

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
March 3, 2015–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Proof of Publication.
3. Approval of Minutes.
 - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the January 6, 2015, January 13, 2015, February 3, 2015 and February 9, 2015 Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for January and February 2015.
 - C. Planning Board 6-Month Outlook for March 2015.
4. Public Hearings.
 - A. Planning Board Interpretation
 - B. Subdivision Regulations
 - C. Community Redevelopment Areas

5. Action/Discussion/Info Items.
6. Public Forum.
7. Director's Review.
8. County Attorney's Report.
 - A. Sunshine Presentation.
9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, April 7, 2015 at 8:35 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

10. Announcements/Communications.
11. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

3. A.

Meeting Date: 03/03/2015

Agenda Item:

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the January 6, 2015, January 13, 2015, February 3, 2015 and February 9, 2015 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for January and February 2015.

C. Planning Board 6-Month Outlook for March 2015.

Attachments

Quasi-Judicial Mtg Resume

Quasi-Judicial Mtg Resume

Regular Mtg Resume

Regular Mtg Resume

Regular Mtg Resume

Monthly Action Follow-Up

6 Month Outlook

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING January 6, 2015

CENTRAL OFFICE COMPLEX 3363 WEST PARK PLACE, BOARD CHAMBERS PENSACOLA, FLORIDA (8:34 A.M. – 11:30 A.M.)

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
Rodger Lowery
Dorothy Davis
Timothy Pyle
Alvin Wingate
Patty Hightower, School Board (non-voting)
Stephanie Oram, Navy (Non voting)

Staff Present: Stephen West, Assistant County Attorney
Kerra Smith, Assistant County Attorney
Horace Jones, Interim Director, Development Services
Andrew Holmer, Senior. Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
John Fisher, Urban Planner, Planning & Zoning
Denise Halstead, Sr Office Assistant
Temeka Mallory, Sr. Office Assistant
Kayla Meador, Sr Office Assistant

1. Call to Order at 8:34 a.m.
2. Invocation/Pledge of Allegiance were given by Mr. Alvin Wingate.
3. Proof of Publication was given by Board Clerk.
4. Waive the reading of the legal advertisement.

Motion by Dorothy Davis, Seconded by Rodger Lowery
Motion was made to waive the reading of the legal advertisement.

Vote: 6 - 0 Approved

5. Quasi-judicial Process Explanation.

6. Public Hearings.

- A. Case #: Z-2015-01
Applicant: William Dyess, Agent for
Helen P. Scarbrough, Owner
Address: 13922 River Road
Property Size: 2.21 (+/-) acres
From: R-2PK, Residential District
(Perdido Key), Medium
Density (4.5 du/acre)
To: CGPK, (Perdido Key)
Commercial Gateway
District, High Density (12.5
du/acre)

Alvin Wingate and Rodger Lowery acknowledged visiting the site.

Timothy Pyle acknowledged requesting a parcel map from realtor.

No Planning Board Member refrained from voting on this matter due to any conflict of interest.

Motion by Alvin Wingate, Seconded by Dorothy Davis
Motion was made to accept finding of fact and recommend approval to the
BCC.

Vote: 6 - 0 Approved

- B. Case #: Z-2015-02
Applicant: Linda H. Dunson Banta,
Owner
Address: 13900 River Rd
Property Size: 1.72 (+/-) acres
From: R-2PK, Residential District
(Perdido Key), Medium
Density (4.5 du/acre)
To: CGPK, (Perdido Key)
Commercial Gateway
District, High Density (12.5
du/acre)

Alvin Wingate and Rodger Lowery acknowledged visiting the site.

Timothy Pyle acknowledged requesting a parcel map from realtor.

No Planning Board Member refrained from voting on this matter due to any conflict of interest.

Motion by Alvin Wingate, Seconded by Rodger Lowery
Motion was made to accept findings of fact and recommend approval to the
BCC.

Vote: 6 - 0 Approved

7. Adjournment at 11:30 a.m.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING February 3, 2015

CENTRAL OFFICE COMPLEX 3363 WEST PARK PLACE, BOARD CHAMBERS PENSACOLA, FLORIDA (8:40 A.M. – 8:45 A.M.)

