

WORKSHOP AGENDA
ESCAMBIA COUNTY PLANNING BOARD
March 18, 2014–8:30 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Land Development Code.
 - A. Chapter 2 - Development and Compliance Review.
3. Information for April 1, 2014 meeting.
4. Public Forum.
5. Scheduling of Future Meetings.

The next **Regular Planning Board** meeting is scheduled for **Tuesday, April 1, 2014 at 8:30 a.m.** , in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

6. Announcements/Communications.
7. Adjournment.



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

Planning Board-Workshop

2. A.

Meeting Date: 03/18/2014

Agenda Item:

Attachments

Ch 2 Compliance Review Process-DRAFT1A

Working Copy

Chapter 2 DEVELOPMENT AND COMPLIANCE REVIEW

Article 1 General Provisions

- Sec. 2-1.1 Purpose of chapter.
- Sec. 2-1.2 Purpose of article.
- Sec. 2-1.3 General compliance review provisions.
- Sec. 2-1.4 General provisions of compliance review.

Article 2 Verifications and Confirmations

- Sec. 2-2.1 Purpose of article.
- Sec. 2-2.2 Permitted land use.
- Sec. 2-2.3 Lot conformance.
- Sec. 2-2.4 Street names and addresses.
- Sec. 2-2.5 Alcoholic beverage zoning.
- Sec. 2-2.6 Land Development Code (LDC) interpretation.
- Sec. 2-2.7 Use compatibility.

Article 3 Land Disturbance Activities

- Sec. 2-3.1 Purpose of article.
- Sec. 2-3.2 General land disturbance.
- Sec. 2-3.3 Pre-construction site work.
- Sec. 2-3.4 Construction in county right-of-way.
- Sec. 2-3.5 Residential driveways.
- Sec. 2-3.6 Removal of protected trees.
- Sec. 2-3.7 Sand and aggregate on barrier islands.

Article 4 Site Development

- Sec. 2-4.1 Purpose of article.
- Sec. 2-4.2 Site development review.
- Sec. 2-4.3 Minor site development.
- Sec. 2-4.4 Major site development.

1	Article 5	Subdivision
2	Sec. 2-5.1	Purpose of article.
3	Sec. 2-5.2	Subdivision review and platting.
4	Sec. 2-5.3	Minor subdivisions.
5	Sec. 2-5.4	Master plans.
6	Sec. 2-5.5	Preliminary plats and construction plans.
7	Sec. 2-5.6	Final plats.
8	Sec. 2-5.7	Plat vacation.
9		
10	Article 6	Special Conditions and Circumstances
11	Sec. 2-6.1	Purpose of article.
12	Sec. 2-6.2	Review by quasi-judicial hearing.
13	Sec. 2-6.3	Applicant-initiated Zoning map amendment (rezoning)
14	Sec. 2-6.4	Variance of LDC standards.
15	Sec. 2-6.5	Conditional uses.
16	Sec. 2-6.6	Extensions of review, approval, and use periods.
17	Sec. 2-6.7	Medical hardship temporary use of manufactured homes.
18	Sec. 2-6.8	vested rights.
19	Sec. 2-6.9	Planned unit developments.
20	Sec. 2-6.10	Statutory development agreements.
21		
22	Article 7	LDC and Comprehensive Plan Amendment
23	Sec. 2-7.1	Purpose of article.
24	Sec. 2-7.2	LDC zoning map and text amendments.
25	Sec. 2-7.3	Comprehensive Plan Future Land Use and text
26		amendments.
27		
28	Article 8	Manual and Procedures
29		
30	Sec. 2-8.1	Purpose of article
31	Sec. 2-8.2	Generally
32	Sect. 2-8.3	Criteria for inclusion
33		
34		

Article 1 General Provisions

Sec. 2-1.1 Purpose of chapter.

The purpose of this chapter is to establish county review requirements necessary to effectively document compliance with the LDC and authorize the use and development of land accordingly. The administrative authorities described in Chapter 1 evaluate LDC compliance of land uses and development activities. More specifically, this chapter is intended to: **[2.01.00]**

(1) Identify county and applicant responsibilities in LDC development and compliance review.

(2) Provide public notice requirements.

(3) Establish criteria for the evaluation of variances, conditional uses, vested rights, LDC and Comprehensive Plan amendments, and other discretionary review processes.

(4) Provide a mechanism for appeals of in county land use and development decisions.

Sec. 2-1.2 Purpose of article.

The purpose of this article is to establish general provisions that apply broadly to all LDC development and compliance review within the chapter. The compliance review applicable to specific land uses and development activities is prescribed in the remaining articles of this chapter.

Sec. 2-1.3 General compliance review provisions.

(a) Prior county approval required. No land use or development activity regulated by the LDC is allowed prior to obtaining all applicable county approvals according to the provisions of the LDC. No county administrative authority may approve uses, activities, or other actions that are not found to comply fully with the requirements of the LDC. Additionally, any time the LDC or other regulations require authorizations by the Planning Board, Board of Adjustment (BOA), Board of County Commissioners (BCC), or other local authorities prior to final county approval of an application, those authorizations shall be evidenced in advance of final approval and not deferred in a condition of that approval. **[2.02.00, 2.02.02, 4.01.00]**

(b) Non-county approvals.

(1) Generally. State, federal, and other non-county entities, including homeowners associations, may also regulate, govern, or otherwise influence the use or development of land. It is solely the responsibility of each landowner, regardless of LDC compliance review, to determine whether other agencies or entities have jurisdiction or responsibilities in the use of their property or activities upon it and to adequately communicate with them. Although the county may approve a land-use application, that approval does not constitute, advocate, or assure approval

by any other entity, nor does the approval of another entity relieve a person of the need to obtain appropriate county approval. [2.02.03 and 7.15.16.]

(2) State and federal permits. As prescribed by Florida Statutes, the county may not require as a condition of a development permit that an applicant obtain a permit or approval from any state or federal agency unless the agency has issued a final agency action that denies the federal or state permit before the county action on the local development permit.

(c) Applicable review. The Planning Official shall confirm the correct processes and direct applicants to the appropriate reviews prescribed by the LDC.

(d) Concurrent review. To assist applicants in coordinating and expediting all county review, land uses and development activities shall be reviewed for compliance with other applicable county land development regulations during LDC compliance review. Those other regulations include accessibility requirements, fire safety regulations, and applicable health and safety policies.

(e) Single-family lots. Any existing lot of record may have a single-family dwelling permitted on it regardless of how the lot was created, the condition or legal status of the access, or the minimum lot area or width required by the applicable zoning district. [4.01.02.C, 4.01.03.C, 6.04.08]

(f) Comprehensive Plan limits. No permit may be issued for any development if it would cause any requirement in the Comprehensive Plan to be violated. [4.01.02.F]

(g) Authority to determine LDC meaning. The Planning Official shall, upon request or his/her own initiative, review the meaning and intent of LDC provisions as applied by county review personnel and, with due regard to the stated purposes and requirements of the LDC, clarify or revise that meaning as needed. Where additional technical or specialized knowledge is necessary to make an accurate interpretation, the Planning Official shall rely on the recommendations of those personnel having such knowledge.

(h) Building code compliance. Although the LDC establishes setback, height, floor area ratio, and other land use regulations for structures and prescribes development standards for the sites they occupy, the review and approval of construction plans for structures shall be according to Part I, Escambia County building code. The construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of any building, structure, or facility or any appurtenances connected to such buildings, structures, or facilities shall be in compliance with the Florida Building Code. Site development plan approval is required to confirm LDC compliance, but separate review and approval is required to confirm building code compliance. [2.02.00, 4.03.05 & 06]

(i) Split jurisdiction. When a land use or development activity is proposed within the jurisdictional boundaries of the county and another governing body, such as the City of Pensacola, Santa Rosa Island Authority, and Town of Century, an application for the use or activity must be submitted as required by both jurisdictions. Each governing body has exclusive jurisdiction to approve the use or activity within its

boundaries unless the governing bodies having the jurisdictions agree that application to and compliance review by only one is mutually acceptable.

Sec. 2-1.4 General provisions of compliance review.

(a) Generally. The LDC establishes compliance review provisions to authorize land uses and development activities that demonstrate compliance with applicable LDC requirements. The procedures vary with the complexity of issues evaluated, but each requires: (1) an application for county approval, (2) an opportunity for public participation, (3) an evaluation of LDC compliance, (4) a final compliance determination, and (5) an opportunity to appeal that determination. The general requirements established in this section shall be combined with the specific requirements prescribed in the remaining articles of this chapter to obtain compliance review appropriate for the uses or activities proposed.

(b) Application. Anyone requesting approval of a land use or development activity regulated by the LDC must initiate the appropriate compliance review action prescribed in this chapter by submission of a complete application for review according to the adopted procedures for the application. Those procedures and all necessary application forms, checklists, and schedules shall be made conveniently available to the public by the reviewing authority. Guidance to assist applicants in meeting application requirements shall also be provided and obtained from the appropriate governing body. [2.02.01, 2.05.01, 2.08.02.C, 2.13.02.A, 4.02.02, 4.02.04.B, 4.02.05.A, 4.06.04.A, 7.15.09]

1) Pre-application inquiries. Prior to application for approval through a LDC compliance review, representatives of the reviewing authority shall be available to discuss with applicants any of the processes, regulations, and standards related to development objectives. Anyone unfamiliar with LDC requirements is strongly encouraged to consult the LDC and make sufficient inquiries to the county before submitting an application to avoid delays or penalties. As identified in this chapter, a meeting with review personnel is required for certain development review activities but are encouraged for all..

Applicants for any land use or development activity on Pensacola Beach property for which a pre-application meeting is not required shall nevertheless consult with staff of the SRIA to review for any lease conditions that may affect the proposed use or activity.

