admin LDC SRIA Docks and Piers 			
Monday, March 4, 2013	<ul style="list-style-type: none"> WCI Dev. Agreement 	<ul style="list-style-type: none"> CPA-2013-01 	<ul style="list-style-type: none"> Z-2013-01 Z-2013-02 Z-2013-03 	<ul style="list-style-type: none"> PK MP Presentation
Monday, April 1, 2013	<ul style="list-style-type: none"> LDC Ord.-Chickens Flood Plain Ord. 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> 	<ul style="list-style-type: none"> PK MP Presentation Chicken Ord Parks and Rec permitted in AG
Monday, May 6, 2013	<ul style="list-style-type: none"> Parks and Rec permitted in AG Flood Plain Ord. 	<ul style="list-style-type: none"> Comp Plan Annual Report SSA-2013-01 SSA-2013-02 	<ul style="list-style-type: none"> Z-2013-02 Z-2013-05 Z-2013-06 Z-2013-07 Z-2013-08 Z-2013-09 Z-2013-10 	<ul style="list-style-type: none"> Chicken Ord Allow Alcohol Sales in R3-PK Barrancas Overlay Modification PK MP
Monday, June 3, 2013		<ul style="list-style-type: none"> Comp Plan for Sector Plan 		<ul style="list-style-type: none"> CIE Annual Report JLUS
Monday, July 1, 2013				

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



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular

5. A.

Meeting Date: 05/06/2013

Issue: Comprehensive Plan - Small Scale Amendment SSA-2013-01

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of a Small Scale Amendment SSA-2013-01

That the Planning Board review and recommend for adoption to the Board of County Commissioners (BCC) a Small Scale Amendment SSA-2013-01; amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use map designation.

BACKGROUND:

My Tran, Agent for Xinh Thi Pham, requested an amendment to change the Future Land Use category for two parcels totaling 1(+/-) acres from Mixed Use Suburban (MU-S) to Mixed Use Urban (MU-U). The attached implementing Ordinance proposes amending Chapter 7 of the Comprehensive Plan, "Future Land Use Element", to amend the Year 2030 Future Land Use Map.

The proposed amendment consist of 1.01(+/-) acre which is under the 10 acres or less requirement for a small scale amendment as stated in F.S. 163.3187(a). This amendment will not exceed the maximum of 120 acres in a calendar year as stated in F.S. 163.3187(b).

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Comprehensive Plan Amendment.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the Future Land Use Map and distribution of a copy of the adopted Ordinance to interested citizens and staff.

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

Attachments

Draft Ordinance

Current FLU Map

Proposed FLU Map

Staff Analysis

ORDINANCE NO. 2013-____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030, AS AMENDED; AMENDING CHAPTER 7, "THE FUTURE LAND USE ELEMENT," PROVIDING FOR AN AMENDMENT TO THE 2030 FUTURE LAND USE MAP, CHANGING THE FUTURE LAND USE CATEGORY OF TWO PARCELS WITHIN SECTION 20, TOWNSHIP 2S, RANGE 31W, PARCEL NUMBERS 4110-005-013 AND 4110-080-006, TOTALING 1.01 (+/-) ACRES, LOCATED ON 72nd AVENUE AND LAKE JOANNE DRIVE, FROM MIXED-USE SUBURBAN (MU-S) TO MIXED-USE URBAN (MU-U); PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

Section 1. Purpose and Intent

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

4 5 6 **Section 2. Title of Comprehensive Plan Amendment**

7
8 This Comprehensive Plan amendment shall be entitled – "Small Scale Amendment
9 2013-01."

10 11 12 **Section 3. Changes to the 2030 Future Land Use Map**

13
14 The 2030 Future Land Use Map, as adopted by reference and codified in Part II of the
15 Escambia County Code of Ordinances, the Escambia County Comprehensive Plan:
16 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all
17 notations, references and information shown thereon, is further amended to include the
18 following future land use change.

19
20
21 Two parcels within Section 20, Township 2S, Range 31W, Parcel
22 Numbers 4110-005-013 and 4110-080-006, totaling 1.01 (+/-) acres,
23 located on 72nd Avenue and Lake Joanne Drive, as more particularly
24 described in the surveys by Pittman Glaze and Associates, Inc., dated
25 December 31, 2012, and Gary F. Byrd, LLC, dated April 2, 2012, attached
26 as Exhibits A and B, from Mixed-Use Suburban (MU-S) to Mixed-Use
27 Urban (MU-U).

28 29 30 **Section 4. Severability**

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

35 36 37 **Section 5. Inclusion in the Code**

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

Section 6. Effective Date

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

DONE AND ENACTED this _____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

By: _____
Gene M. Valentino, Chairman

ATTEST: PAM CHILDERS
Clerk of the Circuit Court

By: _____
Deputy Clerk

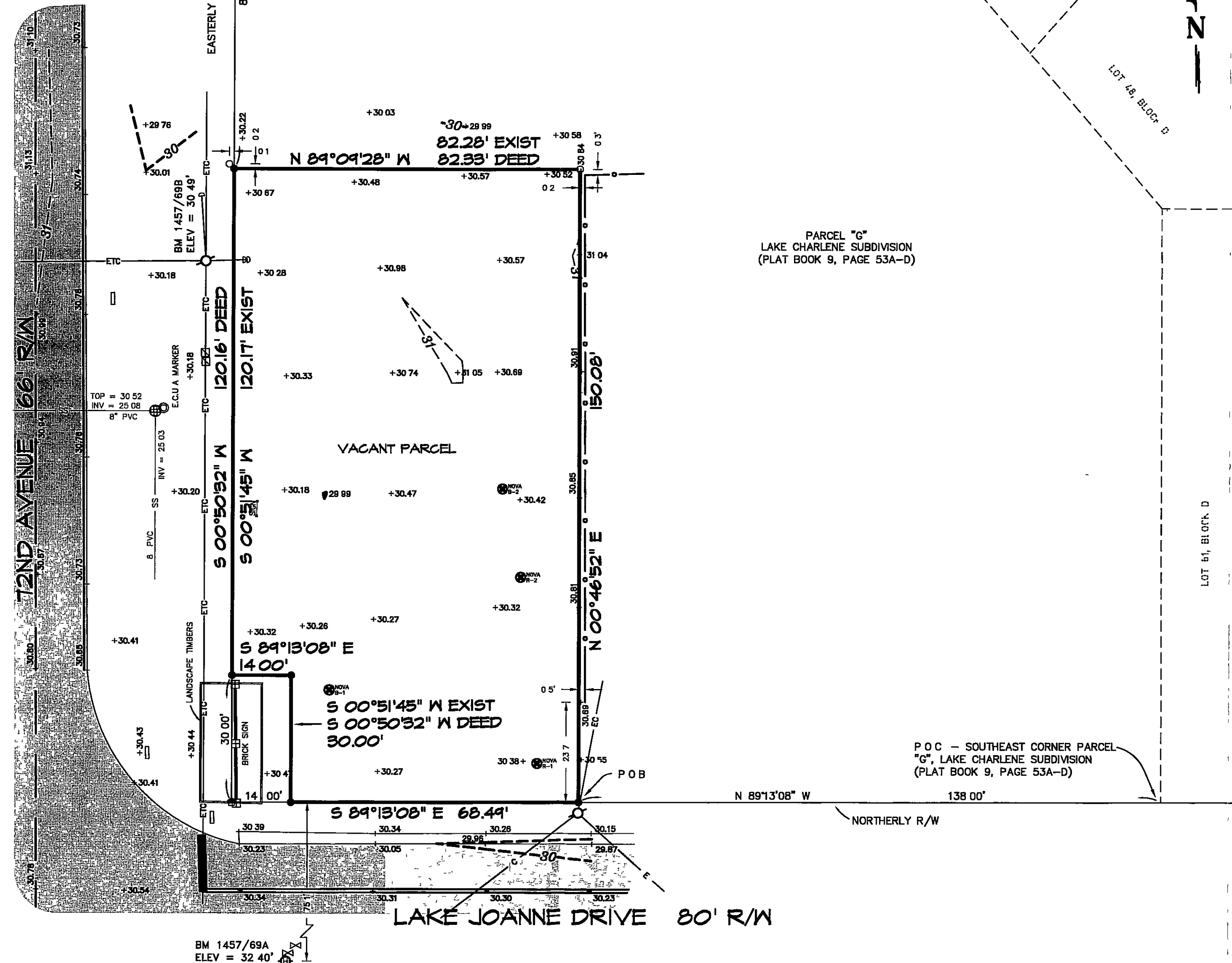
(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:

Exhibit A



LEGAL DESCRIPTION

Begin at the Southeast corner of Parcel G, Lake Charlene Subdivision, Plat Book 9, Page 53 A - 53 D, North 89 degrees 13 minutes 08 seconds West along the North R/W line of Lake Joanne Drive 138 feet and Point of Beginning, North 00 degrees 46 minutes 52 seconds East 150 08/100 feet, North 89 degrees 09 minutes 28 seconds West for 82 33/100 feet to the East R/W of T2nd Avenue (66 foot R/W), said point being 84 84/100 feet South of the Northwest corner of Parcel G, South 00 degrees 50 minutes 32 seconds West along the East R/W line 120 16/100 feet, South 89 degrees 13 minutes 08 seconds East for 14 feet, South 00 degrees 50 minutes 32 seconds West for 30 feet to the Northerly R/W line of Lake Joanne Drive, South 89 degrees 13 minutes 08 seconds East along North R/W line for 68 49/100 feet to Point of Beginning, part of Parcel G, Lake Charlene Plat Book 9, Page 53 A, B, C and D, OR 3623, Page 656

SURVEYOR'S NOTES

- The underground utilities shown have been located from field survey information and existing drawings. The surveyor has not physically located the underground utilities. The surveyor does not certify that the underground utilities shown comprise all such utilities or that they are the exact size, material, or location as indicated.
- This survey does not reflect or determine ownership.
- This survey is subject to any facts that may be disclosed by a full and accurate title search.
- This survey is subject to setbacks, easements, and restrictions of record.
- To assure the contractor is on the same vertical and horizontal datum as this survey, it is strongly recommended that vertical checks be made between two benchmarks and that horizontal checks be made between three control points or property corners.
- Footings and foundations below natural ground not located.
- Due to current safety regulations, we are unable to access any sewer manholes and/or structures in order to verify pipe size or material. Pipe size and material has been shown as per plans or by approximate measurements. It is strongly recommended that size and material are verified before any design work begins.

BENCHMARKS

- 1066/24B - A 60p nail in the north side of a power pole located 4' +/- west of the east right of way of T2nd Avenue and 6' +/- south of the north right of way of Highway #9B. Elevation = 29 90'
- 1066/24C - An "X" cut in the north bonnet bolt of a fire hydrant located 400' +/- North of the north right of way of Highway #9B and 8' +/- west of the east right of way of T2nd Avenue. Elevation = 33 66'
- 1457/69A - An "X" cut in the north bonnet bolt of a fire hydrant located 50' +/- south of the centerline of Lake Joanne Drive and 55' +/- east of the centerline of T2nd Avenue. Elevation = 32 40'
- 1457/69B - A cotton gin spike in the west side of a power pole located 150' +/- north of the centerline of Lake Joanne Drive and east of the centerline of T2nd Avenue. Elevation = 30 49'

UTILITY COMPANIES

- Utility information shown as per field information and information furnished by utility companies involved.
- TELEPHONE - AT & T, Inc., 605 West Garden Street, Pensacola, Florida 32501, (850) 436-1616
- ELECTRIC - Gulf Power Company, 9220 Pine Forest Road, Pensacola, Florida 32534, (850) 484-5710
- SANITARY SEWER/WATER - Emerald Coast Utility Authority, Ellyson Industrial Park, Pensacola, Florida, (850) 476-5110
- NATURAL GAS - Pensacola Energy, 16 South Palafox Street, Pensacola, Florida, (850) 474-5322

LEGEND

- POC Point of commencement
POB Point of beginning
R/W Right of way
BM Benchmark
ELEV Elevation
INV Invert
1/2" Capped iron rod set #7073
3/4" iron pipe found
Permanent control point set #7073
Brick column
Guy wire
Power pole
Road sign
Soil boring
Sanitary sewer manhole
Water meter
Spot elevation
-67- Contour line
Wood fence
Cable line
Electric line
Telephone line
SS Sanitary sewer line

A BOUNDARY SURVEY AND TOPOGRAPHIC SURVEY

Measurements made in accordance with United States Standards

Bearing Reference NORTH BASED ON THE NORTHERLY R/W LAKE JOANNE DRIVE AS N 89°13'08" W
Ordered By MR CHARLIE KRASNOSKY
Elevation Reference NAVD 88
Encroachments GUY ANCHOR

Source of information RECORDED PLAT LAKE CHARLENE (PB 9, P 53A-D), PUBLIC RECORDS, SURVEYS BY THIS FIRM

PITTMAN, GLAZE AND ASSOCIATES, INC.
LAND SURVEYORS
5700 N. DAVIS HIGHWAY, SUITE 3
PENSACOLA, FL 32503
Phone (850) 434-6666 Fax (850) 434-6661
Email pgasurvey@bellsouth.net

I hereby certify that this survey was made under my responsible charge and meets the Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17 050, 5J-17 051 and 5J-17 052, pursuant to Section 472.027 Florida Statutes

David D. Glaze
PSM #5605

Walter J. Glaze
PSM #6190

SHEET 1 OF 1

1

1

NOT VALID UNLESS
IMPRINTED WITH
EMBOSSER SEAL
AND SIGNED BY
SURVEYOR

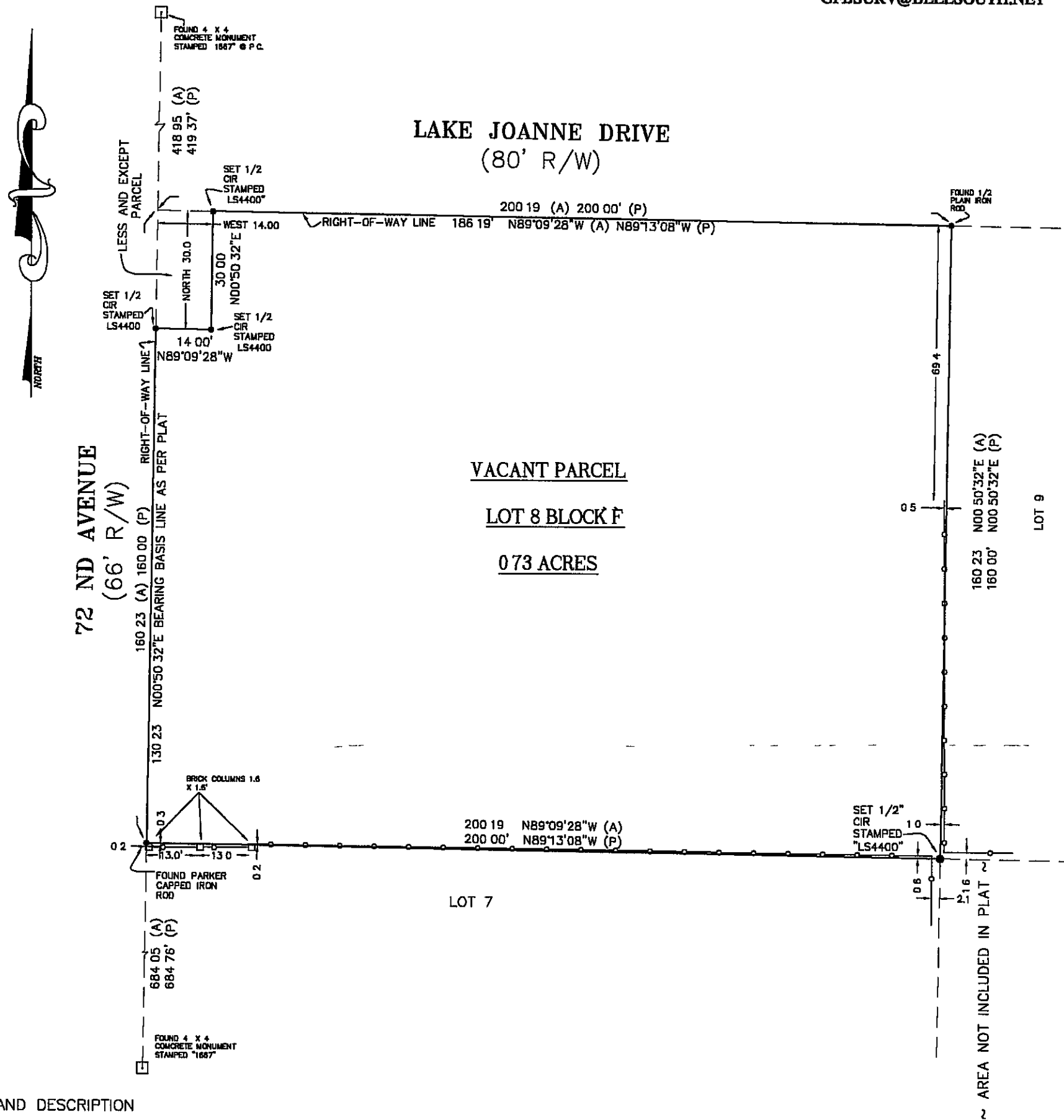
Scale 1" = 20'
File No 35284-12
Job No E-4062
FB 1457 PG 69-73
FB PG
Date of Survey 12-31-12
Date of Plat 1-2-13
Date of Revision 1-3-13
Drawn by FMJ

MEASUREMENTS MADE TO UNITED STATES STANDARDS

Exhibit B

BOUNDARY SURVEY

GARY F. BYRD, LLC
Professional Surveying & Mapping
800 Byrd Lane
Pensacola, Florida 32526
Phone (850)554-6734
GFBSURV@BELLSOUTH.NET



LAND DESCRIPTION

LOT 8 BLOCK "F", LAKE CHARLENE, ACCORDING TO PLAT RECORDED IN PLAT BOOK 9 AT PAGE 53 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA LESS AND EXCEPTING THEREFROM THE WEST 14 FEET OF THE NORTH 30 FEET

SOURCE OF INFORMATION DESCRIPTION AS FURNISHED BY CLIENT

ALL BEARINGS AND/OR ANGLES AND DISTANCES ARE PLAT EXCEPT AS NOTED
THERE MAY BE ADDITIONAL RESTRICTIONS, EASEMENTS AND/OR RIGHT-OF-WAYS THAT WERE NOT FURNISHED TO THIS FIRM THAT MAY BE FOUND IN THE PUBLIC RECORDS OF SAID COUNTY FOOTINGS, FOUNDATIONS OR ANY OTHER SUBSURFACE STRUCTURES NOT LOCATED
NO TITLE WORK PERFORMED BY THIS FIRM

LEGEND

B.S.L. ~ BUILDING SETBACK LINE
P.C. ~ POINT OF CURVATURE
P.T. ~ POINT OF TANGENCY
R ~ RADIUS
L ~ LENGTH OF ARC
C ~ CHORD DISTANCE
CB ~ CHORD BEARING
R/W ~ RIGHT-OF-WAY
C.I.R. ~ CAPPED IRON ROD
P ~ PLAT
A ~ ACTUAL
CHAINLINK FENCE ~ —X—
WOOD FENCE ~ —O—

REQUESTED BY LARRY RICHARDSON
DATE OF FIELD WORK 3-21-2012
FIELD BOOK FL109 PAGE 31

DRAWING RELEASE DATE 04-02-2012

SCALE 1" = 30'

SHEET 1 OF 1

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FOR BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN CHAPTER 5J-17 051, 5J-17 501 AND 5J-17 052, PURSUANT TO SECTION 472 027 FLORIDA STATUTES

Gary F. Byrd
GARY F. BYRD
FLORIDA LAND SURVEYOR #4400

NOT VALID
WITHOUT THE
SIGNATURE
AND ORIGINAL
EMBOSSED SEAL
OF A FLORIDA
SURVEYOR

JOB NO & DRAWING NO: FL12-03-012



MU-S

MU-S

MU-S

MU-S

MU-S

MU-U

MU-U

S 72ND AVE

KITTY HAWK DR

KITTY HAWK DR

LAKE JOANNE DR

S 72ND AVE

CORRYDALE DR

LAVON DR

MU-U

CHRISTIAN DR

AMBERWAY DR



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

Andrew Holmer
Planning and Zoning Dept.

