

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
May 26, 2015–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Proof of Publication.
4. Public Hearings.
 - A. A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 2, Development and Compliance Review.
 - B. A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 3, Zoning Regulations.
5. Action/Discussion/Info Items.
6. Public Forum.
7. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, June 2, 2015 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

8. Announcements/Communications.
9. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. A.

Meeting Date: 05/26/2015

Issue: A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 2, Development and Compliance Review.

From: Horace Jones, Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 2 Development and Compliance Review

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 2 Development and Compliance Review. The ordinance will be adding criteria that is to be considered by the Board of Adjustments when reviewing a conditional use application, and adding a section for the Appeal of Administrative Decisions.

BACKGROUND:

The BCC adopted a new LDC on April 16, 2015. Within Chapter 2, Development and Compliance Review, the criteria to be considered for a Conditional Use Application by the Board of Adjustments(BOA) and the provisions for the Appeal of Administrative Decisions were inadvertently omitted.

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 Kerra Smith, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

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

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

Attachments

Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Ordinance for Conditional Use & Appeal of Administrative Appeal Criteria

Date: 5/7/15

Date requested back by: 05/11/15

Requested by: Allyson Cain/Drew

Phone Number: 595-3547



(LEGAL USE ONLY)

Legal Review by Kenna Smith

Date Received: 5/9/15

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

Title And format approved as notified. See comments regarding substance.

- 1 **a. General compatibility.** The proposed use can be conducted and operated in
2 a manner that is compatible with adjacent properties, fully consistent with the
3 intent of the applicable zoning district, and well-suited to the overall character
4 of the community.
- 5 **b. Facilities and services.** Public facilities and services, especially those with
6 adopted levels of service, will be available, will provide adequate capacity to
7 serve the proposed use consistent with capacity requirements, will be
8 appropriately located, and will be compatible with surrounding land uses.
- 9 **c. On-site circulation.** Ingress to and egress from the site and its structures
10 will be sufficient, particularly regarding vehicle and pedestrian safety and
11 convenience, efficient traffic flow and control, cross access with adjoining
12 uses and parcels, on-site parking and loading, and emergency vehicle
13 access.
- 14
15 **d. Nuisances and hazards.** The scale, intensity, and operation of the use will
16 not generate unreasonable noise, glare, dust, smoke, odor, vibration,
17 electrical interference, or other nuisances or hazards for adjoining properties
18 specifically and district properties generally.
- 19 **e. Solid waste.** All on-site solid waste containers will be appropriately located
20 for functional access, limited off-site visibility and minimal odor and other
21 nuisance impacts.
- 22 **f. Screening and buffering.** Where not otherwise required by the LDC,
23 screening and buffering will be provided if appropriate to the proposed use
24 and site.
- 25 **g. Signs and lighting.** All exterior signs and lights, whether attached or
26 freestanding, will be compatible with adjoining properties specifically and
27 district properties generally, especially regarding glare and traffic safety.
- 28 **h. Resource Impacts.** Adverse impacts to protected trees, wetlands, habitat of
29 threatened or endangered species, historic sites, and other natural or
30 historical resources of the subject parcel will be avoided to the extent
31 practicable and minimized and mitigated if unavoidable.
- 32 **i. Site characteristics.** The size, shape, location and topography of the site
33 appear adequate to accommodate the proposed use, including setbacks,
34 intensity, bulk, height, open space and aesthetic considerations.
- 35
36 **j. Public benefit.** The interest, health, safety and general welfare of the public
37 will be protected and any adverse impacts that cannot be mitigated are
38 outweighed by the public benefit of allowing the proposed use.
- 39
40 **k. Use requirements.** The proposed use complies with any additional
41 conditional use requirements of the applicable zoning district, use, or other
42 provisions of the LDC.

1
2 **(3)(4) Final determination.**

- 3 **a. Action of board.** If the reviewing board finds from the established record of
4 the hearing that there is a compelling demonstration by the applicant of
5 competent substantial evidence proving the required conditions, the board
6 shall grant a conditional use but only to the extent supported by the evidence
7 provided.
- 8 **b. Period of valid approval.** A conditional use approval is valid for a period of
9 four years from the date of approval. If within that period the conditional use is
10 not part of an approved site development application or one continuing in good
11 faith review as determined by the Planning Official, the conditional use
12 approval expires and is void. No extension of the initial approval is available.
13 However, once the conditional use is part of an approved site development
14 plan, the conditional use approval will remain valid through the approved plan.
- 15 **c. Other conditions of approval.** In granting a conditional use, the reviewing
16 board shall have the authority to attach any conditions directly related to the
17 use as the board may find necessary for satisfaction of the conditional use
18 conditions and preservation of the intent of the applicable zoning district. Such
19 conditions include setbacks, height, impervious cover, total floor area, building
20 orientation, screening, buffering, site signage and lighting, and hours of
21 operation.
22