2) Authority to apply. An applicant for compliance review shall be the owner of the subject land or be appropriately authorized by the landowner to submit an application. Where a proposed use or activity involves multiple parcels, common ownership or similar unified authorization shall be documented. For Pensacola Beach leaseholds the applicant shall be the lessee or authorized by the same. Authority to apply may be confirmed through public records or other means established and appropriate for the specific approval requested. For all applications it remains solely the responsibility of the applicant to obtain valid authorization of the landowner. [2.13.02.A.2, 4.06.04.A]

1 **3) Fees.** Where authorized by the BCC, payment of fees will be required at the
2 time of application or at the time the requested approval or other service is
3 provided, according to the adopted procedures of the reviewing authorities.
4 Authorized fees include those for compliance review and related services and
5 those specific to an approved use or activity. [2.13.02.A.3, 2.09.05, 2.11.02,
6 4.06.04.B, 4.02.09, 6.04.15, 7.15.10]

7 **(c) Final determination.** The final determination on an application typically follows the
8 applicant's final response to review comments or the conclusion of any required
9 public hearing testimony. The time necessary for an application to conclude with a
10 final determination varies with the reviewing authority and compliance review..
11 [2.13.02]

12 **(1) Approval.** Confirmation that a requested land use or development activity
13 complies with all applicable LDC provisions is recognized through the issuance of
14 a written document of final approval. At a minimum, the document shall identify
15 the subject site, the action approved, the approving authority, the date and period
16 of approval, and any site-specific conditions of the approval. Approval authorizes
17 the applicant, subject to the continuing obligation of the approval terms and
18 conditions, to commence the proposed use or activity. Use or activity other than
19 that approved, or failure to comply with approval terms and conditions, is a
20 violation of the LDC and is subject to enforcement and the penalties prescribed.
21 [4.06.13]

22 **(2) Approval conditions.** The LDC prescribes both general and specific conditions
23 of approval. It may authorize other reasonable conditions considered necessary
24 to address impacts of approvals and carry out the purposes of the LDC.
25 However, after final county approval, no new conditions can be imposed and no
26 existing conditions can be removed except by the established appeal provisions.
27 Additionally, except as required by Florida Statutes for requested zoning changes
28 necessary to properly enact a proposed comprehensive plan amendment, no use
29 or activity may be approved conditional to a proposed change in either the future
30 land-use category or zoning district. The following conditions apply to all
31 approvals: [2.13.02.F.3.c]

32 **a. Substantial conformance.** The implementation of an approval shall
33 be in substantial conformance with the terms and conditions of the
34 approval.

35 **b. Compliance inspections.** All approved development is subject to
36 county inspections for compliance with the conditions of its approval,
37 including any approved plan. All engineering designs shall require "as
38 built" certification by a Florida registered professional engineer prior to
39 final inspection.

40 **c. Other approvals.** All applicable state and federal permits shall be
41 obtained before commencement of the approved development.

42 **(3) Denial.** For each application denied by the reviewing authority, the county shall
43 inform the applicant in writing of the basis of the denial. Unless modified or

1 overturned on appeal, a denial closes the original application. Any subsequent
2 review for approval requires a new application and may require a waiting period
3 prior to any reapplication for materially the same requested approval.

4 **(4) Risk in proceeding.** The decisions of approving authorities in the LDC
5 compliance review are final unless overturned through a valid appeal process.
6 The county shall issue authorizations for uses and activities according to the
7 decisions of these authorities, the applicant, bears all risk in proceeding with an
8 approved use or activity while the approval remains subject to appeal. [2.04.02]

9 **(5) Modification of approvals.** It is unlawful to modify, amend, or otherwise deviate
10 from an approval without first obtaining written authorization from the approving
11 authority. And, unless specifically established in the LDC or provided through a
12 successful appeal, modification of an approval, including its terms and
13 conditions, requires a new application for review. Approved uses or activities
14 modified without authorization are subject to the penalties and increased fees
15 specified by the BCC. No certificate of occupancy or similar acceptance of site
16 conditions by the county shall be issued for any unauthorized land use or
17 development activity. Modifications to approvals may be requested by the
18 applicant as prescribed in this chapter, but requests for modifications to certified
19 engineering designs shall only be accepted from the engineer of record and
20 require approval by the County Engineer. [2.13.02.F]

21 **(d) Appeal.** Any LDC compliance review applicant, or other aggrieved party as defined
22 by Florida law, may appeal the decision of an administrative official or board in their
23 administration of the LDC as prescribed in this chapter. Decisions subject to appeal
24 include formal interpretations of LDC provisions by the Planning Official and the final
25 approvals, conditions of approval, or denials of development applications. However,
26 recommendations of administrative officials or boards in any matter are not subject
27 to appeal. Avenues of appeal are as follows: [2.13.02.F, 13.18.00]

28 **(1) County officials.** A decision of a county official in his administration of the LDC
29 may be appealed by application to the Board of Adjustment (BOA) for review
30 within 15 days after the date of the official's decision according to the provisions
31 for appeal of administrative decisions as prescribed in Article 6. Appeal of
32 decisions made by the Building Official in his administration of the building code
33 shall be according to the provisions of the Escambia County Code of Ordinances,
34 Part I.

35 **(2) Board of Adjustment.** If the final determination of the BOA is denial, no new
36 application for the same use on the same parcel can be accepted for review until
37 at least 180 days from the date of the denial. [2.05.07] A final determination of
38 the BOA may be appealed by petitioning the circuit court for judicial review within
39 30 days after the date of the board's decision, and providing a copy of the petition
40 to the clerk of the board. Appeal is limited to an applicant or to an adversely
41 affected person who appeared before the BOA in the quasi-judicial hearing and
42 asserted a position on the merits of the application. [2.04.01.C, 2.05.07.A]

43 **(3) Santa Rosa Island Authority.** Review of a Santa Rosa Island Authority (SRIA)
44 Board decision may be undertaken by the Board of County Commissioners

1 (BCC) as provided for in the Laws of Florida (ch. 79-457) or appeal may be made
2 directly to the circuit court. A decision of a SRIA official made in his
3 administration of the LDC may be appealed to the BOA in the same manner
4 prescribed for appeal of a decision of a county official. [13.18.02]

5 **(4) Planning Board.** The recommendations of the Planning Board are the local
6 planning agency's advice to the BCC on county growth management issues and
7 are therefore not subject to appeal.

8 **(5) Board of County Commissioners.** A decision of the BCC may be appealed by
9 petitioning the circuit court for judicial review within 30 days after the date of the
10 board's decision. [2.05.07.A]

Article 2 Verifications and Confirmations

Sec. 2-2.1 Purpose of article.

The purpose of this article is to establish the review criteria necessary to verify or confirm certain conditions affecting the authorization of land uses and development activities regulated by the LDC. These verification and confirmation procedures are defined by the general provisions of Article 1 and the specific provisions of this article. They do, however, provide necessary documentation for the processes that grant such authorizations. More specifically, this article includes review to verify permitted land use and lot conformance, name streets and assign addresses, confirm alcoholic beverage zoning compliance, confirm statutory vesting, interpret LDC meaning, and confirm land-use compatibility.

Sec. 2-2.2 Permitted land use.

(a) Generally. Verification of permitted land use is required to authorize any use or development of land regulated by the LDC. The procedure to verify land use is established to document the site-specific conformance of existing uses or potential new uses. Verification does not grant authorization to proceed with a land use or development activity, but is only a measure of the potential for a use or activity under the provisions of the LDC.

(b) Verification of allowable or permitted uses. Application for permitted land-use verification shall be submitted for review to the offices of the Planning Official. The applicant shall provide the required information.

Sec. 2-2.3 Lot conformance.

(a) Generally. Verification of lot conformance is required to authorize the use and development of existing lots when they cannot be verified as valid lots of record. The provisions to verify conformance is established here to document that an individual lot created and conveyed without prior documented compliance review and authorization is, nevertheless, a physically conforming lot. This provision, however, is not a substitute for proper LDC compliance review and approval of the subdivision of land, and it is not an alternative means to create or establish a lot of record. Additionally, lot conformance verification is limited to lots that are used solely as the homestead of the owner-applicant who is not the owner of the parent parcel from which the lot was divided.

(b) Verification for lot conformance. Application for lot conformance verification shall be submitted for review to the offices of the Planning Official.

Sec. 2-2.4 Street names and addresses.

Street naming and address assignment is required to authorize the use and development of land. The application shall be submitted for review to the offices for the county Geographic Information System (GIS). The assigning of street names and addresses are to provide and document proper site identification necessary for the approval of land-use applications and the subsequent provision of emergency

response, postal delivery, utility connection, and other essential services. However, the verification or assignment of an address or the approval of a street name neither provides nor assures any land-use or development activity approval, vested right, or capacity allocation.

Sec. 2-2.5 Alcoholic beverage zoning.

Confirmation of alcoholic beverage zoning compliance is required by the State of Florida for licensing the sale or on-premise consumption of alcoholic beverages. Application for alcoholic beverage zoning compliance confirmation shall be submitted for review to the offices of the Planning Official. Any subsequently licensed sales shall comply with relevant provisions of the Escambia County Code of Ordinances. [7.14.00]

Sec. 2-2.6 LDC interpretation.

(a) Generally. Interpretation of LDC meaning by the Planning Official is required when formal documentation of the meaning of a provision is needed prior to or without a final determination on another compliance review application. The interpretation of LDC provisions are established primarily to create appealable decisions of the Planning Official regarding land development regulations without regard to development review applications. An interpretation is not intended as a substitute to seeking an understanding of the LDC through pre-application meetings and the ordinary process of compliance review by authorized county personnel. The applicant shall provide any fees and information required by the adopted interpretation procedures which will include specific conditions, prior meaning and the insufficiency or error of the prior meaning provided.

(b) Interpretation process.

Application. Application for interpretation of a LDC provision shall be submitted for review to the offices of the Planning Official. The applicant shall provide any authorized fees and the information required by the adopted interpretation procedures. That information shall include the following:

a. Conditions. A description of the specific conditions to which the interpretation will apply.

b. Prior meaning. The meaning of the provision previously provided by authorized county review personnel.

c. Insufficiency or error. A description of how the prior meaning provided is thought to be insufficient or in error.

Sec. 2-2.7 Use compatibility.

