

AGENDA  
ESCAMBIA COUNTY PLANNING BOARD  
February 2, 2016–8:30 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, Waive the Reading of the Legal Advertisement and Acceptance of the Meeting Packet.
4. Approval of Minutes.
  - A.
    - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the January 5, 2016 Planning Board Rezoning and Regular Meeting.
    - B. Planning Board Monthly Action Follow-up Report for January 2016.
    - C. Planning Board 6-Month Outlook for February 2016.
5. Public Hearings.
  - A. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Sect. 3-2.12, by Adding Conditional Use Criteria for Solid Waste Processing Facilities and Operations in the Industrial (Ind) Zoning District

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC), amending Chapter 3, Sect. 3-2.12, by adding Conditional Use criteria for Solid Waste Processing Facilities and Operations in the Industrial (Ind) Zoning District; authorizing the Board of County Commissioners to make Conditional Use determinations for Solid Waste Processing and Resource Recovery Facilities in lieu of the Board of Adjustment (BOA).
6. Action/Discussion/Info Items.
  - A. Group Living Discussion

B. Changing Time of Planning Board Meetings to Evening Discussion

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

The next Regular Planning Board meeting is scheduled for **Tuesday, March 1, 2016 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.
12. Adjournment.



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

**Planning Board-Regular**  
**Meeting Date: 02/02/2016**

**4. A.**

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**Agenda Item:**

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the January 5, 2016 Planning Board Rezoning and Regular Meeting.

B. Planning Board Monthly Action Follow-up Report for January 2016.

C. Planning Board 6-Month Outlook for February 2016.

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**Attachments**

1/5/16 Quasi-Judicial Planning Board Meeting Minutes Resume

1/5/16 Regular Planning Board Meeting Minutes Resume

Monthly Action Follow-Up Report

Six Month Outlook

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**RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD QUASI-JUDICIAL REZONING  
January 5, 2016**

**CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(8:35 A.M. – 9:37 A.M.)**

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

Absent: Reid Rushing

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning  
Andrew Holmer, Division Manager, Planning & Zoning  
Caleb MacCartee, Urban Planner II  
Horace Jones, Director, Development Services  
John Fisher, Senior Urban Planner, Planning & Zoning  
Juan Lemos, Senior Planner, Planning & Zoning  
Karen Stubbs, Sr. Office Assistant  
Kayla Meador, Sr Office Assistant  
Kerra Smith, Assistant County Attorney

1. Call to Order.
2. Pledge of Allegiance to the Flag was given by Alvin Wingate.
3. Proof of Publication, Waive the Reading of the Legal Advertisement and Acceptance of the Meeting Packet.

Motion by Timothy Pyle, Seconded by Rodger Lowery

Motion was made to approve the Proof of Publication and to waive the reading of the legal advertisement.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

4. Approve the Meeting Resume' Minutes of the December 1, 2015 Planning Board Rezoning Meeting.

Motion by Rodger Lowery, Seconded by Bob Cordes

Motion was made to approve the minutes from the December 1, 2015 Planning Board meeting.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

5. Acceptance of the Rezoning Planning Board meeting packet.

Motion by Rodger Lowery, Seconded by Timothy Pyle

Motion was made to accept the Rezoning Planning Board meeting packet for January 5, 2016.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

6. Quasi-judicial Process Explanation.

7. Public Hearings.

- A. Case #: Z-2015-21  
Applicant: Wiley C. "Buddy" Page,  
Agent for Yacht Harbor  
Development, LLC., Owner  
Address: 17080 Perdido Key Drive  
Property Size: 3.88 (+/- acres)  
Size:  
From: MDR-PK, Medium Density  
Resident district, Perdido  
Key (4.5 du/acre)  
To: CC-PK, Commercial Core  
district, Perdido Key (13  
du/acre or 25 lodging  
units/acre)

Timothy Pyle acknowledged visiting the site.