Present: Tim Tate, Vice Chairman
Alvin Wingate
Patty Hightower, School Board (non-voting)
Stephanie Oram, Navy (Non voting)

Absent: Wayne Briske, Chairman
Rodger Lowery
Timothy Pyle

Staff Present: Stephen West , Assistant County Attorney
Kerra Smith , Assistant County Attorney
Horace Jones, Interim Director, Development Services
Andrew Holmer, Senior. Planner, Planning & Zoning
Juan Lemos, Senior Planner, Planning & Zoning
Temeka Mallory, Sr. Office Assistant
Kayla Meador, Sr Office Assistant

1. Call to Order at 8:40 a.m.
 - A. No quorum to continue meeting.
2. Invocation/Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.
4. Quasi-judicial Process Explanation.
5. Public Hearings.
 - A. Case #: Z-2015-03
Applicant: Wiley C "Buddy" Page Agent
for Charles S. Liberis, Owner
Address: 17080 Perdido Key Drive

Property Size: 3.91(+/-)acres
From: R-2PK, Residential District(Perdido Key) Medium Density (4.5 du/acre)
To: CCPK, (Perdido Key) Commercial Core District, Maximum Density (13 du/acre)

6. Adjournment at 8:45 a.m.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD January 6, 2015

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:30 A.M. – 11:40 A.M.)

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
Rodger Lowery
Dorothy Davis
Timothy Pyle
Alvin Wingate
Patty Hightower, School Board (non-voting)
Stephanie Oram, Navy (Non voting)

Staff Present: Stephen West, Assistant County Attorney
Kerra Smith, Assistant County Attorney
Horace Jones, Interim Director, Development Services
Andrew Holmer, Senior. Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
John Fisher, Urban Planner, Planning & Zoning
Denise Halstead, Sr Office Assistant
Temeka Mallory, Sr. Office Assistant
Kayla Meador, Sr Office Assistant

1. Call to Order at 11:40 a.m.

2. Proof of Publication given by Board Clerk

3. Approval of Minutes.

Motion by Tim Tate, Seconded by Rodger Lowery
Motion was made to approve the minutes from the December 9, 2014 Planning Board Meeting.

Vote: 6 - 0 Approved

4. Public Hearings.

A. Public Hearing - LDC Ordinance- Article 6 - Increase in Maximum Building Height A Public Hearing Concerning the Review of an Ordinance Amending Article 6, Maximum building height in ID-CP zoning district.

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 6.05.17.E.1, maximum building height in ID-CP zoning district.

Motion by Tim Tate, Seconded by Rodger Lowery
Motion was made to recommend approval to the BCC.

Vote: 6 - 0 Approved

B. Public Hearing - Proposed LDC, Repeal and Replace Escambia County Land Development Code A Public Hearing Concerning the Review of an Ordinance Amending the Escambia County Land Development Code

That the Board review and recommend to the Board of County Commissioners (BCC) for review and adoption, an Ordinance repealing and replacing the Land Development Code (LDC).

Did not have a quorum to continue meeting.

5. Action/Discussion/Info Items.
6. Public Forum.
7. Director's Review.
8. County Attorney's Report.
9. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, January 13, 2015 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

10. Announcements/Communications.
11. Adjournment at 12:51 p.m.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD January 13, 2015

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:46 A.M. – 12:50 P.M.)

Present: Wayne Briske, Chairman
Tim Tate, Vice Chairman
Rodger Lowery
Alvin Wingate
Patty Hightower, School Board (non-voting)

Absent: Timothy Pyle
Stephanie Oram, Navy (Non voting)

Staff Present: Stephen West , Assistant County Attorney
Kerra Smith, Assistant County Attorney
Horace Jones, Interim Director, Development Services
Karla Moreno, Director's Aide
Juan Lemos, Senior Planner, Planning & Zoning
Andrew Holmer, Senior. Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
Denise Halstead, Sr Office Assistant
Temeka Mallory, Sr. Office Assistant
Kayla Meador, Sr Office Assistant
Tim Day

1. Call to Order at 8:46 a.m.
2. Invocation/Pledge of Allegiance were given by Mr. Alvin Wingate.
3. Proof of Publication was given by Board Clerk.
4. Public Hearings.
 - A. Borrow pits and reclamation activities A Public Hearing Concerning the Review of an Ordinance Amending Article(s) 3, 6, 7 and 12

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 3, Definitions; Article 6.05.00 District Regulations, Article 7, Performance Standards and Article 12, Part II, Conservation.