(a) Generally. A compatibility analysis to confirm that a proposed land use or development activity will be compatible with adjacent uses or conditions is required to allow some authorizations of site development or rezoning as prescribed in the LDC. The requirements to evaluate compatibility is established here to document whether a proposed use or activity, or uses permitted by a rezoning, will be compatible where proposed. The confirmation process may be a requirement of site

development compliance review or rezoning criteria, but it does not substitute for compliance review, and confirmation of compatibility does not assure development plan or rezoning approval.

(b) Confirmation for compatibility. Application for land-use compatibility confirmation shall be submitted for review to the offices of the Planning Official.

Article 3 Land Disturbance Activities

Sec. 2-3.1 Purpose of this article.

The purpose of this article is to establish the review necessary to confirm LDC compliance and authorize site-specific land disturbance activities that are not evaluated separately by the other review procedures of this chapter. These land disturbance review are defined by the general provisions of Article 1 and the specific provisions of this article. They provide appropriate evaluations of activities that have the potential for producing adverse off-site impacts, especially regarding storm water, if not properly planned and managed. More specifically, this article includes review for demolition of structures, work in county rights-of-way, removal of protected trees, and sand and aggregate use on barrier islands. Borrow pits and other site development, not limited to land disturbance activity, require compliance review according to the provisions of Article 4. [\[2.13.02, 4.06.00\]](#)

Sec. 2-3.2 General land disturbance.

(a) Generally. A general land disturbance permit is required prior to beginning any activity involving the clearing, cutting, excavating, filling, or grading of land, or any other activity that alters land topography or vegetative cover and is not authorized by the other land disturbance permits of this article. The purpose for authorizing general land disturbance is to assure that such activities, especially those with the potential to significantly change stormwater surface runoff patterns, comply with the stormwater management standards found in Chapter 5 of the LDC and in the Engineering Design Standards Manual (EDSM). Also, such activities must not result in adverse impacts on adjoining properties, surface waters, environmentally sensitive lands, roadways, or drainage systems.

(b) Permit for land disturbance. Application for a general land disturbance permit shall be submitted for compliance review to the offices of the Planning Official.

Sec. 2-3.3 Pre-construction site work.

(a) Generally. Except for single-family and two-family development, a pre-construction site work permit is required prior to beginning any land disturbance activity regulated by the LDC and proposed by an approved site development plan if the building permit has not been issued or no building permit is required.

(b) Permit for pre-construction site work. Application for a pre-construction site work permit shall be submitted for compliance review to the offices of the Building Official.

Sec. 2-3.4 Construction in county right-of-way.

Unless construction in a county right-of-way is authorized by a residential driveway permit or other county approval, a county right-of-way work permit is required prior to disturbing the paved portion, or any area beneath the paved portion, of any county right-of-way; or prior to installing underground facilities in a county right-of-way; or prior to work, other than maintenance, on a driveway connection within a county right-of-way. A permit is not required for work or improvements included within approved subdivision infrastructure construction plans or site development plans, or for any exempt activities identified by the procedure for making road cuts, within *Local Public Improvements*, Escambia County Code of Ordinances.

Sec. 2-3.5 Residential driveways.

A residential driveway permit is required prior to construction of any driveway connection from the lot of a single-family or two-family dwelling to any county street, paved or unpaved, unless the connection is to a street with curb and gutter and is constructed during the valid period of the building permit for the dwelling. A driveway permit is also required prior to any work, other than maintenance, on an existing residential driveway connection to a county street. Application for a residential driveway permit shall be submitted for compliance review to the offices of the Planning Officials.

2-3.6 Removal of protected trees.

A tree removal permit is required prior to removing or otherwise causing unnatural decline by irreparable injury to any tree protected by the provisions of the LDC unless that activity is authorized through site development or other compliance review provisions of this chapter. The process to authorize the removal of a protected tree is established in the ESM.

Sec. 2-3.7 Sand and aggregate on barrier islands. [12.05.01.A, 12.05.06]

A sand and aggregate use permit is required prior to placement on Santa Rosa Island or Perdido Key of any sand, aggregate, or other construction or landscaping materials regulated by the LDC, regardless of any other land disturbance permits issued or other approvals granted through LDC compliance review. The process to authorize the placement of these regulated materials is established, in the EDSM, to prevent the importation, use, and relocation of red clay and other prohibited materials that tend to discolor, darken, or stain the natural white sands of those barrier islands.

Article 4 Site Development

Sec. 2-4.1 Purpose of article.

The purpose of this article is to establish the provisions necessary to confirm LDC compliance and authorize forms of site-specific development that propose more than

land disturbance activities but do not include the subdivision of land. These site development review provisions are defined by the general provisions of Article 1 and the specific provisions of this article. They evaluate a wide range of land uses and development activities. More specifically, this article includes major and minor review provisions for the establishment or change of uses and for the construction of structures and supporting infrastructure, whether principal or accessory, residential or non-residential, permanent or temporary. However, site development plan approval is not a permit to construct any structure that is regulated by the Florida Building Code.

[2.13.02, 4.06.00] If all the applicable regulations concerning the proposed project for a major or minor development are met, a Development Order shall be issued, with or without conditions, by the approving authority which shall be a continuing obligation to comply with the specifications of the plan and the terms and conditions of that approval.

Sec. 2-4.2 Site development review.

(a) Approval required. Any site development regulated by the LDC requires county review and approval of a major or minor site development plan, according to the provisions of this article, unless the development is evaluated by other compliance review processes of this chapter or is specifically identified in the LDC as exempt from these processes. And, if site development is anticipated to occur in phases beyond the valid period of an individual site plan approval, review and approval of a master plan may be advisable to secure certain development conditions prior to the separate review and approval of multiple phase plans.

(b) Timing of building plan review. Although it may be advisable, it is not necessary for an applicant to delay the building construction plan compliance review until the site development plan is reviewed and approved. However, once the building code compliance review begins, the applicant bears all risk in the possibility of a modification to the building construction plans required by a modification in the site development plans and the expense for review of revised and resubmitted construction plans.

(c) Documentation by site plan. Site development compliance review requires the submission of a site plan to provide standardized documentation of compliance with county land development regulations. The form and content of a site plan shall be appropriate to the documentation necessary for the proposed site changes. Once approved, the site plan also documents how completed site changes comply with approved changes. The wide range of site plan content identified in this section is an indication of the types of documentation that may be required for compliance review. In general, as much information as is reasonably necessary to document LDC compliance shall be required on a site development plan, increasing with the complexity of site uses and improvements to be evaluated. However, the minimum information required for any specific compliance review process shall be according to the adopted procedures.

(1) Existing conditions. The compliance review of a land-use or development activity must consider what is already on and around the site and any jurisdictional constraints. Consequently, a site development plan shall document

existing conditions that will likely affect or be affected by the use or activity, even conditions for which no change is anticipated. .

(2) Proposed changes. A site development plan shall document the temporary or permanent construction or placement of site improvements and other proposed changes to existing conditions. For a development constructed in phases, the plan shall document the sufficiency of each phase to comply with the LDC, without regard to uncompleted changes of the remaining phases.

(3) Supporting information. The effective documentation of existing conditions and proposed changes typically requires other supporting site information, along with a supporting checklist.

Sec. 2-4.3 Minor site development.

(a) Generally. Minor site plan approval is required to authorize those land uses or development activities categorized as a “minor” site development in this section. The process to approve a minor site development is established to evaluate uses and activities that typically produce fewer and/or less complex LDC compliance conditions than major development. As a result, compliance usually requires less documentation and fewer resources to confirm. Minor review primarily verifies that the use is permitted, the lot conforms, structures are appropriately placed, site access is adequate, public facilities are provided, and no adverse off-site impacts are created.

(b) Categories of minor development. Minor site development is limited to the following categories:

(1) Single-family and two-family residential. Residential site development in which any combination of single-family and two-family dwellings results in no more than four dwelling units on a lot. The category includes all uses and structures customarily accessory to such dwellings, including fences, enclosures, swimming pools, carports, and portable storage containers, and includes the conversion of a non-residential building to a one- or two-family dwelling.
[4.06.01]

(2) Non-residential change of use. Change of use in which the site development changes any non-residential use of a non-residential structure or site to another non-residential use, provided that any additional trip generation is minor and modifications are limited to those of the minor non-residential and minor multi-family category in this section. For these purposes, minor trip generation corresponds to a less than a 25 percent increase in the minimum parking required by the applicable unmodified base parking ratios in Chapter 5 and EDSM. [4.06.02.C]

(3) Temporary non-residential. Temporary establishment of a non-residential use or structure, including portable storage containers, portable shelters, mobile vending units, amusement structures, temporary constructions, sales offices, and other temporary uses and structures prescribed in Chapter 4. [4.06.02.E]

1 **(4) Minor non-residential and multi-family.** Minor additions and modifications and
2 accessory uses and structures for existing non-residential or multi-family
3 development if the net increase in site impervious cover from all sources is less
4 than 1000 square feet. Repeated additions of impervious surface constructed
5 since the adoption of the LDC shall be combined for the application of this limit.
6 Accessory uses include fences and signs.

7 **(c) Approval process.**

8 Checklists from the appropriate department will be provided so the applicant will
9 have quick and ready access to the requirements of this article.

10 **Sec. 2-4.4 Major site development.**

11 **(a) Generally.** Major site plan approval is required to authorize those land uses or
12 development activities categorized as a “major” site development in this section.
13 The process to approve a major site development is established to evaluate uses
14 and activities that typically produce greater and/or more complex LDC compliance
15 conditions than minor development. As a result, compliance usually requires more
16 documentation and greater resources to confirm.

17 **(b) Categories of major review.** Major site development is limited to the following
18 categories:

19 **(1) Multi-family residential.** Residential site development in which there are five or
20 more dwelling units in any combination on a lot. The category also includes uses
21 and structures customarily accessory to multi-family developments, such as
22 fences, swimming pools, carports, mail kiosks, maintenance sheds, and
23 clubhouses when they are not eligible for review as minor site developments.
24 The conversion of a non-residential building into a multi-family dwelling is also
25 included in this category.

