

AGENDA  
ESCAMBIA COUNTY PLANNING BOARD  
June 2, 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 May 5, 2015 Resume' Minutes.
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 Chapter 7 of the Escambia County 2030 Comprehensive Plan
  - C. A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 5, Family Conveyance
  - D. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Article 3, Barrancas Overlay District

E. A Public Hearing Concerning the Review of an Ordinance to Amend Chapter 3, Article 3, Warrington Overlay District

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, July 7, 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.



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**3.**

**Meeting Date: 06/02/2015**

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**Agenda Item:**

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the May 5, 2015 Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for May 2015.

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

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**Attachments**

5/5/2015 Quasi-Judicial Resume'

5/5/2015 PB-Regular Resume' Minutes

May 2015 Monthly Action Follow-Up Report

6/2/2015 Six Month Outlook

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# DRAFT

## RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING May 5, 2015

### CENTRAL OFFICE COMPLEX 3363 WEST PARK PLACE, BOARD CHAMBERS PENSACOLA, FLORIDA (8:30 A.M. – 8:52 A.M.)

Present: Wayne Briske, Chairman  
Tim Tate, Vice Chairman  
Alvin Wingate  
Stephanie Oram, Navy (Non voting)  
Reid Rushing

Absent: Rodger Lowery  
Patty Hightower, School Board (non-voting)  
Timothy Pyle  
Bob Cordes

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning  
Andrew Holmer, Senior. Planner, Planning & Zoning  
Debbie Lockhart, Administrative Assistant  
Denise Halstead, Administrative Supervisor  
Griffin Vickery, Urban Planner, Planning & Zoning  
Horace Jones, Director, Development Services  
John Fisher, Urban Planner, Planning & Zoning  
Juan Lemos, Senior Planner, Planning & Zoning  
Kerra Smith, Assistant County Attorney

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

Motion by Tim Tate, Seconded by Reid Rushing The board accepted the proof of publication and to waive the reading of the legal advertisement.

**Vote:** 4 - 0 Approved

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

- A. Case #: Z-2015-09  
Applicant: Fred R. Thompson, Agent  
for Emerald Bay Land Co.,  
Owner  
Address: 9900 Rebel Road  
Property Size: 8.45 (+/-) acres  
From: RMU, Rural Mixed-Use  
district (two du/acre)  
To: LDR, Low Density  
Residential district (four  
du/acre)

Alvin Wingate acknowledged visiting the site.

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

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

During the meeting the applicant requested to withdraw the rezoning request due to the new adopted Land Development Code which converted the R1 zoning designation to LDR.

The board voted to accept the applicants request.

**Vote:** 4 - 0 Approved

- B. Case #: Z-2015-10  
Applicant: Mark Lydon, Agent for  
Escambia Gulf Coast Pits,  
LLC, Owner  
Address: 7320 Hayward Avenue  
Property Size: 13.45 (+/-) acres  
From: R-5, Urban  
Residential/Limited Office  
District, (cumulative) High  
Density (20 du/acre)  
To: C-1, Retail Commercial  
District (cumulative) (25  
du/acre)

Motion by Tim Tate, Seconded by Alvin Wingate Applicant emailed request to withdrawal rezoning request.

The board accepted the withdrawal by applicant.

**Vote:** 4 - 0 Approved

6. Adjournment.

The meeting was adjourned at 8:52.

# DRAFT

## RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD May 5, 2015

**CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(8:30 A.M. – 10:51 A.M.)**

Present: Wayne Briske, Chairman  
Tim Tate, Vice Chairman  
Alvin Wingate  
Stephanie Oram, Navy (Non voting)  
Reid Rushing

Absent: Rodger Lowery  
Patty Hightower, School Board (non-voting)  
Timothy Pyle  
Bob Cordes

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning  
Andrew Holmer, Senior. Planner, Planning & Zoning  
Debbie Lockhart, Administrative Assistant  
Denise Halstead, Administrative Supervisor  
Griffin Vickery, Urban Planner, Planning & Zoning  
Horace Jones, Director, Development Services  
John Fisher, Urban Planner, Planning & Zoning  
Juan Lemos, Senior Planner, Planning & Zoning  
Kerra Smith, Assistant County Attorney

1. Call to Order.
2. Pledge of Allegiance to the Flag by Alvin Wingate.
3. Proof of Publication was acknowledged by Allyson Cain, Planner II.
4. Approval of minutes.

- A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the April 07, 2015 Planning Board Meeting.
- B. Planning Board Monthly Action Follow-up Report for April 2015.
- C. Planning Board 6-Month Outlook for May 2015.

Motion by Tim Tate, Seconded by Reid Rushing The Board approved the April 5, 2015 meeting minutes and accepted the planning board packet.

**Vote:** 4 - 0 Approved

5. Public Hearings.

- A. A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan Chapters 7 and 11 A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan Chapters 7 and 11

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to Comprehensive Plan Chapters 7 and 11.

Motion by Tim Tate, Seconded by Reid Rushing The board voted for staff to draft new language to clarify requirements of the code.

**Vote:** 4 - 0 Approved

- B. A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan Chapter 9 OBJ 1.6 A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan Chapter 9 OBJ 1.6

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Comprehensive Plan Chapter 9 OBJ 1.6

Motion by Tim Tate, Seconded by Reid Rushing Motion was to approve the change as presented.

**Vote:** 4 - 0 Approved

- C. Escambia County Comprehensive Plan Annual Report 2013/2014 A Public Hearing Concerning the Review of the Comprehensive Plan Annual Report 2013/2014

That the Planning Board review and recommend approval to the Board of County Commissioners (BCC) the 2013/2014 Comprehensive Plan Annual Report.

Motion by Reid Rushing, Seconded by Tim Tate The board voted to forward the Annual Report to the BCC for final approval.

**Vote:** 4 - 0 Approved

6. Action/Discussion/Info Items.

7. Public Forum.



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

The next Planning Board meeting is scheduled for **Tuesday, May 26, 2015 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.
12. Adjournment. The meeting was adjourned at 10:51 A.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:** Karen Bohon, Board Clerk  
**DATE:** May 20, 2015  
**RE:** Monthly Action Follow-Up Report for May 2015.