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

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

Motion by Tim Tate, Seconded by Bob Cordes

Motion was made to drop the rezoning request.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

- B. Case #: Z-2015-22  
Applicant: Thomas Hammond, Agent for  
Eli H. Miller, Owner  
Address: Northwest Corner of Highway  
196 and Highway 95-A  
Property Size: 19.89 (+/- acres)  
Size:  
From: Agr, Agricultural district (one  
du/20 acres)  
To: RMU, Rural Mixed-use district  
(two du/acre)

No planning board member acknowledged visiting the site.

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

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

Motion by Tim Tate, Seconded by Rodger Lowery

Motion was made to recommend approval to the BCC.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

- C. Case #: Z-2015-23  
Applicant: Escambia County, Owner  
Address: 1200 West Leonard Street,  
1211 West Fairfield Drive,  
Block of "H" Street and Cross  
Street  
Property Size: 53.98 (+/- acres)  
From: **HDR**, High Density Residential district (18 du/acre), **HC/LI**, Heavy Commercial and Light Industrial district (Dwelling unit density limited to vested residential development. Lodging unit density not limited by zoning.), **HDMU**, High Density Mixed-use district (25 du/acre), **Rec**, Recreation district (Dwelling unit density limited to vested development.)  
To: **Pub**, Public district (Dwelling unit density limited to vested residential development.)

No planning board member acknowledged visiting the site.

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

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

Motion by Tim Tate, Seconded by Alvin Wingate

Motion was made to recommend approval to the BCC contingent upon LSA-2015-02.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

8. Adjournment.

# DRAFT

## RESUMÉ OF THE ESCAMBIA COUNTY PLANNING BOARD January 5, 2016

**CENTRAL OFFICE COMPLEX  
3363 WEST PARK PLACE, BOARD CHAMBERS  
PENSACOLA, FLORIDA  
(9:37 A.M. – 9:48 A.M.)  
(10:04 A.M. - 12:34 P.M.)**

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

Absent: Reid Rushing

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning  
Andrew Holmer, Division Manager, Planning & Zoning  
Griffin Vickery, Urban Planner, Planning & Zoning  
Horace Jones, Director, Development Services  
John Fisher, Senior Urban Planner, Planning & Zoning  
Juan Lemos, Senior Planner, Planning & Zoning  
Karen Bohon, Sr. Office Assistant  
Kayla Meador, Sr Office Assistant  
Kerra Smith, Assistant County Attorney

1. Call to Order.
2. Proof of Publication, Waive the Reading of the Legal Advertisement and Acceptance of the Meeting Packet.

Motion by Timothy Pyle, Seconded by Rodger Lowery

Motion was made to approve the Proof of Publication and to waive the reading of the legal advertisement.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

3. Approval of Minutes.
  - A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the December 1, 2015 Planning Board Meeting.
  - B. Planning Board Monthly Action Follow-up Report for December 1, 2015.
  - C. Planning Board Six Month Outlook for January 5, 2016.

Motion by Rodger Lowery, Seconded by Alvin Wingate

Motion was made to approve the minutes from the December 1, 2015 Regular Planning Board meeting.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

4. Acceptance of Regular Planning Board Meeting Packet.

Motion by Rodger Lowery, Seconded by Bob Cordes

Motion was made to accept the Regular Planning Board meeting packet for January 5, 2016.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

5. Public Hearings.

- A. A Public Hearing Concerning the Review of an Ordinance Amending the 2030 Future Land Use Map, LSA-2015-02. A Public Hearing Concerning the Review of an Ordinance Amending the 2030 Future Land Use Map, LSA-2015-02.

That the Board review and recommend to the Board of County Commissioners (BCC), for transmittal to the Department of Economic Opportunity, an Ordinance amending the 2030 Future Land Use Map.

Motion by Tim Tate, Seconded by Rodger Lowery

Motion was made to recommend approval to the BCC for transmittal to DEO.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)



B. A Public Hearing Concerning the Review of Redfish Harbor, a Planned Unit Development. A Public Hearing Concerning the Review of Redfish Harbor, a Planned Unit Development.