SSA 2013-01 CURRENT FLU

0 200 400 600
Ft

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



MU-S

MU-S

MU-S

MU-S

MU-S

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MU-U

MU-U

S 72ND AVE

KITTY HAWK DR

KITTY HAWK DR

LAKE JOANNE DR

S 72ND AVE

CORRYDALE DR

LAVON DR

CHRISTIAN DR

AMBERWAY DR

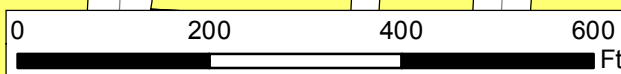
MU-U



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

Andrew Holmer
Planning and Zoning Dept.

SSA 2013-01 PROPOSED FLU



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

Comprehensive Plan Amendment Staff Analysis

General Data

Project Name: SSA 2013-01
Location: 542 S 72nd Ave and 7000 Lake Joanne Dr

Parcel #s: 20-2S-31-4110-005-013;20-2S-31-4110-080-006
Acreage: totaling 1.01 (+/-) acre
Request: From Mixed Use Suburban (MU-S) to Mixed Use-Urban (MU-U)
Agent: My Tran, Agent for Xinh Thi Pham

Meeting Dates: Planning Board May 6, 2013
BCC June 20, 2013

Summary of Proposed Amendment:

The proposed amendment is for two parcels totaling 1.01 (+/-) acre that are located at the intersection of 72nd Avenue and Lake Joanne Drive. The subject properties zoned R-4 and are adjacent to existing R-4 zoned parcels.

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

- a) The combined parcels are 1.01 (+/-) acre which is under the 10 acres or fewer as stated in 163.3187(a).
- b) This amendment is the first small scale amendment for this calendar year, therefore it will not exceed the maximum of 120 acres in a calendar year as stated in F.S 163.3187(b).
- c) The proposed amendment is not located within a designated area of critical state concern.

The agent has requested a future land use (FLU) map amendment to change the future land use category from Mixed Use Suburban (MU-S) to Mixed Use-Urban (MU-U) in order to increase the overall density from 10 du/acre to 25 du/acre to for a multi family development while remaining consistent with surrounding uses.

Land Use Impacts:

Residential Impact

Under Comprehensive Plan Policy 1.3.1, the current Mixed Use-Suburban (MU-S) Future Land Use category has a maximum intensity of 1.0 Floor Area Ratio (FAR) and no Minimum Intensity for non-residential uses. It allows for a mix of residential and non-residential uses such as residential, retail and services, professional offices recreational facilities and public and civic.

The proposed amendment to Mixed Use-Urban (MU-U) Future Land Use category allows for a Maximum Intensity of 2.0 FAR and a minimum 0.25 FAR intensity for non-residential uses. It allows for a mix of residential and non-residential uses such as residential, retail and services, professional office, light Industrial, recreational facilities and public and civic.

Infrastructure Availability:

FLU 1.5.3 New Development and Redevelopment in Built Areas

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

FLU 2.1.1 Infrastructure Capacities

Urban uses shall be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowed through Florida Health Department permits where central sewer is not available.

GOAL CMS 1 Concurrency Management System

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

OBJ CMS 1.1 Level of Service Standards

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

CMS 1.2.1 Concurrency Determination.

The test for concurrency shall be met and the determination of concurrency shall be made prior to the approval of an application for a development order or permit that contains a specific plan for development, including the densities and intensities of the proposed development. If an applicant fails concurrency, he/she may apply to satisfy the requirements of the concurrency management system through the proportionate fair share program. For applicants participating in the proportionate fair share program, the BCC must approve a proportionate fair share agreement before a certificate of concurrency can be issued.

Potable Water

Emerald Coast Utility Authority (ECUA) would be the potable water provider for the parcel. The adopted level of service (LOS) standards for potable water, are established in Comprehensive Plan Policy INF 4.1.7. ECUA standard is 250 gallons per capita per day per residential connection per day. For non-residential uses, the LOS requirements shall be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application.

Sanitary Sewer

The adopted level of service standards for sanitary sewer established in Comprehensive Plan Policy INF 1.1.9 are an average of 210 gallons per residential connection per day and a peak of 350 gallons per residential connection per day. Emerald Coast Utility Authority (ECUA) would be the sanitary sewer provider for the parcel.

Solid Waste Disposal

As established in Comprehensive Plan policy INF 2.1.4, the adopted LOS standard for solid waste disposal in the county is six pounds per capita per day.

Summary: Test for concurrency and allocation for capacity on roadways, potable water, wastewater, solid waste, stormwater shall be determined at the time of site plan review.

Stormwater Management

Comprehensive Plan Policy INF 3.1.9 establishes the following minimum level of service standards for drainage:

- a. The post development run-off rate shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with greatest intensity. However, the County Engineer may reduce detention/retention storage requirements for developments that provide a direct discharge of treated stormwater to the Gulf of Mexico, Escambia Bay, Pensacola Bay, or Perdido Bay.*
- b. Compliance with environmental resource permitting and other stormwater design and performance standards of the Florida Department of Environmental Protection and*

Northwest Florida Water Management District as prescribed in the Florida Administrative Code.

- c. The contribution of the new development to any existing, functioning area-wide drainage system shall not degrade the ability of the area-wide system to adequately retain/detain/store and control stormwater run-off.*
- d. The design and construction for all major channels of stormwater systems under arterial and collector roads shall be predicated upon, and designed to control stormwater from, at least a 100-year storm event.*

Any new development on the parcels must meet these LOS requirements and may necessitate the construction of stormwater management facilities. Drainage LOS compliance would be addressed as part of the site development review process.

Traffic Concurrency

*Under Comp Plan CMS 1.1.2 **Primary Tasks.** The County Administrator, or designee, shall be responsible for the five primary tasks described below:*

- a. Maintaining an inventory of existing public facilities and capacities or deficiencies;*
- b. Determining concurrency of proposed development that does not require BCC approval;*
- c. Providing advisory concurrency assessments and recommending conditions of approval to the BCC for those applications for development orders that require BCC approval;*
- d. Reporting the status of all public facilities covered under this system to the BCC and recommending a schedule of improvements for those public facilities found to have existing deficiencies; and*
- e. Administering the Proportionate Fair Share Program as outlined in the Land Development Code (LDC) and the Escambia County Concurrency Management System Procedure Manual, if the County CMS-1 and an applicant choose to utilize this program to mitigate transportation impacts on transportation facilities found to have deficient capacity during the process of testing for concurrency.*

SUMMARY: Test for concurrency and allocation for capacity on roadways, potable water, wastewater, solid waste, stormwater shall be determined at the time of site plan review.

Impact on Wellheads, Historically Significant Sites and the Natural Environment:

Wellheads:

*CON 1.4.1 **Wellhead Protection.** Escambia County shall provide comprehensive wellhead protection from potential adverse impacts to current and future public water supplies. The provisions shall establish specific wellhead protection areas and address incompatible land uses, including prohibited activities and materials, within those areas.*

The proposed site is approximately 3,000 feet east of the nearest wellhead. The site is not within the 20 year travel time contour of that well. Any impacts to the wellhead protection area must be reviewed and mitigated as part of the site plan review process.

Historically Significant Sites:

*FLU 1.2.1 **State Assistance.** Escambia County shall utilize all available resources of the Florida Department of State, Division of Historical Resources in the identification of archeological and/or historic sites or structures within the County. The County will utilize guidance, direction and technical assistance received from this agency to develop provisions and regulations for the preservation and protection of such sites and structures. In addition, the County will utilize assistance from this agency together with other sources, such as the University of West Florida, in identifying newly discovered historic or archaeological resources. The identification will include an analysis to determine the significance of the resource.*

According to the agent's information, no archeological and/or historical site or structures were recorded in or near the subject parcel.

Wetlands:

*CON 1.1.2 **Wetland and Habitat Indicators.** Escambia County has adopted and will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval. The Escambia County Hydric Soils Map is attached to this ordinance as Exhibit N.*

As indicated on the National Wetland Inventory maps, there appears to be no environmentally sensitive lands on the subject parcel. Any future development shall be reviewed for compliance with all the federal, state and local regulations prior to the issuance of any site plan approval.

Comprehensive Plan Consistency and Relevant Policies:

FLU 1.3 Future Land Use Map Designations:

“Designate land uses on FLUM to discourage urban sprawl, promote mixed use, compact development in urban areas, and support development compatible with the protection and preservation of rural areas.”

Mixed Use Urban Future Land Use Category:

FLU 1.3.1 states that the Mixed Use Urban FLU “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.

New residential and non-residential uses in the Mixed Use Urban (MU-U) category may be permitted. The adjacent or nearby properties are currently residential uses.

FLU 1.5.3 New Development and Redevelopment in Built Areas. *To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban, Commercial and Industrial Future Land Use districts categories (with the exception of residential development).*

The site must meet all the level of service standards for any future Mixed Use Urban development on the parcel, which will be reviewed at the time of site plan review. The agent analysis states the activities on the sites would be in line with nearby like uses and would promote efficient use and of existing public roads, utilities and service infrastructures.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular

5. B.

Meeting Date: 05/06/2013

Issue: Comprehensive Plan - Small Scale Amendment SSA-2013-02

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of a Small Scale Amendment SSA-2013-02

That the Planning Board review and recommend for adoption to the Board of County Commissioners (BCC), a Small Scale Amendment SSA-2013-02, amending Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as amended; amending the Future Land Use map.

BACKGROUND:

A request for a Future Land Use (FLU) map amendment to change the FLU category of a 4.50(+/-) acres parcel from Commercial (C) Future Land Use to Mixed-Use Urban (MU-U) Future Land Use. The attached implementing Ordinance proposes amending Chapter 7 of the Comprehensive Plan, "Future Land Use Element", to amend the Year 2030 Future Land Use Map.

The proposed amendment consists of 4.50 (+/-) acres which is under the 10 acres or less requirement for a small scale amendment as stated in F.S. 163.3187(a). This amendment will not exceed the maximum of 120 acres in a calendar year as stated in F.S. 163.3187(b).

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Comprehensive Plan Amendment.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

Implementation of this Ordinance will consist of an amendment to the Future Land Use map and distribution of a copy of the adopted Ordinance to interested citizens and staff.

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

Attachments

Draft Ordinance

Current FLU Map

Proposed FLU Map

Staff Analysis

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: SSA 2013-02 - Draft 1D

Date: 04/26/13

Date requested back by: 04/17/13 for May PB

Requested by: Allyson Cain

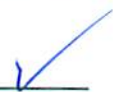
Phone Number: 595-3547

.....

(LEGAL USE ONLY)

Legal Review by 

Date Received: _____

 Approved as to form and legal sufficiency.

_____ Not approved.

_____ Make subject to legal signoff.

Additional comments:

I made minor changes

ORDINANCE NO. 2013-____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030, AS AMENDED; AMENDING CHAPTER 7, "THE FUTURE LAND USE ELEMENT," PROVIDING FOR AN AMENDMENT TO THE 2030 FUTURE LAND USE MAP, CHANGING THE FUTURE LAND USE CATEGORY OF TWO PARCELS WITHIN SECTION 08, TOWNSHIP 2S, RANGE 30W, PARCEL NUMBERS 1000-000-010 AND 1000-000-020, TOTALING 4.5 (+/-) ACRES, LOCATED ON WEST PARK PLACE, FROM COMMERCIAL (C) TO MIXED-USE URBAN (MU-U); PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

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

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

Section 1. Purpose and Intent

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

4 5 6 **Section 2. Title of Comprehensive Plan Amendment**

7
8 This Comprehensive Plan amendment shall be entitled – "Small Scale Amendment
9 2013-02."

10 11 12 **Section 3. Changes to the 2030 Future Land Use Map**

13
14 The 2030 Future Land Use Map, as adopted by reference and codified in Part II of the
15 Escambia County Code of Ordinances, the Escambia County Comprehensive Plan:
16 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all
17 notations, references and information shown thereon, is further amended to include the
18 following future land use change.

19
20
21 Two parcels within Section 08, Township 2S, Range 30W, Parcel
22 Numbers 1000-000-010 and 1000-000-020, totaling 4.5 (+/-) acres,
23 located on West Park Place, as more particularly described by Merrill
24 Parker Shaw, Inc., in the boundary survey dated February 21, 2013,
25 attached as Exhibit A, from Commercial (C) to Mixed-Use Urban (MU-U).

26 27 28 **Section 4. Severability**

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

33 34 35 **Section 5. Inclusion in the Code**

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

42 43 **Section 6. Effective Date**

PB 05-06-13
SSA 2013-02
Draft 1D

DRAFT

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

DONE AND ENACTED this _____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

By: _____
Gene M. Valentino, Chairman

ATTEST: PAM CHILDERS
Clerk of the Circuit Court

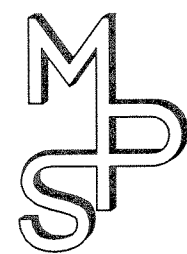
By: _____
Deputy Clerk

(SEAL)

ENACTED:

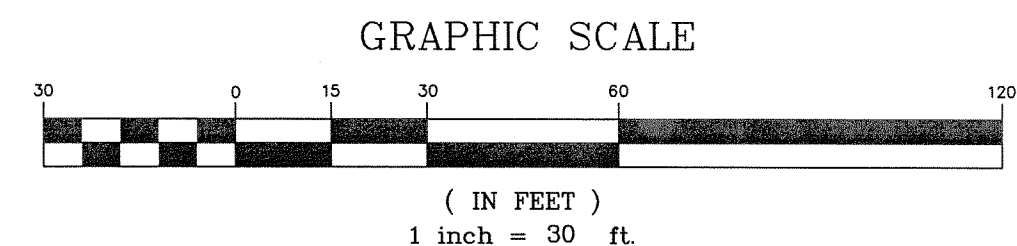
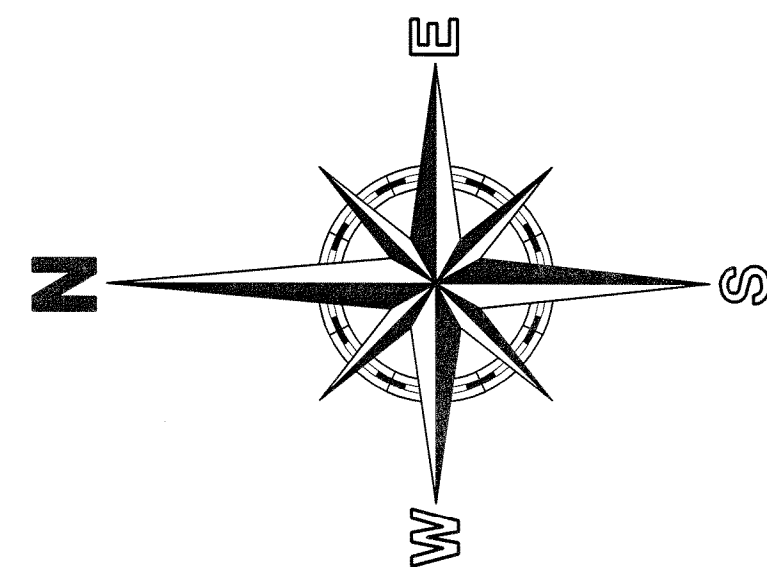
FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:



BOUNDARY SURVEY

OF A PORTION OF SECTION 8, TOWNSHIP-2-SOUTH, RANGE-30-WEST, ESCAMBIA COUNTY, FLORIDA.



LEGAL DESCRIPTION:

LOT 1 AND THE NORTH 158.78 FEET OF LOT OF FAIRFIELD COMMERCE PARK, AS RECORDED IN PLAT BOOK 19, AT PAGE 20 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA.

GENERAL NOTES:

- THE BEARINGS AS SHOWN HEREON ARE REFERENCED TO THE ASSUMED BEARING OF SOUTH 02 DEGREES 05 MINUTES 50 SECONDS WEST ALONG THE EAST LINE OF GOVERNMENT LOT 1.
- THE SURVEY DATUM AS SHOWN HEREON IS REFERENCED TO THE DEEDS OF RECORD AND TO EXISTING FIELD MONUMENTATION.
- NO TITLE SEARCH WAS PROVIDED TO NOR PERFORMED BY MERRILL PARKER SHAW, INC., FOR THE SUBJECT PROPERTY. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHTS-OF-WAY, STATE AND/OR FEDERAL JURISDICTIONAL AREAS OR OTHER INSTRUMENTS WHICH COULD AFFECT THE SUBJECT PROPERTY.
- THIS SURVEY DOES NOT DETERMINE OWNERSHIP.
- THIS SURVEY MEETS MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 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.
- THE MEASUREMENTS AS SHOWN HEREON WERE MADE TO UNITED STATES STANDARDS.
- FEDERAL AND STATE COPYRIGHT ACTS PROTECT THIS MAP FROM UNAUTHORIZED USE. THIS MAP IS NOT TO BE COPIED OR REPRODUCED IN WHOLE OR PART AND IS NOT TO BE USED FOR ANY OTHER TRANSACTIONS. THIS DRAWING CANNOT BE USED FOR THE BENEFIT OF ANY OTHER PERSON, COMPANY OR FIRM WITHOUT PRIOR WRITTEN CONSENT OF THE COPYRIGHT OWNER AND IS TO BE RETURNED UPON REQUEST.
- ONLY THE ABOVE GROUND VISIBLE ENCROACHMENTS AND IMPROVEMENTS WERE FIELD LOCATED AS SHOWN HEREON, UNLESS OTHERWISE NOTED. UNDER GROUND ENCROACHMENTS AND IMPROVEMENTS, IF ANY, WERE NOT FIELD LOCATED OR VERIFIED, UNLESS OTHERWISE NOTED.