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

**SSA-2015-01**

400 Neal Road  
04-07-15 PB recommended approval  
05-07-15 BCC approved

**LSA-2015-01**

9600 Blk Tower Ridge Road  
04-07-15 PB recommended approval  
05-07-15 BCC approved for transmittal to DEO

**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 First of two public hearings before the BCC  
04-16-15 BCC approved

## **S/D Regulations, Procedures, and Submissions**

03-03-15 PB recommended approval with changes  
03-19-15 First of two public hearings before the BCC  
04-09-15 Second of two public hearings before the BCC, BCC approved

## **CRA Ordinance, Article 2 changes**

03-03-15 PB recommended approval with changes  
03-19-15 BCC approved

## **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
3. **Rezoning Case Z-2015-04**  
03-03-15 PB recommended approval  
04-09-15 BCC approved
4. **Rezoning Case Z-2015-06**  
04-07-15 PB recommended approval  
05-07-15 Pulled at BCC meeting
5. **Rezoning Case Z-2015-07**  
04-07-15 PB recommended approval  
05-07-15 BCC approved
6. **Rezoning Case Z-2015-08**  
04-07-15 PB recommended approval  
05-07-15 BCC approved
7. **Rezoning Case Z-2015-09**  
05-05-15 Pulled at PB meeting
8. **Rezoning Case Z-2015-10**  
05-05-15 Pulled at PB meeting

## **Miscellaneous Items**

- Discussion of Compatibility Analysis

# PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR JUNE 2015

(Revised 5/18/15)

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, June 2, 2015	<ul style="list-style-type: none"> <li>• Family Convey</li> <li>• Barrancas Overlay</li> <li>• Warrington Overlay</li> </ul>	<ul style="list-style-type: none"> <li>• CPA-2015-05</li> </ul>	<ul style="list-style-type: none"> <li>• Z-2015-11</li> <li>• Z-2015-12</li> </ul>	
Tuesday, July 7, 2015	<ul style="list-style-type: none"> <li>• PK FLU</li> </ul>	<ul style="list-style-type: none"> <li>• SSA-2015-02</li> <li>• SSA-2015-03</li> <li>• SSA-2015-04</li> <li>• SSA-2015-05</li> </ul>		
Tuesday, August 4, 2015				
Tuesday, September 1, 2015				
Tuesday, October 6, 2015				
Tuesday, November 3, 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:** 06/02/2015

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

**Organization:** Development Services

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**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.

At the May 26, 2015 Planning Board meeting, the Board directed staff to make corrections in the Ordinance and bring it back to the June Planning Board meeting for final review.

**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.

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**Attachments**

Draft Ordinance

Legal Review

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ORDINANCE NUMBER 2015-\_\_\_\_

**AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 2, ARTICLE 6, SECTION 2-6.4 “CONDITIONAL USES”, BY ADDING CRITERIA FOR DETERMINING CONDITIONAL USES; ADDING SECTION 2-6.10 “APPEAL OF ADMINISTRATIVE DECISIONS”; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Escambia County Board of County Commissioners finds that adding Conditional Use and Administrative Appeals criteria creates consistency with the intent of Chapter 2 of the Land Development Code, Development and Compliance Review, and promotes the efficient regulation of land use; and,

**WHEREAS**, the Board finds that including Conditional Use and Appeals criteria serves an important public purpose;

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

**Section 1.** Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 2, Article 6, Section 2-6.4, Conditional use provisions, is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

**2-6.4 Conditional Uses**

**(a) General.** The LDC may conditionally allow other uses in addition to the permitted uses within each zoning district. Conditions that may justify conditional use approval are evaluated through quasi-judicial public hearing review by the Board of Adjustment (BOA), the Santa Rosa Island Authority (SRIA) for Pensacola Beach properties, or the Board of County Commissioners (BCC) for certain uses as noted in the applicable zoning district.

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

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

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

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

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

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

13 ~~Prior to any hearing to consider a conditional use, the clerk of the reviewing board~~  
14 ~~shall provide adequate public notice.~~

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

19 **a. General compatibility.** The proposed use can be conducted and operated in  
20 a manner that is compatible with adjacent properties and other properties in  
21 the immediate area.

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

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

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

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

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

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



1 **h. Site characteristics.** The size, shape, location and topography of the site  
2 appear adequate to accommodate the proposed use, including setbacks,  
3 intensity, bulk, height, open space and aesthetic considerations.

4  
5 **i. Use requirements.** The proposed use complies with any additional  
6 conditional use requirements of the applicable zoning district, use, or other  
7 provisions of the LDC.

8  
9 **(3)(4) Final determination.**

10 **a. Action of board.** When the reviewing board finds from the record of the  
11 hearing that the applicant has presented competent substantial evidence  
12 proving the required conditions, the board shall grant a conditional use, unless  
13 the board finds from the evidence presented that granting the conditional use  
14 will be adverse to the public interest.

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

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. Such  
26 conditions include setbacks, height, impervious cover, total floor area, building  
27 orientation, screening, buffering, site signage and lighting, and hours of  
28 operation.

29  
30 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development  
31 Code of Escambia County, Chapter 2, Article 6, Section 2-6.10, Administrative Appeals,  
32 is hereby established as follows (words underlined are additions and words ~~stricken~~ are  
33 deletions):

34  
35 **Section 2-6.10 Appeal of Administrative Decisions**

36  
37 **(a) Appeal option.** Any person whose substantial interests have been adversely  
38 affected by an error in the order, requirement, interpretation, or determination of  
39 an administrative official regarding compliance with the requirements of the LDC  
40 may appeal that decision according to the provisions of this section. The  
41 provisions do not apply to decisions regarding administration of the building  
42 code, actions of code enforcement officers, or challenges of consistency of LDC  
43 regulations with the Comprehensive Plan. A claim to appeal or challenge the  
44 consistency of a development order with the adopted Comprehensive Plan must

1 be filed with the Clerk of the Circuit Court of Escambia County pursuant to  
2 Florida Statute 163.3215.

3  
4 **(b) Appeal process.** Conditions that may justify modification of administrative  
5 decisions are evaluated through quasi-judicial public hearing review by the Board  
6 of Adjustment (BOA).

7  
8 **(1) Application.** Application for appeal of an administrative decision shall be  
9 submitted for compliance review within 15 days after the date of the  
10 decision being appealed. A quasi-judicial public hearing for the appeal  
11 shall be scheduled to occur within 30 business days after receipt of a  
12 complete application. The application shall provide information as  
13 required by the adopted appeal procedures, including the following:

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

16 **b. LDC reference.** Identification of the specific LDC provisions for which  
17 noncompliance is alleged.

