

AGENDA
ESCAMBIA COUNTY PLANNING BOARD
February 7, 2017–8:35 a.m.
Escambia County Central Office Complex
3363 West Park Place, Room 104

1. Call to Order.
2. Pledge of Allegiance to the Flag.
3. Proof of Publication and Waive the Reading of the Legal Advertisement.
4. Approval of Minutes.
 - A. A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the January 3, 2017 Regular Planning Board Meeting.
 - B. Planning Board Monthly Action Follow-up Report for January 2017.
 - C. Planning Board 6-Month Outlook for February 2017.
5. Acceptance of Planning Board Meeting Packet.
6. Public Hearings.
 - A. A Public Hearing Concerning the Review of an Ordinance Amending the 2030 Future Land Use Map, LSA-2016-03

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 2030 Future Land Use Map.
 - B. 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, Article 6, Special Conditions and Circumstances, amending Section 2-6.2 through

Section 2-6.10 to require additional public notification for certain quasi-judicial hearings, appeals of administrative decisions, variances, conditional uses, substantial hardship variances, and other reviews; amending Chapter 2, Development and Compliance Review, Article 7, LDC and Comprehensive Plan Amendment, amending Section 2-7.1 through Section 2-7.3 to require additional public notification for zoning and future land use map amendments.

C. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 2, Article 5, Final Plats

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, Article 5 "Subdivision", Section 2-5.7 "Final plats"; establishing a requirement for an infrastructure maintenance disclosure.

D. A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3 Article 3, Section 3-3.7, Scenic Highway Overlay

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 Overlay Districts, Section 3-3.7 "Scenic Highway Overlay," to refine the list of structures that must meet the minimum 50' setback from the Scenic Highway right-of-way.

7. Action/Discussion/Info Items.

A. Spot Zoning Discussion

8. Public Forum.

9. Director's Review.

10. County Attorney's Report.

11. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, March 7, 2017 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

12. Announcements/Communications.

13. Adjournment.



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

4. A.

Meeting Date: 02/07/2017

Agenda Item:

A. **RECOMMENDATION:** That the Planning Board review and approve the Meeting Resume' Minutes of the January 3, 2017 Regular Planning Board Meeting.

B. Planning Board Monthly Action Follow-up Report for January 2017.

C. Planning Board 6-Month Outlook for February 2017.

Attachments

Draft January 3, 2017 Planning Board Regular Meeting Minutes

Monthly Action Follow-Up

Six Month Outlook

DRAFT

MINUTES OF THE ESCAMBIA COUNTY PLANNING BOARD January 3, 2017

CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE, BOARD CHAMBERS
PENSACOLA, FLORIDA
(8:31 A.M. – 8:47 A.M.)
(9:29 A.M. – 10:36 A.M.)

Present: Reid Rushing
Alvin Wingate
Jay Ingwell
Wayne Briske, Chairman
Timothy Pyle
Edwin Howard
Patty Hightower, School Board (non-voting)
Stephanie Oram, Navy (Non voting)

Absent: Tim Tate, Vice Chairman

Staff Present: Allyson Cain, Urban Planner, Planning & Zoning
Horace Jones, Director, Development Services
John Fisher, Senior Urban Planner, Planning & Zoning
Kayla Meador, Sr Office Assistant
Meredith Crawford, Assistant County Attorney

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

Motion by Reid Rushing, Seconded by Timothy Pyle

Motion was made to approve the proof of publication and to waive the reading of the legal advertisement.

Vote: 6 - 0 Approved

Other: Tim Tate (ABSENT)

4. Approval of Minutes.

A.

A. **RECOMMENDATION:** That the Planning Board review and approve the Regular Meeting Resume' Minutes of the December 6, 2016 Planning Board Meeting.

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

C. Planning Board 6-Month Outlook for January 2017.

5. Acceptance of Planning Board Meeting Packet.

Motion by Reid Rushing, Seconded by Timothy Pyle

Motion was made to accept the Rezoning Planning Board meeting packet for January 3, 2017.

Vote: 6 - 0 Approved

Other: Tim Tate (ABSENT)

6. Public Hearings.

A. A Public Hearing Concerning the Review of an Ordinance Amending the 2030 Future Land Use Map, LSA-2016-04.

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 2030 Future Land Use (FLU) Map.

Motion by Reid Rushing, Seconded by Edwin Howard

Motion was made to recommend approval for the BCC.

Vote: 5 - 0 Approved

Other: Alvin Wingate (ABSENT)

Tim Tate (ABSENT)

B. A Public Hearing Concerning the Review of an Ordinance Amending LDC Chapters 5 and 6

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance amending the Land Development Code (LDC), Chapters 5 and 6, to clarify enforcement, mitigation, and other tree protection and landscaping provisions.

Director Horace Jones pulled this item from the agenda.

7. Action/Discussion/Info Items.

A. Spot Zoning Ordinance.

Board Members and Staff discussed different options. Board wanted to bring the item back next month for more discussion.

B. 2017 Planning Board Meeting Calendar.

Board Members reviewed the 2017 Planning Board meeting calendar.

C. 50 foot lot width in LDR.

Citizen was not present to discuss item. Rescheduling of the discussion is to be determined.

8. Public Forum.

9. Director's Review.

10. County Attorney's Report.

11. Scheduling of Future Meetings.

The next Regular Planning Board meeting is scheduled for **Tuesday, February 7, 2017 at 8:30 a.m.**, in the Escambia County Central Office Complex, Room 104, First Floor, 3363 West Park Place, Pensacola, Florida.

12. Announcements/Communications.

13. 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 27, 2017
RE: Monthly Action Follow-Up Report for January 2017.

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-2016-02**

- OLF Saufley Airport

- 08-02-16 PB Recommended Approval

- 09-01-16 BCC approved transmittal to DEO

- 01-05-17 BCC approved

- **CPA-2016-03**

- Definition added for "Limited Ag Uses"

- 10-06-16 PB recommended approval

- 11-03-16 BCC approved transmittal to DEO

- **Map Amendments:**

- **LSA-2016-02**

- Saufley Field Road

- 09-06-16 PB recommended approval

- 10-06-16 BCC approved transmittal to DEO

- 01-05-17 BCC approved

LSA-2016-03

Beulah Road

12-06-16 PB dropped case

LAND DEVELOPMENT CODE ORDINANCES

Residential Uses in Zoning Districts

09-6-16 PB recommended more review by staff
On hold – waiting for input from County Attorney’s Office

OSP-2016-01

09-06-16 PB recommended approval
12-08-16 BCC wanted to reschedule for DEO to be in attendance to meeting