That the Board review the development plan for Redfish Harbor residential subdivision, a Planned Unit Development (PUD), and confirm consistency of the plan with Land Development Code (LDC) requirements prior to transmittal of a recommendation to the Board of County Commissioners (BCC) to review and consider the plan for a final decision.

Motion by Tim Tate, Seconded by Timothy Pyle

Motion was made to accept into evidence "Applicant Exhibit A."

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

Motion by Rodger Lowery, Seconded by Alvin Wingate

Motion was made to accept into evidence "Applicant Exhibit B."

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

Motion by Timothy Pyle, Seconded by Rodger Lowery

Motion was made to recommend approval to the BCC. In regards to specific areas of the criteria:

Criteria 1: creative planning was well demonstrated

Criteria 2: natural amenities will be provided within the development

Criteria 3: as justified by the applicant, development is going to have an environment to live, work, and play in

Criteria 4, 5, and 6: Board accepts Staff Findings

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

C. A Public Hearing Concerning the Review of an LDC Ordinance, Chapter 4, Article 2, Floodplain Ordinance. A Public Hearing Concerning the Review of an LDC Ordinance Amending Chapter 4, Article 2, Floodplain Ordinance.

That the Board review and recommend approval to the Board of County Commissioners (BCC) an Ordinance to the Land Development Code (LDC) replacing Chapter 4, Article 2, Floodplain Management, in its entirety.

Motion by Bob Cordes, Seconded by Alvin Wingate

Motion was made to recommend approval to the BCC.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

6. Action/Discussion/Info Items.

A. Wildwood Estate Amended Development Agreement. Wildwood Estates Amended Development Agreement.

Motion by Timothy Pyle, Seconded by Rodger Lowery

Motion was made to approve the amended development agreement and recommend approval to the BCC.

**Vote:** 6 - 0 Approved

Other: Reid Rushing (ABSENT)

B. Short-Term Vacation Rentals.

C. Vested Rights Training.

7. Public Forum.

8. Director's Review.

9. County Attorney's Report.

10. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, February 2, 2016 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

11. Announcements/Communications.

12. Adjournment.

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



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

**Memorandum**

**TO:** Planning Board  
**FROM:** Kayla Meador, Board Clerk  
**DATE:** January 25, 2016  
**RE:** Monthly Action Follow-Up Report for January 2016.

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

**CPA-2015-07**

Five-Year Schedule  
09-01-15 PB recommended approval  
10-08-15 BCC approved for transmittal to DEO  
01-07-16 BCC approved

**CPA-2015-08**

MU-PB Error in Comp Plan  
11-03-15 PB recommended approval  
12-10-15 BCC approved for transmittal to DEO

• **Map Amendments:**

**SSA-2015-02**

W. Quintette  
12-01-15 PB recommended approval  
01-07-16 BCC approved

**SSA-2015-03**

E. Quintette

12-01-15 PB recommended approval

01-07-16 BCC approved

**LSA-2015-02**

Jail Site

01-05-16 PB recommended approval

02-02-16 BCC meeting for transmittal to DEO

**LAND DEVELOPMENT CODE ORDINANCES**

**Microbrewery, Chapter 3 & 6 changes**

10-06-15 PB recommended approval

10-22-15 BCC remanded back to PB

12-01-15 PB recommended approval

01-07-15 BCC approved

**REZONING CASES**

**1. Rezoning Case Z-2015-19**

11-03-15 PB recommended approval

TBD BCC meeting

**2. Rezoning Case Z-2015-20**

12-01-15 PB recommended approval

01-07-16 BCC approved

**3. Rezoning Case Z-2015-21**

01-05-16 Dropped at PB

**4. Rezoning Case Z-2015-22**

01-05-16 PB recommended approval

02-02-16 BCC meeting

**5. Rezoning Case Z-2015-23**

01-05-16 PB recommended approval

02-02-16 BCC meeting

**MISCELLANEOUS ITEMS**

# PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR FEBRUARY 2016

(Revised 01/25/16)