26 **(2) Residential change of use.** Change of use in which the site development
27 changes any residential use of a structure to any non-residential use, in whole or
28 part. The category applies to any principal or accessory residential structure but
29 does not apply to home occupations or home-based businesses as defined by
30 the LDC.

31 **(3) Major non-residential.** New principal and accessory uses and structures not
32 reviewed by any other non-residential review category.

33 **(4) Master plans.** Master plans for phased site development. The plans of this
34 category are intended to afford the developer with a modest level of confirmation,
35 prior to further commitment of development resources, so that the development
36 is properly planned according to the regulations and standards of the LDC. The
37 plan helps to ensure integration with the surrounding land uses and development
38 and the sufficiency of the supporting infrastructure at the completion of each
39 phase.

40 **(5) PUDs.** Planned unit development (PUD) submitted under the PUD provisions of
41 Article 6.

1 If all the applicable regulations concerning the proposed project for a PUD are
2 met, a Development Order shall be issued, with or without conditions, by the
3 approving authority which shall be a continuing obligation to comply with the
4 specifications of the plan and the terms and conditions of that approval.

5 **(c) Approval process.**

6 Checklists from the appropriate department will be provided so the applicant will
7 have quick and ready access to the requirements of this article.
8
9

Article 5 Subdivision

Sec. 2-5.1 Purpose of article.

The purpose of this article is to establish the review provisions necessary to confirm LDC compliance and authorize the subdivision of land. These subdivision review requirements are defined by the general provisions of Article 1 and the specific provisions of this article. They evaluate subdivisions to avoid the creation of lots with unnecessary constraints on their subsequent development, including inadequate access, buildable areas, potable water supply, sewage disposal, and fire protection. More specifically, this article includes review processes for minor subdivisions, master plans, preliminary plats, infrastructure construction plans, final recorded plats, and plat vacation. Subsequent development on individual lots created by a subdivision is evaluated and authorized through the applicable compliance review processes established in the other articles of this chapter.

Sec. 2-5.2 Subdivision review and platting.

(a) Approval required. The division of a parcel of land into three or more lots requires county review and approval, unless the subdivision is specifically identified in the LDC as exempt. Prior to recording any final plat, review and approval of a preliminary plat with an infrastructure construction plan is required if infrastructure improvements are proposed. And, if subdivision construction and platting are to occur in phases, review and approval of a master plan are required prior to a separate review and approval of the individual phases. [4.02.04, 4.06.01] [4.01.00, 4.02.01]

(b) Exemptions from subdivision review. Exemptions from the subdivision compliance review of this article accommodate limited special conditions in the division of land.

(1) Boundary line changes. Conveyances of land that are executed solely to increase the size of adjoining parcels or to resolve boundary line disputes but which do not create additional parcels separate and apart from the existing parcels are not subject to the review of this article unless proposed through a subdivision replat. [4.01.03.F]

(2) Family conveyance. The subdivision of land for family conveyance, according to the land division standards of Chapter 5, does not need to obtain approval through the review of this article. [4.01.02.E, 4.01.03.D]

(3) Individual conforming lot. An individual lot verified as a conforming lot, according to the provisions of Chapter 2, does not need to obtain approval through the subdivision review of this article.

(c) Replatting land. The proposed replatting of all or part of the land of a recorded plat shall follow the same review process as the initial subdivision platting. [4.05.00.A]

1 **Sec. 2-5.3 Minor subdivisions. [4.01.05]**

2 **(a) Generally.** Minor subdivision approval is a limited option for the subdivision of land
3 where the final plat is not recorded in the public records of the county and, therefore,
4 not subject to the platting requirements of Florida statutes. One of the requirements
5 is that the supporting infrastructure required by the LDC is already in place. More
6 specifically, a minor subdivision shall fulfill all of the following criteria:

7 **(1) Number of lots.** If any subdivision lots are less than four acres, the net increase
8 in the number of individual lots is limited to five.

9 **(2) Existing street frontage.** All subdivision lots front on an existing public or
10 private street, paved or unpaved, providing the minimum right-of-way prescribed
11 in Chapter 5.

12 **(3) No new streets.** No new street (or any extension of an existing street) is
13 proposed or required.

14 **(4) No dedications.** There is no dedication of public improvements. This does not
15 preclude such acquisitions as additional right-of-way for an existing street to
16 provide the minimum width prescribed by the LDC.

17 **(5) Lot grading plans.** No stormwater management plan is required according to
18 the provisions of Chapter 5, but a lot grading plan is provided for each lot.

19 **(6) Effective period.** Approved minor subdivisions shall be effective and remain
20 valid for period of 1 year from the date of approval. The minor subdivision plat
21 shall expire and be void if each of the newly created lots are not recorded by
22 deed or other legal instrument in the official records of Escambia County within
23 the valid period of approval.

24 **(b) Approval process.**

25 Checklists from the appropriate department will be provided so the applicant will
26 have quick and ready access to the requirements of this article.

27 **Sec. 2-5.4 Master plans.**

28 **(a) Generally.** Master plan approval is required for any phased subdivision of land.
29 The requirements to approve a master plan is established to ensure integration of
30 the subdivision with surrounding development and the sufficiency of supporting
31 infrastructure at the completion of each phase. A master plan is intended to afford
32 the developer with a modest level of confirmation, prior to further commitment of
33 resources, so that the subdivision is properly planned according to the LDC. Master
34 plan approval vests the approved land uses and density, but it does not reserve
35 development standards, guarantee buildable density, or assure approval of any
36 implementing plats or construction plans. Additionally, each implementing phase
37 requires submission of a preliminary plat, construction plan, and final plat.

38 **(b) Approval process.**

39 Checklists from the appropriate department will be provided so the applicant will
40 have quick and ready access to the requirements of this article.

1 **Sec. 2-5.5 Preliminary plats and construction plans.**

2 **(a) Generally.** Preliminary plat and construction plan approval is required to map the
3 proposed subdivision of land and document the design of infrastructure to
4 adequately serve the created lots. The requirements to approve a preliminary plat
5 with its construction plan are established to ensure that both the division of land and
6 provision of services are consistent with the land-use regulations and design
7 standards of the LDC. The approval allows the construction of the subdivision
8 infrastructure to proceed, but it does not allow development on the individual
9 subdivision lots prior to the recording of a final plat, except for temporary uses as
10 specifically provided in Chapter 4.

11 **(b) Approval process.**

12 Checklists from the appropriate department will be provided so the applicant will
13 have quick and ready access to the requirements of this article.

14 **Sec.2-5.6 Final plats.**

15 **(a) Generally.** Final plat approval is required to map the proposed subdivision of land
16 in compliance with the platting requirements of Florida Statutes, such that, upon its
17 recording, all land shown on the plat and that is a part of the subdivision is identified
18 and may be conveyed by reference to the plat, including the dedication of rights-of-
19 way and easements. The approval of a final plat is established to allow the
20 recording of the plat in the public records when its content and form are consistent
21 with state and county requirements and with any applicable conditions of its
22 approved preliminary plat and infrastructure construction plan.

23 **(b) Approval process**

24 Checklists from the appropriate department will be provided so the applicant will
25 have quick and ready access to the requirements of this article.

26 **Sec. 2-5.7 Plat vacation.**

27 **(a) Generally.** Plat vacation approval is required to vacate a subdivision plat in
28 whole or part after the plat has been recorded in the public records of the county.
29 The approval to vacate a final plat is established to accommodate a replat or a
30 return to acreage for the subject land, according to Florida Statutes (Chapter
31 177).

32 **(b) Application for the final plat** An application shall be submitted for compliance
33 review to the office of the Planning Official. For subdivisions requiring preliminary
34 plat and construction plan approval, applications shall be submitted within two
35 years from the date of that approval, or otherwise allowed by an approved
36 extension.

37 **(c) Approval process.**

38 Checklists from the appropriate department will be provided so the applicant will
39 have quick and ready access to the requirements of this article.

Article 6 Special Conditions and Circumstances

Sec. 2-6.1 Purpose of article.

The purpose of this article is to establish the review provisions necessary to consider and authorize limited development alternatives under conditions and circumstances not evaluated by the other provisions of this chapter. The review for special conditions and circumstances are defined by the general provisions of Article 1 and the specific provisions of this article. The processes are predominantly discretionary and quasi-judicial, as per Florida Statutes and any other applicable regulations. They provide opportunities beyond those of other LDC review processes for applicants to demonstrate that sufficient conditions exist (or may be created) to support the requested special approvals.

Sec. 2-6.2 Review by quasi-judicial hearing.**Generally.** Many of the processes established in this article require a compliance review through a quasi-judicial public hearing to evaluate the presence and significance of special conditions or circumstances. The decisions must be supported by a record of findings evaluated and adopted at the hearing. The findings are determined through the investigation of facts, weighing of evidence, and drawing of conclusions. Quasi-judicial hearings are required to make the final determinations on applications for appeals of administrative decisions, substantial hardship variances, conditional uses, non-legislative zoning map amendments (rezoning), and other reviews as prescribed within this article.

Basic proceedings. Each quasi-judicial hearing required by the LDC shall be conducted according to all applicable requirements of the State of Florida for public hearings and according to all requirements of this article for the specific purpose of the hearing.

Sec. 2-6.3 Applicant-initiated Zoning map amendment (Rezoning application)

(a) Generally. All provisions of the Land Development Code are established, modified, or repealed by ordinance of the Board of County Commissioners (BCC). Zoning map amendments may be proposed by persons other than the county according to the ordinance enactment procedures prescribed by Florida Statutes and the provisions of this section. These map amendment provisions are established for the county to authorize appropriate changes to its land development regulations.

[2.08.00, 2.08.03]

(b) Application. An application for a rezoning shall be submitted to the clerk of the reviewing board at least 30 business days prior to the scheduled board meeting. A pre-application meeting of the applicant with the staff for the board is recommended to discuss the process and review county and applicant responsibilities.

(c) Public participation. The clerk of the reviewing board shall ensure public notice is consistent with Florida Statutes and the Comprehensive Plan.