18 **c. Alleged error.** A description of how the decision of the administrative  
19 official is considered arbitrary or capricious.

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

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

23 **f. Other information.** Any other pertinent information the applicant wishes  
24 to have considered.

25 **(2) Public participation.** Hearings to consider an appeal of administrative  
26 decision shall be open to the public. Prior to any hearing to consider an appeal of  
27 administrative decision, the county shall provide reasonable notice to the public  
28 as required by Florida Statutes. Although the hearing before the BOA is open to  
29 the public, only those person or entities with “standing” will be allowed to present  
30 testimony or other evidence during the hearing. Persons with standing include:

31 **a.** The applicant or other person who received the complained of adverse  
32 decision from the county administrative official.

33 **b.** Those persons who are third parties to the administrative decision and  
34 who suffer an adverse impact that differs in kind (as opposed to degree) to  
35 any adverse impact suffered by the community as a whole.

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

- 1           a. Arbitrary or capricious. The decision of the administrative official was  
2           neither required nor supported by the Comprehensive Plan or the LDC  
3           and was therefore arbitrary or capricious.
- 4           b. LDC noncompliance. The specific LDC provisions identified in the  
5           appeal application are appropriate to the decision and the decision was  
6           not in compliance with those provisions.
- 7           c. Adverse impact. The applicant's property will suffer an adverse impact  
8           as a result of the decision if it is not modified.
- 9           d. Protected interest. The adverse impact is to a specific interest protected  
10           or furthered by the LDC or Comprehensive Plan.
- 11           e. Greater impact. The adverse impact adversely affects the applicant in a  
12           greater degree than any adverse impact shared by the community at  
13           large; and, if the applicant is a third party to the decision, the adverse  
14           impact peculiar to the applicant differs in kind (as opposed to degree) to  
15           any suffered by the community as a whole.

16           **(4) Final determination.**

- 17           a. Board finding. If the BOA finds from the record of the hearing that the  
18           applicant has presented competent substantial evidence proving the  
19           required conditions set out in the compliance review provisions of this  
20           section, the board shall find the appealed decision in error. The finding  
21           shall state with particularity how the decision of the administrative  
22           official was arbitrary or capricious. If the conditions are not proven the  
23           board shall affirm the decision.
- 24           b. Board authority. The BOA shall have the same authority and  
25           responsibility to change a decision found to be in error as is given by  
26           the LDC to the official who made the decision, but no more. The board  
27           may act only to the extent supported by the established record of  
28           evidence and only as necessary to maintain compliance with the LDC  
29           and the Comprehensive Plan. The board cannot offer opinions or  
30           interpretations generally. The authority of the board to act as the  
31           official does not include any authority to diminish or otherwise change  
32           the application of any technical design standard or specification  
33           established or referenced in the LDC, to change any concurrency  
34           management provisions, or to exempt any development from required  
35           compliance review and approval.

36           **Section 3. Severability.**

37  
38           If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
39           unconstitutional by any Court of competent jurisdiction, then said holding shall in no way  
40           affect the validity of the remaining portions of this Ordinance.  
41

1 **Section 4. Inclusion in Code.**

2  
3 It is the intention of the Board of County Commissioners that the provisions of this  
4 Ordinance shall be codified as required by F.S. § 125.68 (2014); and that the sections,  
5 subsections and other provisions of this Ordinance may be renumbered or re-lettered  
6 and the word "ordinance" may be changed to "section," "chapter," or such other  
7 appropriate word or phrase in order to accomplish such intentions.  
8

9  
10 **Section 5. Effective Date.**

11  
12 This Ordinance shall become effective upon filing with the Department of State.  
13

14 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
15

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

18  
19 **By:** \_\_\_\_\_  
20 **Steven Barry, Chairman**  
21

22  
23 **ATTEST: PAM CHILDERS**  
24 **Clerk of the Circuit Court**  
25

26  
27 **By:** \_\_\_\_\_  
28 **Deputy Clerk**  
29

30 **(SEAL)**

31  
32 **ENACTED:**

33  
34 **FILED WITH THE DEPARTMENT OF STATE:**

35  
36 **EFFECTIVE DATE:**

**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.*



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**4. B.**

**Meeting Date:** 06/02/2015

**Issue:** A Public Hearing Concerning the Review of an Ordinance Amending Chapter 7 of the Escambia County 2030 Comprehensive Plan

**From:** Horace Jones, Department Director

**Organization:** Development Services

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**RECOMMENDATION:**

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 7 of the Escambia County 2030 Comprehensive Plan

That the Board review and recommend to the Board of County Commissioners (BCC) for transmittal to the Department of Economic Opportunity (DEO), an Ordinance amending the Comprehensive Plan, Chapter 7, Policy FLU 1.3.1, Future Land Use categories, by removing all residential minimum densities.

**BACKGROUND:**

The Board of County Commissioners directed staff to submit a Comprehensive Plan text amendment to remove the residential minimum densities requirements from all FLU categories.

**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**

Legal

DRAFT Ordinance

DEO\_Opinion

---

**LEGAL REVIEW**

(COUNTY DEPARTMENT USE ONLY)

Document: CPA-2015-05 Removal of Minimum Residential Densities

Date: 4/27/15

Date requested back by: 5/4/15

Requested by: JC Lemos

Phone Number: 595-3467

.....  
(LEGAL USE ONLY)

Legal Review by Kenna Smith

Date Received: 4/27/15 ; completed 5/1/15

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:  
See Minor formatting changes. Clean copy attached for comparison.





1 **Section 3. Amendment to FLU Residential Minimum Densities Standards**

2  
3 Chapter 7, FLU 1.3.1 of the Escambia County Comprehensive Plan 2030 is hereby  
4 amended as follows: (deletions shown as strike-thru; additions are underlined)

5  
6 **POLICIES**

7 FLU 1.3.1 **Future Land Use Categories.** General descriptions, range of allowable  
8 uses, and residential densities and non-residential intensities for all future land use  
9 categories in Escambia County are outlined in below.

10  
11 **FLUM Agriculture (AG)**

12  
13 **General Description:** Intended for routine agricultural and silvicultural related activities  
14 and very low density residential uses. Also allows for commercial activity limited to  
15 those endeavors ancillary to agricultural and silvicultural pursuits or in support of  
16 agricultural activities such as seed, feed and food outlets, farm equipment and repair  
17 and veterinary services.