DENOTES:

- 1/2" ALLOYED CAPPED IRON ROD, NUMBERED 7174 (FOUND)
- 1/2" CAPPED IRON ROD, NUMBERED 7174 (PLACED)
- 1/2" CAPPED IRON ROD, NUMBERED 7174 (FOUND)
- 4"x4" CONCRETE MONUMENT, NUMBERED 7174 (FOUND)
- 1/2" CAPPED IRON ROD, NUMBERED 7277 (FOUND)
- 1/2" CAPPED IRON ROD, NUMBERED 1035 (FOUND)

- PC - POINT OF CURVATURE
- PT - POINT OF TANGENCY
- (P) - PLAT INFORMATION
- (F) - FIELD INFORMATION

- 6' CHAIN LINK FENCE
- OVERHEAD ELECTRIC
- POWER POLE
- SANITARY SEWER MANHOLE

BUILDING SETBACK REQUIREMENTS:

- 15' FRONT SETBACK - ALL LOTS
- 10' SIDE SETBACK + 2 FEET ADDITIONAL ON EACH SIDE FOR EACH FLOOR ABOVE 3 STORIES.
- 15' REAR SETBACK - ALL LOTS

CERTIFY TO:

CARLISLE DEVELOPMENT GROUP

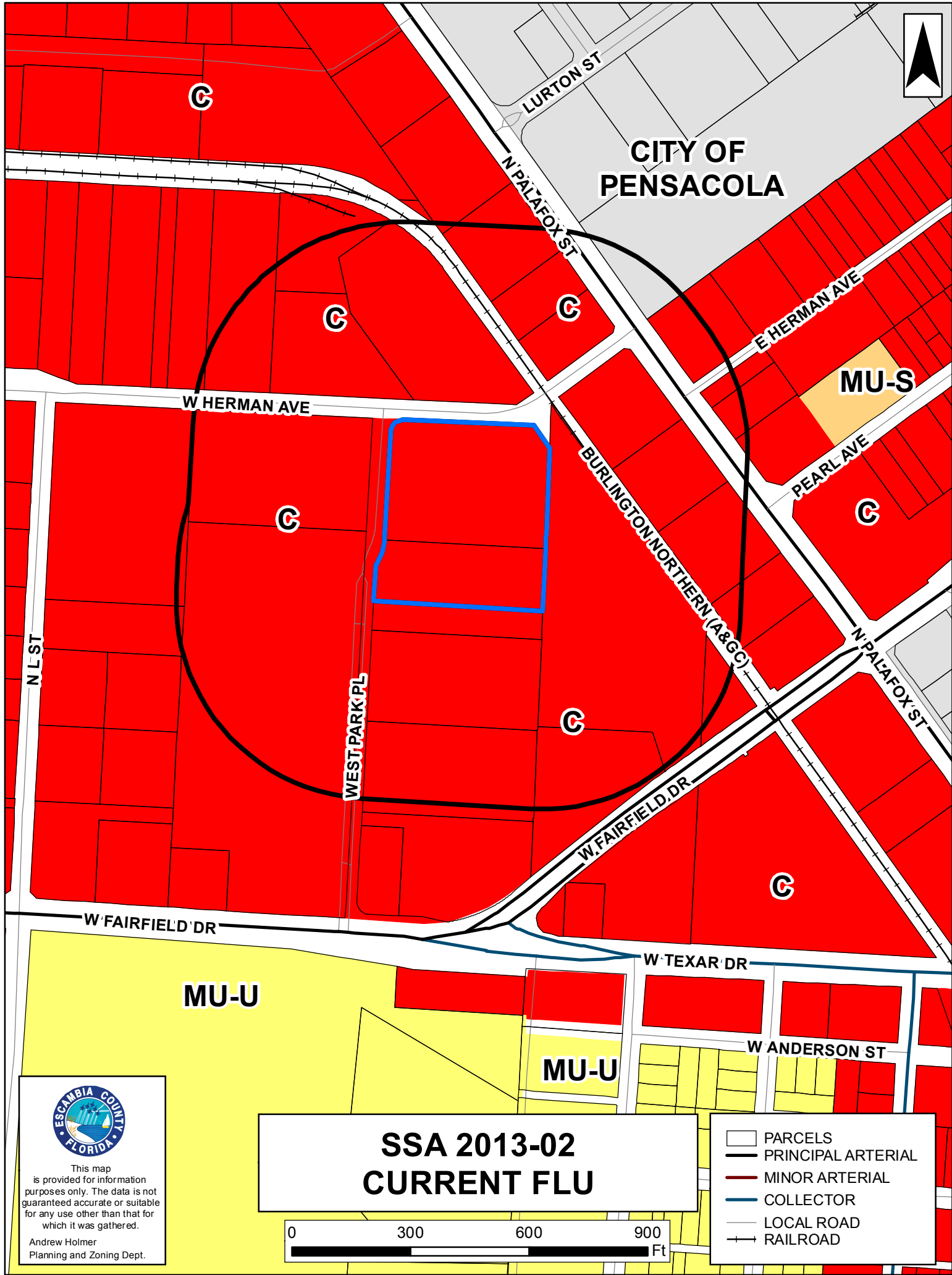
THAT THE SURVEY SHOWN HEREON MEETS THE FLORIDA MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL SURVEYORS & MAPPERS IN THE STATE OF FLORIDA, ACCORDING TO FLORIDA ADMINISTRATIVE CODE, CHAPTER 5J-17.051 AND 5J-17.052, PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.


MERRILL PARKER SHAW, INC.
4928 N. DAVIS HIGHWAY, PENSACOLA, FL. 32503

E. Wayne Parker 2/21/13
E. WAYNE PARKER, PROFESSIONAL LAND SURVEYOR
REGISTRATION NUMBER 3683 CORPORATE NUMBER 7174
STATE OF FLORIDA

COPYRIGHT © 2013 BY MERRILL PARKER SHAW, INC.

REVISIONS:		NO.		DATE		APPR.	
NOT VALID WITHOUT THE SIGNATURE AND LICENSE NUMBER OF THE LICENSED SURVEYOR AND MAPPER							
MERRILL PARKER SHAW, INC. PROFESSIONAL SURVEYING SERVICES 4928 N. DAVIS HWY. PENSACOLA, FL 32503 PH: (850) 478-4923 FAX: (850) 478-4924 FLORIDA CORPORATION NUMBER 7174		DATE: 02/21/13		EWP		FIELD BOOK: 242, PAGE: 79	
SCALE: 1" = 30'		DRAWN: AES		CHECKED: AES		FIELD DATE: 2/20/13	
BOUNDARY SURVEY OF A PORTION OF SECTION 8, TOWNSHIP-2-SOUTH, RANGE-30-WEST, ESCAMBIA COUNTY, FLORIDA.		REQUESTED BY: DAN WILSON PREPARED FOR: CARLISLE DEVELOPMENT GROUP		JOB NO. 11-5669-S-1		SHEET 1 OF 1	

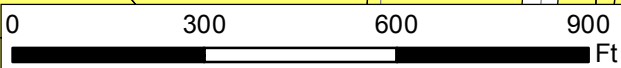




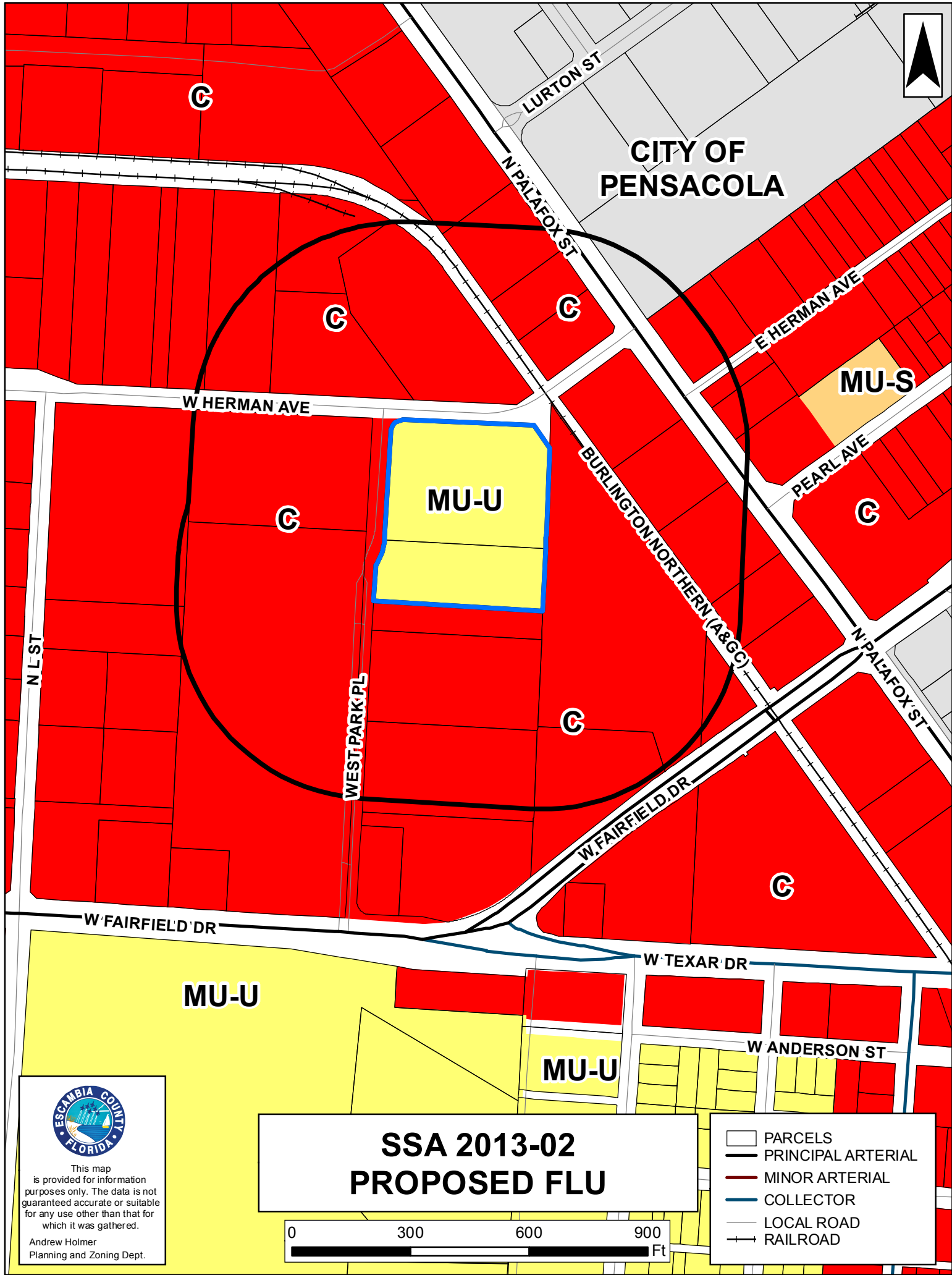
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

**SSA 2013-02
CURRENT FLU**



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



Comprehensive Plan Amendment Staff Analysis

General Data

Project Name: SSA 2013-02
Location: 3390 West Park Place
Parcel #s: 08-2S-30-1000-000-010 and 08-2S-30-1000-000-020
Acreage: 4.50 (+/-) acres
Request: From Commercial (C) to Mixed Use-Urban (MU-U)
Agent: Rick Haymond, Agent for Douglas C. Halford

Meeting Dates: Planning Board May 6, 2013
BCC June 20, 2013

Summary of Proposed Amendment:

The proposed amendment is for two parcels totaling 4.50 (+/-) acres, accessed from West Park Place. The subject properties are abutting and adjacent to an existing C-2 zoned parcel.

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

- a) The parcels are 4.50 (+/-) acres which is under the 10 acres or fewer as stated in 163.3187(a).
- b) This amendment is the second small scale amendment for this calendar year; therefore, it will not exceed the maximum of 120 acres in a calendar year as stated in F.S 163.3187(b).
- c) The proposed amendment is not located within a designated area of critical state concern.

The agent has requested a future land use (FLU) map amendment to change the future land use category of two parcels totaling 4.50(+/-) acres, from Commercial (C) Future Land Use to Mixed Use-Urban (MU-U) Future Land Use. The zoning designation for the referenced parcels is C-2, General Commercial and Light Manufacturing District (cumulative). The intent of the proposed FLU change is to allow for the construction of a senior living community.

Land Use Impacts:

Residential Impact

Comprehensive Plan Policy 1.3.1, the current Commercial (C) Future Land Use category has a maximum intensity of 1.0 Floor Area Ratio (FAR) and no Minimum Intensity for non-residential uses. Range of allowed uses encompass a mix of residential, retail and services, professional office, light Industrial, recreational facilities and public and civic. Residential development may be permitted only if secondary to a primary commercial development.

The proposed amendment to Mixed Use-Urban (MU-U) Future Land Use category standards provide for a Minimum Residential Density of 3.5 du/acre and a maximum of 25 du/acre. The non-residential standards provide for a minimum 0.25 FAR intensity and a maximum intensity of 2.0 FAR. The range of allowable uses is intended for a mix of residential, retail and services, professional office, light Industrial, recreational facilities and public and civic.

Comprehensive Plan Policy HOU 1.1.5, Mixed-use Development Escambia County shall encourage mixed-use development, which places housing within close proximity to nonresidential opportunities such as retail and employment centers.

Comprehensive Plan Policy HOU 1.3.3, Senior Needs. Escambia County shall encourage the development of accessible and affordable senior housing within close proximity to support services and public infrastructure.

Staff Analysis: The proposed development appears to meet the intent and densities allowed under the requested MU-U FLU; the residential project promotes the mixed land use intent of the category as it is located within ¼ of a mile of two arterial roads, in close proximity. The proposed use will accomplish infill development as the intensity of the proposed project is comparable to the zoning and development of the surrounding parcels. The parcels identified fulfill the locational intent of the Comprehensive Plan to provide affordable senior housing in close proximity to various support services and public infrastructure.

Infrastructure Availability:

FLU 1.5.3 New Development and Redevelopment in Built Areas

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

FLU 2.1.1 Infrastructure Capacities

Urban uses shall be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowed through Florida Health Department permits where central sewer is not available.

GOAL CMS 1 Concurrency Management System

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

OBJ CMS 1.1 Level of Service Standards

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

CMS 1.2.1 Concurrency Determination.

The test for concurrency shall be met and the determination of concurrency shall be made prior to the approval of an application for a development order or permit that contains a specific plan for development, including the densities and intensities of the proposed development. If an applicant fails concurrency, he/she may apply to satisfy the requirements of the concurrency management system through the proportionate fair share program. For applicants participating in the proportionate fair share program, the BCC must approve a proportionate fair share agreement before a certificate of concurrency can be issued.

Potable Water

Emerald Coast Utility Authority (ECUA) would be the potable water provider for the parcel. The adopted level of service (LOS) standards for potable water is established in Comprehensive Plan Policy INF 4.1.7. ECUA standard is 250 gallons per capita per day per residential connection per day. For non-residential uses, the LOS requirements shall be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application.

Sanitary Sewer

The adopted level of service standards for sanitary sewer established in Comprehensive Plan Policy INF 1.1.9 are an average of 210 gallons per residential

connection per day and a peak of 350 gallons per residential connection per day. The policy also states that the LOS requirements for non-residential uses shall be based upon an equivalent residential connection calculated by the provider and on the size of the non-residential water meter. The agent must ensure availability of services with the appropriate utility companies. Such capabilities will be reviewed again, during the Site Plan Review process.

Solid Waste Disposal

As established in Comprehensive Plan policy INF 2.1.4, the adopted LOS standard for solid waste disposal in the county is six pounds per capita per day.

Stormwater Management

Comprehensive Plan Policy INF 3.1.9 establishes the following minimum level of service standards for drainage:

- a. The post development run-off rate shall not exceed the pre-development run-off rate for a 25-year storm event, up to and including an event with greatest intensity. However, the County Engineer may reduce detention/retention storage requirements for developments that provide a direct discharge of treated stormwater to the Gulf of Mexico, Escambia Bay, Pensacola Bay, or Perdido Bay.*
- b. Compliance with environmental resource permitting and other stormwater design and performance standards of the Florida Department of Environmental Protection and Northwest Florida Water Management District as prescribed in the Florida Administrative Code.*
- c. The contribution of the new development to any existing, functioning area-wide drainage system shall not degrade the ability of the area-wide system to adequately retain/detain/store and control stormwater run-off.*
- d. The design and construction for all major channels of stormwater systems under arterial and collector roads shall be predicated upon, and designed to control stormwater from, at least a 100-year storm event.*

Traffic Concurrency

*Under Comp Plan CMS 1.1.2 **Primary Tasks**. The County Administrator, or designee, shall be responsible for the five primary tasks described below:*

- a. Maintaining an inventory of existing public facilities and capacities or deficiencies;*
- b. Determining concurrency of proposed development that does not require BCC approval;*
- c. Providing advisory concurrency assessments and recommending conditions of approval to the BCC for those applications for development orders that require BCC approval;*

- d. Reporting the status of all public facilities covered under this system to the BCC and recommending a schedule of improvements for those public facilities found to have existing deficiencies; and*
- e. Administering the Proportionate Fair Share Program as outlined in the Land Development Code (LDC) and the Escambia County Concurrency Management System Procedure Manual, if the County CMS-1 and an applicant choose to utilize this program to mitigate transportation impacts on transportation facilities found to have deficient capacity during the process of testing for concurrency.*

Summary: The proposed project appears to promote the efficient use of existing public roads and infrastructure. Traffic concurrency and allocation for capacity on roadways, LOS and availability for potable water, wastewater, solid waste and storm water shall be determined at the time of Site Plan Review. Any new development on the parcel must meet all of the LOS requirements.

Impact on Wellheads, Historically Significant Sites and the Natural Environment:

Wellheads:

*CON 1.4.1 **Wellhead Protection.** Escambia County shall provide comprehensive wellhead protection from potential adverse impacts to current and future public water supplies. The provisions shall establish specific wellhead protection areas and address incompatible land uses, including prohibited activities and materials, within those areas.*

The proposed project currently presented appears to be located outside of the well-head travel time contours. However, all impacts to the wellhead protection area will be reviewed in detail as part of the Site Plan Review process.

Historically Significant Sites:

*FLU 1.2.1 **State Assistance.** Escambia County shall utilize all available resources of the Florida Department of State, Division of Historical Resources in the identification of archeological and/or historic sites or structures within the County. The County will utilize guidance, direction and technical assistance received from this agency to develop provisions and regulations for the preservation and protection of such sites and structures. In addition, the County will utilize assistance from this agency together with other sources, such as the University of West Florida, in identifying newly discovered historic or archaeological resources. The identification will include an analysis to determine the significance of the resource.*

Based on information provided by the agent, via copy of an e-mail generated from Mr. John Phillips M.A., Archaeologist, Research Associate/Instructor, Archaeology Institute, University of West Florida, included with the application documents, there are no archeological sites, historic structures or National Register of Historical places

properties recorded with the Florida master Site File (FMSF), located within, or immediately adjacent to the two proposed lots.

Wetlands:

CON 1.1.2 Wetland and Habitat Indicators. *Escambia County has adopted and will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval. The Escambia County Hydric Soils Map is attached to this ordinance as Exhibit N.*

Staff Analysis: As indicated on the National Wetland Inventory maps, there appears to be no environmentally sensitive lands on the subject parcel. Any future development shall be reviewed for compliance with regulations prior to the issuance of any site plan approval.