(d) Compliance review. The reviewing board shall conduct a quasi-judicial public hearing as noticed to consider the requested rezoning according to the provisions of this article. At the conclusion of the hearing, based on the record of evidence, the

reviewing board shall adopt a recommendation to the BCC for rezoning approval, denial, or if possible and acceptable to the applicant, approval of a district with less intensive uses than the requested zoning. [2.08.02.C.4]

(e) Approval conditions. The applicant has the burden of presenting competent substantial evidence to the reviewing board that establishes each of the following conditions: [2.08.02.D.6 & 7]

(1) Consistent with Comprehensive Plan. The proposed rezoning is consistent with the goals, objectives, and policies of the Comprehensive Plan and not in conflict with any of its provisions. [2.08.02.D.6.a, and 7]

(2) Consistent with LDC. The proposed rezoning is consistent with the stated purposes and intent of the LDC and not in conflict with any of its provisions. [2.08.02.D.6.b, and 7]

(3) Compatibility. All land uses, development activities, and conditions allowed by the proposed zoning are compatible with the surrounding conforming uses, activities, and conditions and able to coexist in relative proximity to them in a stable fashion over time such that no use, activity, or condition is unduly negatively impacted by another. The appropriateness of the rezoning is not limited to any specific use that may be proposed but is evident for all permitted uses of the requested zoning. This condition shall not apply to any conditional uses of the proposed district or compatibility with nonconforming or unapproved uses, activities, or conditions. [2.08.02.D.6.c]

(4) Changed conditions. The area to which the proposed rezoning would apply has changed, or is changing, to such a degree that it is in the public interest to encourage new uses, density, or intensity in the area through rezoning. [2.08.02.D.6.d]

(5) Development patterns. The proposed rezoning would contribute to or result in a logical and orderly development pattern. [2.08.02.D.6.f]

(6) Effect on natural environment. The proposed rezoning would not increase the probability of any significant adverse impacts on the natural environment. [2.08.02.D.6.e]

(f) The planning board shall recommend approval of the rezoning request to the board of county commissioners, unless the planning board determines that maintaining the current zoning designations shall prevent the following:

(1) Premature or sprawl. The land uses and development activities allowed by the proposed rezoning are not premature, and the rezoning otherwise would not likely create or contribute to an urban sprawl pattern of development more than the current zoning. [2.08.02.D.7.a]

(2) Isolated district. The proposed rezoning would not create or contribute to an isolated zoning district that is neither related to the adjacent and nearby zoning districts nor an appropriate transition between them. [2.08.02.D.7.b]

1 **(3) Intrusion of non-residential uses.** The proposed rezoning would not allow an
2 intrusion of commercial or industrial uses into a platted residential subdivision or
3 other established residential area more than the current zoning. [2.08.02.D.7.c]

4 **(4) Property value impacts.** The land uses, development activities, and conditions
5 allowed by the proposed rezoning would not likely result in significant adverse
6 impacts upon the property values of adjacent properties or those in the immediate
7 area more than the types of use, activities, and conditions permitted by the current
8 zoning. [2.08.02.D.7.d]

9 **(5) Quality of life impacts.** The land uses, development activities, and conditions
10 allowed by the proposed rezoning would not likely adversely impact the character of
11 existing development or quality of life in the general area or neighborhood by
12 creating excessive traffic, noise, lights, vibration, fumes, odors, dust, physical
13 activities, or other detrimental effects or nuisances more than the types of uses,
14 activities, and conditions permitted by the current zoning. [2.08.02.D.7.e]

15 **Sec. 2-6.4 Variance of LDC standards.** [2.05.03, 6.08.00, 8.07.06, 11.01.03]

16 **(a) Generally.** For any standard specifically identified in the LDC as eligible, a variance
17 may be requested according to the provisions of this section where a landowner
18 asserts that the strict application of the standard creates an unnecessary difficulty on
19 a site. A variance allows site use in a manner that is not otherwise allowed by the
20 dimensional or physical requirements of the LDC, but it cannot authorize uses that
21 are prohibited by zoning or remedy general hardship conditions that extend to other
22 sites. And since the granting of a variance also affects the integrity of the adjusted
23 standard and may infringe on the safety, welfare, or other rights of neighboring
24 property owners, no applicant is automatically entitled to a variance.

25 Minor variances of 20% or less that are of mutual benefit to the public and the
26 applicant are evaluated by the Planning Official. All other variances shall be
27 evaluated as substantial hardships through quasi-judicial public hearing review by
28 the Board of Adjustment (BOA) or by the SRIA for Pensacola Beach properties. .

29 **(1) Limits on variances.** Variances are available and may be granted only for the
30 LDC standards that specifically provide the option and only as allowed by the
31 provisions of the LDC. No variances are available to any provisions of chapters
32 1, 2, or 6. Additionally, variances cannot be granted to any provisions that
33 establish the allowable uses or densities in a zoning district or to any conditions
34 of approval imposed by an approving authority.

35 **(b) General variance conditions.** All variances shall satisfy the following conditions:

36 **(1)** Special conditions and circumstances exist which are peculiar to the land,
37 structure or building and which are not applicable to other lands, structures or
38 buildings in the same zoning district.

39 **(2)** The special conditions and circumstances do not result from the actions of the
40 applicant.

1 (3) Granting the variance requested will not confer on the applicant any special
2 privilege that is denied by this land development code to other lands, buildings or
3 structures in the same zoning district.

4 (4) Literal interpretation of the provisions of the land development code would
5 deprive the applicant of rights commonly enjoyed by other properties in the same
6 zoning district under the terms of the land development code and would create
7 an unnecessary and undue hardship on the applicant.

8 (5) The variance granted is the minimum variance that will make possible the
9 reasonable use of the land, building or structure.

10 (6) The granting of the variance will be in harmony with the general intent and
11 purpose of the land development code and that such variance will not be
12 injurious to the area or otherwise detrimental to the public welfare.

13
14 (d) **Substantial hardship variance provisions.** A substantial hardship variance may
15 be requested to consider limited relief for a hardship arising from conditions peculiar
16 to a specific property. The process to approve a substantial hardship variance is
17 established here for the BOA and SRIA to consider whether there is a deficiency in
18 real property that creates a substantial undue hardship for the property owner by
19 preventing development of the property in compliance with a LDC standard and
20 whether a requested adjustment in the standard should compensate for that
21 deficiency.

22 (1) **Application.** An application for substantial hardship variance approval shall be
23 submitted for compliance review to the clerk of the reviewing board within the
24 deadline stated in the application. A pre-application meeting with staff is
25 recommended.

26 (2) **Public participation.** Prior to any hearing to consider a substantial hardship
27 variance, the clerk of the reviewing board shall ensure public notice consistent
28 with Florida Statutes.

29 (3) **Compliance review.** The reviewing board shall conduct a quasi-judicial public
30 hearing as noticed to consider the requested substantial hardship variance
31 according to the provisions of this article.

32 a. **Exceptional conditions.** There are exceptional conditions or circumstances
33 that are unique to the land in question, not ordinarily found on other lands in
34 the vicinity and not a result of the owner's intentional action. Unique
35 conditions or circumstances include exceptional narrowness, shallowness,
36 shape, or topographic conditions of the land or the presence of
37 environmentally sensitive lands in or around the land. [2.05.02.B]

38 b. **Substantial hardship.** Under the unique land conditions or circumstances
39 prompting the variance request, the strict application of LDC standards
40 causes an exceptional practical difficulty or undue physical hardship to the
41 owner that effectively prohibits a permissible principal use or denies rights

and privileges legally enjoyed by owners of other properties in the vicinity or within the same zoning district.

(4) Final determination.

a. Action of board. If the reviewing board finds from the established record of the hearing that there is a compelling demonstration by the applicant of competent substantial evidence proving the required conditions, the board shall grant a variance. However, a variance may only be granted to the extent supported by the evidence presented.

b. Period of valid approval. If not otherwise reduced as a condition of approval, a variance is valid for two years from the date of approval. If within that period the variance is not part of an approved site development application or one continuing in good faith as determined by the Planning Official and no application for its extension has been submitted according to the provisions of this article, the variance approval expires and is void. Once the variance is part of an approved site development plan, however, the variance will remain valid through the approved plan. [2.05.01.D]

c. Other conditions of approval. In granting a variance, the reviewing board shall have the authority to attach any conditions directly related to the variance as the board may find necessary for satisfaction of the variance conditions and preservation of the intent of the subject standard. [MO 107.3]

Sec. 2-6.5 Conditional uses.

(a) Generally. The LDC may conditionally allow other uses in addition to the permitted uses within each zoning district. Conditional use approval allows a use by review where it is not otherwise permitted by right, but it cannot authorize uses that are prohibited. The process to grant conditional uses is established here for the Board of Adjustment (BOA) or the SRIA for Pensacola Beach properties to consider in a quasi-judicial public hearing whether and under what conditions designated conditional uses may be appropriate. [2.05.03, 6.08.00, 8.07.06, 11.01.03]

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

(1) Availability. Conditional uses are available and may be granted only to land for which that option is specifically provided by the applicable zoning district or other provisions of the LDC. [2.05.03]

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

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

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

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

2 **(1) Application.** Application for conditional use approval shall be submitted for
3 compliance review to the clerk of the reviewing board within the time period
4 stated in the application. A pre-application meeting with staff for the board is
5 recommended. [2.05.01.A, 2.05.03.A]

6 **(2) Public participation.** Prior to any hearing to consider a conditional use, the
7 clerk of the reviewing board shall ensure public notice consistent with Florida
8 Statutes. **Final determination.**

9 **a. Action of board.** If the reviewing board finds from the established record of
10 the hearing that there is a compelling demonstration by the applicant of
11 competent substantial evidence proving the required conditions, the board
12 shall grant a conditional use but only to the extent supported by the evidence
13 provided.