Motion by Alvin Wingate, Seconded by Tim Tate
Motion was made to recommend approval to the BCC with documented changes.

Vote: 4 - 0 Approved

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

The next Regular Planning Board meeting is scheduled for **Tuesday, February 3, 2015 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

9. Announcements/Communications.
10. Adjournment at 12:50 p.m.

DRAFT

RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD February 9, 2015

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:30 A.M. – 3:56 P.M.)

Present: Tim Tate, Vice Chairman
Rodger Lowery
Alvin Wingate
Stephanie Oram, Navy (Non voting) - Left at 11:35 am
Reid Rushing

Absent: Wayne Briske, Chairman
Patty Hightower, School Board (non-voting)
Timothy Pyle

Staff Present: Kerra Smith, Assistant County Attorney
Stephen West, Assistant County Attorney
Horace Jones, Interim Director, Development Services
Andrew Holmer, Senior. Planner, Planning & Zoning
Allyson Cain, Urban Planner, Planning & Zoning
Temeka Mallory, Sr. Office Assistant
Kayla Meador, Sr Office Assistant

1. Call to Order at 8:35 a.m..
2. Invocation/Pledge of Allegiance was given by Alvin Wingate.
3. Proof of Publication was given by Allyson Cain.
4. Public Hearings.
 - A. Public Hearing - Proposed LDC, Repeal and Replace Escambia County Land Development Code A Public Hearing Concerning the Review of an Ordinance Amending the Escambia County Land Development Code

That the Board review and recommend to the Board of County Commissioners (BCC) for review and adoption, an Ordinance repealing and replacing the Land Development Code (LDC).

Motion by Rodger Lowery, Seconded by Reid Rushing
Motion was made to recommend approval to the BCC.
Vote: 4 - 0 Approved
5. Public Forum.
6. Director's Review.
7. County Attorney's Report.
8. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, March 3, 2015 at 8:35 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

9. Announcements/Communications.

10. Adjournment at 3:56 p.m..



BOARD OF COUNTY COMMISSIONERS ESCAMBIA COUNTY, FLORIDA

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

Memorandum

TO: Planning Board
FROM: Temeka Mallory, Board Clerk
DATE: February 18, 2015
RE: Monthly Action Follow-Up Report for January 2015 and February 2015.

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

PROJECTS, PLANS, & PROGRAMS

COMMITTEES & WORKING GROUP MEETINGS

COMPREHENSIVE PLAN AMENDMENTS

- Text Amendments:

- Map Amendments:

LAND DEVELOPMENT CODE ORDINANCES

Maximum Building Height

01-06-15 PB recommended approval
02-05-15 BCC approved

Borrow pits and reclamation activities

01-13-15 PB recommended approval
02-19-15 BCC approved

Proposed LDC, Repeal and Replace Escambia County Land Development Code

02-09-15 PB recommended approval
03-19-15 BCC

REZONING CASES

1. **Rezoning Case Z-2015-01**
01-06-15 PB recommended approval
02-05-15 BCC Denied
2. **Rezoning Case Z-2015-02**
01-06-15 PB recommended approval
02-05-15 BCC Denied

Miscellaneous Items

- Transfer of Development Rights

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR MARCH 2015

(Revised 2/20/15)

A.H. = Adoption Hearing T.H. = Transmittal Hearing P.H. = Public Hearing

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

| Meeting Date | LDC Changes and/or Public Hearings | Comprehensive Plan Amendments | Rezoning | Reports, Discussion and/or Action Items |
|--------------------------------|--|-------------------------------|--|--|
| Tuesday, March 3, 2015 | <ul style="list-style-type: none"> • S/D Regulations, Procedures & Submissions Art 4 & 6 • CRA Ordinance | | <ul style="list-style-type: none"> • Z-2015-03 • Z-2015-04 | <ul style="list-style-type: none"> • Sunshine Law Presentation • Planning Board Interpretation |
| Tuesday, April 7, 2015 | | | | |
| Tuesday, May 5, 2015 | | | | |
| Tuesday, June 2, 2015 | | | | |
| Tuesday, July 7, 2015 | | | | |
| Tuesday, August 4, 2015 | | | | |

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



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. A.