18  
19 **Range of Allowable Uses:** Agriculture, silviculture, residential, recreational, public and  
20 civic, limited ancillary or supportive, commercial.

21  
22 **Standards:**

23 ~~Residential~~ Minimum Density: None

24 Residential Maximum Density: 1 du/20 acres

25 **Non-Residential:** Minimum Intensity: None.

26 Maximum Intensity: 0.25 Floor Area Ratio (FAR).

27  
28 **FLUM Rural Community (RC)**

29  
30 **General Description:** Intended to recognize existing residential development and  
31 neighborhood serving nonresidential activity through a compact development pattern  
32 that serves the rural and agricultural areas of Escambia County.

33  
34 **Range of Allowable Uses:** Agriculture, silviculture, residential, recreational facilities,  
35 public and civic, compact traditional neighborhood supportive commercial.

36  
37 **Standards:**

38 ~~Residential~~ Minimum Density: None

39 Residential Maximum Density: 2 du/acre

40 **Non-Residential**

41 Minimum Intensity: None

42 Maximum Intensity: 0.25 Floor Area Ratio (FAR)

1 **FLUM Mixed-Use Suburban (MU-S)**

2  
3 **General Description:** Intended for a mix of residential and non-residential uses while  
4 promoting compatible infill development and the separation of urban and suburban land  
5 uses.

6  
7 **Range of Allowable Uses:** Residential, retail services, professional office, recreational  
8 facilities, public and civic.

9  
10 **Standards:**

11 ~~Residential Minimum Density: 2 du/acre~~

12 Residential Maximum Density: 25 du/acre

13 Non-Residential Minimum Intensity: None

14 Maximum Intensity: 1.0 Floor Area Ratio (FAR)

15  
16 Escambia County intends to achieve the following mix of land uses for new  
17 development within ¼ mile of arterial roadways or transit corridors by 2030:

- 18  
19 a) Residential 8% to 25%  
20 b) Public/Rec/Inst. 5% to 20%  
21 c) Non-Residential:  
22     Retail Service-30% to 50%  
23     Office-25% to 50%

24  
25 In areas beyond ¼ mile of arterial roadways or transit corridors, the following mix of land  
26 uses is anticipated:

- 27  
28 a) Residential 70% to 85%  
29 b) Public/Rec/Inst. 10% to 25%  
30 c) Non-Residential 5% to 10%

31  
32 **FLUM Mixed-Use Urban (MU-U)**

33  
34 **General Description:** Intended for an intense mix of residential and non-residential  
35 uses while promoting compatible infill development and the separation of urban and  
36 suburban land uses within the category as a whole.

37  
38 **Range of Allowable Uses:** Residential, retail and services, professional office, light  
39 industrial, recreational facilities, public and civic.

40  
41 **Standards:**

42 ~~Residential Minimum Density: 3.5 du/acre~~

43 Residential Maximum Density: 25 du/acre

44 Non-Residential Minimum Intensity: 0.25 Floor Area Ration (FAR)

1 Maximum Intensity: 2.0 Floor Area Ratio (FAR)

2  
3 Escambia County intends to achieve the following mix of land uses for new  
4 development within a ¼ mile of arterial roadways or transit corridors by 2030:

- 5  
6 a) Residential 8% to 25%  
7 b) Public/Rec/Inst. 5% to 20%  
8 c) Non-Residential:  
9     Retail/Service 30% to 50%  
10     Office 25% to 50%  
11     Light Industrial 5% to 10%

12  
13 In areas beyond ¼ mile of arterial roadways or transit corridors, the following mix of land  
14 uses is anticipated:

- 15  
16 a) Residential 70% to 85%  
17 b) Public/Rec/Inst. 10% to 25%  
18 c) Non-Residential 5% to 10%

19  
20 **FLUM Mixed-Use Perdido Key (MU-PK)**

21  
22 **General Description:** Intended for a complementary mix of residential, commercial and  
23 tourism (resort) related uses. Residential development in the MU-PK FLUM category  
24 shall be limited to 7,150 dwelling units and 1,000 lodging units.

25  
26 **Range of Allowable Uses:** Single family and multi-family residential; condominiums;  
27 hotels/motels, commercial, active and passive recreational facilities, plazas and other  
28 civic uses; public and quasi-public facilities (including government facilities, public  
29 utilities, religious facilities and organizations).

30  
31 In the low and medium density residential zoning districts the non-residential uses may  
32 include churches, public utilities and facilities, parks and recreation areas, golf courses,  
33 tennis courts, swimming pools, etc. In the medium density residential zoning districts,  
34 non-residential uses may also include kindergarten and childcare centers and  
35 professional offices (architects, engineers, lawyers, consultants, medical/dental, real  
36 estate, insurance, etc.)

37  
38 The uses allowed in the commercial district include a full range of commercial enterprise  
39 activities and are contingent upon conformity of such uses with all requirements of this  
40 Plan and the Perdido Key zoning regulations, thereby assuring that such commercial  
41 development is undertaken in an environmentally sensitive manner. When using density  
42 transfers, densities may not be transferred to parcels south of Perdido Key Drive.

- 1 **Standards:**
- 2 Maximum Density: 25 du/acre (based on proposed zoning districts)
- 3 Maximum Intensity: 6.0 Floor Area Ratio (FAR)
- 4 Minimum pervious area 20%
- 5 Maximum impervious cover area 80%

6

7 **FLUM Mixed-Use Pensacola Beach (MU-PB)**

8

9 **General Description:** Intended for a complementary mix of uses on the developable  
10 lands at Pensacola Beach and is designed to accommodate and encourage innovative  
11 land development types and arrangements. Residential development in the MU-PB  
12 FLUM category shall be limited to 4,128 dwelling units and 726 lodging units.

13

14 **Range of Allowable Uses:**

15 The location and distribution of uses shall generally follow the distribution of uses  
16 included in the 1988 Pensacola Beach Land Utilization Plan, which is included in  
17 Chapter 1 of the Foundation Document and Chapter 85-409, Laws of Florida. Other  
18 allowable uses include public utilities and facilities, religious and educational facilities  
19 and medical facilities. Note: Laws of Florida, Chapter 85-409, prohibits residential or  
20 commercial development of a specified parcel within this category. Further, provisions  
21 within the Land Utilization Plan provide that environmental studies be completed prior to  
22 approving any development or use of the specified parcel.