14 **b. Period of valid approval.** A conditional use approval is valid for a period of
15 four years from the date of approval. If within that period the conditional use
16 is not part of an approved site development application or one continuing in
17 good faith review as determined by the Planning Official, the conditional use
18 approval expires and is void. No extension of the initial approval is available.
19 However, once the conditional use is part of an approved site development
20 plan, the conditional use approval will remain valid through the approved plan.
21 [2.05.01.D]

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

29 **Sec. 2-6.6 Extensions of review, approval, and use periods.**

30 **(a) Generally.** The LDC requires good faith efforts in adhering to its established
31 periods, but extension of an eligible LDC time limit may be requested according to
32 the provisions of this section whereby a landowner asserts that the limit does not
33 anticipate legitimate delays in compliance. However, no applicant is automatically
34 entitled to any extension. Short-term (6 month) extensions are evaluated by the
35 Planning Official, and longer extensions (one year) shall be evaluated through a
36 quasi-judicial public hearing review by the Board of Adjustment (BOA). These
37 extension processes are established for the county to allow additional time for
38 concluding the compliance review, developing an approved use, and continuing or
39 reestablishing some uses.

40 **(b) Limits on extensions.** Extensions to LDC periods are subject to the following
41 limitations:

1 **(1) Availability.** Extensions are available and may be granted only for LDC periods
2 that specifically provide that option, only if a complete application for the
3 extension was submitted prior to the expiration of the period for which the
4 extension is requested, and only as otherwise allowed by the provisions of the
5 LDC.

6 **(2) Approving authority.** Extensions to any period not required by the LDC but
7 imposed as a condition of approval by an approving authority cannot be granted
8 by another approving authority.

9 **(3) Individual and multiple limits.** An extension can only be granted based on a
10 specific review of an individual period. If an extension of more than one period is
11 requested, the extension criteria shall be evaluated for each limit.

12
13 **Sec. 2-6.7 Medical hardship temporary use of manufactured homes.**

14 **(a) Generally.** Temporary placement of a manufactured (mobile) home or park trailer
15 may be requested according to the provisions of this section when a landowner
16 asserts that existing medical conditions require in-home care and an accessory
17 dwelling to reasonably provide it. The manufactured home may be placed within any
18 mainland zoning district to remedy a medical hardship according to the temporary
19 use provisions of Chapter 4, regardless of the density limits of the applicable zoning.
20 The requirements to grant the temporary use of a manufactured home or park trailer
21 as an accessory dwelling to provide in-home medical care is established for the
22 Board of Adjustment (BOA) to consider in a quasi-judicial hearing whether conditions
23 warrant such use. [2.05.06, 6.04.10]

24 **(b) Medical hardship temporary use**

25 **(1) Application.** An application for approval of the medical hardship temporary use
26 of a manufactured home or park trailer shall be submitted for compliance review
27 to the clerk of the BOA within the time frame provided in the application. A pre-
28 application meeting with staff for the board is recommended. The applicant shall
29 provide any authorized fees and the information required by the adopted medical
30 hardship temporary use procedures. That information shall include a general site
31 plan showing the proposed location of the manufactured home in relation to other
32 site improvements and conditions and other documentation satisfying the
33 medical hardship temporary use conditions established in this section.
34 [2.05.01.A, 2.05.06, 2.05.06.G]

35 **(2) Public participation.** Prior to any hearing to consider the medical hardship
36 temporary use of a manufactured home or park trailer, the clerk of the BOA shall
37 ensure public notice consistent with Florida Statutes.

38 **(3) Compliance review.** The BOA shall conduct a quasi-judicial public hearing as
39 noticed to consider the requested medical hardship temporary use of a
40 manufactured home or park trailer according to the provisions of this article. The
41 applicant has the burden of presenting competent substantial evidence to the
42 board that establishes each of the following conditions: [2.05.06]

- 1 **a. Certified need.** A Florida-licensed physician certifies in writing the medical
2 need, specifying the extent of the need for in-home medical care and the
3 approximate length of time for such in-home medical care. [2.05.06.A]
- 4 **b. Minimum necessary.** Conditions and circumstances make it difficult or
5 impossible for the recipient and provider of medical care to reside in the same
6 dwelling and the temporary accessory dwelling is the minimum necessary to
7 provide relief of that medical hardship. [2.05.06.I]
- 8 **c. Adequate public services.** The manufactured home or park trailer will have
9 adequate water, sewer, solid waste removal, and electric services available.
10 [2.05.06.F]
- 11 **d. Compatibility.** The temporary use will not produce adverse impacts on the
12 uses of surrounding properties. [2.05.06.J]
- 13 **e. Standard conditions.** The temporary use can comply with the applicable
14 standards of Chapter 4.

15
16 **(4) Final determination.**

- 17 **a. Action of board.** If the BOA determines from the established record of the
18 hearing that there is a compelling demonstration by the applicant of
19 competent substantial evidence proving the required conditions, the board
20 shall grant the temporary use of a manufactured home.
- 21 **b. Period of valid approval.** Approval of the medical hardship temporary use
22 of a manufactured home or park trailer is valid for a period of one year from
23 the date of approval. If within that period the temporary use is not part of an
24 approved site development application or one continuing on good-faith review
25 as determined by the Planning Official, the temporary use approval is void.
26 Once the temporary use is part of an approved site development plan,
27 however, the use approval will remain valid through the approved plan.
- 28 **c. Period of use.** The medical hardship temporary use of a manufactured
29 home or park trailer is initially limited to two years from the date the certificate
30 of occupancy for the home is issued. An extension to the period of use may
31 be granted for a continuing medical need according to the extension
32 provisions of this article. However, regardless of any extensions granted,
33 whenever the medical hardship ends, the approval of the temporary
34 placement and use of the manufactured home are void.
- 35 **d. Other conditions of approval.** In granting temporary use of a manufactured
36 home or park trailer, the BOA shall have the authority to attach any conditions
37 directly related to the use as the board may find necessary for protection of
38 the general public, satisfaction of the temporary use criteria, and preservation
39 of the intent of the applicable zoning district. These conditions are in addition
40 to any use-specific standards prescribed by Chapter 4 for the temporary
41 placement of a manufactured home.
- 42

1 **Sec. 2-6.8 Vested rights.**

2 **(a) Generally.** It is the intent of this section to provide a mechanism for the granting of
3 an equitable vested right according to the provisions of this section when a
4 landowner asserts that sufficient development activity, once lawful under applicable
5 land-use regulations but now contrary to their terms, has occurred so that the
6 landowner is entitled to a development right. [2.11.01, 2.11.06.A.1]

8 **(b) Application.** Application for vested rights approval shall be submitted to the clerk of
9 the Planning Board no later than 12 months following any act or omission on the part
10 of the county that the landowner discovers and asserts as the basis for a vested
11 right, or no later 12 months following written county notification to the landowner of
12 the need to apply for a determination, whichever occurs sooner.

14 **(c) Public Participation.** Prior to any hearing to consider a vested right, the clerk of the
15 Planning Board shall ensure public notice consistent with Florida Statutes.

17 **(d) Compliance review.** The reviewing board shall conduct a quasi-judicial public
18 hearing to consider the requested vested right according to the provisions of this
19 article. The reviewing board shall adopt a recommendation to the BCC for vested
20 right approval, approval with conditions, or denial based on the hearing record of
21 evidence.

23 **(e) Criteria for vested rights determination.** An owner shall be entitled to a
24 determination of vested rights only if through substantial competent evidence it can
25 be established that the proposed use of the property meets the concurrency
26 provisions of article 5 and in addition one of the following criteria has been met:

28 **(1)** The proposed use was authorized pursuant to a county development order, or
29 equivalent, issued on or before the effective date of this Code, or a pertinent
30 amendment thereto, and the development has commenced and is continuing in
31 good faith. In a claim based upon this criterion, the owner must produce evidence
32 of actions and accomplishments that substantiate timely and lawful progression
33 towards the completion of the intentions and plans documented in the original
34 order, or equivalent. In a claim based upon this criterion, the right to which the
35 owner may be vested is a continuation of the original order, or equivalent.

37 **(2)** The owner is determined to have acquired rights due to good faith reliance on an
38 act of commission or omission of the county which has caused the owner to
39 make such a substantial change in position or to incur such extensive obligations
40 and expenses that it would be highly inequitable and unjust to destroy the rights
41 acquired. In a claim based upon this criterion, the owner must document, and the
42 county must verify, the obligations and expenses that are in jeopardy. The owner
43 must produce evidence of actions and accomplishments that substantiate timely
44 and lawful progression towards the completion of the intentions and plans that
45 have been jeopardized. Evidence including, but not limited to, that which

demonstrates that such activity has not progressed in such a manner may be sufficient to negate a finding of good faith on the part of the owner and therefore invalidate the claim to vested rights.

- (f) **Limitation on vested rights.** A determination of vested rights shall expire and be null and void unless construction of improvements, if any, are commenced pursuant to a development order within 18 months after the issuance of the determination of vested rights.

Sec. 2-6.9 Planned unit developments.

- (a) **Generally.** Specific height, area, yard, size, and use requirements that may be different in any or all respects from those required by the applicable zoning district may be proposed through a planned unit development (PUD). A PUD proposing one or more such modifications to accomplish a better development for the county, developer, and users of the development may be approved within any zoning district or future land-use category. However, the PUD does not alter the density limitations of the applicable zoning or any provisions of the applicable future land use. The requirements to approve a planned unit development (PUD) are established for the Planning Board to consider in a quasi-judicial public hearing whether conditions warrant the proposed modifications and make recommendations regarding the proposal to the Board of County Commissioners (BCC) and for the BCC to consider and act on those recommendations. [6.06.06]

- (b) **Application.** An application for PUD approval shall be submitted to the clerk of the reviewing board within the time frame provided in the application. A pre-application meeting with staff is recommended.

- (c) **Public participation.** Prior to any hearing to consider a PUD, the clerk of the Planning Board shall ensure public notice consistent with Florida Statutes.

- (d) **Compliance review.** The reviewing board shall conduct a quasi-judicial public hearing as noticed to consider whether conditions warrant the proposed modifications and make recommendations regarding the proposal to the Board of County Commissioners (BCC) and for the BCC to consider and act on those recommendations. [6.06.06]

- (e) **Criteria for PUD approval.** The applicant has the burden of presenting competent substantial evidence to the board that establishes each of the following conditions for the PUD:

(1) **Planned community.** The development has characteristics of a planned community.