Medical Marijuana

11-01-16 PB recommended approval
12-08-16 BCC reviewed
01-05-17 BCC approved

Spot Zoning

12-06-16 PB dropped item and wanted more discussion

REZONING CASES

1. **Rezoning Case Z-2016-08**
10-06-16 PB recommended approval contingent upon LSA-2016-02
01-05-17 BCC approved
2. **Rezoning Case Z-2016-10**
12-06-16 PB recommended denial
01-05-17 BCC denied
3. **Rezoning Case Z-2016-12**
12-06-16 PB recommended approval
01-05-17 BCC approved
4. **Rezoning Case Z-2016-13**
12-06-16 PB recommended approval
01-05-17 BCC remanded back to PB

PLANNING BOARD MONTHLY SCHEDULE SIX MONTH OUTLOOK FOR FEBRUARY 2017

(Revised 1/27/17)

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 7, 2017	<ul style="list-style-type: none"> • 2500 Foot Radius • Infrastructure Maint. Real Estate Disclosure • Scenic Hwy Overlay 	<ul style="list-style-type: none"> • LSA-2016-03 	<ul style="list-style-type: none"> • Z-2016-11 • Z-2016-13 • Z-2016-14 • Z-2016-16 	<ul style="list-style-type: none"> • Spot Zoning
Tuesday, March 7, 2017	<ul style="list-style-type: none"> • CIP • LDR Lot Width 			
Tuesday, April 4, 2017				
Tuesday, May 2, 2017				
Tuesday, June 6, 2017				
Tuesday, July 11, 2017				

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.

- ** Residential Uses Ordinance – waiting on input from the County Attorney’s Office
- ** Signs Ordinance – waiting on input from the BCC
- ** CPA-2016-01 Extraction and Reclamation – on hold



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

6. A.

Meeting Date: 02/07/2017

Issue: A Public Hearing Concerning the Review of an Ordinance Amending the 2030 Future Land Use Map, LSA-2016-03

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending the 2030 Future Land Use Map, LSA-2016-03

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 2030 Future Land Use Map.

BACKGROUND:

The agent requests a Future Land Use (FLU) map amendment to change the FLU category of a 56.80 ± acres parcel from Industrial (I) FLU to Mixed-Use Suburban (MU-S) FLU. The zoning designation for the referenced parcel is Industrial (Ind) District. The applicant is aware that the current zoning and proposed FLU are not compatible. The applicant has submitted a rezoning request for the February 2017 Rezoning Planning Board for FLU and Zoning compatibility. The applicant understands that a rezoning approval will be necessary to make the FLU compatible.

The subject parcel can be accessed along Isaac Lane and Beulah Road. It is located north of SR 10 (US 90A)/West Nine Mile Road and south of Interstate 10. The property is surrounded by heavy vegetation to the north and to the east. Residential homes are located adjacent to the south and across Isaac lane to the west.

The applicant has indicated that the proposed activity will be for an approximate 110 lot subdivision. This is based on the anticipated demand from of the expansion of Navy Federal Credit Union Campus, as they move their headquarters to Escambia County.

The subject parcel had a FLU change from MU-S to I case number LSA-2014-02 (14-3ESR) in 2014. Also the parcel was rezoned from Villages Agricultural District (VAG-2), to General Industrial District (ID-2), case number Z-2014-12 on September 4, 2014.

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 Meredith Crawford, 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 Comprehensive Plan will be filed with the Department of State following adoption by the board.

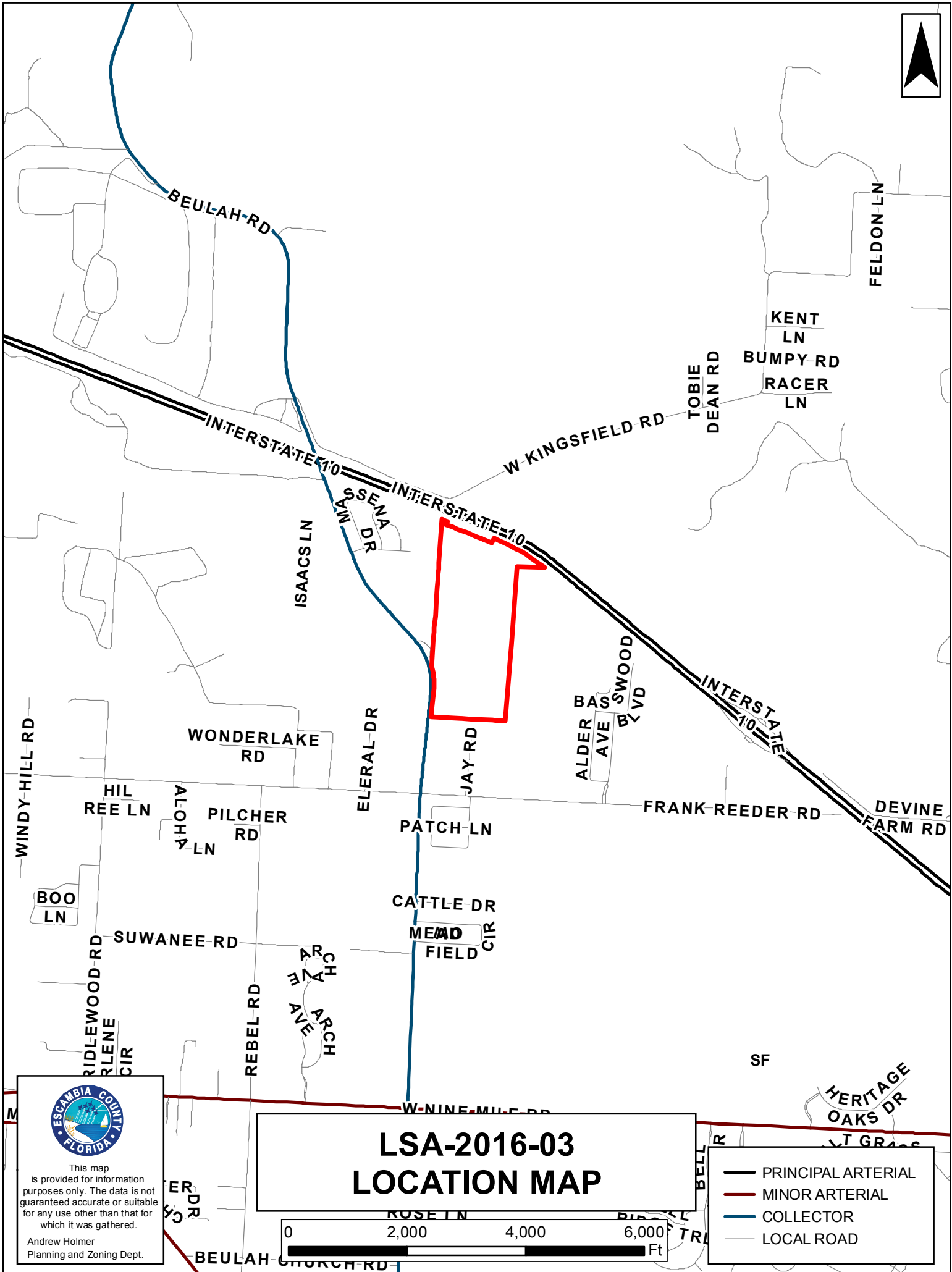

Implementation of this Ordinance will consist of an amendment to the Comp Plan and distribution of a copy of the adopted Ordinance to interested citizens and staff.