23

24 **Standards:**

25 Mix of uses shall be approx. 35% residential, 15% commercial/tourism (resort) and 50%  
26 open space/recreation. Also, densities may be increased, decreased or transferred on  
27 any particular parcel to provide protection to important natural resources, accommodate  
28 the provision of adequate and functional open space and the provision of a  
29 complimentary mix of recreation uses within the Pensacola Beach Community.  
30 Site specific densities and uses will be further defined by the lease agreements for  
31 individual parcels, the 1985 Bond Validation Compromise and Settlement, and Special  
32 Acts of the legislature regarding land use, ownership and development on Pensacola  
33 Beach. However, development thresholds established by this Policy shall not be  
34 exceeded unless this Comprehensive Plan has been amended and such amendment  
35 provides for increased development thresholds.

36

37 **FLUM Commercial (C)**

38

39 **General Description:** Intended for professional office, retail, wholesale, service and  
40 general business trade. Residential development may be permitted only if secondary to  
41 a primary commercial development.

42

1 **Range of Allowable Uses:**

2 Residential, retail and services, professional office, light industrial, recreational facilities,  
3 public and civic.

4  
5 **Standards:**

6 ~~Residential~~ Minimum Density: None

7 Residential Maximum Density: 25 du/acre

8 **Non-Residential** Minimum Intensity: None

9 Maximum Intensity: 1.0 Floor Area Ratio (FAR)

10  
11 **FLUM Industrial**

12  
13 **General Description:** Intended for a mix of industrial development and ancillary office  
14 and commercial uses that are deemed to be compatible with adjacent or nearby  
15 properties. Industrial areas shall facilitate continued industrial operations within the  
16 County and provide jobs and employment security for present and future residents.

17  
18 **Range of Allowable Uses:** Light to intensive industrial, ancillary retail and office. No  
19 new residential development is allowed.

20  
21 **Standards:**

22 ~~Residential~~ Minimum Density: None

23 Residential Maximum Density: None

24 **Non-Residential** Minimum Intensity: None

25 Maximum Intensity: 1.0 Floor Area Ratio (FAR)

26  
27 **FLUM Conservation (CON)**

28  
29 **General Description:** Intended for the conservation of important natural resources,  
30 such as wetlands, marshes and significant wildlife habitats. This may include passive  
31 recreational opportunities for citizens of and visitors to the County.

32  
33 **Range of Allowable Uses:**

34 Passive parks and trails, preservation lands, educational uses that use natural  
35 amenities for public benefit. No new residential development is allowed.

36  
37 **Standards:**

38 ~~Residential~~ Minimum Density: None

39 Residential Maximum Density: None

40 **Non-Residential** Minimum Intensity: None

41 Maximum Intensity: None

1 **FLUM Recreation (REC)**  
2

3 **General Description:** Recreational opportunities for the Escambia County citizens  
4 including a system of public and private park facilities.  
5

6 **Range of Allowable Uses:** Active and passive recreation activities and amenities, park  
7 facilities such as boat launch, basketball courts, tennis courts, baseball and softball  
8 fields, meeting halls and the like. No new residential development is allowed.  
9

10 **Standards:**

11 ~~Residential~~ Minimum Density: None

12 Residential Maximum Density: None

13 **Non-Residential** Minimum Intensity: None

14 Maximum Intensity: 0.5 Floor Area Ration (FAR)  
15

16 **FLUM Public (P)**  
17

18 **General Description:** Provides for uses or facilities owned or managed by the Federal,  
19 State or county government or other public institutions or agencies.  
20

21 **Range of Allowable Uses:** Public parks, local, regional, State or Federal facilities,  
22 public structures or lands, quasi-public facilities providing public services.  
23

24 **Standards:**

25 ~~Residential~~ Minimum Density: None

26 Residential Maximum Density: None

27 **Non-Residential** Minimum Intensity: None

28 Maximum Intensity: None  
29

30 **Section 4. Severability**  
31

32 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
33 unconstitutional by any Court of competent jurisdiction, the holding shall in no way affect  
34 the validity of the remaining portions of this Ordinance.  
35

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

38 It is the intention of the Board of County Commissioners that the provisions of this  
39 Ordinance shall be codified as required by Section 125.68, Florida Statutes, and that  
40 the sections, subsections and other provisions of this Ordinance may be renumbered or  
41 re-lettered and the word "ordinance" may be changed to "section," "article," or such  
42 other appropriate word or phrase in order to accomplish such intentions.  
43  
44



1 **Section 6. Effective Date**

2  
3 Pursuant to Section 163.3184(3)(c) 4, Florida Statutes, this Ordinance shall not become  
4 effective until 31 days after the Department of Economic Opportunity notifies Escambia  
5 County that the plan amendment package is complete. If timely challenged, this  
6 Ordinance shall not become effective until the Department of Economic Opportunity or  
7 the Administration Commission enters a final order determining the Ordinance to be in  
8 compliance.  
9

10  
11  
12  
13 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

18  
19  
20 By: \_\_\_\_\_  
21 Steven Barry, Chairman

22  
23 ATTEST: PAM CHILDERS  
24 CLERK OF THE CIRCUIT COURT

25  
26  
27 By: \_\_\_\_\_  
28 Deputy Clerk

29  
30  
31 (SEAL)

32  
33 ENACTED:

34  
35  
36 FILED WITH THE DEPARTMENT OF STATE:

37  
38  
39 EFFECTIVE DATE:  
40





**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**4. C.**

**Meeting Date:** 06/02/2015

**Issue:** A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 5, Family Conveyance

**From:** Horace Jones, Department Director

**Organization:** Development Services

---

**RECOMMENDATION:**

A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapter 5, Family Conveyance.

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 5, Article 3, Division of Land, modifying the exception requirements language for family conveyance.