(2) **Creative Planning.** The development demonstrates flexible and creative concepts of site planning.

(3) **Natural amenities.** Natural amenities of the land are preserved through scenic and functional open space.

1 **(4) Desirable environment.** A more desirable environment in which to live or work
2 is created than would be possible through the strict application of the minimum
3 requirements of the LDC.

4 **(5) Efficient land use.** The plan provides for an efficient use of land resulting in
5 smaller networks of streets and utilities. If street rights-of-way are proposed to
6 be less than standard width, easements will provide adequate space to install
7 and maintain utilities.

8 **(6) Compatibility.** The development will provide stable conditions and character
9 compatible with surrounding areas.

10 **(7) Consistent with Comprehensive Plan.** The plan is not in conflict with the
11 provisions of the applicable future land use category, or any other provisions of
12 the Comprehensive Plan.

13 **(8) Consistent with LDC.** The plan is not in conflict with any provisions of the LDC
14 not eligible for modification through the PUD process

15 **Sec. 2-6.10 Statutory development agreements.**

16 At the request of an applicant or the county, a voluntary development agreement may
17 be entered into that would vest certain conditions agreed to by both parties according to
18 the requirements of Florida Statutes. The form of the development agreement shall be
19 approved through the County Attorney's Office. The Planning Board shall conduct the
20 first of two public hearings required by law. The BCC shall conduct the second public
21 hearing, with final adoption of the development agreement requiring a majority vote of
22 the BCC. [4.02.02, 5.12.04]

Article 7 LDC and Comprehensive Plan Amendment

Sec. 2-7.1 Purpose of article.

The purpose of this article is to establish the review necessary to consider and authorize both text and map amendments to the Land Development Code (LDC) and Comprehensive Plan. These LDC and Comprehensive Plan amendment review are defined by the general provisions of Article 1 and the specific provisions of this article. The reviews are predominantly discretionary and provide opportunities to modify county land development goals, objectives, policies, and regulations within the limits prescribed by Florida Statutes. More specifically, this article includes review for amendment of the LDC zoning map (rezoning), the Comprehensive Plan future land use map (FLUM), and text amendments to the provisions of both the LDC and Comprehensive Plan.

Sec. 2-7.2 LDC zoning map and text amendments.

(a) Generally. All provisions of the Land Development Code are established, modified, or repealed by ordinance of the Board of County Commissioners (BCC). Zoning map and text amendments may be proposed by the county or others according to the ordinance enactment procedures prescribed by Florida Statutes and the provisions of this section. Since any LDC amendment is a change to implementing the land-use regulations of the county and can modify the requirements for subsequent authorizations of land uses and development activities, significant opportunities for public participation are provided. These map and text amendment processes are established for the county to authorize appropriate changes to its land development regulations. [2.08.00, 2.08.03]

(b) County-initiated zoning map amendment (rezoning) provisions. Large-scale comprehensive changes to the county zoning district map functionally set policy and are enacted through legislative procedures. Zoning map amendments (rezonings) that affect a limited number of identifiable parties and interests and are determined based on the application of facts to adopted policy are quasi-judicial. The requirements to approve quasi-judicial rezoning is established for the Planning Board, or the SRIA for Pensacola Beach properties, to make recommendations to the BCC regarding whether requested amendments to the Official Zoning Map of the county are necessary and appropriate and for the BCC to consider and act on those recommendations. The rezoning does not change the text of a zoning district or any other provisions of the LDC.

(1) Application. An application for a rezoning map amendment shall be submitted for compliance review to the clerk of the reviewing board at least 30 business days prior to the scheduled board meeting. A pre-application meeting with the staff for the board is recommended to discuss the process and review county and applicant responsibilities.

(2) Public participation. Prior to any hearing to consider a rezoning, the clerk of the reviewing board shall ensure public notice consistent with Florida Statutes and the Comprehensive Plan.

1 **(3) Compliance review.** The reviewing board shall conduct a quasi-judicial public
2 hearing as noticed to consider the requested rezoning according to the
3 provisions of this article. At the conclusion of the hearing, based on the record of
4 evidence, the reviewing board shall adopt a recommendation to the BCC for
5 rezoning approval, denial, or if possible and acceptable to the applicant, approval
6 of a district with less intensive uses than the requested zoning. [2.08.02.C.4]

7 **(4) Final determination.** The BCC at its scheduled hearing shall adopt, modify, or
8 reject the recommendation of the reviewing board or return the rezoning case to
9 the board with instructions for additional facts or clarification. The staff of the
10 recommending board shall inform the board of all formal actions taken by the
11 BCC on the rezoning request. [2.08.02.E.3]

12 **a. No new testimony.** The BCC shall not hear new testimony in its
13 consideration of the reviewing board's hearing record and recommendation.
14 Only a person of record in the proceedings of the reviewing board will be
15 afforded the right to address the BCC, and only to speak to the correctness of
16 the findings of fact or conclusions of law as based on the record. [2.08.02.E.1]

17 **b. Rejection and modification.** Findings of fact or findings regarding legitimate
18 public purpose may not be rejected or modified by the BCC unless they are
19 clearly erroneous or unsupported by the record. When rejecting or modifying
20 conclusions of law, the BCC must state with particularity its reasons for
21 rejecting or modifying the conclusions of the reviewing board and must make
22 a finding that the conclusion of law it substituted is equally or more
23 reasonable than the conclusion it rejected or modified. However, the BCC
24 may not approve rezoning to a district that allows a more intensive use (as
25 measured by density and/or permitted uses) than the district requested by the
26 applicant or given public hearing notice. [2.08.02.E.1]

27 **c. Return to reviewing board.** A remanded case requires the Planning Board,
28 or SRIA as applicable, to hold a second quasi-judicial public hearing for the
29 purpose of hearing testimony and receiving evidence relevant to the
30 additional facts and clarification requested by the BCC. The hearing shall be
31 at the next available scheduled meeting of the reviewing board. Public notice
32 shall be the same as provided for the initial hearing and include those
33 interested persons who appeared at the initial hearing. Within 15 days of the
34 hearing on remand, the reviewing board shall submit a supplemental
35 recommendation for BCC review at the next available scheduled meeting of
36 the BCC. [2.08.02.E.2]

37 **d. Return to BCC.** When the supplemental recommendation is considered by
38 the BCC, the entire record relating to both the initial and supplemental
39 hearings of the reviewing board shall be presented. All persons who were
40 furnished a copy of the original recommendation shall be furnished a copy of
41 the supplemental recommendation. Public notice shall be the same as
42 provided for the initial BCC hearing and include those persons who testified or
43 gave evidence at either hearing of the reviewing board. [2.08.02.E.2]

1 **e. Approval.** If the BCC approves a rezoning, it shall amend the Official Zoning
2 Map of Escambia County to reflect its final decision according to the
3 ordinance procedures prescribed by Florida Statutes.

4 **f. Denial.** If the final determination of the BCC is denial of the rezoning, no new
5 application for identical action on the same parcel shall be accepted for
6 consideration within a period of 180 days from the date of the denial.

7 [2.08.02.F.2]

8 **(5) Appeal.** Actions by the BCC adopting, rejecting, or modifying the recommended
9 rezoning of the reviewing board are final. Any party seeking judicial review of the
10 final determination shall do so according to the general provisions of Article 1.
11 Additionally, written notice of the filing of any such petition for judicial review shall
12 be promptly provided by the petitioner through the county to each owner of real
13 property with any portion within a 500-foot radius of the rezoning subject
14 property. [2.08.02.F.1]

15 **(c) LDC Text amendment provisions.** Changes to the text of the LDC set policy and
16 are legislative in nature. The requirements to approve a text amendment are
17 established for the Planning Board to make recommendations to the BCC regarding
18 whether requested changes to LDC text are necessary and appropriate and for the
19 BCC to consider and act on those recommendations. The text amendment process
20 does not amend the content of zoning district maps, technical standards, and other
21 maps or documents adopted by reference within the LDC. [2.08.04]

22 **(1) Application.** Where a text amendment is requested by petition to the Planning
23 Board, application shall be submitted for compliance review to the clerk of the
24 Planning Board at least 30 business days prior to the scheduled board meeting.
25 A pre-application meeting of the petitioner with staff for the board is
26 recommended to discuss the process and review county and petitioner
27 responsibilities.

28 **(2) Public participation.** Prior to any meeting to consider a text amendment, the
29 clerk of the Planning Board shall ensure public notice consistent with Florida
30 Statutes and the Comprehensive Plan.

31 **(3) Compliance review.** The Planning Board shall consider a requested text
32 amendment during the noticed meeting of the board and determine any
33 subsequent action. If the text is to be evaluated as an amending ordinance, the
34 board shall conduct a public hearing. At the conclusion of the hearing the
35 Planning Board shall adopt a recommendation to the BCC for adoption, adoption
36 with modification, or rejection of the amendment.

37 **a. Planning Official's evaluation.** For any amending ordinance, or as may be
38 requested by the Planning Board for any other text amendment proposal, the
39 Planning Official shall review and evaluate the proposal according to the
40 required amendment conditions. The evaluation shall be provided to the
41 Planning Board for consideration with the proposed text amendment.

42 **b. Recommendation to BCC.** For any amending ordinance, the clerk of the
43 Planning Board shall forward the board's recommendation to the BCC for

consideration in a public hearing at the next available scheduled meeting of the BCC. The clerk of the Planning Board shall ensure public notice of the BCC hearing consistent with Florida Statutes and the notice required for hearings of the Planning Board.

(4) Final determination. The BCC shall consider the amending ordinance at a public hearing as noticed and adopt, modify, or reject the recommendation of the Planning Board. At its discretion, the BCC may return the amending ordinance to the board with instructions for modifications. If the amending ordinance is returned for modifications, the Planning Board shall hold another public hearing for the purpose of considering any revisions. The hearing shall be at a scheduled meeting of the Planning Board, with public notice the same as that provided for the initial hearing. Within the time requested by the BCC, the Planning Board shall resubmit the amending ordinance with any revisions it may propose for BCC consideration. The clerk of the Planning Board shall again ensure proper public notice of the hearing at the next available scheduled meeting of the BCC. In the hearing, the BCC shall again consider the amending ordinance for adoption, modification, or rejection.