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, February 2, 2016	<ul style="list-style-type: none"> <li>• Amending Recycle Ordinance</li> </ul>			<ul style="list-style-type: none"> <li>• Group Living</li> <li>• Changing Time of PB Mtg to Evening</li> </ul>
Tuesday, February 16, 2016 <i>PB Workshop</i>				<ul style="list-style-type: none"> <li>• PK Master Plan</li> </ul>
Tuesday, March 1, 2016	<ul style="list-style-type: none"> <li>• PK Master Plan</li> </ul>			<ul style="list-style-type: none"> <li>• AIPD Maps</li> <li>• Duplexes in MDR as CU</li> </ul>
Tuesday, April 5, 2016				
Tuesday, May 3, 2016				
Tuesday, June 7, 2016				
Tuesday, July 5, 2016				

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



## BOARD OF COUNTY COMMISSIONERS

### Escambia County, Florida

#### Planning Board-Regular

5. A.

**Meeting Date:** 02/02/2016

**Issue:** A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Sect. 3-2.12

**From:** Horace Jones, Director

**Organization:** Development Services

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#### **RECOMMENDATION:**

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3, Sect. 3-2.12, by Adding Conditional Use Criteria for Solid Waste Processing Facilities and Operations in the Industrial (Ind) Zoning District

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC), amending Chapter 3, Sect. 3-2.12, by adding Conditional Use criteria for Solid Waste Processing Facilities and Operations in the Industrial (Ind) Zoning District; authorizing the Board of County Commissioners to make Conditional Use determinations for Solid Waste Processing and Resource Recovery Facilities in lieu of the Board of Adjustment (BOA).

#### **BACKGROUND:**

The LDC that was adopted on April 16, 2015, did not clearly provide conditional use criteria for Solid Waste Processing Facilities and Operations in the Industrial (Ind) Zoning District. It is in the best interest of the County and its citizens to incorporate the criteria, and serves an important public purpose.

#### **BUDGETARY IMPACT:**

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

#### **LEGAL CONSIDERATIONS/SIGN-OFF:**

The attached Ordinance has been reviewed and approved for legal sufficiency by 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:**

This Ordinance, amending the LDC, will be filed with the Department of State following adoption by the board.

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 by the Development Services Department, in cooperation with the County Attorney’s Office and all interested citizens. The Development Services Department will ensure proper advertisement.

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**Attachments**

Draft Ordinance

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LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: LDC Ordinance adding C.U. standards to Industrial Zoning district. ( To mirror other

Date: 1/6/16

Date requested back by: 1/11/16

Requested by: Allyson Cain

Phone Number: 595-3547



(LEGAL USE ONLY)

Legal Review by Kenna A. Smith

Date Received: 1/12/16

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:





1 Non-industrial uses within the district are limited to ensure the preservation of  
2 adequate areas for industrial activities. New or expanded residential development is  
3 generally prohibited.

4 **(b) Permitted uses.** Permitted uses within the Industrial district are limited to the  
5 following:

6 **(1) Residential.** No new residential uses, including accessory dwelling units, except  
7 caretaker residences for permitted non-residential uses. Caretaker and vested  
8 single-family dwellings include manufactured (mobile) homes.

9 **(2) Retail sales.** No retail sales except as permitted industrial and related uses.

10 **(3) Retail services.** No retail services except as permitted industrial and related  
11 uses.

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

13 a. Cinerators, including direct disposition.

14 b. Emergency service facilities, including law enforcement, fire fighting, and  
15 medical assistance.

16 c. Public utility structures, including telecommunications towers.

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

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

19 a. Bulk storage.

20 b. Industrial uses, light and heavy, including research and development, printing  
21 and binding, distribution and wholesale warehousing, processing of raw  
22 materials, manufacturing of finished and semi-finished products, salvage yards,  
23 solid waste transfer and processing facilities, materials recovery and recovered  
24 materials processing facilities, landfills, concrete and asphalt batch plants, power  
25 plants, and mineral extraction.

26 c. Solid waste collection points.

27 **(7) Agricultural and related.** No agricultural or related uses except as permitted  
28 industrial and related uses.