**BACKGROUND:**

The Board of County Commissioners directed staff to modify the requirements for the family conveyance exception to the general provisions governing the division of land within the 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 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

---

1   ORDINANCE NUMBER 2015-\_\_\_\_\_

2  
3           **AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING**  
4 **PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE**  
5 **LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA;**  
6 **AMENDING CHAPTER 5, ARTICLE 3, DIVISION OF LAND, SECTION**  
7 **5-3.2, GENERAL PROVISIONS, TO MODIFY FAMILY CONVEYANCE**  
8 **EXCEPTION REQUIREMENTS; PROVIDING FOR SEVERABILITY;**  
9 **PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR**  
10 **AN EFFECTIVE DATE.**

11  
12           **WHEREAS**, through its Land Development Code, the Escambia County Board of  
13 County Commissioners desires to preserve the county as a desirable community in  
14 which to live, vacation and do business; and

15  
16           **WHEREAS**, the Board of County Commissioners finds that modifying the  
17 requirements for the family conveyance exception to the provisions governing the  
18 division of land within the county serves an important public purpose;

19  
20           **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**  
21 **COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, AS FOLLOWS:**

22  
23           **Section 1.** Part III of the Escambia County Code of Ordinances, the Land  
24 Development Code of Escambia County, Chapter 5, Article 3, Section 5-3.2(d) is hereby  
25 amended as follows: (words underlined are additions and words ~~stricken~~ are deletions):

26  
27           **Sec. 5-3.2 General provisions.**

28           **(a) Approval required.** The division of land requires County review and approval for  
29 compliance with the standards of this article unless the division is specifically  
30 identified in the LDC as exempt from these standards.

31           **(b) Modification of standards.** Variances to the strict application of the standards of  
32 this article are not available from the Planning Official, BOA or SRIA. Where the  
33 provisions of this article specifically allow, the County Engineer has discretion within  
34 accepted standards of engineering practice to allow for modifications that maintain  
35 the stated purposes of the article.

36           **(c) Creation of new lots.** No lot shall be created which requires a variance or another  
37 exception to the requirements of the LDC to provide sufficient buildable area or other  
38 conditions necessary to use a lot for its intended purposes. Additionally, unless  
39 established through the family conveyance exception of this section, the creation of  
40 any new lot shall comply with the following:

41                   **(1) Zoning compliant.** Each lot provides the minimum lot area and dimensions  
42 required by the applicable zoning district.

1           **(2) Right-of-way frontage.** Each lot fronts on a public or private right-of-way,  
2 whether improved or unimproved, which conforms to the definition of “street” in  
3 Chapter 6. Although such right-of-way typically affords the principal means of lot  
4 access, frontage along a right-of-way does not authorize or require access to that  
5 street.  
6

7           **(3) Subdivision review.** The creation of lots by the division of a parcel into three  
8 or more contiguous lots shall comply with the subdivision standards of this article  
9 and shall be reviewed for compliance as prescribed in Chapter 2  
10

11 **(d) Family conveyance exception.** No building permit shall be denied where the  
12 property in question is to be used solely as a homestead by an owner-applicant who  
13 is the grandparent, parent, step-parent, adopted parent, sibling, child, step-child,  
14 adopted child, niece, nephew, aunt, uncle or grandchild of the person who conveyed  
15 the parcel to such applicant, notwithstanding the density or intensity of use assigned  
16 to the parcel by a particular zoning district. This exception shall apply only once to  
17 any owner-applicant. ~~The division of land need not comply with the other standards~~  
18 ~~of this article if each additional lot created by the division is to be used solely as a~~  
19 ~~homestead by an owner applicant who is the grandparent, parent, step parent,~~  
20 ~~adoptive parent, sibling, child, step child, adopted child, grandchild, aunt, uncle,~~  
21 ~~niece, or nephew of the person who conveyed the lot to that owner applicant. This~~  
22 ~~family conveyance exception applies only once to any owner applicant and does not~~  
23 ~~apply to the division of a platted lot. Additionally, such conveyance is prohibited if it~~  
24 ~~would increase any nonconformance of the source parcel or cause that parcel to~~  
25 ~~become nonconforming in any way. Lots created for family conveyance need not~~  
26 ~~comply with the density or other requirements of the applicable zoning district,~~  
27 ~~except as included in the following:~~  
28

29 ~~**(1) Uses.** Allowable uses of lots are limited to those of the applicable zoning.~~

30 ~~**(2) Access.** Lots having less than 12 feet of street frontage shall provide dedicated~~  
31 ~~vehicular access no less than 18 feet wide.~~

32 ~~**(3) Area.** Lot area shall be the minimum required by the applicable zoning or at least~~  
33 ~~one acre, whichever is less.~~

34 ~~**(4) Setbacks.** All structures shall comply with the minimum setbacks of the~~  
35 ~~applicable zoning.~~

36 **(e)(5) Completion of platting.** Unless otherwise exempt under provisions of the LDC,  
37 before any lot may be sold or before any building permit is issued to construct  
38 improvements on any lot that makes reference to the final plat, the plat shall be  
39 approved by the Board of County Commissioners (BCC) and recorded in the public  
40 records of Escambia County.  
41

42 **Section 2. Severability.**  
43

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

4 **Section 3. Inclusion in Code.**

5  
6 It is the intention of the Board of County Commissioners that the provisions of this  
7 ordinance shall be codified as required by Section 125.68, Florida Statutes, and that the  
8 sections, subsections and other provisions of this ordinance may be renumbered or re-  
9 lettered and the word "ordinance" may be changed to "section," "article," or such other  
10 appropriate word or phrase in order to accomplish such intentions.

11  
12 **Section 4. Effective Date.**

13  
14 This Ordinance shall become effective upon filing with the Department of State.

15  
16  
17 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

18  
19 **BOARD OF COUNTY COMMISSIONERS**  
20 **OF ESCAMBIA COUNTY, FLORIDA**

21  
22  
23 **By:** \_\_\_\_\_  
24 **Steven Barry, Chairman**

25  
26 **ATTEST: Pam Childers**  
27 **Clerk of the Circuit Court**

28  
29 **By:** \_\_\_\_\_  
30 **Deputy Clerk**

31  
32 **(SEAL)**

33  
34 **ENACTED:**

35  
36 **FILED WITH THE DEPARTMENT OF STATE:**

37  
38 **EFFECTIVE DATE:**

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Family Conveyance

Date: 5/11/15

Date requested back by: 5/12/15

Requested by: JC Lemos

Phone Number: 595-3467



(LEGAL USE ONLY)

Legal Review by Kerna Smith

Date Received: 5/11/15

Approved as to form and legal sufficiency. *As modified*

*(JCL)*

Not approved.

Make subject to legal signoff.

Additional comments:



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

4. D.

**Meeting Date:** 06/02/2015

**Issue:** A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Article 3, Barrancas Overlay District

**From:** Keith Wilkins, Department Director

**Organization:** Community & Environment

---

**RECOMMENDATION:**

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Article 3, Barrancas Overlay District.