Meeting Date: 03/03/2015

Agenda Item:

Planning Board Interpretation presented by Griffin Vickery.

Attachments

Application PB Interpretation

Letter from Staff



Development Services Department

Escambia County, Florida

Request for Planning Board Interpretation of a Provision or Section of the Land Development Code

Per Article 2, Section 2.07.01 of the Land Development Code: The Planning Board, sitting as the local planning agency (LPA), shall review and interpret any provisions of this Code for the purposes of clarification or determination of meaning and intent if questions should arise regarding the meaning, intent or interpretation of any provision or section. Such interpretation request shall be presented at the next regular planning board meeting if the request is received by the department of growth management staff at least 20 calendar days in advance of said meeting. *

**Note: Although the request is submitted at the next regular Planning Board meeting, the actual interpretation is subject to the Planning Board's direction and may not be available until the following meeting (depending on the nature of the request and the extent of staff research required).*

Please call the office (595-3475) to make an appointment with the Planning Board Coordinator to personally discuss your request, to review the application form with you, to answer any questions you may have, and/or any possible alternatives to the request. This will prevent any unnecessary expenditures in the event that it is determined an interpretation is not needed. Fees cannot be waived and are non-refundable regardless of the interpretation. The requestor must be present at the Planning Board meeting.

An application is not considered complete until the following information is received along with the submittal fee of \$175.00. (Checks made payable to Escambia County, MasterCard & Visa are accepted)

Applicant Information:

Name: Fred Gunther Date: 2/17/15

Address: 213 S. Baylen Street, Pensacola, FL 32502

Phone: 850.516.7570 Other: _____ Email: fred@guntherproperties.com

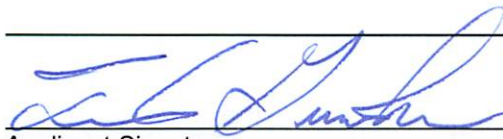
Provision and/or Section of the Land Development Code to be interpreted:

Article 6 - Zoning

Reason for the Request: (Give a description of request and include any documentation to support request.)

(use additional sheets as necessary)

A conditional use of R-1 (single-family district, low density) zoning is : "Public buildings for general administrative, executive or studio functions, or for general warehousing or maintenance operations." Currently, this is not a permitted use within the Escambia County Land Development Code. I am requesting a Planning Board interpretation to determine if said use is permitted within C-2 (General Commercial District) zoning.

 2/17/15
Applicant Signature Date



Board of County Commissioners • Escambia County, Florida

Horace L. Jones, Interim Department Director
Development Services

February 12, 2015

Fred Gunther, CCIM
Gunther Properties, LLC
213 S. Baylen Street
Pensacola, FL 32502

RE: Planning Board Interpretation

Mr. Gunther,

As we discussed with Mr. Jones yesterday, the zoning category of C-2 (General Commercial and Light Manufacturing district) does not allow public buildings for general administrative functions such as offices. While this use is allowed in residential zoning districts as a Conditional Use, for some reason it wasn't carried over into the highest commercial zoning. Staff believes this is an oversight and we recommend seeking an interpretation of the regulation through the county Planning Board.

The next available opportunity to bring this issue to the Planning Board would be at their March 3, 2015 meeting. To make that meeting agenda we need the application submitted as soon as possible.

When the Board makes their decision, they will expect a recommendation and background from Planning and Zoning staff. We will be recommending that their interpretation find public buildings for general administrative functions to be an allowed use in C-2 zoning.

Thank You,

A handwritten signature in blue ink that reads "A. D. Holmer".

Andrew D. Holmer
Senior Urban Planner
Escambia County
Development Services
(850) 595-3466



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. B.