23 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development
24 Code of Escambia County, Chapter 2, Article 6, Section 2-6.10, Administrative Appeals,
25 is hereby established as follows (words underlined are additions and words ~~stricken~~ are
26 deletions):
27

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

29
30 **(a) Appeal option.** Any person whose substantial interests have been adversely
31 affected by an error in the order, requirement, interpretation, or determination of
32 an administrative official regarding compliance with the requirements of the LDC
33 may appeal that decision according to the provisions of this section. The
34 provisions do not apply to decisions regarding administration of the building
35 code, actions of code enforcement officers, or challenges of consistency of LDC
36 regulations with the Comprehensive Plan.
37

38 **(b) Appeal process.** Conditions that may justify modification of administrative
39 decisions are evaluated through quasi-judicial public hearing review by the Board
40 of Adjustment (BOA).
41

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

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

4 a. **Decision appealed.** A copy of the written administrative decision to be
5 reviewed on appeal.

6 b. **LDC reference.** Identification of the specific LDC provisions for which
7 noncompliance is alleged.

8 c. **Alleged error.** A description of how the decision of the administrative
9 official is considered arbitrary and capricious.

10 d. **Conditions.** Documentation satisfying the conditions established in the
11 compliance review provisions of this section.

12 e. **Remedy.** A description of the proposed remedy.

13 f. **Other information.** Any other pertinent information the applicant wishes
14 to have considered.

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

19 (3) **Compliance review.** The BOA shall conduct the quasi-judicial public
20 hearing to consider the appeal of an administrative decision. The applicant has
21 the burden of presenting competent substantial evidence to the board that
22 establishes each of the following conditions with regard to the decision being
23 appealed:

24 a. **Arbitrary and capricious.** The decision of the administrative official was
25 neither required nor supported by the Comprehensive Plan or the LDC
26 and was therefore arbitrary and capricious.

27 b. **LDC noncompliance.** The specific LDC provisions identified in the
28 appeal application are appropriate to the decision and the decision was
29 not in compliance with those provisions.

30 c. **Adverse impact.** The applicant's property will suffer an adverse impact
31 as a result of the decision if it is not modified.

32 d. **Protected interest.** The adverse impact is to a specific interest protected
33 or furthered by the LDC or Comprehensive Plan.

34 e. **Greater impact.** The adverse impact adversely affects the applicant in a
35 greater degree than any adverse impact shared by the community at
36 large; and, if the applicant is a third party to the decision, the adverse
37 impact peculiar to the applicant differs in kind (as opposed to degree) to
38 any suffered by the community as a whole.
39

1 **Section 5. Effective Date.**

2
3 This Ordinance shall become effective upon filing with the Department of State.

4
5 **DONE AND ENACTED** this _____ day of _____, 2015.

6
7 **BOARD OF COUNTY COMMISSIONERS**
8 **OF ESCAMBIA COUNTY, FLORIDA**

9
10 **By:** _____
11 **Steven Barry, Chairman**

12
13
14 **ATTEST: PAM CHILDERS**
15 **Clerk of the Circuit Court**

16
17
18 **By:** _____
19 **Deputy Clerk**

20
21 **(SEAL)**

22
23 **ENACTED:**

24
25 **FILED WITH THE DEPARTMENT OF STATE:**

26
27 **EFFECTIVE DATE:**



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. B.

Meeting Date: 05/26/2015

Issue: A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 3, Zoning Regulations.

From: Horace Jones, Department Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Zoning Regulations 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) Chapter 3, Section 3-2.11 and 3-2.15 adding offices for government agencies and public utilities as a permitted use.

BACKGROUND:

Staff was directed to review and amend the Heavy-Commercial/Light Industrial and Public zoning districts, by adding offices for government agencies and public utilities as a permitted use.

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 Kerra Smith, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

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

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

Attachments

DRAFT Ordinance

Legal Correspondence

- 1 e. Professional services, including those of realtors, bankers, accountants,
2 engineers, architects, dentists, physicians, and attorneys.
- 3 f. Rental of automobiles, trucks, utility trailers and recreational vehicles.
- 4 g. Repair services, including appliance repair, furniture refinishing and
5 upholstery, watch and jewelry repair, small engine and motor services, and major
6 motor vehicle and boat service and repair, but excluding outdoor work or storage.
- 7 h. Restaurants, including on-premises consumption of alcoholic beverages and
8 drive-in and drive-through service. The parcel boundary of any restaurant with
9 drive-in or drive-through service shall be at least 200 feet from any LDR or MDR
10 zoning district unless separated by a 50-foot or wider street right-of-way.

11 i. Taxi and limousine services

12 See also conditional uses in this district.

13 **(4) Public and civic.**

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

15 b. Cemeteries, including family cemeteries.

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

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

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

22 f. Funeral establishments.

23 g. Homeless shelters.

24 h. Hospitals.

25 i. Offices for government agencies or public utilities. Places of worship.