SUMMARY: The proposed project shall avoid any potential impacts to environmentally sensitive areas and should preserve the natural function of wetlands and natural resources on the subject parcels. Staff concludes that the proposed development could satisfy all of the requirements listed within the suitability analysis.

Comprehensive Plan Consistency and Relevant Policies:

FLU 1.3 Future Land Use Map Designations:

"Designate land uses on FLUM to discourage urban sprawl, promote mixed use, compact development in urban areas, and support development compatible with the protection and preservation of rural areas."

Mixed-Use Future Land Use Category:

FLU 1.3.1 states that the Mixed-Use Urban 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.

New residential and non-residential uses in the Mixed Use Urban (MU-U) category may be permitted provided such use conforms to the permitted uses listed in the C-2 zoning category. The adjacent or nearby properties are currently being utilized for commercial and industrial type uses.

FLU 1.5.3 New Development and Redevelopment in Built Areas. *To promote the efficient use of existing public roads, utilities and service infrastructure, the County will encourage redevelopment in underutilized properties to maximize development densities and intensities located in the Mixed Use-Suburban, Mixed Use-Urban,*

Commercial and Industrial Future Land Use districts categories (with the exception of residential development).

Staff Analysis: The site must meet all the level of service standards for any future Mixed-Use Urban development on the parcel. The proposed project will be reviewed during the Site Plan Review process to ensure that the planned activities on the site will not have a negative impact upon existing public roads, utilities and service infrastructures.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular

5. C.

Meeting Date: 05/06/2013

Issue: LDC Article 10 Floodplain Management

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Article 10

That the Planning Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 10; to repeal and replace Article 10 in its entirety; to adopt a new Article 10; to adopt flood hazard maps and to designate a floodplain administrator; to adopt procedures and criteria for development in flood hazard areas.

BACKGROUND:

The ordinance was prepared by the Florida Department of Emergency Management and explicitly coordinates with the current Florida Building Code flood provisions which were added when the 2010 FBC went into effect on March 15, 2012. That changes with the 2010 FBC, which includes flood provisions that FEMA states are consistent with the NFIP requirements for buildings and structures. By law, only the FBC governs the design of buildings – which creates potential for conflict with building provisions in local floodplain management ordinances. This, and numerous inconsistencies identified by DEM and FEMA in previously-adopted local ordinances prompted DEM to develop the new model, and to work to get FEMA approval. These provisions are based largely on various FEMA guidance documents which makes it easier for both communities and applicants to apply NFIP-consistent requirements.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

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

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

Attachments

Ordinance
Article 10

ORDINANCE NUMBER 2013-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED, TO REPEAL AND REPLACE ARTICLE 10, FLOODPLAIN MANAGEMENT, IN ITS ENTIRETY; TO ADOPT A NEW ARTICLE 10, FLOODPLAIN MANAGEMENT; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS; PROVIDING FOR AN ADDITIONAL 3 FEET OF FREEBOARD; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of Escambia County and that such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

WHEREAS, the Escambia County was accepted for participation in the National Flood Insurance Program on 30 September 1997 and the Board of County Commissioners desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60, necessary for such participation; and

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

Section 1. Purpose.

The purpose of this ordinance is to repeal and replace Article 10 of the Escambia County Land Development Code, Floodplain Management. This ordinance specifically repeals and replaces the following ordinance(s) and regulation(s): (Ord. No. 2006-4, § 2, 1-5-2006; Ord. No. 2006-71, § 1, 9-7-2006).

Section 2. Land Development Code.

Article 10 of the Escambia County Land Development Code is repealed and replaced as shown in the attached Exhibit A.

Section 3. Severability.

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

remaining portions of this ordinance.

Section 4. Inclusion in the code.

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

Section 5. **Effective date.**

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

DONE AND ENACTED this ____ day of _____, 2013.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: _____
Gene M. Valentino, Chairman

ATTEST: Pam Childers
Clerk of the Circuit Court

By: _____ Date Executed: _____
Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:

ATTACHMENTS:
LDC Article 10. Floodplain Management

Article 10. Floodplain Management

10.00.00 ADMINISTRATION

10.00.01 Title. These regulations shall be known as the *Floodplain Management Ordinance of Escambia County*, hereinafter referred to as “this ordinance.”

10.00.02 Scope. The provisions of this ordinance shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the *Florida Building Code*; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

10.00.03 Intent. The purposes of this ordinance and the flood load and flood resistant construction requirements of the *Florida Building Code* are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
3. Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;
4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
5. Minimize damage to public and private facilities and utilities;
6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

10.00.04 Coordination with the *Florida Building Code*. This ordinance is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.

10.00.05 Warning. The degree of flood protection required by this ordinance and the *Florida Building Code*, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside of mapped special flood hazard areas, or that uses permitted within

1 such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and
2 base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate
3 Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be
4 revised by the Federal Emergency Management Agency, requiring this community to revise these
5 regulations to remain eligible for participation in the National Flood Insurance Program. No
6 guaranty of vested use, existing use, or future use is implied or expressed by compliance with
7 this ordinance.
8

9 **10.00.06 Disclaimer of Liability.** This ordinance shall not create liability on the part of **Board**
10 **of County Commissioners of Escambia County** or by any officer or employee thereof for any
11 flood damage that results from reliance on this ordinance or any administrative decision lawfully
12 made thereunder.
13

14 **10.01.00 APPLICABILITY**

15
16 **10.01.01 General.** Where there is a conflict between a general requirement and a specific
17 requirement, the specific requirement shall be applicable.
18

19 **10.01.02 Areas to which this ordinance applies.** This ordinance shall apply to all flood
20 hazard areas within the **Escambia County**, as established in Section 10.01.03 of this
21 ordinance.
22

23 **10.01.03 Basis for establishing flood hazard areas.** The Flood Insurance Study for
24 **Escambia County, Florida and Incorporated Areas** dated September 29, 2006, and the
25 accompanying Flood Insurance Rate Maps (FIRM), are adopted by reference as a part of this
26 ordinance and shall serve as the minimum basis for establishing flood hazard areas. Studies
27 and maps that establish flood hazard areas are on file at the **Escambia County Development**
28 **Services Department, 3355 West Park Place, Pensacola, Florida 32505.**
29

30 **10.01.04 Submission of additional data to establish flood hazard areas.** To establish flood
31 hazard areas and base flood elevations, pursuant to Section 10.04.00 of this ordinance the
32 Floodplain Administrator may require submission of additional data. Where field surveyed
33 topography prepared by a Florida licensed professional surveyor or digital topography accepted
34 by the community indicates that ground elevations:

- 35 1. Are below the closest applicable base flood elevation, even in areas not delineated as a
36 special flood hazard area on a FIRM, the area shall be considered as flood hazard area
37 and subject to the requirements of this ordinance and, as applicable, the requirements
38 of the *Florida Building Code*.
- 39 2. Are above the closest applicable base flood elevation, the area shall be regulated as
40 special flood hazard area unless the applicant obtains a Letter of Map Change that
41 removes the area from the special flood hazard area.
42

43 **10.01.05 Other laws.** The provisions of this ordinance shall not be deemed to nullify any
44 provisions of local, state or federal law.
45

46 **10.01.06 Abrogation and greater restrictions.** This ordinance supersedes any ordinance in
47 effect for management of development in flood hazard areas. However, it is not intended to
48 repeal or abrogate any **[OTHER PROVISIONS OF]** existing ordinances including but not limited
49 to land development regulations, zoning ordinances stormwater management regulations, or the
50 *Florida Building Code*. In the event of a conflict between this ordinance and any other

1 ordinance, the more restrictive shall govern. This ordinance shall not impair any deed
2 restriction, covenant or easement, but any land that is subject to such interests shall also be
3 governed by this ordinance.
4

5 **10.01.07 Interpretation.** In the interpretation and application of this ordinance, all provisions
6 shall be:

- 7 1. Considered as minimum requirements;
- 8 2. Liberally construed in favor of the governing body; and
- 9 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

10 **10.02.00 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

11 **10.02.01 Designation.** The **County Administrator** is designated as the Floodplain
12 Administrator. The Floodplain Administrator may delegate performance of certain duties to other
13 employees.
14

15 **10.02.02 General.** The Floodplain Administrator is authorized and directed to administer and
16 enforce the provisions of this ordinance. The Floodplain Administrator shall have the authority to
17 render interpretations of this ordinance consistent with the intent and purpose of this ordinance
18 and may establish policies and procedures in order to clarify the application of its provisions.
19 Such interpretations, policies, and procedures shall not have the effect of waiving requirements
20 specifically provided in this ordinance without the granting of a variance pursuant to Section
21 10.06.00 of this ordinance.
22

23 **10.02.03 Applications and permits.** The Floodplain Administrator, in coordination with other
24 pertinent offices of the community, shall:
25

- 26 1. Review applications and plans to determine whether proposed new development will be
27 located in flood hazard areas;
- 28 2. Review applications for modification of any existing development in flood hazard areas
29 for compliance with the requirements of this ordinance;
- 30 3. Interpret flood hazard area boundaries where such interpretation is necessary to
31 determine the exact location of boundaries; a person contesting the determination shall
32 have the opportunity to appeal the interpretation;
- 33 4. Provide available flood elevation and flood hazard information;
- 34 5. Determine whether additional flood hazard data shall be obtained from other sources or
35 shall be developed by an applicant;
- 36 6. Review applications to determine whether proposed development will be reasonably
37 safe from flooding;
- 38 7. Issue floodplain development permits or approvals for development other than buildings
39 and structures that are subject to the *Florida Building Code*, including buildings,
40 structures and facilities exempt from the *Florida Building Code*, when compliance with
41 this ordinance is demonstrated, or disapprove the same in the event of noncompliance;
42 and
43

8. Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ordinance.

10.02.04 Substantial Improvements and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage;
4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the *Florida Building Code* and this ordinance is required.

10.02.05 Modifications of the strict application of the requirements of the Florida Building Code. The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the *Florida Building Code* to determine whether such requests require the granting of a variance pursuant to Section 10.06.00 of this ordinance.

10.02.06 Notices and orders. The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this ordinance.

10.02.07 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 10.05.00 of this ordinance for development that is not subject to the *Florida Building Code*, including buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

10.02.08 Other duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 10.02.04 of this ordinance;
2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain

1 Management Office, and submit copies of such notifications to the Federal Emergency
2 Management Agency (FEMA);

- 3 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support
4 permit applications to submit to FEMA the data and information necessary to maintain
5 the Flood Insurance Rate Maps if the analyses propose to change base flood elevations,
6 flood hazard area boundaries, or floodway designations; such submissions shall be
7 made within 6 months of such data becoming available;
- 8 4. Review required design certifications and documentation of elevations specified by this
9 ordinance and the *Florida Building Code* to determine that such certifications and
10 documentations are complete; and
- 11 5. Advise applicants for new buildings and structures, including substantial improvements,
12 that are located in any unit of the Coastal Barrier Resources System established by the
13 Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement
14 Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such
15 construction; areas subject to this limitation are identified on Flood Insurance Rate Maps
16 as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

17
18 **10.02.09 Floodplain management records.** Regardless of any limitation on the period
19 required for retention of public records, the Floodplain Administrator shall maintain and
20 permanently keep and make available for public inspection all records that are necessary for the
21 administration of this ordinance and the flood resistant construction requirements of the *Florida*
22 *Building Code*, including Flood Insurance Rate Maps; Letters of Change; records of issuance of
23 permits and denial of permits; determinations of whether proposed work constitutes substantial
24 improvement or repair of substantial damage; required design certifications and documentation
25 of elevations specified by the *Florida Building Code* and this ordinance; notifications to adjacent
26 communities, FEMA, and the state, related to alterations of watercourses; assurances that the
27 flood carrying capacity of altered watercourses will be maintained; documentation related to
28 appeals and variances, including justification for issuance or denial; and records of enforcement
29 actions taken pursuant to this ordinance and the flood resistant construction requirements of the
30 *Florida Building Code*. These records shall be available for public inspection at Escambia
31 County Development Services.

32 33 **10.03.00 PERMITS**

34
35 **10.03.01 Permits required.** Any owner or owner's authorized agent (hereinafter "applicant")
36 who intends to undertake any development activity within the scope of this ordinance, including
37 buildings, structures and facilities exempt from the *Florida Building Code*, which is wholly within
38 or partially within any flood hazard area shall first make application to the Floodplain
39 Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and
40 approval(s). No such permit or approval shall be issued until compliance with the requirements of
41 this ordinance and all other applicable codes and regulations has been satisfied.

42
43 **10.03.02 Floodplain development permits or approvals.** Floodplain development permits or
44 approvals shall be issued pursuant to this ordinance for any development activities not subject to the
45 requirements of the *Florida Building Code*, including buildings, structures and facilities exempt
46 from the *Florida Building Code*. Depending on the nature and extent of proposed development
47 that includes a building or structure, the Floodplain Administrator may determine that a floodplain
48 development permit or approval is required in addition to a building permit.

1 **10.03.03 Buildings, structures and facilities exempt from the *Florida Building Code*.**

2 Pursuant to the requirements of federal regulation for participation in the National Flood
3 Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or
4 approvals shall be required for the following buildings, structures and facilities that are exempt
5 from the *Florida Building Code* and any further exemptions provided by law, which are subject to
6 the requirements of this ordinance:

- 7 1. Railroads and ancillary facilities associated with the railroad.
- 8 2. Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.
- 9 3. Temporary buildings or sheds used exclusively for construction purposes.
- 10 4. Mobile or modular structures used as temporary offices.
- 11 5. Those structures or facilities of electric utilities, as defined in Section 366.02, F.S., which
12 are directly involved in the generation, transmission, or distribution of electricity.
- 13 6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole
14 Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided
15 wooden hut that has a thatched roof of palm or palmetto or other traditional materials,
16 and that does not incorporate any electrical, plumbing, or other non-wood features.
- 17 7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and
18 assembled on site or preassembled and delivered on site and have walls, roofs, and a
19 floor constructed of granite, marble, or reinforced concrete.
- 20 8. Temporary housing provided by the Department of Corrections to any prisoner in the
21 state correctional system.
- 22 9. Structures identified in Section 553.73(10)(k), F.S., are not exempt from the *Florida*
23 *Building Code* if such structures are located in flood hazard areas established on Flood
24 Insurance Rate Maps

25
26 **10.03.04 Application for a permit or approval.** To obtain a floodplain development permit or
27 approval the applicant shall first file an application in writing on a form furnished by the
28 community. The information provided shall:

- 29 1. Identify and describe the development to be covered by the permit or approval.
- 30 2. Describe the land on which the proposed development is to be conducted by legal
31 description, street address or similar description that will readily identify and definitively
32 locate the site.
- 33 3. Indicate the use and occupancy for which the proposed development is intended.
- 34 4. Be accompanied by a site plan or construction documents as specified in Section
35 10.04.00 of this ordinance.
- 36 5. State the valuation of the proposed work.
- 37 6. Be signed by the applicant or the applicant's authorized agent.
- 38 7. Give such other data and information as required by the Floodplain Administrator.

39
40 **10.03.05 Validity of permit or approval.** The issuance of a floodplain development permit or
41 approval pursuant to this ordinance shall not be construed to be a permit for, or approval of, any
42 violation of this ordinance, the *Florida Building Codes*, or any other ordinance of this community.
43 The issuance of permits based on submitted applications, construction documents, and

information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

10.03.06 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

10.03.07 Suspension or revocation. The Floodplain Administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ordinance or any other ordinance, regulation or requirement of this community.

10.03.08 Other permits. Floodplain development permits and building permits shall include a disclaimer that all other applicable state or federal permits be obtained by the applicant before commencement of the permitted development. Such permits may include but not limited to the following:

1. The Northwest Florida Water Management District; Section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for construction, reconstruction, changes, or physical activities for shore protection or other activities seaward of the coastal construction control line; Section 161.141, F.S.
4. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, F.S.
5. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.
6. Federal permits and approvals.

10.04.00 SITE PLANS AND CONSTRUCTION DOCUMENTS

10.04.01 Information for development in flood hazard areas. The site plan or construction documents for any development subject to the requirements of this ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

1. Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 10.04.02(2) or (3) of this ordinance.
3. Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 10.04.02(1) of this ordinance.

4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Delineation of the Coastal Construction Control Line or notation that the site is seaward of the coastal construction control line, if applicable.
8. Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.
9. Existing and proposed alignment of any proposed alteration of a watercourse.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ordinance.

10.04.02 Information in flood hazard areas without base flood elevations (approximate Zone A). Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.
3. Where base flood elevation data and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is 3 feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

10.04.03 Additional analyses and certifications. As applicable to the location and nature of

the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in 10.04.04 of this ordinance and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
2. For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the Flood Insurance Study or on the FIRM and floodways have not been designated, a hydrological and hydraulic analysis that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 10.04.04 of this ordinance.
4. For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

10.04.04 Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

10.05.00 INSPECTIONS

10.05.01 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

10.05.02 Development other than buildings and structures. The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this ordinance and the conditions of issued floodplain development permits or approvals.

10.05.03 Buildings, structures and facilities exempt from the *Florida Building Code*. The Floodplain Administrator shall inspect buildings, structures and facilities exempt from the *Florida Building Code* to determine compliance with the requirements of this ordinance and the

conditions of issued floodplain development permits or approvals.

10.05.04 Buildings, structures and facilities exempt from the *Florida Building Code*, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the *Florida Building Code*, or the owner's authorized agent, shall submit to the Floodplain Administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 10.04.02(3)(b) of this ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

10.05.05 Buildings, structures and facilities exempt from the *Florida Building Code*, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 10.05.04 of this ordinance.

10.05.06 Manufactured homes. The **Building Official** shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the **Building Official**.

10.06.00 VARIANCES AND APPEALS

10.06.01 General. The **Escambia County Board of Adjustments (BOA)** shall hear and decide on requests for appeals and requests for variances from the strict application of this ordinance. Pursuant to Section 553.73(5), F.S., the **BOA** shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the *Florida Building Code*. This section does not apply to Section 3109 of the *Florida Building Code, Building*.

10.06.02 Appeals. The **BOA** shall hear and decide variances when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this ordinance. Any person aggrieved by the decision of **BOA** may appeal such decision to the Circuit Court, as provided by Florida Statutes.

10.06.03 Limitations on authority to grant variances. The BOA shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 10.06.07 of this ordinance, the conditions of issuance set forth in Section 10.06.08 of this ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The BOA has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ordinance.

10.06.04 Restrictions in floodways. A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced

by the applicable analyses and certifications required in Section 10.04.03 of this ordinance.

10.06.05 Historic buildings. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the *Florida Building Code*.

10.06.06 Functionally dependent uses. A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this ordinance, provided the variance meets the requirements of Section 10.06.04, is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

10.06.07 Considerations for issuance of variances. In reviewing requests for variances, the BOA shall consider all technical evaluations, all relevant factors, all other applicable provisions of the *Florida Building Code*, this ordinance, and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

10.06.08 Conditions for issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with

any provision of this ordinance or the required elevation standards;

2. Determination by the BOA that:

- a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;
- b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and
- c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation and stating that construction below the base flood elevation increases risks to life and property.