(d) Consistency with Comprehensive Plan. A challenge by a “substantially affected person” (as defined by the state) of any land development regulation within the LDC on the basis that it is inconsistent with the Comprehensive Plan shall be made according to the administrative review provisions of Florida Statutes.

Sec. 2-7.3 Comprehensive Plan future land use and text amendments.

(a) Generally. All provisions of the Comprehensive Plan are established, modified, or repealed by ordinance of the Board of County Commissioners (BCC). Future land use map (FLUM) and text amendments may be proposed by the county or others according to ordinance enactment and plan amendment procedures prescribed by Florida Statutes and the provisions of this section. Since any Comprehensive Plan amendment is a change in the foundational growth management plan guiding county economic growth, land development, resource protection, and the provision of public services and facilities, significant opportunities for public participation are provided.

[2.09.00]

(b) Applicant expenses and responsibilities. Any person requesting consideration of an amendment to the Comprehensive Plan shall be responsible for all costs and supporting information associated with preparation of the request that may be required by the county or the state. [2.09.05]

(c) State review. A Comprehensive Plan amendment adopted by the BCC shall follow the applicable state statute. An amendment qualifies as a small scale if it is less than ten acres in size or a large scale if it is greater than ten acres in size.

(d) Amendment requirements. Amendments to both the text and the future land-use map of the Comprehensive Plan functionally set policy and are legislative in nature. The requirements to approve a comprehensive plan amendment are established for the Planning Board to make final recommendations to the BCC regarding whether

1 requested amendments to the Comprehensive Plan of the county are necessary and
2 appropriate and for the BCC to consider and act on those recommendations.

3 **(1) Application.** An application for a Comprehensive Plan amendment approval
4 shall be submitted for compliance review to the clerk of the Planning Board at
5 least 30 business days prior to the scheduled board meeting. A pre-application
6 meeting of the applicant with staff for the board is recommended to discuss the
7 process and review county and applicant responsibilities.

8 **(2) Public participation.** Prior to any hearing to consider a comprehensive plan
9 amendment, the clerk of the Planning Board shall ensure public notice consistent
10 with Florida Statutes and the Comprehensive Plan.

11 **(3) Compliance review.** The Planning Board shall consider a requested
12 Comprehensive Plan amendment during the noticed meeting of the board and
13 determine any subsequent actions. At the conclusion of the hearing, the
14 Planning Board shall adopt a recommendation to the BCC for adoption, adoption
15 with modification, or rejection of the amendment.

16 **a. General amendment conditions.** All amendments to the Comprehensive
17 Plan shall demonstrate the following general conditions, allowing that where
18 an amendment is imposed by a state or federal requirement it need only
19 demonstrate the conditions to the greatest extent practicable under that
20 requirement:

21 **1. Need and benefit.** There is an identified land-use need particular to the
22 scope and function of the Comprehensive Plan for which an amendment is
23 clearly warranted.

24 **2. Professional practices.** The proposed amendment applies
25 contemporary planning principles, engineering standards, and other
26 professional practices to provide an effective and efficient remedy for the
27 identified land-use problem or need.

28 **b. FLUM amendment conditions.** In addition to the general amendment
29 conditions, a future land-use map amendment shall be based upon analyses
30 by Florida Statute.

31 **c. Comprehensive Plan text amendment.** A comprehensive plan text
32 amendment shall demonstrate any applicable governing regulations.

33 **d. Planning Official's report.** For any amending ordinance, or as may be
34 requested by the Planning Board for any other amendment proposal, the
35 Planning Official shall review and evaluate the proposal according to the
36 required amendment conditions. The evaluation shall be provided to the
37 Planning Board for consideration with the proposed text amendment.

38 **e. Recommendation to BCC.** For any amending ordinance, the clerk of the
39 Planning Board shall forward the board's recommendation to the BCC for
40 consideration in a public hearing at the next available scheduled meeting of
41 the BCC. The clerk of the Planning Board shall ensure public notice of all

1 BCC hearings regarding the amendment consistent with Florida Statutes and
2 the notice required for hearings of the Planning Board.

3
4 **(4) Final determination.** Requirements for a final determination on a proposed
5 Comprehensive Plan amendment shall be as prescribed by Florida Statutes and
6 summarized in the following actions:

- 7 **a. Initial action of BCC.** The BCC shall consider the amending ordinance at its
8 noticed public hearing and accept, modify, or reject the recommendation of
9 the Planning Board. The initial hearing of the BCC shall be for transmittal if
10 the amendment is following the expedited state review or state coordinated
11 review process. If the amendment qualifies as small in scale, the initial
12 hearing shall be the adoption hearing for the ordinance.
- 13 **b. Initial transmittal.** As may be approved by the BCC at the initial public
14 hearing, and as prescribed for the expedited state review and state
15 coordinated review processes, the county shall transmit the amendment and
16 appropriate supporting data and analysis to state and other reviewing
17 agencies for comment.
- 18 **c. Response of BCC.** After county receipt of reviewing agency comments, the
19 BCC shall hold a second noticed public hearing within the time prescribed by
20 statute to consider adoption of the ordinance. At the hearing, the BCC shall
21 adopt, modify, or reject the amending ordinance. Failure to hold a second
22 hearing in a timely manner shall be considered withdrawal of the amendment.
- 23 **d. Adoption transmittal.** As may be approved by the BCC at a public hearing,
24 and as prescribed for the applicable state review process, the county shall
25 transmit the adopted amendment and appropriate supporting data and
26 analysis to state and any other reviewing agencies that provided timely
27 comment. An adopted amendment becomes effective no sooner than 31
28 days after adoption and, if subject to a timely challenge, it does not become
29 effective until the state issues a final order determining compliance.
- 30 **e. Landowner dispute resolution.** If the county denies a landowner's request
31 for an amendment to the comprehensive plan that is applicable to the owner's
32 land, the county must afford the owner an opportunity for informal mediation
33 or other alternative dispute resolution. The costs of the mediation or other
34 alternative dispute resolution shall be borne equally by the county and the
35 owner. If the owner requests mediation, the time for bringing a judicial action
36 is tolled until the completion of the mediation or 120 days, whichever is
37 earlier.

Article 8 Manual and Procedures

Sec. 2-8.1 Purpose of article.

The County has established and adopted procedures, standards and guidelines to work in conjunction with the LDC in the form of supplemental manuals. The intent and purpose of this section is to provide procedures and general standards for use in the development and management of the supplemental manuals.

The supplemental manuals, which are to be used during review of development activity and other applications requiring County review, will provide detailed site-specific regulations and technical requirements. All applications for development approval shall comply with these applicable procedures standards provided in the supplemental manuals as related to the LDC and as may be required by other federal, state, or local regulations.

Decisions regarding the application of design and environmental standards are the responsibility of the Engineering or Environmental Official (or his or her designee).

Sec. 2-8.2 Generally.

The LDC support documents can be known collectively as the Land Development Manual (LDM) and will be located in the LDC as an attachment. To date, the County has established the following documents to be used to supplement the LDC and be provided as part of the LDM:

Engineering Design Standards Manual (EDSM)
Environmental Standards Manual (ESM)

These manuals outline the steps and processes or standards to be followed at each stage of the development process. By providing submittal checklists, standard notes, sheet layout specifications, and technical specifications, these manuals are intended to be used in conjunction with the LDC and cover all aspects of development planning, design, and construction.

Sec. 2-8.3 Criteria for Inclusion.

These manuals are not intended to replace the LDC but are meant to allow for flexibility, streamlining, and efficiency within the site plan review process. The information provided in the manuals, including checklists, applications, technical guidelines, and standards, must meet one of the following criteria to qualify for inclusion:

- a. Provides specific and general design requirements
- b. Provides process configurations, general equipment/material requirements, or subjective design choices
- c. Provides design criteria that, in all cases, meet or exceed mandatory regulatory or industry design requirements

- d. Provides background information related to a design requirement or guideline
- e. Provides a sample calculation
- f. Details specific information (application form title, application submittal timelines, documentation requirements, etc.) regarding development applications

Sec. 2-8.4 Engineering Design Standards Manual.

The Engineering Design Standards Manual (EDSM) establishes the standards meant to provide minimum technical guidelines and standards for the design and construction of any facilities located within Escambia County. The County Engineer shall be responsible for the administration, oversight, and development of the manual. In addition to the County Engineer, an Engineering Professional Advisory Committee shall be established to review and revise the manual. Details regarding the committee's structure and responsibilities have been provided in the EDSM.

Sec. 2-8.5 Environmental Standards Manual.

The Environmental Standards Manual (ESM) establishes the standards meant to provide minimum environmental guidelines and standards for the design and construction of any facilities located within Escambia County. The Environmental Director shall be responsible for the administration, oversight, and development of the manual. In addition to the Director, an Environmental Professional Advisory Committee shall be established to review and revise the manual. Details regarding the committee's structure and responsibilities have been provided in the ESM.

Se Sec 2-8.6

Sec. 2-8.7 Amendments or changes ESM and EDSM.

On occasion, it becomes necessary to clarify or correct specific terms, requirements, and standards within the ESM and EDSM. When it is determined that the changes are only minor in nature, the following minor corrections and changes shall be authorized by the County Engineer or Environmental Director or his or her designee. The minor changes are as follows:

- Change to clarify definitions and concepts
- Modifications to technical specifications and engineering standards or requirements based on local, state, and federal guidelines or prevailing professional standards
- Endorsement of new technology and techniques

The said manuals will be reviewed annually and updated accordingly based on new standards, technology, or procedural changes by the PAC. Furthermore, additions, deletions, or revisions to Design Standards may be made by the County Engineer/Environmental Manager or designee as necessary when required for compliance with mandatory regional, state, or federal regulations. By meeting the

1 above criteria in section 2-8.3, the information, requirements, and guidelines provided in
2 the manual do not require formal board action (including but not limited to the BCC,
3 BOA, or Planning Board).
4
5
6