29 **(8) Other uses.** [reserved]

30 **(c) a- Conditional uses.** Through the conditional use process prescribed in Chapter  
31 2, the BOA, or BCC as noted, may conditionally allow the following uses within  
32 the Industrial district ~~a permitted use of the Industrial district to exceed the district~~  
33 ~~structure height limit and use regulations in Part III, the Land Development Code,~~  
34 ~~chapter 4.~~

35  
36 **(1) As determined by the BOA, a permitted use of the industrial district to**  
37 **exceed the district structure height limit.**

1           (4) ~~(2)~~ Borrow pits and reclamation activities 20 acres minimum ~~and~~  
2           (subject to local permit and development review requirements per  
3           Escambia County Code of Ordinances, Part I, Chapter 42, article  
4           VIII, and land use regulations in Part III, the Land Development  
5           Code, chapter 4-).

6           (2) ~~(3)~~ Solid waste processing facilities, including solid waste collection  
7           points, solid waste transfer facilities, materials recovery facilities,  
8           recovered materials processing facilities, recycling facilities and  
9           operations, resource recovery facilities and operations, and volume  
10          reduction plants.

11          The conditional use determination for any of these solid waste facilities shall  
12          be made by the BCC in lieu of any hearing before the BOA. The applicant  
13          shall submit a site boundary survey, development plan, description of  
14          anticipated operations, and evidence that establishes each of the following  
15          conditions in addition to those prescribed in Chapter 2:

- 16                   1. Trucks have access to and from the site from adequately wide  
17                   collector or arterial streets and do not use local residential streets.
- 18                   2. The scale, intensity, and operation of the use will not generate  
19                   unreasonable noise, traffic, objectionable odors, dust, or other  
20                   potential nuisances or hazards to contiguous properties.
- 21                   3. The processing of materials will be completely within enclosed  
22                   buildings unless otherwise approved by the BCC.
- 23                   4. The plan includes appropriate practices to protect adjacent land  
24                   and resources, minimize erosion, and treat stormwater;  
25                   landscaping and buffering for adjacent uses; hours of operation;  
26                   methods to comply with maximum permissible noise levels; means  
27                   of access control to prevent illegal dumping; and plans for materials  
28                   storage.

29  
30          **(d) (e)Site and building requirements.** The following site and building requirements  
31          apply to uses within the Industrial district:

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

33          **(2) Floor area ratio.** A maximum floor area ratio of 1.0 for all uses.

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

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

37          **(5) Lot width.** A minimum lot width of 100 feet at the street right-of-way.

38          **(6) Lot coverage.** Minimum pervious lot coverage of 15 percent (85 percent  
39          maximum semi-impervious and impervious cover) for all uses. A maximum of 75  
40          percent of lot area occupied by principal and accessory buildings.

1 **(7) Structure setbacks.** For all principal structures, minimum setbacks of 25 feet in  
2 both front and rear, and 15 feet on each side.

3 **(8) Other requirements.**

4 a. **Access.** For any industrial use south of Well Line Road, site access shall be  
5 provided by curb cuts on an arterial or collector street. Alternatively, a private  
6 or public street may link the site to an arterial or collector, provided that the  
7 private or public street does not traverse a residential subdivision or  
8 predominantly residential neighborhood between the site and the arterial or  
9 collector street.

10 b. **Chapters 4 and 5.** Refer to chapters 4 and 5 for additional development  
11 regulations and standards.

12 **(e) ~~(d)~~ Location criteria.** All new industrial uses proposed within the Industrial district  
13 that are not part of a planned unit development shall be on parcels that satisfy all of  
14 the following location criteria:

15 **(1)** Located so that the negative impacts of the uses on the functions of natural  
16 systems are avoided if possible, and minimized when unavoidable.

17 **(2)** Accessible to essential public facilities and services at the levels of service  
18 adopted in the Comprehensive Plan.

19 **(3)** Located on parcels of land large enough to adequately support the type of  
20 industrial development proposed and minimize any adverse impacts upon  
21 surrounding properties through effective buffering so that the proposed use is  
22 compatible with surrounding uses.