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.

Attachments

LSA-2016-03
Draft Ordinance

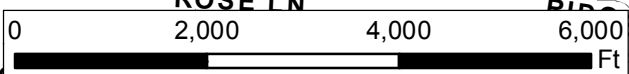
LSA-2016-03








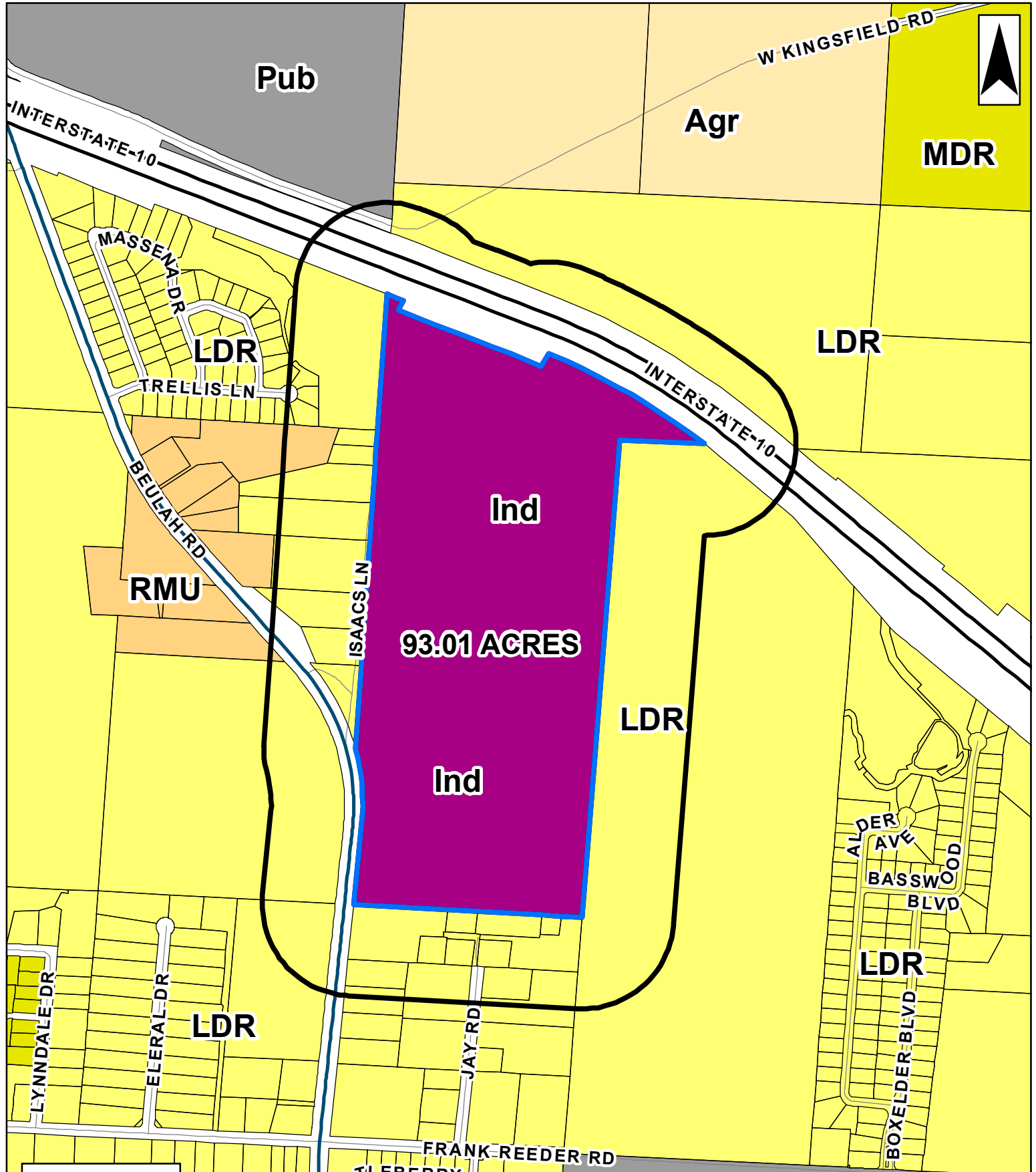
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