10.07.00 VIOLATIONS

10.07.01 Violations. Any development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance that is performed without an issued permit that is in conflict with an issued permit, or that does not fully comply with this ordinance, shall be deemed a violation of this ordinance. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ordinance or the *Florida Building Code* is presumed to be a violation until such time as that documentation is provided.

10.07.02 Authority. For development that is not within the scope of the *Florida Building Code* but that is regulated by this ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

10.07.03 Unlawful continuance. Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

10.08.00 DEFINITIONS

10.08.01 General. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ordinance, have the meanings shown in this section.

10.08.02 Terms defined in the *Florida Building Code*. Where terms are not defined in this ordinance and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

10.08.03 Terms not defined. Where terms are not defined in this ordinance or in the *Florida Building Code*, such terms shall have ordinarily accepted meanings such as the context implies.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

ASCE 24. A standard titled *Flood Resistant Design and Construction* that is referenced by the *Florida Building Code*. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM)

Basement. The portion of a building having its floor sub-grade (below ground level) on all sides.

Coastal construction control line. The line established by the State of Florida pursuant to Section 161.053, F.S., and recorded in the official records of the community, which defines that portion of the beach-dune system subject to severe fluctuations based on a 100-year storm surge, storm waves or other predictable weather conditions.

Coastal high hazard area. A special flood hazard area extending from offshore to the inland limit of a primary frontal dune, along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V Zones" and are designated on Flood Insurance Rate Maps (FIRM) as Zone V1-V30, VE, or V. [Note The FBC, B defines and uses the term "flood hazard areas subject to high velocity wave action" and the FBC, R uses the term "coastal high hazard areas."]

Cross-Bracing. Bracing often used to stiffen pile foundations and/or to improve comfort and reduce sway in elevated buildings.

Datum. A reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

Design flood. The flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a 1-percent or greater chance of flooding in any year.
2. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Elevated building. A non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, or shear walls.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before September 30, 1977.

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before September 30, 1977.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood hazard area. The greater of the following two areas:

1. The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

2. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood Insurance Rate Map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the base flood, and supporting technical data

Floodplain Administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the Floodplain Manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodplain management regulations. This article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in floodprone areas. The term describes federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

Floodproofing. A combination of design modifications which results in a building or structure, including the attendant utility and sanitary facilities, being water tight with walls substantially impermeable to the passage of water and with structural components having the capacity to resist loads as identified in the *Florida Building Code*.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: *Florida Building Code, Building*; *Florida Building Code, Residential*; *Florida Building Code, Existing Building*; *Florida Building Code, Mechanical*; *Florida Building Code, Plumbing*; *Florida Building Code, Fuel Gas*.

Freeboard. The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management.

Functionally dependent use. A use which cannot perform its intended purpose unless it is

located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Hardship/unique hardship. A hardship results if due to circumstances involving the parcel's size, location, configuration or geotechnical condition, the strict application of this article:

- A. Renders the parcel unusable; or
- B. Denies the owner of the same development rights commonly enjoyed by similarly situated property owners who are in compliance with the ordinance.
- C. A hardship may not result through the fault of the owner, e.g. such as by building without a permit.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the *Florida Building Code, Existing Building*, Chapter 11 Historic Buildings.

Letter of Map Change (LOMC). An official determination issued by FEMA that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1. Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

1
2 **Lowest floor.** The lowest floor of the lowest enclosed area of a building or structure, including
3 basement, but excluding any unfinished or flood-resistant enclosure, other than a basement,
4 usable solely for vehicle parking, building access or limited storage provided that such
5 enclosure is not built so as to render the structure in violation of the non-elevation requirement
6 of the *Florida Building Code* or ASCE 24
7

8 **Manufactured home.** A structure, transportable in one or more sections, which is eight (8) feet
9 or more in width and greater than four hundred (400) square feet, and which is built on a
10 permanent, integral chassis and is designed for use with or without a permanent foundation
11 when attached to the required utilities. The term "manufactured home" does not include a
12 "recreational vehicle" or "park trailer."
13

14 **Manufactured home park or subdivision.** A parcel (or contiguous parcels) of land divided
15 into two or more manufactured home lots for rent or sale.
16

17 **Market value.** The price at which a property will change hands between a willing buyer and a
18 willing seller, neither party being under compulsion to buy or sell and both having reasonable
19 knowledge of relevant facts. As used in this ordinance, the term refers to the market value of
20 buildings and structures, excluding the land and other improvements on the parcel. Market
21 value may be established by a qualified independent appraiser, Actual Cash Value
22 (replacement cost depreciated for age and quality of construction), or tax assessment value
23 adjusted to approximate market value by a factor provided by the Property Appraiser.
24

25 **New construction.** For the purposes of administration of this ordinance and the flood resistant
26 construction requirements of the *Florida Building Code*, structures for which the "start of
27 construction" commenced on or after September 30, 1977 and includes any subsequent
28 improvements to such structures.
29

30 **New manufactured home park or subdivision.** A manufactured home park or subdivision for
31 which the construction of facilities for servicing the lots on which the manufactured homes are to
32 be affixed (including at a minimum, the installation of utilities, the construction of streets, and
33 either final site grading or the pouring of concrete pads) is completed on or after September 30,
34 1977.
35

36 **North American Vertical Datum (NAVD) of 1988.** A vertical control used as a reference for
37 establishing varying elevations within the floodplain.
38

39 **Park trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet and
40 which is built on a single chassis and is designed to provide seasonal or temporary living
41 quarters when connected to utilities necessary for operation of installed fixtures and appliances.
42 [Defined in section 320.01, F. S.]
43

44 **Recreational vehicle.** A vehicle, including a park trailer, which is: [Defined in Section 320.01,
45 F.S.)

- 46 1. Built on a single chassis;
- 47 2. Four hundred (400) square feet or less when measured at the largest horizontal
48 projection;
- 49 3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc .

Sand dunes. Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V

Start of construction. The date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the *Florida Building Code*, which permits construction in a manner that would not otherwise be permitted by this ordinance or the *Florida Building Code*. A quasi-

judicial remedy for hardship administered by the Board of Adjustment in accordance with the procedures contained in this article. See Section 10.06.00.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Water surface elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

10.09.00 FLOOD RESISTANT DEVELOPMENT

10.09.01 Buildings and Structures. Pursuant to Section 10.03.03 of this ordinance, buildings, structures and facilities that are exempt from the *Florida Building Code*, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 10.15.00 of this ordinance.

10.09.02 Buildings and structures seaward of the coastal construction control line. If extending, in whole or in part, seaward of the coastal construction control line and also located, in whole or in part, in a flood hazard area:

1. Buildings and structures shall be designed and constructed to comply with the more restrictive applicable requirements of the *Florida Building Code*, *Building* Section 3109 and Section 1612 or *Florida Building Code*, *Residential* Section R322.
2. Minor structures and non-habitable major structures as defined in Section 161.54, F.S., shall be designed and constructed to comply with the intent and applicable provisions of this ordinance and ASCE 24.

10.10.00 SUBDIVISIONS

10.10.01 Minimum requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

10.10.02 Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats and final plats;

2. Where the subdivision has more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 10.04.02(1) of this ordinance; and
3. Compliance with the site improvement and utility requirements of Section 10.11.00 of this ordinance.

10.11.00 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

10.11.01 Minimum requirements. All proposed new development shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

10.11.02 Sanitary sewage facilities. All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

10.11.03 Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

10.11.04 Limitations on sites in regulatory floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 10.04.03(1) of this ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

10.11.05 Limitations on placement of fill. Subject to the limitations of this ordinance, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the *Florida Building Code*.

10.11.06 Limitations on sites in coastal high hazard areas (Zone V). In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by Section 10.04.03(4) of this ordinance demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with Section 10.15.08(3) of this ordinance.

10.12.00 MANUFACTURED HOMES

10.12.01 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249, F.S, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this ordinance. If located seaward of the Coastal Construction Control Line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

10.12.02 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

1. In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.2 and this ordinance.
2. In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the *Florida Building Code, Residential* Section R322.3 and this ordinance.

10.12.03 Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

10.12.04 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 10.12.05 or 10.12.06 of this ordinance, as applicable.

10.12.05 General elevation requirement. Unless subject to the requirements of Section 10.12.06 of this ordinance, all manufactured homes that are placed, replaced, or substantially improved on sites located:

- (a) outside of a manufactured home park or subdivision;
- (b) in a new manufactured home park or subdivision;
- (c) in an expansion to an existing manufactured home park or subdivision; or
- (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V).

10.12.06 Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to Section 10.12.05 of this ordinance, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required, as applicable to the flood hazard area, in the *Florida Building Code, Residential* Section R322.2 (Zone A) or Section R322.3 (Zone V); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

1
2 **10.12.07 Enclosures.** Enclosed areas below elevated manufactured homes shall comply with
3 the requirements of the *Florida Building Code, Residential* Section R322 for such enclosed
4 areas, as applicable to the flood hazard area.

5
6 **10.12.08 Utility equipment.** Utility equipment that serves manufactured homes, including
7 electric, heating, ventilation, plumbing, and air conditioning equipment and other service
8 facilities, shall comply with the requirements of the *Florida Building Code, Residential* Section
9 R322, as applicable to the flood hazard area.

10 **10.13.00 RECREATIONAL VEHICLES AND PARK TRAILERS**

11
12
13 **10.13.01 Temporary placement.** Recreational vehicles and park trailers placed temporarily in
14 flood hazard areas (no longer than 14 days) shall be fully licensed and ready for highway use,
15 which means the recreational vehicle or park model is on wheels or jacking system, is attached
16 to the site only by quick-disconnect type utilities and security devices, and has no permanent
17 attachments such as additions, rooms, stairs, decks and porches.

18
19 **10.13.02 Permanent placement.** Recreational vehicles and park trailers that do not meet the
20 limitations in 10.13.01 of this ordinance for temporary placement shall meet the requirements of
21 Section 10.12.00 of this ordinance for manufactured homes.

22 **10.14.00 TANKS**

23
24
25 **10.14.01 Underground tanks.** Underground tanks in flood hazard areas shall be anchored to
26 prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic
27 loads during conditions of the design flood, including the effects of buoyancy assuming the tank
28 is empty.

29 **10.14.02 Above-ground tanks, not elevated.** Above-ground tanks that do not meet the
30 elevation requirements of Section 10.14.03 of this ordinance shall:

- 31 1. Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas,
32 provided the tanks are anchored or otherwise designed and constructed to prevent
33 flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic
34 loads during conditions of the design flood, including the effects of buoyancy assuming
35 the tank is empty and the effects of flood-borne debris.
- 36 2. Not be permitted in coastal high hazard areas (Zone V).

37
38 **10.14.03 Above-ground tanks, elevated.** Above-ground tanks in flood hazard areas shall be
39 attached to and elevated to or above the design flood elevation on a supporting structure that is
40 designed to prevent flotation, collapse or lateral movement during conditions of the design flood.
41 Tank-supporting structures shall meet the foundation requirements of the applicable flood
42 hazard area.

43
44 **10.14.04 Tank inlets and vents.** Tank inlets, fill openings, outlets and vents shall be:

- 45 1. At or above the design flood elevation or fitted with covers designed to prevent the inflow
46 of floodwater or outflow of the contents of the tanks during conditions of the design flood;
47 and
- 48 2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic

loads, including the effects of buoyancy, during conditions of the design flood.

10.15.00 OTHER DEVELOPMENT

10.15.01 General requirements for other development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ordinance or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of 10.11.04 of this ordinance if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and
5. Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required addressing life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

10.15.02 Fences in regulated floodways. Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of 10.11.04 of this ordinance.

10.15.03 Retaining walls, sidewalks and driveways in regulated floodways. Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 10.11.04 of this ordinance.

10.15.04 Roads and watercourse crossings in regulated floodways. Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 10.11.04 of this ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 10.04.03(3) of this ordinance.

10.15.05 Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V). In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

1. Structurally independent of the foundation system of the building or structure;
2. Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and
3. Have a maximum slab thickness of not more than four (4) inches.

10.15.06 Decks and patios in coastal high hazard areas (Zone V). In addition to the requirements of the *Florida Building Code*, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

1. A deck that is structurally attached to a building or structure shall have the bottom of the

lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

2. A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.
3. A deck or patio that has a vertical thickness of more than twelve (12) inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.
4. A deck or patio that has a vertical thickness of twelve (12) inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave run-up and wave reflection.

10.15.07 Other development in coastal high hazard areas (Zone V). In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave run-up and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

1. Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;
2. Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and
3. On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.
4. A pool adjacent to an elevated V zone building may be constructed at grade or elevated so that the lowest horizontal structural member supporting the pool is at or above BFE. A Florida registered design professional must certify that such structure will not be subject to breaking up or floating out of the ground and affecting the pilings and columns of the supporting system of the surrounding buildings. The certified professional must also verify that the pool and accessory equipment will not divert waves an increase potential damage to any nearby buildings. All pool equipment must be strapped down or elevated above BFE to prevent flotation.

10.15.08 Nonstructural fill in coastal high hazard areas (Zone V). In coastal high hazard areas:

1. Minor grading and the placement of minor quantities of nonstructural fill shall be

1 permitted for landscaping and for drainage purposes under and around buildings.

2 2. Nonstructural fill with finished slopes that are steeper than one unit vertical to five units
3 horizontal shall be permitted only if an analysis prepared by a qualified registered design
4 professional demonstrates no harmful diversion of floodwaters or wave run-up and wave
5 reflection that would increase damage to adjacent buildings and structures.

6 3. Where authorized by the Florida Department of Environmental Protection or applicable
7 local approval, sand dune construction and restoration of sand dunes under or around
8 elevated buildings are permitted without additional engineering analysis or certification of
9 the diversion of floodwater or wave run-up and wave reflection if the scale and location
10 of the dune work is consistent with local beach-dune morphology and the vertical
11 clearance is maintained between the top of the sand dune and the lowest horizontal
12 structural member of the building.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular

5. D.

Meeting Date: 05/06/2013

Issue: LDC Ordinance-Article 6, Zoning District, Agriculture

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Article 6

That the Planning Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 6, Zoning Districts

BACKGROUND:

While public parks and recreational facilities are a permitted or Conditional Use for most zoning districts in the county, there is no provision to allow them in Agricultural zoning. This is in conflict with Chapter 13 of the Escambia County Comprehensive Plan 2030 which promotes, "adequate recreational opportunities for the citizens of Escambia County through the provision of a comprehensive system of public and private park facilities". Staff is seeking to add public parks and recreation facilities as an allowed use in the Agricultural zoning district.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

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

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

Attachments

Draft Ordinance

Legal Review

ORDINANCE NUMBER 2013-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 6, SECTION 6.05.01, TO ALLOW PUBLIC PARKS AND RECREATION FACILITIES AS A PERMITTED USE IN THE AGRICULTURAL ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners desires to preserve the county as a desirable community in which to live, vacation and *do business, and promote public access to recreational opportunities through public parks and recreational facilities*,

WHEREAS, the intent of this Ordinance is to add public parks and recreation facilities as a permitted use in AG zoning districts.

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

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 6, Zoning Districts, Section 6.05.01, is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

6.05.01. AG agricultural district, low density.

B. Permitted uses.

24. Public parks and recreation facilities.

Section 2. Severability.

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

Section 3. Inclusion in Code.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections, subsections and other provisions of this Ordinance may be renumbered or re-lettered

DRAFT

and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 4. Effective Date.

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

DONE AND ENACTED this _____ day of _____, 2013.

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

By: _____
Gene M. Valentino, Chairman

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

By: _____
Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Public Parks and Recreation Facilities in AG zoning

Date: 04/09/13

Date requested back by: 04/16/13

Requested by: Andrew Holmer

Phone Number: 595-3466

.....

(LEGAL USE ONLY)

Legal Review by *[Signature]*

Date Received: 9 April 2013

 Approved as to form and legal sufficiency.

 Not approved.

 Make subject to legal signoff.

COUNTY ATTORNEYS OFFICE
09 APR 2013

PM12:47

Additional comments:

I made minor punctuation changes.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular

5. E.

Meeting Date: 05/06/2013

Issue: Escambia County Comprehensive Plan Implementation Annual Report
2011/2012

From: T. Lloyd Kerr, AICP, Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of the Comprehensive Plan Annual Report 2011/2012

That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) the 2011/2012 CPIC Annual Report.

BACKGROUND:

As required by the Comprehensive Plan Capital Improvement Element, the Comprehensive Plan Implementation Committee (CPIC) provides an annual report of the status of growth management activities and the Capital Improvement Program (CIP) to the Planning Board. The Planning Board reviews the report and makes recommendations to the BCC for use during its deliberations on the annual budget and CIP.

BUDGETARY IMPACT:

No budgetary impact is anticipated by the approval of this report.

LEGAL CONSIDERATIONS/SIGN-OFF:

N/A

PERSONNEL:

No additional personnel are required for implementation of this report.

POLICY/REQUIREMENT FOR BOARD ACTION:

This Annual Report is prepared in accordance with the requirements contained in various sections of the Escambia County Comprehensive Plan.

IMPLEMENTATION/COORDINATION:

The Development Services Department will distribute copies to all County Departments and make them available to interested citizens. After BCC approval.

Development Services Department staff has coordinated development of the Annual Report with all CPIC members.

Escambia County Comprehensive Plan Implementation Annual Report 2011/2012



A Report of the
Comprehensive Plan Implementation Committee and the Planning Board to the
Escambia County Board of County Commissioners

April 25, 2013



EXECUTIVE SUMMARY

This Annual Report has been prepared in accordance with the requirements contained in various sections of the Escambia County Comprehensive Plan, which requires reporting of certain data and information related to growth on an annual basis.

The purpose and intent of the Annual Report is to provide a yearly planning tool for monitoring and evaluating future implementation of the Escambia County Comprehensive Plan. The Comprehensive Plan contains policies and objectives adopted by the Board of County Commissioners to provide for “orderly growth management” and to “maintain and improve the quality of life for all citizens of the county”.

CIE 1.4.1 and 1.4.2 of the Comprehensive Plan calls for the Comprehensive Plan Implementation Committee to report by April 1 of each year, to the Local Planning Agency (LPA) on the status of capital project implementation activities as well as LOS conditions within the County. By June 1 of each year, the Escambia County LPA shall report to the BCC its evaluation of the implementation of the Capital Improvements Element and the Comprehensive Plan during the previous fiscal year. The report shall contain recommendations to maintain LOS standards and any adjustments necessary to the Capital Improvements Element and/or the County's annual capital improvement program.

The Board of County Commissioners (BCC) adopted the 2030 Comprehensive Plan on January 20, 2011 and the Florida Legislature adopted changes to Chapter 163 Florida Administrative Code in July, 2011.

As a result of the new adopted 2030 Comprehensive Plan the following elements are to be included within the Comprehensive Plan Annual Report for 2011/2012:

General Requirements-Population Projections, Mobility Element, Coastal Management Element, Conservation Element, Intergovernmental Coordination Element, Infrastructure Element, Recreation Element.

This report was prepared by the Development Services Department.