23 **(f) ~~(e)~~ Rezoning to Ind.** Industrial zoning may be established only within the Industrial  
24 (l) future land use category. The district is appropriate where conflicts with other  
25 uses can be minimized through orderly zoning transitions and effective buffering,  
26 and where sufficient access to transportation and other public facilities is available.  
27 Rezoning to Industrial is subject to the same location criteria as any new industrial  
28 use proposed within the Industrial district.

29  
30 **SECTION 2. 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, then said holding shall in no way  
34 affect the validity of the remaining portions of this Ordinance.  
35  
36  
37  
38  
39  
40  
41

1 **SECTION 3. INCLUSION IN CODE.**

2  
3 It is the intention of the Board of County Commissioners that the provisions of  
4 this Ordinance shall be codified as required by F.S. § 125.68; 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," "article," or such other  
7 appropriate word or phrase in order to accomplish such intentions.  
8

9 **SECTION 4. EFFECTIVE DATE.**

10  
11 This Ordinance shall become effective upon filing with the Department of State.  
12

13 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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

17  
18 **By:** \_\_\_\_\_  
19 **Grover C. Robinson, IV, Chairman**

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

22  
23 **By:** \_\_\_\_\_  
24 **Deputy Clerk**

25  
26 **(SEAL)**

27  
28 **ENACTED:**

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

31  
32 **EFFECTIVE DATE:**



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

**Planning Board-Regular**  
**Meeting Date: 02/02/2016**

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**6. A.**

**Agenda Item:**

Group Living Discussion

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**Attachments**

**Review of Group Living as a Land Use**

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## Review of Group Living as a Land Use

### (1) Difference between “group living” as defined by the LDC and “community residential homes” as defined and regulated by Florida Statutes (Chapter 419, Community Residential Homes)

#### State statute definition of community residential home (FS 419.001(1)(a)):

“Community residential home” means a dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

#### Suggested changes to the current LDC definition of group living to avoid examples that are not exclusively group living, and to make additionally clear that community residential homes are not group living:

**Group living.** Residential occupancy of a building other than a dwelling by a non-household group, with individual tenancy usually arranged on a monthly or longer basis. Group living includes group occupancy of dormitories, fraternity or sorority houses, and facilities that provide special services, treatment, or supervision ~~such as nursing homes, assisted living facilities, and residential substance abuse treatment and hospice facilities.~~ Group living does not include any public lodging, or any community residential home or other household living arrangement, or any occupancy of a dwelling, ~~or any public lodging.~~

#### The current LDC definition of household living already specifically includes community residential homes as a form of household living:

**Household living.** Residential occupancy of a dwelling unit by a household on a monthly or longer basis. Household living includes household occupancy of all forms of dwellings and households that provide special services, treatment, or supervision such as community residential homes, family foster homes, and adult family-care homes. Household living does not include any group living arrangement, any occupancy other than of a dwelling unit, or any public lodging.

#### And for reference, household is also currently defined in the LDC:

**Household.** One or more individuals occupying a dwelling unit as a single housekeeping unit, with common access to and use of all areas for living, sleeping, eating, cooking and sanitation within the unit. A household does not include any society, club, fraternity, sorority, team, or similar association of individuals; or individuals in a group living arrangement; or any occupancy other than of a dwelling unit.

**The current LDC Article 1, General Provisions, of Chapter 3, Zoning Regulations, could also be amended as follows to further clarify use of dwelling units:**

**Sec. 3-1.4 Allowed uses.**

**(a) Generally.** The uses of land and structures are limited to those identified within the applicable zoning district as “permitted uses” or “conditional uses,” and to their valid accessory uses, unless other uses are secured through applicable vesting, nonconformance, or temporary use provisions of the LDC. Uses not so identified or secured are prohibited, and the conducting of any prohibited use is a violation of the LDC punishable as provided by law and ordinance. The burden is on the landowner, not the county, to show that a use is allowed. Even when allowed, uses are subject to the general development standards of Chapter 5 and the use and location regulations established in Chapter 4.