LSA-2016-03 LOCATION MAP



-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



93.01 ACRES

Ind

Ind

Pub

Agr

MDR

LDR

LDR


RMU

LDR

LDR

LDR

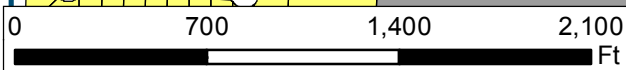
Pub








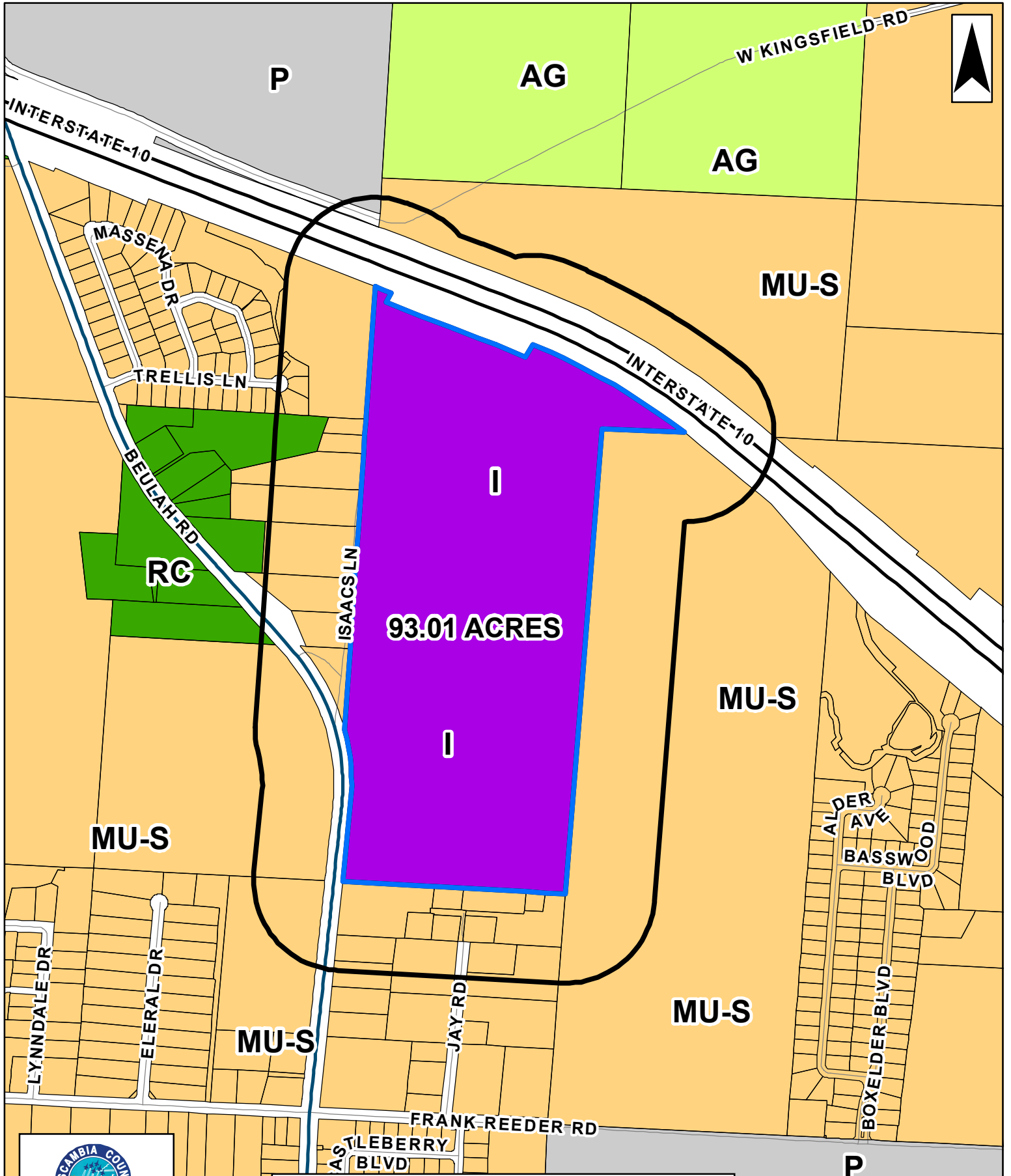
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.


Andrew Holmer
Planning and Zoning Dept.

LSA-2016-03
500' RADIUS ZONING

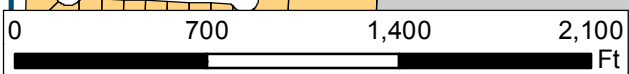



-  PARCELS
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD

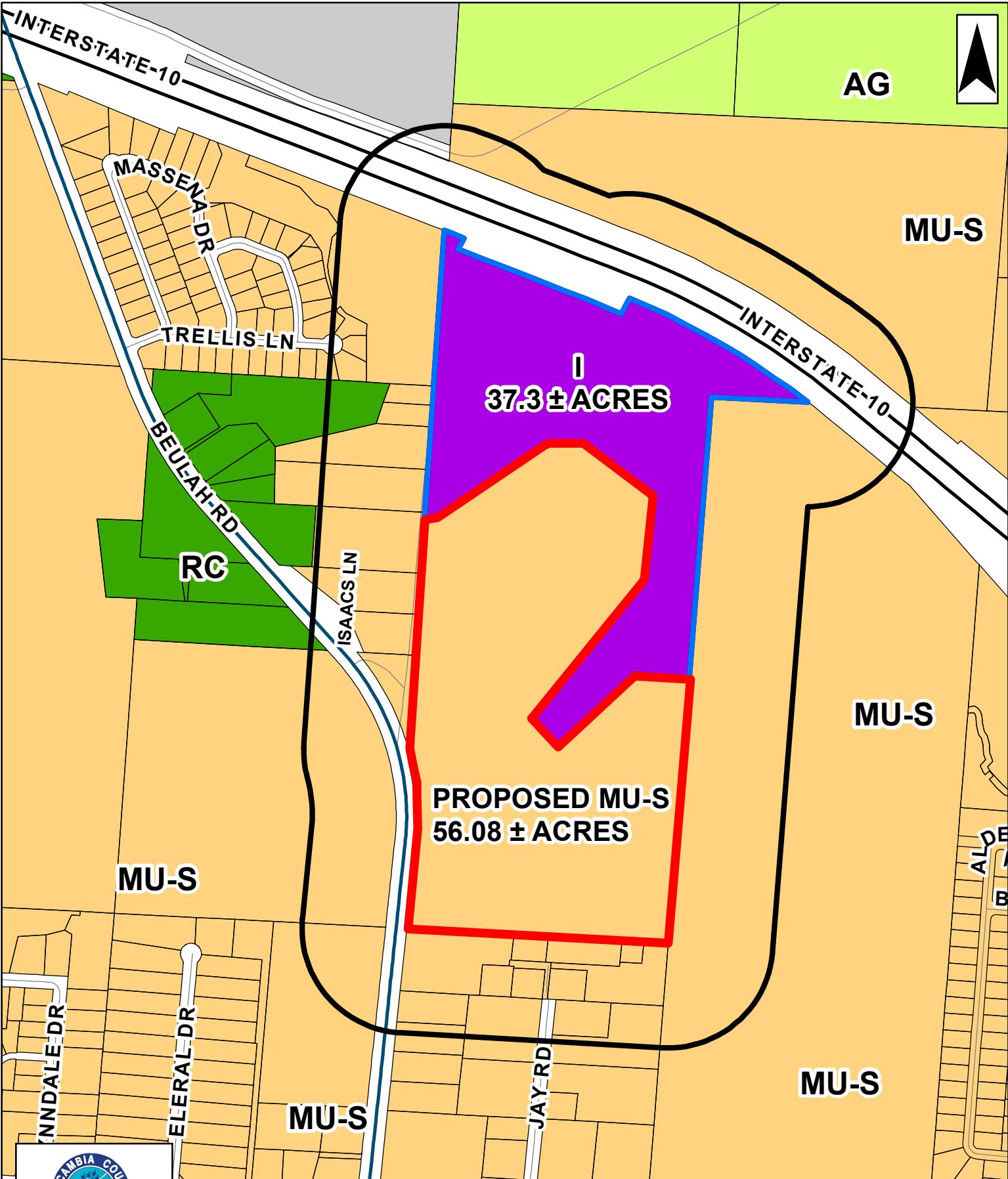



 This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.
 Andrew Holmer
 Planning and Zoning Dept.