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 Article 3. To amend certain site and building requirements in Medium Density Residential (MDR) or High Density Residential (HDR) zoning within the Barrancas Overlay District

**BACKGROUND:**

This Ordinance is to amend Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Florida, as amended; amending Chapter 3, Article 3, "Overlay Districts," Section 3-3.3, to amend certain site and building requirements in Medium Density Residential (MDR) or High Density Residential (HDR) zoning within the Barrancas Overlay District. The proposed amendments will serve the intent and a public purpose. A copy of the draft Ordinance is attached.

**BUDGETARY IMPACT:**

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

**LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached draft Ordinance has been reviewed and approved for legal sufficiency by Kerra A. Smith, Assistant County Attorney.

**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, Community Redevelopment Agency and all interested citizens. The Development Services Department and Community Redevelopment Agency will ensure proper advertisement.

---

---

**Attachments**

Draft Ordinance

---

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ORDINANCE NUMBER 2015-\_\_\_\_

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 3, ARTICLE 3, "OVERLAY DISTRICTS," SECTION 3-3.3, TO AMEND CERTAIN SITE AND BUILDING REQUIREMENTS IN MEDIUM DENSITY RESIDENTIAL (MDR) OR HIGH DENSITY RESIDENTIAL (HDR) ZONING WITHIN THE BARRANCAS OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the intent of this Ordinance is to amend certain building design standards within the Barrancas Overlay District;

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

Section 1. Part III of the Escambia County Code of Ordinances, The Land Development Code of Escambia County, Chapter 3, Article 3, "Overlay Districts," Section 3-3.3(f) is hereby amended as follows (additions are underlined and deletions are ~~strikethrough~~):

3-3.3 Barrancas Overlay (Barr-OL)

(f) Site and building requirements. Site and building requirements vary by location within the Barr-OL district.

(1) District-wide. The following requirements apply throughout the overlay district:

a. Structure height. Except within the WMU area, a maximum structure height of 45 feet above highest adjacent grade. Any lower height required by use or underlying zoning district shall govern.

b. Materials and colors. Building materials and colors shall avoid adverse visual impacts on surrounding properties. Accessory structures shall use the same or similar materials, color, and style of the primary structure's facade if visible from a public way.

c. Street orientation. Buildings shall create desirable pedestrian environments between the buildings and adjacent streets through clear and visible orientation to the streets.

(2) Within MDR or HDR Zoning. The following requirements apply if the underlying zoning is Medium Density Residential (MDR) or High Density Residential (HDR):

1 a. **Entry.** The front façade of a residential building shall include the primary entry  
2 door, be street facing, and include a porch or stoop that complies with the  
3 following:

4 **1. Front Porches.** Front porches shall be a minimum of six feet deep and  
5 ten feet wide and should otherwise match the scale of the primary facade.

6 **2. Stoops.** Where buildings are elevated above grade, stoops providing  
7 connections to building entrances or porches shall be a minimum of five  
8 feet wide.

9 **b. Parking.** All off-street parking shall be located in the rear yard or within a  
10 garage. For single-family detached dwellings, off-street parking can be located  
11 in a carport, driveway, or garage. For residential uses, any front-facing  
12 attached garage shall be set back an additional ten feet from the primary front  
13 façade and shall not exceed 25 percent of the width of that façade if the lot  
14 width is greater than 40 feet. All other garages must face the side or rear of  
15 the parcel.

16  
17 **(3) Within HDMU or Commercial zoning.** The following requirements apply if the  
18 underlying zoning is High Density Mixed-use(HDMU) or Commercial (Com):

19 **a. Structure setbacks.** Front and side structure setbacks shall be consistent  
20 with adjacent structures. Rear setbacks shall be as required by the underlying  
21 zoning district. Where setback patterns are not clearly established, buildings  
22 shall be built to within 10 feet of property lines.

23 **b. Building orientation.** Buildings shall be oriented so that the principal facades  
24 are parallel or nearly parallel to the streets they face. On corner sites,  
25 buildings shall occupy the corner.

26 **c. Entry.** Entrances shall be well lit, visible from the street, and easily accessible.  
27 Walkways separate from driveways shall lead to front doors where practical.

28 **d. Parking.** Off-street parking areas shall be connected by walkways to the  
29 buildings they serve and comply with the following:

30 **1. Residential.** Parking for residential uses shall be located in the rear yard  
31 or within a garage. Any front facing attached garage shall be set back at  
32 least eight feet from the primary front facade and not exceed 25 percent  
33 of that facade if the lot width is greater than 40 feet.

34 **2. Non-residential.** Parking for non-residential uses shall be located in the  
35 rear or side yards unless provided as shared central parking through an  
36 easement or common ownership among contiguous properties. Curb cuts  
37 for such shared parking shall be limited to one 20-foot wide access. Liner  
38 buildings or landscaping shall be used to screen parking from view from  
39 the street.

1 **e. Screening.** All service and loading areas shall be entirely screened from  
2 offsite view.

3 **f. Scale.** Buildings shall be designed in proportions to reflect human pedestrian  
4 scale and movement, and to encourage interest at the street level, which is  
5 best achieved when the ratio of street (not right-of-way) width to building height  
6 is between 1:2 and 1:3.

7 **g. Outdoor dining.** Outdoor dining areas shall be appropriately separated from  
8 public walkways and streets using railings, wrought iron fences, landscaping,  
9 or other suitable materials such that a minimum unobstructed pedestrian path  
10 at least six feet wide is allowed along public rights-of-way.

11 **(4) Within WMU area.** The following requirements apply within the waterfront mixed-  
12 use (WMU) area:

13 **a. Structure height.** A maximum structure height of 100 feet above highest  
14 adjacent grade.

15 **b. Structure setbacks.** For all principal structures, minimum setbacks of ten feet  
16 on each side, including any group of attached townhouses. For structures  
17 exceeding 35 feet above highest adjacent grade, an additional two feet for  
18 each additional 10 feet in height.

19 Front porches, stoops, and balconies that extend beyond the primary building  
20 plane may encroach to within five feet of the property line. Steps leading to a  
21 front porch or stoop may encroach further, but not beyond the property line or  
22 onto public sidewalks.

23 Front and side setback lines should be consistent with adjacent structures.  
24 Where setback lines are not clearly established, buildings shall be built to  
25 within 10 feet of property lines.

26 **c. Building orientation.** Buildings shall be oriented so that the principal facade  
27 is parallel or nearly parallel to the streets they face. On corner sites, buildings  
28 shall occupy the corner.