EXECUTIVE SUMMARY

COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE MEMBERS

GEORGE TOUART, *Interim County Administrator*

LARRY NEWSOM, *Assistant County Administrator*

T. LLOYD KERR, AICP, *Development Services Director*

JOY BLACKMON, PE, *Public Works Director*

KEITH WILKINS, *Community and Environment Director*

AMY LOVOY, *Management & Budget Services Director*

MIKE WEAVER, *Public Safety Director*

PATRICK T. GRACE, *Fire Chief*

GORDON PIKE, *Corrections Director*

BUCK LEE, *Santa Rosa Island Authority General Manager*

Annual Report Prepared By:

Development Services Department

JUAN LEMOS, *Senior Planner*

ALLYSON CAIN, *Urban Planner II*

JOHN FISHER, *Urban Planner II*

BRENDA WILSON, *Urban Planner I*



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1.0 POPULATION ESTIMATES AND PROJECTION

The University of Florida Bureau of Economic Development and Business Research (BEBR), estimated the total population for Escambia County as of 1 April 2012 at 299,511.

Estimates of Population by County and City in Florida: April 1, 2012					
State	(estimate) 4/1/2012	Total Change	(Census) 4/1/2010	Inmates 4/1/2012	Estimates less inmates 4/1/2012
Florida	19,074,434	273,102	18,801,332	125,070	18,949,364
Incorporated	9,507,404	53,756	9,453,648	18,828	9,488,576
Unincorporated	9,397,644	49,982	9,347,662	108,791	9,288,853
County and City					
Escambia	299,511	1,892	297,619	2,734	296,777
Century	1,693	-5	1,698	0	1,693
Pensacola	52,022	99	51,923	33	51,989
UNINCORPORATED	245,796	1,798	243,998	2,701	243,095
Source: University of Florida, Bureau of Economic and Business Research, November 1, 2012.					

Population Change for Counties in Florida, 1990 to 2012								
Population					Percent change			
	2012	2010	2000	1990		2010 to 2012	2000 to 2010	1990 To 2000
Florida	19,074,434	18,801,310	15,982,824	12,938,071		1.43	17.6	23.5
Escambia	299,511	297,619	294,410	262,798		0.6	1.1	12
Source: U. S. Census Bureau http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=bkmk								



Annual Estimates of the Components of Population Change						
July 1, 2011 to July 1, 2012						
Total Population Change [1]	Natural Increase	Vital Events		Net Migration		
		Births	Deaths	Total	International [2]	Domestic
3,125	803	3,903	3,100	2,348	1,076	1,272

[1] Total population change includes a residual. This residual represents the change in population that cannot be attributed to any specific demographic component. See Population Estimates Terms and Definitions at <http://www.census.gov/popest/about/terms.html>.
 [2] Net international migration (except for Puerto Rico) includes the international migration of both native and foreign-born populations. Specifically, it includes: (a) the net international migration of the foreign born, (b) the net migration between the United States and Puerto Rico, (c) the net migration of natives to and from the United States, and (d) the net movement of the Armed Forces population between the United States and overseas. Net international migration for Puerto Rico includes only the international migration of native and foreign-born populations between the United States and Puerto Rico.

Escambia County Population Projections			
2015	2020	2025	
301,295	305,433	308,791	
Source: Office of Economic & Demographic Research http://edr.state.fl.us/Content/			



2.0 MOBILITY ELEMENT

The purpose of the Mobility Element, serving as the Transportation Element, is to establish the desired and projected transportation system in Escambia County and to plan for future motorized and non-motorized traffic circulation systems. This element provides guidelines to prepare for and establish an effective multi-modal transportation system.

MOB 1.2.1 Transportation Concurrency Exception Areas (TCEAs) Established *The following TCEAs are hereby established, and the TCEA Map is attached herein to this ordinance as Exhibit G:*

- a. Warrington TCEA - That area coterminous with the area approved in 1995 as the Warrington Redevelopment Area and including the Sunset Avenue Corridor of Navy Point;*
- b. Fairfield Drive TCEA - That area coterminous with the approved Englewood-Ebonwood and Palafox Redevelopment Areas and including a portion of the Brownsville Redevelopment Area.*

The Transportation Concurrency Exception Areas will continue to be reviewed annually to ensure they meet the TCEA requirements; results of this review will be reported in the County's Comprehensive Plan Implementation Annual Report.

Escambia County Transportation and Traffic Operations Division has reviewed the existing TCEAs for concurrency with the adopted levels of service and determined that the established TCEAs are operating within acceptable standards for 2012/2013.

MOB 4.2.5 Interlocal Agreement. *An interlocal agreement to determine the details of the coordination between the Navy and Escambia County shall include, but not be limited to, the individual responsibilities of the County and the Navy; the method by which the navy will appoint a Planning Board representative; the length of the term of appointment; the details of the coordination required to produce, receive and transmit any Navy comments to the State; establish who will be responsible for forwarding the comments; the method by which the Navy will apprise the County of any available grants and the details to be reported on the Annual Report on Comprehensive Plan Implementation. The Military Interlocal Agreement became effective September 2003.*

The adopted existing interlocal agreement was reviewed this year for compliance. New joint projects that will be addressed by the County and the Navy during this year's reporting period will require review and update of the interlocal agreement by next year's report. The Navy's representative continues to participate in the decision making process of the Planning Board.

MOB 4.2.9 Infrastructure Impact Report. *A formal information exchange between the County, FDOT, Emerald Coast Utilities Authority (ECUA) and other utility service providers in the area will be established to explore the growth inducing impacts of utility expansion and infrastructure improvements within the AIPD overlay areas in relation to the JLUS recommendations.*

The calculations used during this reporting period within the AIPD Overlay Areas will be used as the baseline figures to track utility and infrastructure improvements in future reports.

MOB 4.2.10 Annual Assessment Pursuant to Section 163.3191(n) Florida Statutes, and beginning in Fiscal Year 2004/2005, the County shall conduct an annual assessment of the effectiveness of the criteria adopted pursuant to Section 163.3177(6)(a), Florida Statutes, in achieving compatibility with



military installations in areas designated as AIPDs. This assessment shall be based on a compilation of data for the calendar year and shall compare the current years' development with the previous years' development relevant to the following in each AIPD:

- a. Single-family residential building permits in each AIPD area based on the number of permits issued, and broken down by Accident Potential Zone (APZ) and AIPD area.
- b. Number of residential units (high density) approved and permitted.
- c. Extension of sewer and water lines in the AIPD Overlay areas as reported by ECUA (or relevant potable water distributors).
- d. Number of units approved in preliminary and final subdivision plats.
- e. Number of site plans for commercial projects approved.
- f. Number of communication towers approved.
- g. Number of variances and/or conditional use requests and approvals.
- h. Number of rezoning requests/approvals.
- i. Number of future land use amendments.

The intent is to measure the increase or decrease in residential development activity within the AIPDs to determine the effectiveness of the measures adopted to control residential density and encourage commercial development, as recommended by the JLUS. The County shall review the collected data to ensure compliance with the intent of the JLUS recommendations. In addition, analysis of the collected data over a period of time will assist in determining what future changes may be required to enhance or improve the County's efforts to control encroachment on the military installations.

The County's annual assessment of the effectiveness of the criteria adopted pursuant to 163.3177(6)(a), F.S. (2007) in achieving compatibility with military installations in areas designated as AIPD was conducted in FY 2011/2012. A compilation of AIPD data for the calendar year of 2012 is shown below.



Calendar Year 2012 Airfield Influence Planning Districts (AIPD) Monitoring

Planning District	Zone	Sewer & Water Lines Extension	Total Dwelling Units Approved In Prelim Plats	Total Dwelling Units Approved In Final Plats	Commercial Site Plans Approved	Residential Bldg Plans Approved	Residential Site Plans Approved	Commercial Towers Approved	Variances	Conditional Use	Rezoning Approval	Future Land Use Amendment
NAS PENSACOLA												
AIPD-1	AREA A	*	0	0	0	0	0	0	0	0	0	0
	AREA B	*	0	0	0	0	0	0	0	0	0	0
	APZ-1		0	0	0	0	0	0	0	0	1	0
	APZ-1 NASP	*	0	0	0	0	0	0	0	0	0	0
	APZ-2	*	0	0	1	0	0	0	0	0	0	0
	APZ-2 NASP	*	0	0	0	0	0	0	0	0	0	0
	CZ	*	0	0	0	0	0	0	0	0	0	0
		*	0	0	0	0	0	0	0	0	0	0
AIPD-2		*	0		2	0	0	0	0	2	0	0
NOLF SAUFLEY												
AIPD-1	AREA B	*	0	0	0	0	0	0	0	0	0	0
	APZ-1	*	0	0	0	0	0	0	0	0	0	0
	APZ-2	*	0	0	0	0	0	0	0	0	0	0
	CZ	*	0	0	0	0	0	0	0	0	0	0
AIPD-2	APZ-2	*	0	0	1	0	0	0	0	1	0	0
AIPD-2					1							
NOLF SITE 8												
AIPD-1	AREA B	*	0	0	0	0	0	0	0	0	0	0
AIPD-2		*	0	0	0	0		0	0	0	0	0

*Not Reported



3.0 HOUSING ELEMENT

HOU 1.6.6 State and Federal Assistance. *Escambia County shall participate in the following programs or any replacement or supplemental programs, which may be developed by state, federal or other appropriate agencies:*

1. *U.S. Housing and Urban Development HUD, Section 8, existing housing program, for rent supplements to qualified low-income families;*

Escambia County and the City of Pensacola consolidated the two separate Section 8 Rental Assistance programs in 1991, and the City of Pensacola Housing Office administers the Section 8 program covering the entire County. Currently over 2200 families continue to actively participate in the Section 8 Rental Assistance Voucher Program in Escambia County and the City of Pensacola. Additionally, the City Housing Office also has received Veteran Affairs Supportive Housing (VASH) vouchers to assist approximately 100 veterans with rental assistance.

2. *The Community Development Block Grant (CDBG) Program;*

Escambia County has actively participated in the CDBG Program since becoming an entitlement jurisdiction in 1988. An Annual Plan has been and continues to be prepared and mutually approved by members of the Escambia Consortium (Escambia County, City of Pensacola, Santa Rosa County and the City of Milton) detailing the plans for the respective jurisdictions with regard to allocation of CDBG funds. The funding for this program has decreased significantly over the past years, and this trend is continuing.

3. *The Consolidated Plan pursuant to the Cranston-Gonzalez National Affordable Housing Act;*

The Escambia Consortium (Escambia County, City of Pensacola, Santa Rosa County and the City of Milton) jointly prepares and the governing bodies of each body mutually approve a new Consolidated Plan every five years. The current 2010-2014 Escambia Consortium Consolidated Plan was approved by the member jurisdictions and HUD in 2011, and will remain in force until September 30, 2015. The Annual Action plan is updated annually via the HUD Annual Plan approval process and submitted to HUD each August to outline the use of HUD funds each year.

4. *The Home Investments Partnership Program (HOME); and*

Escambia County actively participates in the HOME Program and has since 1992. The program supports the County's replacement housing program and the scattered site rental development initiative undertaken with area non-profit organizations. For many years, this has been the only significant source of funds for replacement of severely deteriorated, owner occupied housing units in the County. It is anticipated that significant funding cuts will be made by HUD to this Program.

5. *The State Housing Initiatives Partnership (SHIP) Program, among others.*



Since 1993, Escambia County and the City of Pensacola jointly participate in the SHIP Program, but funding has not been received since 2009. The program supports a range of local affordable homeownership housing programs, as well as workforce rental development (to a lesser degree). This is the State of Florida's primary affordable housing resource with dedicated funding provided through a surcharge on documentary stamps. As such, the SHIP Program has become the major housing resource, not only for Escambia County, but also for virtually all the local governments throughout the State of Florida.

HOU 1.6.7 Neighborhood Enterprise Foundation. *Escambia County shall provide assistance, through NEFI to provide affordable homeownership opportunities for moderate, low and very-low income homebuyers*

This arrangement with Neighborhood Enterprise Foundation, Inc. (NEFI), which began in 1991, continues to date. NEFI manages housing and community development programs as part of the Community & Environment Department, under the authority of the BCC. Given the funding cuts for the State SHIP Program and Federal HUD programs, the actual annual production will directly relate to the level of funding actually provided by the respective agency. Housing programs address both homebuyer assistance programs as well as homeowner rehabilitation. Accomplishments may vary since future SHIP funding is uncertain and will depend upon the decisions of the Florida State Legislature.



4.0 INFRASTRUCTURE ELEMENT

INF 4.1.7 Level of Service (LOS) Standards. *The LOS standard for potable water service within Escambia County shall be 250 gallons per residential connection per day. For non-residential uses, the LOS requirements shall be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application. Escambia County shall continue to work with the water providers to ensure adequate capacity is available.*

The Emerald Coast Utilities Authority (ECUA) owns and operates three (3) wastewater treatment plants/water reclamation facilities within its service area, as of the end of the 2012 calendar year. These facilities, which are shown below “Wastewater Treatment Facilities”, serve customers within the City of Pensacola and unincorporated Escambia County, including Pensacola Beach and Perdido Key. A single plant serves Pensacola Beach, while an integrated collection system ties the service areas for the Bayou Marcus Water Reclamation Facility and the new Central Water Reclamation Facility (CWRF) together on the mainland, along with Perdido Key.

A detailed summary of the capital improvements in progress or planned for those facilities and other wastewater system components can be found at www.ecua.org which includes the ECUA Capital Improvements Program (CIP) - Fiscal Years 2011 - 2015, which the ECUA Board has formally approved and adopted. Any proposed facility improvement or expansion detailed in the CIP will be financed solely by the ECUA through user fees, impact fees, bond issues, developer contributions, or state and federal grants or appropriations.

ECUA Wastewater Treatment Facilities

Facility	Permitted Capacity (GPD)	12 Month Average Daily Flow (GPD)	Excess Capacity (GPD)
Bayou Marcus WRF	8,200,000	5,269,000	2,931,000
Central WRF	22,500,000	14,365,000	8,135,000
Pensacola Beach WWTP	2,400,000	907,000	1,493,000

Source: Department of Environmental Protection, Northwest District, 2011, <http://www.dep.state.fl.us/northwest/>
Bill Evans, P.E. Domestic Wastewater Permitting Supervisor

INF 4.1.9 LOS Evaluation and Revision. *By December 2012, Escambia County shall develop a report evaluating the current LOS standard for potable water service provision. This report shall examine alternative LOS standards and establish a five-year plan to achieve and maintain a LOS that is sufficient to meet the County’s projected needs. Upon completion of this report, recommendations for revisions to adopted LOS standards and other related policies identified within this report shall be adopted as amendments to the Escambia County Comprehensive Plan within 18 months.*

The ECUA is the primary provider of potable water service for southern Escambia County, including Pensacola Beach. The remainder of the County is served by Nine (9) smaller water supply franchises. The Florida Department of Environmental Protection receives a Monthly Operating Report (MOR) from each utility. The table below lists the water supply utilities and their capacities in gallons per capita per day.



These facilities serve customers within the City of Pensacola and unincorporated Escambia County, and on Pensacola Beach. Because the production wells pump into an inter-connected, grid distribution system and not to a specific and definable service area, the current demand on each individual well is not relevant to an analysis of the overall system. ECUA monitors and reports to the Environment Protection Agency via the Florida Department of Environmental Protection (FDEP). For more detailed data please visit http://www.dep.state.fl.us/northwest/OCULUS_08_public_revised20110106Water.pdf or www.ecua.org.

Water Supply Facilities Capacities in Gallons per Day (GPD)
A summary of capital improvements for water production and distribution.

Facility	Design Capacity g/d	12-Mo Avg Flow	Excess Capacity
Bratt-Davisville Water System	1,656,000	166,362	1,489,638
Central Water Works Inc.	2,304,000	276,750	1,959,976
Cottage Hill Water Works	2,160,000	337,597	1,966,403
Emerald Coast Utilities Authority	84,457,440	29,244,750	55,212,690
Farm Hill Utilities Inc.	2,736,000	478,274	2,257,726
Gonzalez Utilities Association Inc.	2,088,000	505,706	1,582,294
Molino Utilities Inc.	3,801,600	796,167	3,005,433
Peoples Water Service Company	7,416,000	2,224,859	5,191,141
Walnut Hill Water Works Inc.	1,116,000	176,526	939,474

Source: Department of Environmental Protection, Northwest District, 2011, <http://www.dep.state.fl.us/northwest/>



5.0 COASTAL MANAGEMENT

COA 1.2.4 Infrastructure Inventory. *Escambia County shall maintain an inventory of infrastructure located within the CHHA. The 1995 report on coastal infrastructure shall be updated annually. The Comprehensive Plan Implementation Committee shall produce a report for consideration by the Escambia County Board of County Commissioners (BCC) that presents opportunities to relocate or replace such infrastructure.*

The County's High Hazard Area encompasses those areas identified in the Storm Surge Category I. The County has neither built any new vital public or semi-public facilities nor removed any facilities in the coastal high hazard areas (CHHA) during FY 2011/2012.

COA 1.3.8 Development Impact Analysis. *The Comprehensive Plan Implementation Annual Report shall include an analysis of proposed and new developments' impact on hurricane evacuation times. The BCC, upon receipt of the report from the Local Planning Agency (LPA), will address any deficiencies identified in the report and take corrective measures as necessary. The report and recommendations will consider the actual development that has occurred during the evaluation period (preceding 12 months) as well as the projected development anticipated to be approved during the succeeding evaluation period. The needed corrective actions by the BCC will maintain or reduce the County's adopted roadway clearance time.*

After reviewing the model it was determined that new guidelines are necessary to identify the impacts of approved development on hurricane evacuation times within the previous evaluation period (preceding 12 months).

OBJ COA 2.1 General Coastal Resource Protection **Protect, conserve, and enhance coastal ecosystems, environmentally sensitive areas, water resources, living marine resources, remaining coastal barriers, wildlife habitats and other natural coastal resources.**

COA 2.1.2 Resource Monitoring. *Escambia County staff shall monitor the resources referenced in Objective COA 2.1 and provide recommendations to the BCC regarding their protection, conservation, and enhancement. Monitoring data and recommendations shall be included in the Comprehensive Plan Implementation Annual Report and shall include at least:*

- a. Changes in the total acreage of coastal wetlands and the extent of coastal wetland communities;
- b. Changes in the volume of the commercial fish catch and the amount of fish and shellfish annually landed;
- c. Changes in acreage of protected land on barrier islands; and
- d. Changes in acreage of coastal lands held for conservation and recreation use.

a.) No data update available.

b.) Changes in the volume of the commercial fish catch and the amount of fish and shellfish annually landed,

The preliminary 2012 (closed 6/12/2012), Commercial Fishery Annual Landings Report for all Florida Counties can be found at the following website link: [http://](http://myfwc.com/media/1540768/sumcnty_11.pdf)

http://myfwc.com/media/1540768/sumcnty_11.pdf



Table 4E: Commercial Fishery Annual Report for Escambia County

Year	Total Number of Finfish (lbs.)	Total Volume of Invertebrates (lbs.)	Total Volume of Food Shrimp (lbs.)	Total Volume of Bait Shrimp (lbs.)	Total Trips	Grand Volume Total (lbs.)
2011*	674,669	82,474	230,209	0	1,645	987,353
2012**	1,197,702	157,998	234,744	0	2,863	1,590,444

Source: Florida Fish and Wildlife Conservation Commission, Marine Fisheries Information System;
 * = Final Report; ** = Preliminary Report

c) Changes in acreage of protected land on barrier islands

According to the County's Environmental Permitting Division, no protected lands on the Barrier Islands were impacted during FY 2011/12.