**(b) Conditional uses.** The identification of a use as conditional within a zoning district is an indication that, given certain existing or imposed conditions, the use may be appropriate for some locations in that district. The appropriateness of the use is determined through discretionary county review of an applicant’s demonstration that specific conditions will assure compatibility with surrounding uses. Conditions applicable to all conditional uses are established in the conditional use process provisions of Chapter 2. Additional conditions applicable to a specific use may be established by the LDC where the conditional use is established.

**(c) Accessory uses and structures.** Uses and structures accessory to permitted uses and approved conditional uses are allowed as prescribed by the supplemental use regulations of Chapter 4 unless otherwise prohibited by the applicable zoning district. Where more than one zoning district applies to a parcel, an accessory use or structure may not be established in one zoning district to serve a primary use in the other district if the principal use is not allowed in the district in which the accessory use is located.

**(d) Use of dwelling units.** Dwelling units in any form or location allowed by the applicable provisions of the LDC may be occupied by any lawful residential household use, including those providing state-licensed special services, treatment, or supervision. Dwelling units are limited to residential household uses unless authorized for a change of use through the applicable review and approval processes of the LDC or otherwise specifically authorized by law or ordinance.

**(d)(e) Single-family dwellings.** A single-family dwelling as the principal use for an existing lot of record is a conforming use regardless of the zoning district or future land use category. A building permit may be issued for such a dwelling on any nonconforming lot of record if the dwelling complies with all other applicable regulations.

And, the re-lettering of remaining subsections **(e)** through **(i)**.



**(2) Group living as allowed by prior and current zoning districts**

<b>Zoning District</b>	<b>Prior Status of Use</b>	<b>Current Permitted Use</b>	<b>Current Conditional Use</b>
<b>Agr</b>	Prior CU of nursing homes	No group living facilities	ONLY nursing homes, assisted living facilities, hospice facilities and other group living facilities providing similar services, assistance or supervision
<b>RR</b>	Prior CU of nursing homes	No group living facilities	ONLY nursing homes, assisted living facilities, hospice facilities and other group living facilities providing similar services, assistance or supervision
<b>LDR</b>	No prior allowance of any group living	No group living facilities	No group living facilities
<b>MDR</b>	Extremely limited prior PU of nursing homes and similar uses (in V-4 only)	No group living facilities	Any group living facility EXCEPT those providing substance abuse treatment, post-incarceration reentry, or similar services
<b>HDR</b>	Prior PU of nursing homes and similar uses; prior CU of dormitories, fraternity and sorority houses	Any group living facility EXCEPT dormitories, fraternity and sorority houses, and those group living facilities providing substance abuse treatment, post-incarceration reentry, or similar services	ADDITIONALLY, dormitories, fraternity and sorority houses  NOTE: All residential districts exclude group living facilities providing substance abuse treatment, post-incarceration reentry, or similar services
<b>RMU</b>	Prior CU of nursing homes	No group living facilities	ONLY nursing homes, assisted living facilities, hospice facilities and other group living facilities providing similar services, assistance or supervision
<b>LDMU</b>	No prior allowance of any group living	No group living facilities	Any group living facility
<b>HDMU</b>	Prior PU of nursing homes and similar uses; prior CU of dormitories, fraternity and sorority houses	Any group living facility EXCEPT dormitories, fraternity and sorority houses, and those group living facilities providing substance abuse treatment, post-incarceration reentry, or similar services	ADDITIONALLY, dormitories, fraternity and sorority houses  NOTE: group living facilities providing substance abuse treatment, post-incarceration reentry, or similar services remain excluded
<b>Com</b>	Prior PU of nursing homes and similar uses; prior CU of dormitories, fraternity and sorority houses	Any group living facility EXCEPT dormitories, fraternity and sorority houses, and those group living facilities providing substance abuse treatment, post-incarceration reentry, or similar services	All other group living facilities not among the permitted uses of the district
<b>HC/LI</b>	No prior allowance of any group living	Any group living facility IF outside of the industrial FLU and part of a predominantly commercial development	No additional group living facilities