29 **d. Entry.** Walkways separate from driveways shall lead to front doors where  
30 practical.

31 **e. Parking.** Parking and other non-habitable areas may comprise the 'first two  
32 floors of a mixed-use structure. Off-street parking areas shall be connected by  
33 walkways to the buildings they serve and comply with the following:

34 **1. Residential.** Parking for residential uses shall be located in the rear yard or  
35 within a garage. Any front facing attached garage shall be set back at least 10  
36 feet from the primary front facade and not exceed 25 percent of that facade if  
37 the lot width is greater than 40 feet.

38 **2. Parking structures.** Access to parking structures shall be limited to the  
39 side or rear of the structures and their street facades shall be concealed by

1 liner buildings or be screened so as to provide the appearance of being an  
2 occupied use; i.e., with articulated building fronts, windows, etc.

3 **f. Screening.** All service and loading areas and outdoor storage shall be entirely  
4 screened from off-site view by opaque fencing consisting of chain link fence  
5 with slats or privacy fence of wood, PVC, or vinyl, or by concrete or stucco  
6 walls.

7 **g. Signs.** Site signage is limited to one freestanding monument sign per  
8 development parcel, scaled primarily for pedestrians, and not to exceed 100  
9 square feet in area and 12 feet in height, except for multi-tenant development  
10 where the sign may be up to 300 square feet. Sign colors, materials, and  
11 lighting shall avoid adverse visual impacts on surrounding properties. Wall  
12 signs shall not obstruct design details, windows, or cornices of the buildings to  
13 which they are attached. For individual tenants in a multi-tenant development,  
14 wall signs shall not exceed 20 square feet per sign.

15 **h. Resource protection.**

16 **1. Natural features.** Natural features shall be protected and integrated into  
17 site design and development where possible.

18 **2. Shorelines.** Natural vegetated shoreline erosion control solutions shall be  
19 implemented where there is a high likelihood of success and effectiveness.  
20 County evaluation of shoreline protection shall consider bathymetry, wave  
21 climate, sediment quality, and adjacent and surrounding shorelines.

22 **3. Septic tanks.** If septic tanks are permitted they shall be located at least  
23 100 feet from the mean high water line (MHWL) of the bayou.

24 **i. Dock materials.** All docks, bulkheads, and seawalls constructed of treated  
25 wood products should use products registered for marine use by the U.S.  
26 Environmental Protection Agency or the Florida Department of Agriculture and  
27 Consumer Services. Other recommended materials include concrete, coated  
28 steel, recycled plastic, PVC, vinyl, and fiberglass.

29  
30 **Section 2. Severability.**

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

35  
36 **Section 3. Inclusion in the Code.**

37 It is the intention of the Board of County Commissioners that the provisions of this  
38 Ordinance shall be codified as required by 125.68, Fla. Stat. (2014); and that the sections,

1 subsections and other provisions of this Ordinance may be renumbered or relettered and  
2 the word "ordinance" may be changed to "section", "article", or such other appropriate word  
3 or phrase in order to accomplish such intentions.  
4

5 **Section 4. Effective Date.**

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

7  
8

9 DONE AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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

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16  
17 BY: \_\_\_\_\_  
18 Steven Barry, Chairman

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20 Attest:

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23 PAM CHILDERS  
24 Clerk of the Circuit Court

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27 By: \_\_\_\_\_  
28 Deputy Clerk

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(SEAL)



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

**Planning Board-Regular**

**4. E.**

**Meeting Date:** 06/02/2015

**Issue:** A Public Hearing Concerning the Review of an Ordinance to Amend Chapter 3, Article 3, Warrington Overlay District

**From:** Keith Wilkins, Department Director

**Organization:** Community & Environment

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**RECOMMENDATION:**

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Article 3, Warrington Overlay District

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) amending Chapter 3, Article 3. To amend prohibited uses within the Warrington Overlay District.

**BACKGROUND:**

This Ordinance is to amend Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Florida, as amended; amending Chapter 3, Article 3, "Overlay Districts," Section 3-3.8, to amend prohibited uses within the Warrington Overlay District. The proposed amendments will serve the intent and a public purpose. A copy of the draft Ordinance is attached.

**BUDGETARY IMPACT:**

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

**LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached draft Ordinance has been reviewed and approved for legal sufficiency by Kerra Smith, Assistant County Attorney.

**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, Community Redevelopment Agency, and all interested citizens. The Development Services Department and Community Redevelopment Agency will ensure proper advertisement.

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### **Attachments**

Draft Ordinance

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ORDINANCE NUMBER 2015-\_\_\_

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 3, ARTICLE 3, "OVERLAY DISTRICTS," SECTION 3-3.8, TO AMEND PROHIBITED USES WITHIN THE WARRINGTON OVERLAY DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the intent of this Ordinance is to amend certain prohibited uses within the Warrington Overlay District;

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

18 **Section 1.** Part III of the Escambia County Code of Ordinances, The Land Development  
19 Code of Escambia County, Chapter 3, Article 3, "Overlay Districts," Section 3-3.8(d) is  
20 hereby amended as follows (additions are underlined and deletions are ~~strike through~~):  
21

22 **3-3.8 Warrington Overlay (Warr-OL)**

23 **(d) Prohibited uses.** The following uses are prohibited in the Warr-OL district  
24 regardless of their status in any underlying zoning district:  
25

26 ~~(1) Portable food vendors.~~

27 **(2) (1)** Manufactured (mobile) homes. The construction of modular homes is not  
28 prohibited.

29 **(3) (2)** Manufactured (mobile) home subdivision or parks.

30  
31 **Section 2. Severability.**

32 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or  
33 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way  
34 affect the validity of the remaining portions of this Ordinance.  
35

36 **Section 3. Inclusion in Code.**

37 It is the intention of the Board of County Commissioners that the provisions of this  
38 Ordinance shall be codified as required by 125.68, Fla. Stat. (2014); and that the sections,  
39 subsections and other provisions of this Ordinance may be renumbered or relettered and  
40 the word "ordinance" may be changed to "section", "article", or such other appropriate word  
41 or phrase in order to accomplish such intentions.



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**Section 4. 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  
ESCAMBIA COUNTY, FLORIDA**

BY: \_\_\_\_\_  
Steven Barry, Chairman

Attest:  
PAM CHILDERS  
Clerk of the Circuit Court

By: \_\_\_\_\_  
Deputy Clerk

(SEAL)