LSA-2016-03
CURRENT FLU



-  PARCELS
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD



AG

MU-S

I
37.3 ± ACRES

PROPOSED MU-S
56.08 ± ACRES

MU-S

MU-S

MU-S

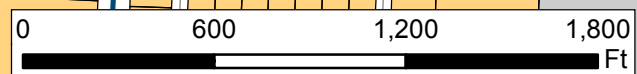
MU-S



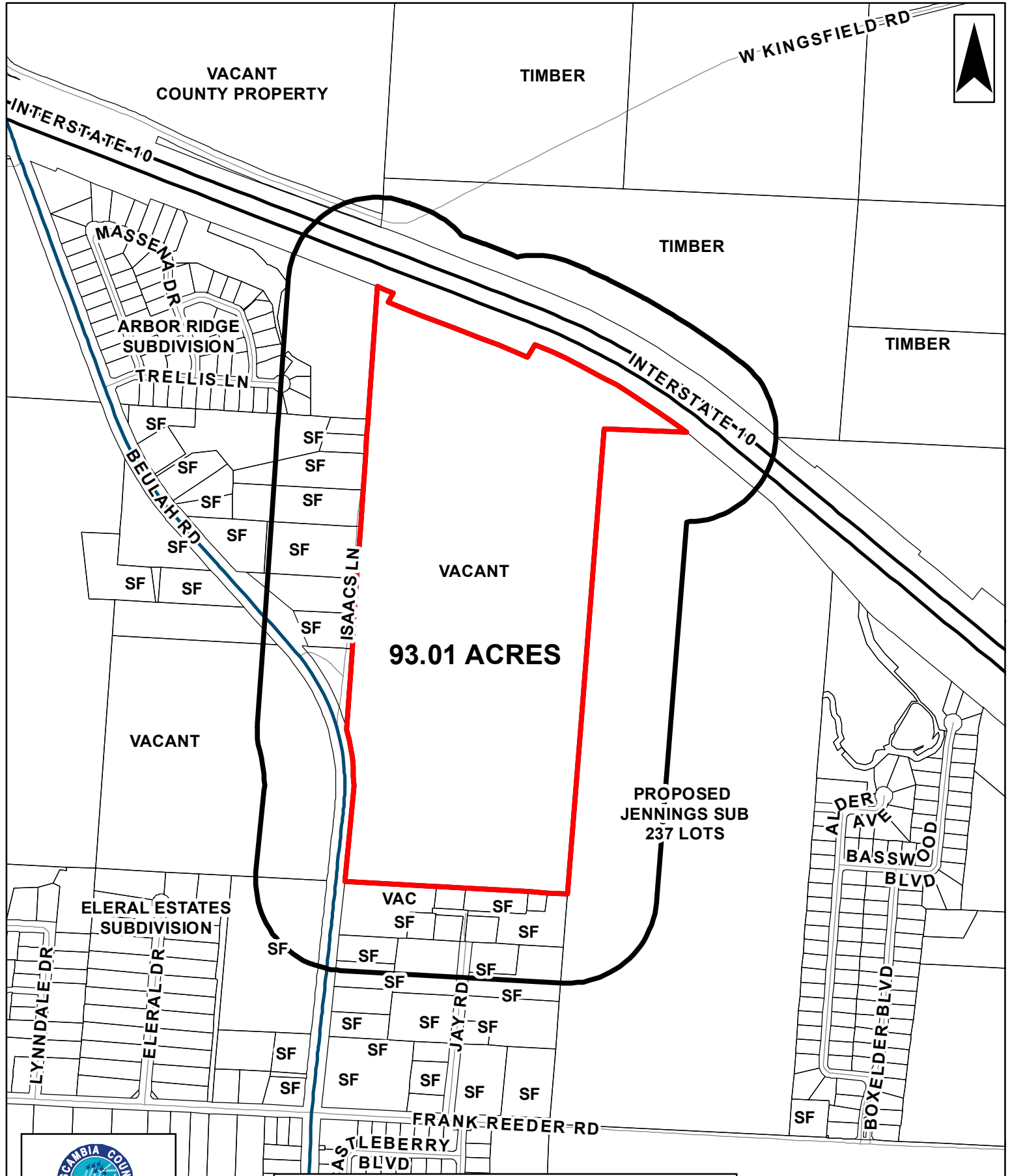
This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.