26 j. Places of worship. Public utility structures, including telecommunications
27 towers, but excluding industrial uses not otherwise permitted.

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

30 See also conditional uses in this district.

31 **(5) Recreation and entertainment.**

32 a. Commercial entertainment facilities, indoor or outdoor, including movie
33 theatres, amusement parks, and stadiums, but excluding motorsports facilities.
34 Carnival-type amusements shall be at least 500 feet from any residential district.
35 Bars, nightclubs, and adult entertainment are prohibited in areas with the zoning
36 designation HC/LI-NA or areas zoned ID-CP or ID-1 prior to adoption of HC/LI
37 zoning.

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

43 c. Marinas, private and commercial.

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

1 See also conditional uses in this district.

2 **(6) Industrial and related.**

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

6 b. Marinas, industrial.

7 See also conditional uses in this district.

8 **(7) Agricultural and related.**

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

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

13 c. Veterinary clinics, excluding outside kennels.

14 See also conditional uses in this district.

15 **(8) Other uses.**

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

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

20 c. Bus leasing and rental facilities.

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

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

24 f. Outdoor sales.

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

27 h. Parking garages and lots, commercial.

28 i. Sales and outdoor display of prefabricated storage sheds.

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

30
31 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land
32 Development Code of Escambia County, Chapter 3, Section 3-2.15 is hereby amended
33 as follows: (words underlined are additions and words ~~stricken~~ are deletions):

34
35 **Sec. 3-2.15 Public district (Pub).**

36
37 **(a) Purpose.** The Public (Pub) district establishes appropriate areas and land use
38 regulations for publicly owned parcels with public uses generally having greater
39 potential for adverse off-site impacts.

40
41 **(b) Permitted uses.** Permitted uses within the Public district are limited to the following:

42
43 **(1) Residential.** No new residential uses, including accessory dwelling units, except
44 caretaker residences for permitted non-residential uses.

1 (2) **Retail sales.** No retail sales except within permitted business parks.

2 (3) **Retail services.** No retail services except within permitted business parks.

3 (4) **Public and civic.**

4 e. **a.** Correctional facilities, including detention centers, jails, and prisons.

5 d. **b.** Educational facilities.

6 ~~e. **c.** Offices for government agencies or public utilities. Other public institutional~~

7 ~~uses~~
8 **d.** Other public institutional uses.

9
10 (5) **Recreation and entertainment.** No recreation or entertainment uses.

11 (6) **Industrial and related.**

12 a. Borrow pits and associated reclamation activities.

13 b. Industrial uses within permitted industrial parks

14 c. Solid waste processing facilities, including solid waste collection points, solid
15 waste transfer facilities, materials recovery facilities, recovered materials
16 processing facilities, recycling facilities and operations, resource recovery
17 facilities and operations, and volume reduction plants.

18 (7) **Agricultural and related.** No agricultural or related uses.

19 (8) **Other uses.** Conversion of suitable public lands for business or industrial park
20 development.

21 (c) **Conditional uses.** No conditional uses are available within the Public district.

22 (g) (d) **Site and building requirements.** The following site and building requirements
23 apply to uses within the Public district:

24 (1) **Density.** Dwelling unit density limited to vested residential development.

25 (2) **Floor area ratio.** A maximum floor area ratio of 1.0 within the Commercial (C)
26 future land use category and 2.0 within Mixed-Use Urban (MU-U).

27 (3) **Structure height.** A maximum structure height of 150 feet above adjacent grade.

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

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

30 (6) **Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent
31 maximum semi-impervious and impervious cover) for all uses.

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

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

34 b. **Sides.** Ten feet on each side. For structures exceeding 35 feet above highest
35 adjacent grade, an additional two feet for each additional 10 feet in height.

36 (8) **Other requirements.** Refer to chapters 4 and 5 for additional development
37 regulations and standards.

38
39 **Section 3. Severability.**

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

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Section 4. Inclusion in Code.

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

Section 5. Effective Date.

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

DONE AND ENACTED this _____ day of _____, 2015.

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

By: _____
Steven Barry, Chairman

**ATTEST: Pam Childers
Clerk of the Circuit Court**

By: _____
Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE:

From: [Kerra A. Smith](#)
To: [Juan C. Lemos](#)
Cc: [Shawn S. Hunter](#)
Subject: Gov't Offices
Date: Monday, May 04, 2015 3:31:04 PM
Attachments: [DOC050415_05042015.pdf](#)

Juan:

Use the attached version instead of what I sent you before. The only difference is that it uses the word "add" in the title instead of "allow." Call me if you have questions.

-----Original Message-----

From: Legal Toshiba Copier [<mailto:noreply-legalcopier@myescambia.com>]
Sent: Monday, May 04, 2015 3:26 PM
To: Kerra A. Smith
Subject: Scanned image from Legal Toshiba Copier 05/04/2015 15:25

Scanned from LegalCopier
Date:05/04/2015 15:25
Pages:11
Resolution:200x200 DPI