Meeting Date: 03/03/2015

Issue: Subdivision Regulations

From: Horace Jones, Interim Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Articles 4 and 6 of the Land Development Code

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 4, Subdivisions and Site Plans, amending Section 4.02.00 Subdivision Regulations; and Article 6, a Section 6.04.00 Zoning Districts, creating a new Section 6.04.20 relating to the cessation of recreational amenities in residential subdivisions.

BACKGROUND:

The Board of County Commissioners directed staff to produce an ordinance that allows for predictability for residential developments and help protect investment expectations of home buyers and infrastructure planning. Also to ensure the integrity of residential subdivisions in Escambia County.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

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

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

Attachments

DRAFT Ordinance

Legal Guidance

ORDINANCE 2015-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE, ARTICLE 4, SUBDIVISIONS AND SITE PLANS; AMENDING SECTION 4.02.00 SUBDIVISION REGULATIONS, PROCEDURES AND SUBMISSION REQUIREMENTS; SECTION 6.04.00 ZONING DISTRICTS; CREATING A NEW SECTION 6.04.20 RELATING TO CESSATION OF RECREATIONAL AMENITIES IN RESIDENTIAL SUBDIVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Escambia County finds that best planning practices dictate predictability for residential developments; and

WHEREAS, predictability helps protect investment expectations of home buyers and infrastructure planning; and

WHEREAS, an ordinance that helps ensure the integrity of residential subdivisions serves the health, safety and welfare of those who live in and visit Escambia County.

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

SECTION 1. SUBDIVISIONS AND SITE PLANS.

Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 4, Subdivisions and Site Plans, Section 4.02.00, Subdivision regulations, procedures and submission requirements, is hereby amended as follows:

4.02.07 Final plat-approval process.

C. *Standards for approval of final plats.* The purpose of this section is to set forth the standards and criteria the county shall consider in determining whether to approve or deny an application for final plat approval. No final plat for a proposed subdivision shall be approved unless:

1. The application conforms with the requirements of this article regarding the form and content of the plat; timely submittal; offers of dedication and payment of an inspection fee;

- 45 2. The application conforms with the requirements of F.S. ch. 177, as
46 amended, regarding the form and content of plats offered for recording.
47 Final plat review and approval does not constitute verification of all
48 "survey data" as defined in F.S. ch. 177. If the county chooses to verify
49 the survey data shown on the plat, the county shall utilize a surveyor in
50 the employment of, or under contract with, the BCC for the purpose of
51 such examination, at the expense of the county;
52
- 53 3. Adequate security has been provided for the warranty of required
54 improvements in accordance with this article;
55
- 56 4. The application conforms in all respects to the requirements of this
57 Code;
58
- 59 5. The final plat is in substantial conformance with the approved
60 preliminary plat; and
61
- 62 6. Adequate security has been provided for any construction punchlist
63 deficiencies determined to be incidental. Items not considered incidental
64 include, but are not limited to, base course, paving, and storm sewer
65 systems. Items that are considered incidental could include, but not
66 limited to, fencing, sod, street signs, etc. The security will be in the form
67 of cash escrow or irrevocable letter of credit expiring six months after
68 the deadline for the scheduled completion of the work. The amount of
69 the escrow will be based on 150 percent as per the pricing agreement of
70 the cost of construction of the incidentals as per the pricing agreement
71 or \$7,500.00 whichever is greater. If the items are not completed within
72 90 days of approval from the board of county commissioners, the
73 division manager, development services may use this escrow to correct
74 these deficiencies. If the division manager, development services
75 determines that in his or her judgment the developer has made good
76 faith progress toward completion of the incidentals in the first 90 days,
77 one 90-day extension may be granted. Upon proof of completion of the
78 incidentals, the county shall return any unused escrow.
79
- 80 7. For proposed subdivisions that are designed to utilize significant
81 recreational amenities, including but not limited to a golf course,
82 swimming pool, club house or tennis courts, the area designated for
83 those uses shall be included in the final plat.
84

85 **SECTION 2. ZONING DISTRICTS.**
86

87 Part III of the Escambia County Code of Ordinances, the Land Development
88 Code of Escambia County, Article 6, Zoning Districts, Section 6.04.00, General
89 provisions, is hereby created as follows:
90

91 **6.04.20. Cessation of Recreational Amenities in Residential Subdivisions.**

92
93 In cases where a subdivision or other residential development where a
94 recreational amenity, including but not limited to a golf course, swimming pool, club
95 house or tennis courts, was anticipated as part of the subdivision or development
96 regardless of whether the amenity was included in the subdivision plat, and that amenity
97 abuts any lot of the subdivision that is used or anticipated for residential use, then
98 should that amenity cease to be used for recreational purposes, it cannot be developed
99 more intensely than the most intense residential use in the subdivision.