LSA-2016-03 PROPOSED FLU

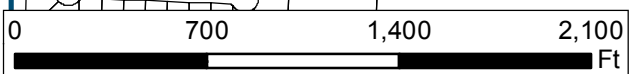



- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



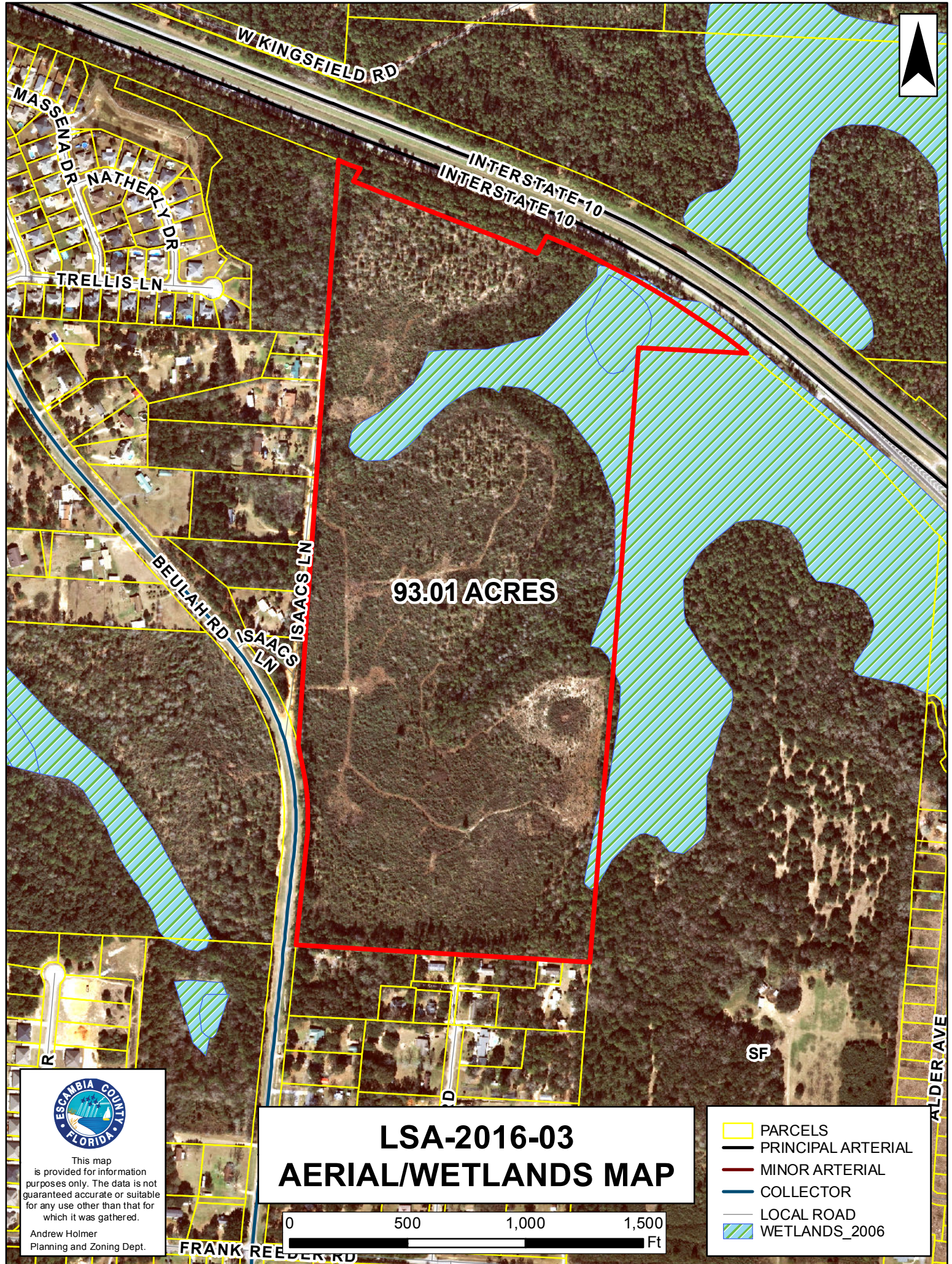
LSA-2016-03 EXISTING LAND USE

-  PARCELS
-  PRINCIPAL ARTERIAL
-  MINOR ARTERIAL
-  COLLECTOR
-  LOCAL ROAD

This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.



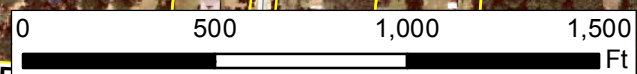
93.01 ACRES



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

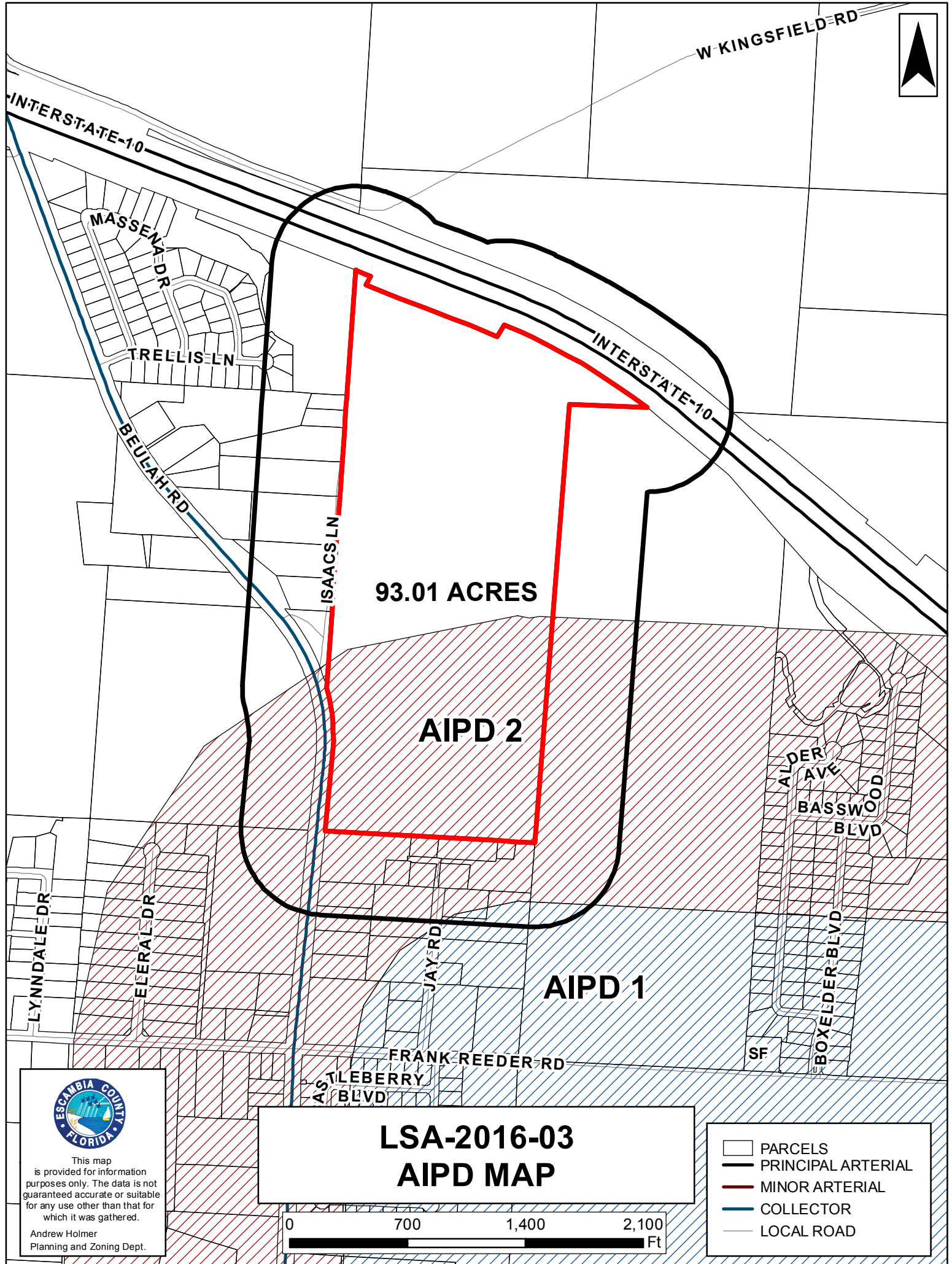
LSA-2016-03 AERIAL/WETLANDS MAP



- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD
- WETLANDS_2006

FRANK REEDER RD

ALDER AVE



INTERSTATE-10

W KINGSFIELD RD

MASSENA DR

TRELLIS LN

BEUEAH RD

INTERSTATE-10

93.01 ACRES

ISAACS LN

AIPD 2

ALDER AVE

BASSWOOD BLVD

BLVD

LYNNDALE DR

ELERAL DR

JAY RD

AIPD 1

BOXELDER BLVD

FRANK REEDER RD

SF

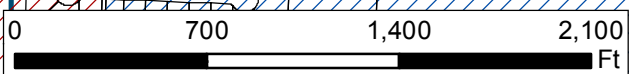
ASTLEBERRY BLVD



This map is provided for information purposes only. The data is not guaranteed accurate or suitable for any use other than that for which it was gathered.