Table 4F: Acreage of Protected Land on Barrier

Owned by	Recreation or Conservation	Number of Parcels	Acreage
County	Recreation	5	3.57
SRIA	Recreation	31	541.12
State	Recreation	5	421.98
Federal	Conservation	18	3,555.40
Total			4,522.07

Source: Escambia County Geographic Information Systems (GIS)

d) Changes in acreage of land held for conservation and recreation use. Monitoring data and recommendations shall be included in the comprehensive plan implementation committee's annual report.

According to the County's Environmental Permitting Division, no protected lands on the Mainland were impacted during FY 2011/12.

Table 4G: Acreage of Protected Land on Mainland

Owned by	Recreation or Conservation	Number of Parcels	Acreage
Century	Recreation	2	13.97
County	Recreation	136	1,682.69
	Conservation	35	1,013.46
Federal	Conservation	3	19.66
State	Recreation	4	929.11
	Conservation	102	23,091.54
Total			26,750.43

Source: Escambia County Geographic Information Systems (GIS)



COA 2.3.4 Beach and Shoreline Regulations. *Escambia County shall protect beach and shoreline systems. These regulating provisions shall be reviewed annually for the Comprehensive Plan Implementation Annual Report and updated as necessary to address concerns and issues including, but not limited to, the following:*

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

The regulating provisions have been reviewed for FY 2011/2012 and no updates were necessary. The most recent update, in 2005, established the 1975 Costal Construction Control Line (CCCL) as Shoreline Protection Zone 1 for construction on the south side of the Barrier Islands, fronting the Gulf of Mexico. There are numerous beach and shoreline projects aimed at the protection and enhancement of our natural resources. For more information, visit the Escambia County webpage at: <http://www.myescambia.com/government/departments/ce>



6.0 CONSERVATION ELEMENT

CON 1.3.4 Monitoring and Recommendations. *Escambia County shall utilize FDEP's annual water quality assessment and other sources to monitor surface water systems. Water quality ratings shall be monitored for the Escambia River, Pensacola Bay, Perdido Bay, and Perdido River basins and other locations as appropriate. Monitoring data and recommendations shall be included in the Comprehensive Plan Implementation Annual Report.*

Surface water quality assessments, monitoring data and reporting is conducted by the Escambia County Water Quality Division to the Environmental Protection Agency via the Florida Department of Environmental Protection (FDEP). On a bi-annual basis FDEP produces a document which describe the results of their monitoring efforts in the State of Florida; the Department of Environmental Protection's Integrated Water Quality Assessment for Florida: 305(b) Report and 303(d) List Update for 2010 was the last report submitted. The 2012 305(b) Report is available and may be viewed at:

http://www.dep.state.fl.us/water/docs/2012_integrated_report.pdf

This report provides an overview of the status and overall condition of Florida's surface and ground water quality addressing reporting requirements of Sections 305(b) and 303(d) of the Federal Clean Water Act (CWA). Section 305(b) requires each state to report to the U.S. Environmental Protection Agency (EPA) on the condition of its surface waters, and Section 303(d) requires each state to report on its impaired water bodies (those not meeting water quality standards). Using the information from all the states, the EPA provides Congress with a national inventory of water quality conditions and develops priorities for future federal actions to protect and restore aquatic resources.



7.0 RECREATION ELEMENT

REC 1.1.7 Annual Review and Report. *Escambia County shall annually review and report upon the cooperative efforts between the public and private sectors in the provision of recreational opportunities to assure that such efforts are coordinated. In even numbered years, the report will include an inventory of public beach access facilities, including those in the coastal area.*

Community organizations and athletic associations continue to provide recreational activities to the public in Escambia County. A current inventory of existing public beach access facilities and map locations is included with this update. Maps are available at www.myescambia.com

PUBLIC BEACH ACCESS FACILITIES	
ZIPCODE	PARK NAME
32502	GARCON BAYOU NATURE PARK
32501	PERDIDO KEY 1 (GULFSIDE)
32562	SRIA - PENSACOLA BEACH GULF PIER
32562	SRIA - COWLEY, FT PICKENS GATE, QUIETWATER, PB EAST&SOUNDSIDE
32595	MOLINO FAIRGROUNDS PARK & MOLINO FAIRGROUNDS BOAT RAMP
32501	GALVEZ BOAT RAMP
32333	BOGIA
32502	WILDLIFE SANCTUARY OF NW FL
32502	BILL DICKSON PARK
32505	PENSACOLA SHIPYARD BOAT RAMP
32501	CORONADA BOAT RAMP
32501	NAVY POINT BOAT RAMP & WATERFRONT & TRIANGLE
32501	PERDIDO KEY 2 (RIVER ROAD)
32501	INNERARITY BEACH
32333	COTTON LAKE
32521	PENSACOLA FISHING PIER
32399	LAKE STONE & LAKE STONE CAMPGROUND
32333	MYSTIC SPRINGS BOAT RAMP
32501	PERDIDO BAY COUNTRY CLUB ESTATES UNIT 5



8.0 INTERGOVERNMENTAL COORDINATION ELEMENT

ICE 1.3.4 Growth and Development Trends. *As per the Interlocal Agreement, the local governments will provide the School Board with their Comprehensive Plan Implementation Committee Annual Report on growth and development trends within their jurisdiction. To the extent feasible, the reports should be provided in geographic information system compatible format for the purpose of geo-referencing the information. This report will be in tabular, graphic, and textual formats and will include the following:*

- a. The type, number, and location of residential units that have received zoning approval, final plat and site plan approval;*
- b. Information regarding FLUM amendments;*
- c. Building permits and certificate of occupancy data for residential dwellings issued for the preceding year and their location;*
- d. Summary of vested rights determinations and other actions that affect demands for public school facilities;*
- e. Information regarding the conversion or redevelopment of housing or other structures into residential units that are likely to generate new students and reflects the existing land use; and*
- f. The identification of any development orders issued*

Growth & Development Trends FY 2011/2012

Small Scale Amendments	3
Comprehensive Plan Amendments	2
Land Development Code Changes	11
Interpretations	3
Planned Unit Developments	0
Development Agreements	0

Source: Escambia County Development Services ; Excel Database



TYPES OF CASES	# CASES APPROVED	# CASES DENIED	# CASES WITHDRAWN	# CASES PENDING	TOTAL # OF CASES
Board of Adjustment (BOA)					
Variance	11	1	4	0	16
Conditional Use	12	1	3	0	16
Administrative Appeal	1	0	0	0	1
Development Order Extension (Senate Bills)	17	0	0	0	17
Administrative Variances for Governmental Right of Way Takings	0	0	0	0	0
Rezoning (PB)					
Zoning Map Amendment Cases	26	3	0	0	29
Development Review Committee (DRC)					
Pre-application Meetings	74	0	0	0	74
Preliminary Plat Applications	0	0	0	0	0
Final Plat Applications	1	0	0	0	1
Unplatted Subdivision Applications	1	0	0	0	1
Master Plans Applications	0	0	0	0	0
Planned Unit Developments	0	0	0	0	0
Major Development Site Plans Application	45	0	0	4	49
Minor Development Site Plans Application	20	0	0	2	22

Source: DRC Excel database. LRP staff database.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular
Meeting Date: 05/06/2013

6. A.

Agenda Item:

Presented by: Ryan Ross, Assistant County Attorney

Attachments

Draft Ordinance for Discussion

ORDINANCE NUMBER 2013-____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 6, SECTION 6.03.01 BY ADDING THE POSSESSION OF LIVE CHICKENS FOR NON-COMMERCIAL PURPOSES AS A PERMITTED ACCESSORY USE FOR SINGLE-FAMILY RESIDENTIAL DWELLINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners has authorized certain subordinate activities and land uses as permitted accessory uses in specified zoning districts; and

WHEREAS, based on significant public input, the Board finds that many Escambia County residents seek to own, possess, and raise live chickens as an accessory non-commercial use to their primary usage of single-family residential dwellings, and that establishing such an accessory use therefore serves a public purpose; and

WHEREAS, the Board further finds that imposing certain restrictions on such an accessory use would protect the public health, safety, welfare from any deleterious effects on neighboring properties that may stem from this accessory use.

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

SECTION 1. **RECITALS.**

The aforementioned recitals are hereby incorporated into this ordinance as the legislative findings of the Escambia County Board of County Commissioners.

SECTION 2. **OWNERSHIP OF CHICKENS AS ACCESSORY USE.**

Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 6, "Home Occupations and Other Accessory Uses",

Section 6.03.01, is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

6.03.00. – Home occupations and other accessory uses.

6.03.01. *Accessory uses.* Activities or uses customarily associated with and appropriately incidental and subordinate to the principal use when located on the same lot as such principal use shall be considered an accessory use and shall adhere to the conditions set forth in this section. Such accessory uses shall be controlled in the same manner as the principal use within the district where such uses are located, except as otherwise provided in section 2.10.06. Accessory uses include, but are not limited to, the following:

I. Possession of Live Chickens (*Gallus gallus domesticus*) Accessory to Single Family Residential Dwellings. The ownership, possession, and raising of live chickens (*Gallus gallus domesticus*) is a permitted accessory use for all single-family residential dwelling primary uses. Notwithstanding any prohibition of farm animals or minimum lot area established for farm animals, the raising of chickens is allowed in all zoning districts except Pensacola Beach and Perdido Key where single-family residential dwellings are permitted primary uses, provided the following standards must be met:

1. The owner or occupant of a lot that is ¼ acre or less in size may not possess more than eight (8) chickens.
2. Roosters are prohibited.
3. Between the hours of 6 a.m. and 6 p.m. chickens may roam freely in the fenced rear yard of a single lot. During all other times, chickens must be kept in secure coops, pens or enclosures that prevent access from predators.
4. All pens, coops, or enclosures must be a minimum of 10 feet from rear and side property line of a single lot and 20 feet from any residential dwelling located on an adjacent lot.
5. Chickens may not be kept for commercial purposes unless otherwise allowed by zoning.

SECTION 3. SEVERABILITY.

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

SECTION 4. INCLUSION IN CODE.

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

SECTION 5. EFFECTIVE DATE.

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

DONE AND ENACTED this _____ day of _____, 2013.

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

By: _____

Gene M. Valentino, Chairman

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

By: _____

Deputy Clerk

(SEAL)

ENACTED:

1
2
3
4
5

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:

DRAFT



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular
Meeting Date: 05/06/2013

6. B.

Agenda Item:

Presented by: Andrew Holmer

Attachments

Draft Ordinance

ORDINANCE NUMBER 2013-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 6, SECTION 6.05.10, TO ALLOW RESORT RESTAURANTS WITH ON-PREMISE BEER AND WINE SALES AS PART OF AS A PERMITTED USE IN THE R-3PK ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners desires to preserve the county as a desirable community in which to live, vacation and *do business*,

WHEREAS, the intent of this Ordinance is to add Restaurants, including the sale of beer and wine for on-premise consumption, as part of a condominium development offering resort style amenities, as a permitted use in R-3PK zoning.

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

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 6, Zoning Districts, Section 6.05.01, is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

6.05.10. *R-3PK residential district (Perdido Key), high density.*

B. Permitted uses

4. Restaurants, including the sale of beer and wine for on-premise consumption, as part of a condominium development offering resort style amenities.

Section 2. Severability.

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

Section 3. Inclusion in Code.

DRAFT

1 It is the intention of the Board of County Commissioners that the provisions of this
2 Ordinance shall be codified as required by F.S. § 125.68 (2011); and that the sections,
3 subsections and other provisions of this Ordinance may be renumbered or re-lettered
4 and the word "ordinance" may be changed to "section," "article," or such other
5 appropriate word or phrase in order to accomplish such intentions.
6
7
8

Section 4. Effective Date.

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

11
12
13 **DONE AND ENACTED** this _____ day of _____, 2013.

14
15 **BOARD OF COUNTY COMMISSIONERS**
16 **OF ESCAMBIA COUNTY, FLORIDA**

17
18 By: _____
19 **Gene M. Valentino, Chairman**
20

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

23
24 By: _____
25 **Deputy Clerk**

26 **(SEAL)**

27
28 **ENACTED:**

29
30 **FILED WITH THE DEPARTMENT OF STATE:**

31
32 **EFFECTIVE DATE:**
33



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular
Meeting Date: 05/06/2013

6. C.

Agenda Item:

Presented by: David Forte, Community Redevelopment Agency

Attachments

Discussion Worksheet

2.14.02 Implementation of CRA Plans and Overlay Districts. The CRA and all other County divisions shall implement the recommendations of the Palafox, Englewood, Brownsville, Warrington, Barrancas and Cantonment Redevelopment Plans, in which the plans drive the enhancement efforts for each individual community redevelopment district. These plans provide guidance enhancing the district's quality of life, encouraging private sector reinvestment, promoting sound economic development principles and providing recommendations for public sector enhancement opportunities such as capital improvement projects. The CRA Manager or designee shall determine compliance with the overlay regulations ~~particularly as it pertains to the uses as well as the site and building requirements~~ and determine whether exceptions to the overlay district standards may be granted.

6.07.02. Barrancas Overlay District

I. Site and building requirements.

1. *Building height.* Except for properties within the WMU zoning district, no building or structure shall exceed 45 feet in height as defined in Section 3.02.00. Height for buildings with pitched roofs shall be measured to the bottom of the eaves. If a lower height is specified in an underlying zoning district, the lower height shall prevail.

2. *Building design.*

a. The choice of building materials and colors shall be compatible with the intent of this district and shall not have an adverse visual impact on surrounding properties.

b. For R-3 and R-4 zoning districts buildings shall be "street-oriented" to create a desirable pedestrian environment between the building and the street. Street orientation is defined as having a clear and visible orientation to the street. Street orientation should include:

(1) Garages. For residential uses, ~~there shall be no front facing garages~~ are discouraged unless they are setback ~~an additional eight feet~~ from the primary front facade and do not exceed 25 percent of the street facing building facade. If the lot width is forty feet or less, the 25 percent requirement shall not apply. All other garages must face the side or rear of the parcel.

(2) Front entry. The front facade shall include the primary entry door, be street facing, and include a porch or stoop.

(a) Front porches. Front porches are encouraged to ~~shall~~ be a minimum six feet deep and ten feet wide. The scale of the front porch should be in scale with the primary facade.

(b) Stoops. Stoops provide connections to building entrances or porches where residential buildings are

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elevated above grade. Stoops are encouraged to ~~shall~~ be
a minimum of five feet wide.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Regular
Meeting Date: 05/06/2013

6. D.

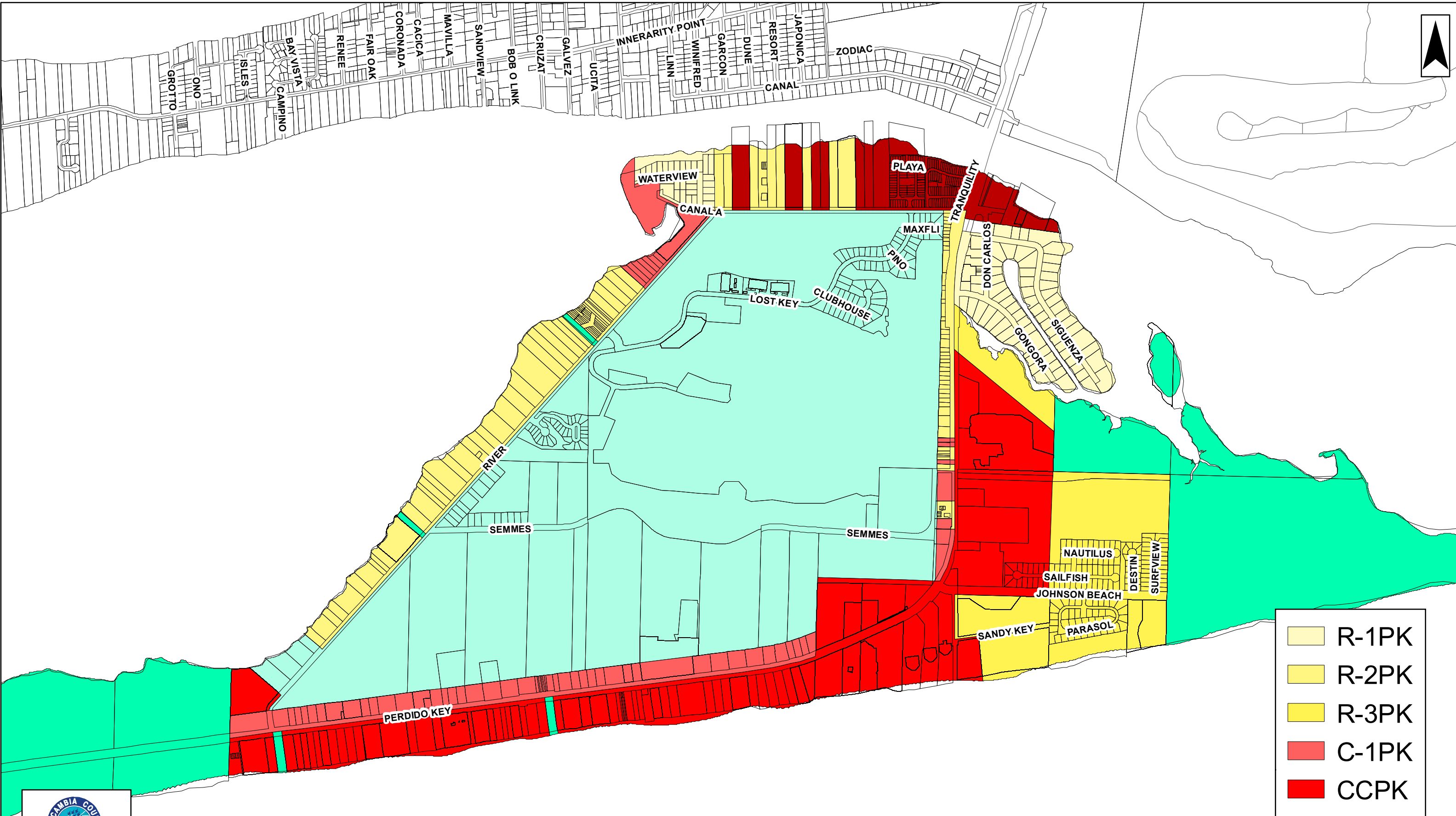
Agenda Item:

Presented by: Lloyd Kerr, AICP

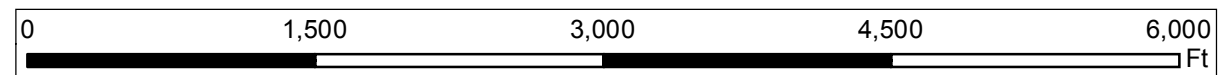
Attachments

PK Proposed Maps

ZONING INFO.	S-1PK	PK-1	R-1PK	PK-3A	PK-3B	R-2PK	PK-4A	C-1PK	PK-4B	PK-5	R-3PK	CGPK	PK-6A	CCPK	PK-6B	PRPK	SD-3
INTENT																	
Intent of Zoning District	Preserve and maintain lands for outdoor recreations uses and open space.	Preserve and maintain lands for outdoor recreations uses and open space. Lands approximate a wilderness natural condition and are permanently set aside for	Low population density area	Low-density areas, exclusively composed of single-family housing with relatively deep setbacks.	Low-density areas, primarily composed of single-family housing and duplex housing with relatively deep setbacks.	Medium population density residential area that recognizes the desirability of maintaining open space	Medium-density residential area that recognizes the desirability of maintaining open space	Commercial: Provide for retailing of commodities and furnishing of selected services.	Area consisting of mixed-use to provide neighborhood-type services, but primarily residential urban fabric. Range of building types and shallower setbacks.	NEW Area consisting of mixed-use to provide neighborhood-type services, but primarily residential urban fabric. Range of building types and shallower setbacks.	High density residential area. Low intensity office use and service facilities also permitted.	Resort-related Commercial uses: use gateways, providing an identity for Perdido Key as a visually attractive, family style, resort community.	High density area with a great variety of permitted uses.	Mixed-use development encouraged: primarily for high-density residential development and retailing of resort-related services.	Mixed-use development encouraged: primarily for high-density residential development and retailing of resort-related services.	Large-scale planned resort district - allowing for destination-type mixed uses, with resort amenities and extensive open space. Min. 10-acre parcel	Large-scale planned resort district - allowing for destination-type mixed uses, with resort amenities and extensive open space. Min. 10-acre parcel
BUILDING DISPOSITION																	
Lot Width (min.)	80' @ front bldg line	80' at front bldg. line	SF: 40' @ front bldg line & ROW line	40'	40' for single-family & 80' for duplex at bldg. face	Same as R-1PK (40' @ front bldg line & ROW line)	40' for SF, 80' for DF & 100' for MF at bldg. face	Residential same as R-1PK; MF & Comm. no	40' for SF, 80' for DF & no min. for MF & Comm.		Same as R-1PK (40' @ front bldg line & ROW	Residential same as R-1PK; MF & Comm. no	40' for SF, 80' for DF & no min. for MF & Comm.	Residential same as R-1PK; MF & Comm. no	40' for SF, 80' for DF & no min. for MF & Comm.	Residential same as R-1PK; MF & Comm. no	40' for SF, 80' for DF & no min. for MF & Comm.
Lot Coverage	20% max	2,000 sf. max.	70% max.	65% max.	65% max.	Same as R-1PK (70% max	70% max	75% max.	75% max	70% max.	70% max. for Resid. & 85% for Comm.	85% max	80% max. for Commercial uses / 70% max for all other uses.	70% max. for Residential & 80% max. MF & Comm.	80% max. for Commercial uses / 70% max for all other uses.	Same as R-1PK for Residential & 40% max. MF & Comm.	80% max. for Commercial uses / 70% max for all other uses.
Open Space (min.)	None.	None	35%	35%	35%	35%	30%	25% pervious	25%	30%	35%	15% pervious	20% / 30% pervious	20% pervious	20% / 30% pervious	30% + 50% min. front yard	30% + 50% min. front yard
Density (du/acre)	None.	None	2 max.	6 max.	6 max.	4.5 max.	12 max.	3 max.	12 max.	24 max.	12 max.	12.5 max.	36 max.	13 max.	36 max.	5 max.	36 max.
SETBACKS																	
Front (min)	None.	None	25'	25'		Same as R-1PK (25')	25'	Same as R-3PK, except MF & Comm. 15' min.	15' min. for Residential, 0' min. for Commercial	15' min. for Residential, 0' min. for Commercial	20'	Same as R-3PK (20' min.)	15' min. for Residential, 0' min. for Commercial	Same as R-3PK (20' min.)	15' min. for Residential, 0' min. for Commercial	Same as R-3PK (20' min.)	20' min.
Side (min)		None	10% lot width or 15' each side max. & 5' min. each side.	10% lot width or 15' each side max. & 5' min. each side.	10% lot width or 15' each side max. & 5' min. each side.	Same as R1-PK (10% of lot width or 15' each side max. & 5' min. each side)	10% lot width or 15' each side max. & 5' min. each side.	5' each side, and 10' min. for transition from Resid. to Comm.	5' min. each side & 10' min. for use transition. 0' min. allowed b/tw attached types (see 15' min.	5' min. each side & 10' min. for use transition. 0' min. allowed b/tw attached types (see 15' min.	10% of lot width or 15' each side max. & 5' min. each side. 0' min. allowed b/tw attached types	5' each side & 10' min, for use transition from Resid. To Comm.	5' min. each side & 10' min. for use transition. 0' min. allowed b/tw attached types (see 15' min.	Same as R-3PK (5' each side & 10' min, for use transition from Resid. To Comm.)	5' min. each side & 10' min. for use transition. 0' min. allowed b/tw attached types (see 15' min.	10' min.+ 50' min. from public ROW	10' min.+ 50' min. from public ROW
Rear (min)	None.	None	10% lot depth or 25' max.	10% lot depth or 25' max.	10% lot depth or 25' max.	10% lot depth or 25' max.	10% lot depth or 25' max.	15' min.	15' min.	15' min.	10% lot depth or 25' max.	Same as C-1PK (15' min.)	15' min.	Same as C-1PK (15' min.)	15' min.	Same as C-1PK (15' min.)	15' min.
BUILDING HEIGHT																	
Building Height			35' max. aff.	35' max above finish floor or 4 stories max.	35' max above finish floor or 4 stories max.	4 stories max. or 2 stories less than +4 adj	4 stories max.	4-stories max.	4 stories max.	5 stories max.	8 stories max. or 2 stories less than +8 adj.	10-stories max.	10 stories max.	18 stories max. + 2 stories for parking /	20 stories max. for Resid. & 30 stories max for	10 stories max. +add'l restrictions (see notes)	10 stories max.
BUILDING FUNCTION																	
Residential	Prohibited	Prohibited	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Lodging	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Permitted (B&B only)	Permitted	Permitted	Prohibited	Permitted (25 u/ac max.)	Permitted	Permitted (25 u/ac max.)	Permitted (72 u/ac max.)	Permitted (25 u/ac max.)	Permitted (72 u/ac max.)
Office	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Permitted	Permitted	Permitted	Permitted (Prof. Office)	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Retail	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Permitted	Permitted	Permitted	Prohibited	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Educational	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	Permitted	Permitted	Prohibited	Permitted	Permitted	Prohibited	Prohibited	Permitted	Prohibited	Prohibited	Prohibited	Prohibited
Civic	Prohibited (ex. country club	Prohibited	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Civil Support	Prohibited	Prohibited	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
NOTES																	
Additional Notes (comparisons from conversion)			1. Lot width for DF = 80' at building face/50' at ROW. Lot width for MF = 100'	1. No duplex or multi-family allowed.	1. No multi-family allowed.		1. Building height capped to 4 stories.	1. For existing lots, footprint shall not exceed 25% lot coverage.	1. Building height capped to 4 stories.	1. Retail uses required at ground floor.	1. Townhomes exempt from side setbacks - 0' min. allowed except 10' req'd at end lots.	1. Additional height restrictions w/in 4 miles of Pensacola Naval Air Station.	1. Retail uses allowed in R-3PK areas.	1. For existing lots, footprint shall not exceed 25% lot coverage.	1. Increase density from 13 - 36 du/ac (shows existing condition).	1. For structures + 35', for every 2', there shall be an additional 1' setback.	1. Density increase from 5 to 36 du/acre.
				2. Lot coverage reduced to 65% to be in line with the open space min. requirements of 35%.	2. Lot coverage reduced to 65% to be in line with the open space min. requirements of 35%.		2. Density increase from 4.5 to 12 du/acre.	2. See additional footprint regulations.	2. Density increase from 4.5 to 12 du/acre.			2. For existing or improved lots, footprints shall not exceed 25% lot coverage.	2. Density increase from 12.5 to 36 du/acre.	2. Arcades, amusement centers and bingo facilities permitted.	2. Attached bldgs. exempt from side setbacks - 0' min. allowed except 10' req'd at end	2. Min. distance b/tw structures = 15', exclud. Zero-lot development.	2. Min. distance b/tw structures = 15', exclud. Zero-lot development.
				3. Density increase from 2 to 6 du/acre.	3. Density increase from 2 to 6 du/acre.		3. Cottage courts allowed.		3. Building types include rowhouses, cottage courts, small apt or commercial buildings and live-works.			3. Additional footprint regulations for existing bldgs or improved lots (19% - 25% lot coverage range).	3. Townhomes exempt from side setbacks - 0' min. allowed except 10' req'd at end lots.	3. See additional footprint regulations for existing bldgs or improved lots (19% - 25% lot coverage range).	3. Remove additional footprint restrictions	3. MF & hotels to be located 100' min. from SF dwellings.	3. MF & hotels to be located 100' min. from SF dwellings.
									4. Attached bldgs. exempt from side setbacks - 0' min. allowed except 10' req'd at end lots.				4. Remove additional footprint restrictions				
									5. Footprint restrictions same for new and existing buildings.								



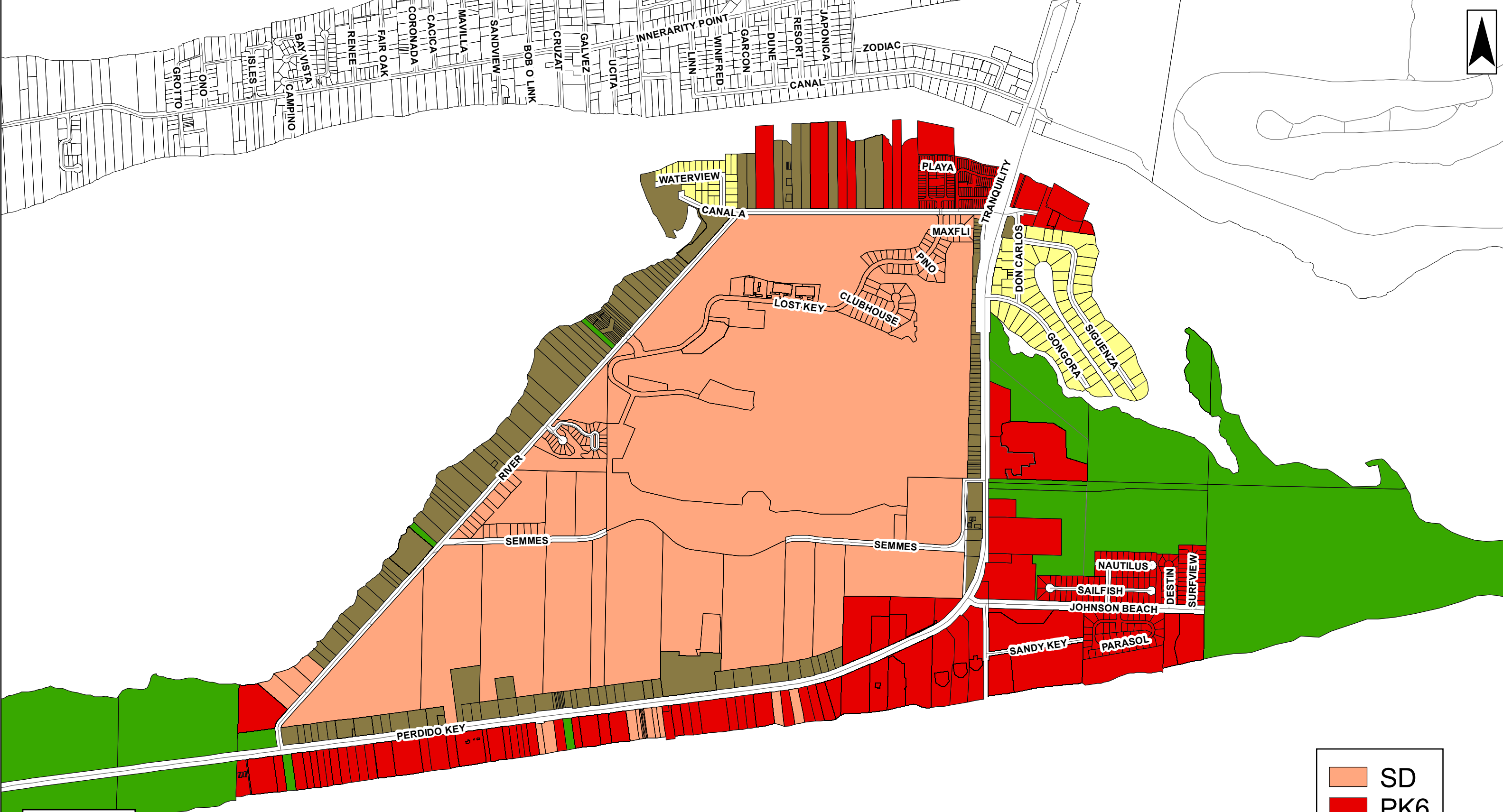
PK EXIST. ZONING-DRAFT 1



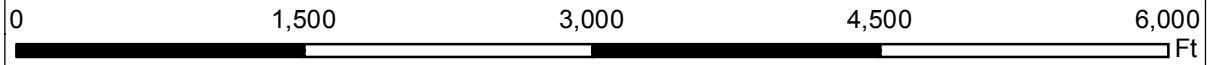
- R-1PK
- R-2PK
- R-3PK
- C-1PK
- CCPK
- CGPK
- PRPK
- S-1PK



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Planning and Zoning Dept.



PK NEW ZONING-DRAFT 1

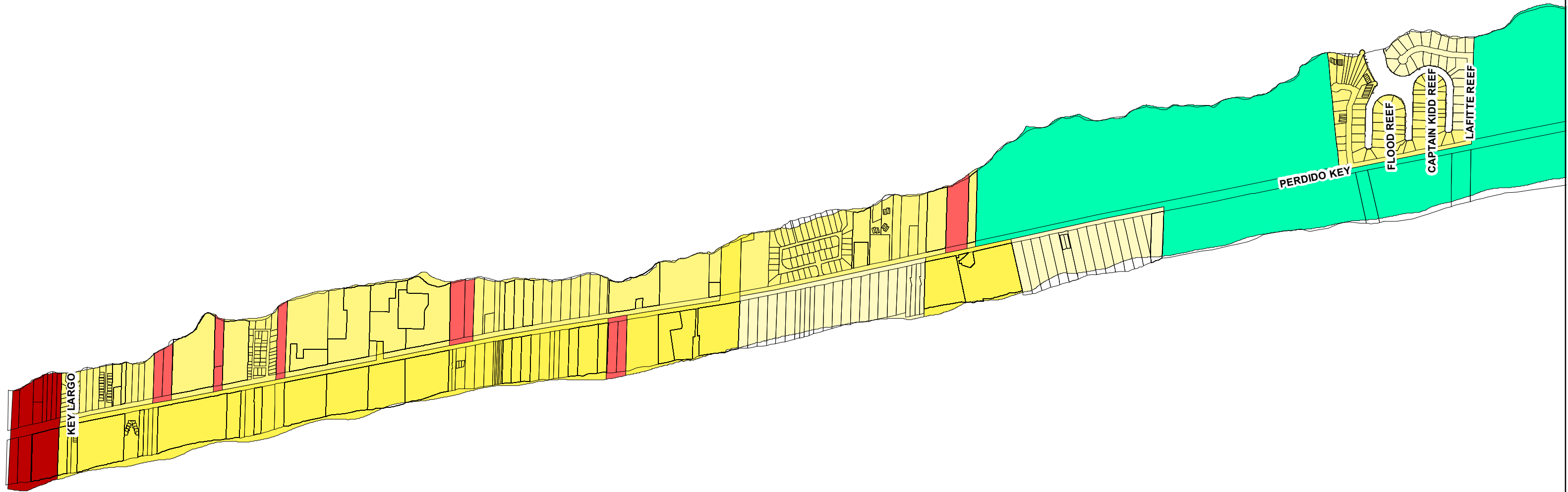


- SD
- PK6
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- PK4
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- PK1



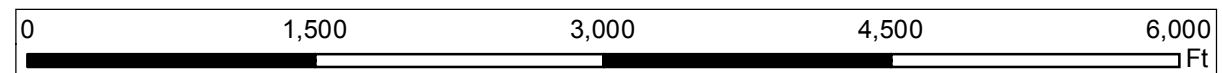
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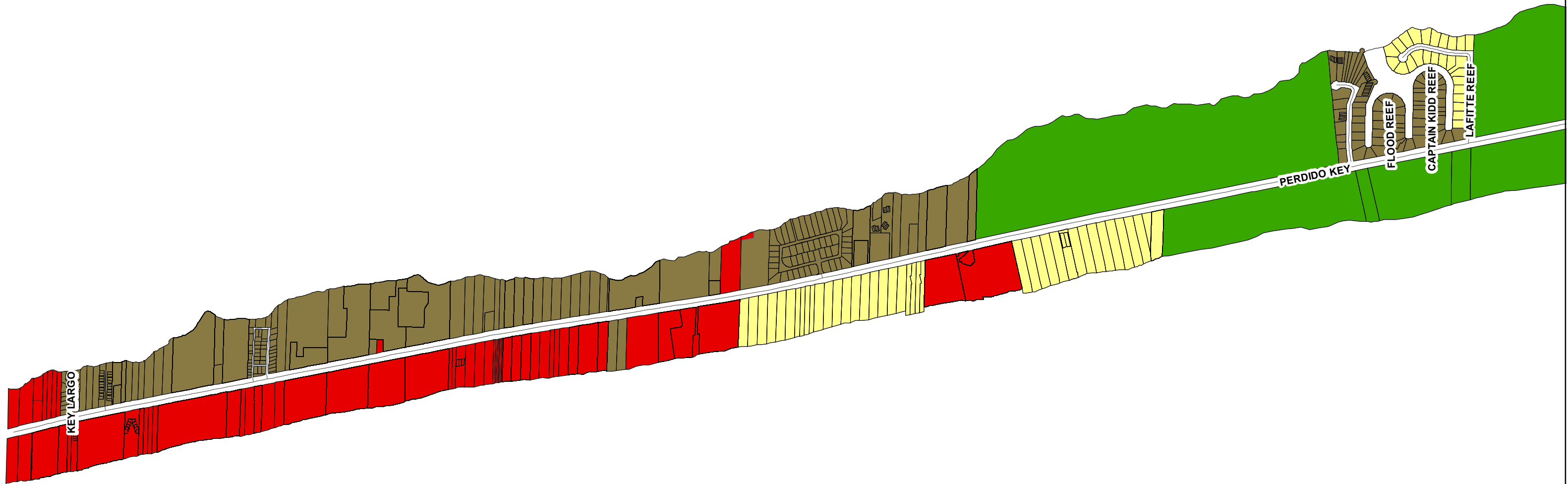
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PK EXIST. ZONING-DRAFT 1



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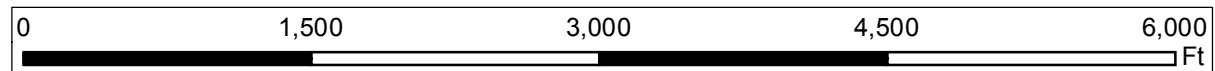
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



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