100
101 **SECTION 3. SEVERABILITY.**

102
103 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
104 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
105 affect the validity of the remaining portions of this Ordinance.
106

107 **SECTION 4. INCLUSION IN CODE.**

108
109 It is the intention of the Board of County Commissioners that the provisions of
110 this Ordinance shall be codified as required by F.S. § 125.68 (2014); and that the
111 sections, subsections and other provisions of this Ordinance may be renumbered or re-
112 lettered and the word "ordinance" may be changed to "section," "article," or such other
113 appropriate word or phrase in order to accomplish such intentions.
114

115 **SECTION 5. EFFECTIVE DATE.**

116
117 This Ordinance shall become effective upon filing with the Department of State.
118

119 **DONE AND ENACTED** this _____ day of _____, 2015.

120
121 BOARD OF COUNTY COMMISSIONERS
122 ESCAMBIA COUNTY, FLORIDA

123
124 BY: _____
125 STEVEN BERRY, Chairman

126 ATTEST: PAM CHILDERS
127 CLERK OF THE CIRCUIT COURT

128 By: _____
129 Deputy Clerk
130 (SEAL)

131
132 ENACTED: _____
133
134 FILED WITH DEPARTMENT OF STATE: _____
135
136 EFFECTIVE:

DRAFT

From: [Horace L Jones](#)
To: [Temeka S. Mallory](#)
Cc: [Kayla R. Meador](#)
Subject: FW: SD ordinance
Date: Monday, December 15, 2014 3:06:28 PM

Temeka & Kayla

Please keep this e-mail with SD ordinance.

From: Alison A. Perdue
Sent: Monday, December 15, 2014 10:57 AM
To: Horace L Jones
Cc: Stephen G. West; Dianne C. Simpson; Dianne C. Simpson; Juan C. Lemos; Dianne C. Simpson
Subject: RE: SD ordinance

Horace,

My concern is there was a specific vote of the BCC to have the PB review this ordinance. The PB can certainly recommend against it or recommend to the BCC that it consider alternative language. The comments made are a real concern and that should be noted by the PB in its review and/or recommendation.

A

From: Horace L Jones
Sent: Monday, December 15, 2014 10:41 AM
To: Alison A. Perdue
Cc: Stephen G. West; Dianne C. Simpson; Dianne C. Simpson; Juan C. Lemos
Subject: RE: SD ordinance

Alison,

It is my understanding that the draft language as provided limits the property owner from developing his or her property. It was stated that it could be grounds for taking. Some commented that this ordinance is almost like a rezoning (downzoning) & that the rezoning process is right avenue for this to be discuss in a public forum with all parties. I believe Steve can provide some additional comments. He was asked some directions questions from the PB. I hope this help.

6.04.20. Cessation of Recreational Amenities in Residential Subdivisions.

In cases where a subdivision or other residential development where a recreational amenity, including but not limited to a golf course, swimming pool, club house or tennis courts, was anticipated as part of the subdivision or development regardless of whether the amenity was included in the subdivision plat, and that amenity abuts any lot of the subdivision that is used or anticipated for residential use, then should that amenity cease to be used for recreational purposes, it cannot be developed more intensely than the most intense residential use in the subdivision

From: Alison A. Perdue
Sent: Monday, December 15, 2014 10:19 AM
To: Horace L Jones
Cc: Stephen G. West; Dianne C. Simpson; Dianne C. Simpson
Subject: RE: SD ordinance

What do you mean an updated copy of the ordinance?