Andrew Holmer
Planning and Zoning Dept.

LSA-2016-03 AIPD MAP



- PARCELS
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD



NOTICE OF REQUEST FOR FUTURE LAND USE CHANGE

EXISTING FUTURE LAND USE Ind

PROPOSED FUTURE LAND USE MU-S

CPA NUMBER LSA-2016-03

PUBLIC MEETING/HEARING

PLANNING BOARD

DATE: 02/07/17 TIME: 8:35 AM

ESCAMBIA COUNTY CENTRAL OFFICE COMPLEX
3363 WEST PARK PLACE
BOARD MEETING ROOM

BOARD OF COUNTY COMMISSIONERS

DATE: 03/02/17 TIME: 5:49 PM

ESCAMBIA COUNTY COURTHOUSE
221 PALAFOX PLACE
1ST FLOOR BCC CHAMBERS

FOR MORE INFORMATION CALL:
ESCAMBIA COUNTY DEVELOPMENT SERVICES

Public Hearing Sign



Looking North Along Beulah Road



Looking Across Beulah Road



NOTICE OF REQUEST FOR FUTURE LAND USE CHANGE

EXISTING FUTURE LAND USE: Ind
PROPOSED FUTURE LAND USE: MU-5
CPA NUMBER: LSA-2016-03

PUBLIC MEETING/HEARING
PLANNING BOARD
DATE: 02/07/17 TIME: 8:35 AM
PLANNING BOARD
PLANNING BOARD
PLANNING BOARD

BOARD OF COUNTY COMMISSIONERS
DATE: 03/02/17 TIME: 5:49 PM
BOARD OF COUNTY COMMISSIONERS
BOARD OF COUNTY COMMISSIONERS
BOARD OF COUNTY COMMISSIONERS

FOR MORE INFORMATION CALL:
PLANNING BOARD DEVELOPMENT SERVICES
361-6475

NOTICE OF PUBLIC HEARING REZONING

CASE NO.: 2-2016-11
CURRENT ZONING: ID PROPOSED ZONING: LDR

PLANNING BOARD
DATE: 02/07/17 TIME: 8:30 AM
LOCATION OF HEARING
PLANNING BOARD
PLANNING BOARD
PLANNING BOARD

BOARD OF COUNTY COMMISSIONERS
DATE: TIME:
LOCATION OF HEARING
BOARD OF COUNTY COMMISSIONERS
BOARD OF COUNTY COMMISSIONERS
BOARD OF COUNTY COMMISSIONERS

PLEASE CONTACT THE PLANNING BOARD
PLANNING BOARD DEVELOPMENT SERVICES
361-6475

Looking South Along Beulah Road



CLARK PARTINGTON
ATTORNEYS AT LAW

Jesse W. Rigby
Direct (850) 434-3282
jrigby@clarkpartington.com

January 13, 2017

Hand Delivery

Escambia County Planning Board
Via: Director, Development Services Department
3363 West Park Place
Pensacola, Florida 32505

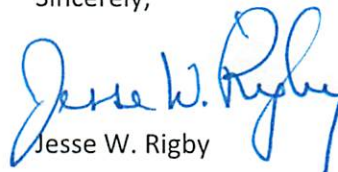
Re: *Application of Briar Ridge, LLC for FLUM Amendment and Rezoning*

Dear Planning Board Members:

I represent Briar Ridge, LLC, and will be appearing on the company's behalf at the Planning Board meeting that will consider the referenced application. Forwarded with this cover letter is an Addendum to the Application. The Addendum provides factual information and legal analysis that is both relevant and important. I am providing this Addendum well in advance of the Planning Board hearing so that it can be reviewed by the Planning Board and its legal counsel, and by the Development Services Department staff, prior to the Planning Board hearing.

I encourage your legal counsel and the Development Services Department staff to let me know if there are additional question I should address in advance of the hearing.

Sincerely,


Jesse W. Rigby

JWR\cw
Enclosure
cc: Client
A2477534.DOCX

ADDENDUM; SUPPLEMENTAL INFORMATION FOR
PLANNING BOARD HEARING
ON APPLICATIONS OF BRIAR RIDGE, LLC
LSA 2016-03
REZONING Z-2016-11

Procedural History

The above referenced land use applications came before the Planning Board on December 6, 2016. Briar Ridge's applications had been fully briefed by the Development Services Department. At the beginning of the hearing, a question was raised as to whether the applications had been advertised properly. The issue surfaced because the applications referred to the entire parcel (approximately 93 acres), but the intent of the applications was to change the Future Land Use Map (FLUM) and zoning for less than 60 acres. The decision was made to re-advertise the hearing to reference the correct acreage.

Summary of Additional Factual and Legal Issues that Surfaced After the Planning Board Hearing

After additional review of the Staff analysis for Z-2016-11, the Manager of Briar Ridge, LLC ("Manager"), was made aware of the Staff comment under rezoning criterion (b) that development of the property for residential use would require the dedication of additional right-of-way ("ROW") along Issac Lane. The Staff report referred to dedication of 100 feet, but subsequent discussions with County Engineering and Transportation staff members increased the possible dedication of ROW to 300 feet.

The property subject to the applications is under contract to be sold for use as a subdivision consistent with LDR zoning. The sale price of the property is based on a 110 unit single-family lot subdivision. Loss of 300 feet for future ROW for development of Issac Lane would result in termination of the sale contract.

This problem led to my engagement by Briar Ridge, and then led to two meetings with senior county staff members. The first meeting was in December. The second meeting held in early January included the County Administrator. The first meeting allowed each side to set out their concerns and issues. The second meeting resulted in a detailed discussion of potential county needs and the demonstrable financial impact on Briar Ridge. Legal issues addressed below were also discussed, and in my opinion, both sides have a good understanding and appreciation of the legal issues.

The second meeting was productive, and although the County Administrator and his staff did not state any commitment, we believe the County's position on the issues will be defined prior to the Planning Board hearing.

Relevant Historical Facts

Although I am confident these facts will be described in more detail in the Staff Reports for LSA 2016-03 or Z-2016-11, I am providing a brief recitation of facts in this Addendum.

On December 13, 2007, the County adopted Ordinance 2007-81, which is referred to as the Corridor Preservation Ordinance. A copy of the complete records from the minutes of the BCC adoption is attached as Exhibit BR-1. The Ordinance refers to a ROW requirement for a "beltway" of 300 feet, and at Briar Ridge's first meeting with county staff, the demand for dedication of 300 feet remained on the table, although staff members said that the actual requirement might be less than 300 feet. At the second meeting, members of the County Transportation Department advised the attendees that the actual ROW need would be 104 feet, if the connector between Nine Mile Road and a new I-10 interchange is ever approved and built. We were also advised that a final decision on the interchange and a "beltway" is years away.