From: Horace L Jones
Sent: Monday, December 15, 2014 10:19 AM
To: Alison A. Perdue
Cc: Stephen G. West; Dianne C. Simpson
Subject: RE: SD ordinance
Importance: High

Alison,

In our Monday morning briefing with staff, there were some discussions on Subdivision Ordinance that was tabled by the PB on December 9th due to the concerns as highlighted and approved to be pulled from the BCC agenda on Dec. 11th. Do you know when an updated copy of the ordinance will be provided? I know that my department and your department are extremely busy now. If it is the direction for us to bring this back as quickly as possible, the deadline for advertisement is Wednesday, December 17th.

From: Alison A. Perdue
Sent: Tuesday, December 09, 2014 1:53 PM
To: Horace L Jones
Cc: Stephen G. West; Jack R. Brown; Dianne C. Simpson
Subject: RE: SD ordinance

Prior to BCC action, the PB is supposed to make a recommendation regarding the proposed ordinance. Now, that doesn't mean it has to be a favorable recommendation, but a recommendation for or against or with changes. I am of the opinion that as long as the PB is moving in good faith towards a recommendation then that is fine, it may take a couple times. However, in the event the PB either doesn't continue working towards a recommendation in good faith OR appears to be purposefully tabling, delaying or foot-dragging on a matter for the purpose of not making a recommendation, then it is my opinion that the BCC can take up the matter with the idea that the PB's recommendation is de facto not to adopt the ordinance OR the PB refuses to make a recommendation. I have no reason to believe that after one discussion and a plea to have further discussions, that this second scenario is what's going on, so I say place it on a future PB agenda. I believe you need to ask to either cancel or reschedule the hearing currently set for 12/11.

From: Horace L Jones
Sent: Tuesday, December 09, 2014 1:34 PM
To: Alison A. Perdue
Cc: Stephen G. West; Jack R. Brown
Subject: FW: SD ordinance
Importance: High

Alison,

From this morning discussion on the attached ordinance, the PB made a motion to table this ordinance". In a nutshell, they were concerned that the ordinance was "too restrictive & possibly could be grounds for Bert Harris". Mr. Jesse Rigby made a statement to this effect. There were other comments made similar to this as well. They felt that additional discussion(s) with your office and administrator is definitely necessary. Steve can certainly give you more insight into the discussion.

Now, this ordinance is on the GMR consent agenda for December 11th, 2014. It appears that this would have to be pulled. Are you in agreement?

From: Juan C. Lemos
Sent: Tuesday, December 09, 2014 1:20 PM
To: Horace L Jones
Subject: SD ordinance

FYI,

Juan



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. C.

Meeting Date: 03/03/2015

Issue: Community Redevelopment Areas

From: Horace Jones, Interim Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Article 2 of the Land Development Code

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Article 2, Administration, Section 2.14.02, to modify the authority to grant exceptions to the overlays district standards.

BACKGROUND:

The Board of County Commissioners created the Community Redevelopment Agency (CRA) to aid in the development of the Palafox, Englewood, Brownsville, Warrington, and Barrancas community redevelopment districts. Through its Land Development Code the Board of County Commissioners authorized the CRA Manager or designee to grant exemptions to the overlay district standards. The Board of County Commissioners finds that modifying the authority to grant exceptions to the overlay district standards serves an important public purpose.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

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

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

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

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

Attachments

Draft CRA Ordinance

ORDINANCE NUMBER 2015-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 2, "ADMINISTRATION," SECTION 2.14.02, TO MODIFY THE AUTHORITY TO GRANT EXCEPTIONS TO THE OVERLAY DISTRICT STANDARDS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners created the Community Redevelopment Agency (CRA) to aid in the development of the Palafox, Englewood, Brownsville, Warrington, and Barrancas community redevelopment districts; and,

WHEREAS, through its Land Development Code the Board of County Commissioners authorized the CRA Manager or designee to grant exemptions to the overlay district standards; and,

WHEREAS, the Board of County Commissioners finds that modifying the authority to grant exceptions to the overlay district standards serves an important public purpose.

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

SECTION 1. ADMINISTRATION.

Part III of the Escambia County Code of Ordinances (1999) the Land Development Code of Escambia County, Article 2,"Administration", Section 2.14.02 is hereby amended as follows (additions are underlined and deletions are ~~strike through~~):.

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