Briar Ridge bought the 93 acres from Heron's Forest Development Co. in February 2008. The principals in Heron's Forest provided no notice of the adoption of the Corridor Preservation Ordinance. We have confirmed that the principals—Garrett Walton and Dick Baker—had no knowledge of the adoption of the ordinance. A letter from Garrett and Dick is attached as Exhibit BR-2.

The Manager knew that the title insurance policy issued in 2008 did not disclose the County's Corridor Preservation Ordinance. To confirm whether this lack of information was a title insurance issue, in December 2016 Briar Ridge obtained an Ownership and Encumbrances report from Westcor Title. A copy of the cover letter to the O & E report is attached as Exhibit BR-3 (complete report of 142 pages is available). The easements of record found by Westcor are in favor of Gulf Power. Westcor did not find any reference in the Official Records of the County that would have provided notice to Briar Ridge that the Corridor Preservation Ordinance was imposed on its property.

Based on our investigation, our conclusion is that the County failure to record and index the Corridor Preservation Ordinance in the Official Records of the County, and the failure to give actual notice to the property owner, resulted in potential significant financial harm to Briar Ridge, depending on how the County responds to the pending requests for land use changes.

It would have been easy to give the owners of the Briar Ridge property constructive notice of the potential impact on the property. The first legal description in Ordinance 2007-81 of the property subjected to the corridor preservation includes all of the Briar Ridge property, plus some additional property. The land subjected to the "preservation" is not just 300 feet, but all 93 acres.

In an effort to provide the Planning Board with full disclosure, I have determined that the potential impact of Ordinance 2007-81 was raised by county transportation planners at the

Planning Board hearing in 2014 that resulted in the change of the FLU for the property from MU-S to Industrial (LSA 2014-02) and the zoning from VAG-2 (1 unit per 5 acres) to ID-2 (Z-2014-12). Mr. Bolley ("Bo") Johnson, Manager of Briar Ridge, was not made aware of the discussion, and so this potential issue did not come to his attention until December 2016.

The most important information we can glean from the 2014 land use change hearings is that the County did not object to either the change in FLU from MU-S to Industrial, or the zoning change from VAG-2 to ID-2, although this undoubtedly increased the fair market value of the Briar Ridge property.

Another "fact" identified by County staff is that Issac Lane is a county maintained dirt road that is within the scope and coverage of Fla. Stat. 95.361. This statute has the effect of conveying fee simple title to the County of the county maintained portion of Issac Lane, subject to the county complying with procedural requirements. The exact width of the available (existing) ROW is believed by county staff to be between 20 and 29 feet. Therefore, the County has access today to at least 20 of the 104 feet needed, without cost to the county.

Adverse Impact on Briar Ridge if Forced to Donate 104 Feet ROW to the County

The sale contract is based on sale of the 56 acres for use as a residential subdivision of 110 single-family lots. This subdivision layout provides for a setback from the property boundary of 50 feet. Briar Ridge told the County Administrator that it will donate to the County this 50 feet, at no cost, upon final adoption of ordinances changing the FLU and zoning as requested. This donation will apply to the portion of the Briar Ridge property that abuts the 56 acres subject to the land use changes.

Dedication of the County of more than 50 feet would eliminate the western most row of lots from the current layout, resulting in a loss of 36 lots. The buyer has said it would consider developing the property at 74 lots, but only after a price reduction of \$750,000. Therefore, at present the best available information is that the financial impact on Briar Ridge is \$750,000.

Relevant Legal Analysis if the County Required Dedication of ROW as Consideration to Grant the FLUM Change to MU-S or the Rezoning to LDR

This submission is not intended to be a detailed legal analysis of the constitutional law issues. Ms. Meredith Crawford is aware, at least generally, of my position on this topic, and I am confident she will let the Planning Board know if there is a disagreement as to the relevant legal principles. The Florida and U. S. Supreme Court decisions on the subject being addressed are generally consistent.

In constitutional law cases, the requirement/demand by a local government that either a property owner or a developer dedicate, or donate, land in return for obtaining some form of land use approval, is commonly referred to as an "exaction." Up to a certain threshold, an "exaction" is constitutionally permissible, and is present in many subdivision developments. A

requirement that an owner or developer donate land and install vehicle turn lanes and deceleration or acceleration traffic lanes is a common "exaction" that typically does not run afoul of constitutional prohibitions forbidding the taking of private property without the payment of "just compensation."

Although the body of federal and state case law is much broader than described in this Addendum, two of the more important cases are summarized below.

In *Nollan v. California Coastal Commission*, 483 U. S. 825 (1980), the U. S. Supreme Court held that with respect to a discretionary decision by a local government to issue a permit, the government can impose a condition on issuance of the permit (an exaction), without effecting a taking of property requiring the payment of "just compensation," if the condition "serves the same governmental purpose as the development ban." For example, the exaction of land from the property owner to use for a turn lane into a subdivision protects the public by reducing the danger to the public of motorists slowing down to turn into a new subdivision.

In *Dolan v. City of Tigard*, 512 U. S. 374 (1994), the Court held that for the *Nollan* exaction to be constitutional, there must be a "rough proportionality" between the condition (exaction) imposed and the impact of the proposed development. For example, the use of private land for a turn lane is roughly proportional to the impact of the subdivision, in most cases. However, the constitutionality might be in question if the turn lane is required to serve only a 5 lot subdivision.

The purpose behind these constitutional doctrines is to prevent government from forcing an individual property owner to bear financial burdens that should be borne by the public as a whole.

The importance of these cases to the Briar Ridge applications is that a required exaction (required dedication of 104 feet for ROW along Issac Lane would NOT have rational proportionality or relationship to the impact of the proposed development of the property. Instead, the purpose of the exaction by the County would be as stated in the staff report to the BCC for the adoption of Ordinance 2007-81. "This will alleviate negative impacts to future development or future roadway project cost. This Ordinance will also allow Escambia County to be more competitive for future Federal and State grants based on criteria created in 2006." Said more directly, if the County can prevent development and require dedication of the property, the cost of acquiring private property for a public purpose by use of eminent domain will be greatly reduced. This approach has been soundly condemned by the courts in two significant cases.

In *Joint Ventures v. Fla. Dept. of Transportation*, 563 So. 2d 622 (Fla. 1990), the Florida Supreme Court declared invalid a Florida statute that allowed DOT to file a "map of reservation" in public records; thereby prohibiting the issuance of building permits. The land at issue was needed by DOT for a stormwater facility to be built in conjunction with widening a highway. The recorded map of reservation imposed a setback from the centerline of a roadway, and

within this setback permits could not be issued for development of the property. The purpose of the map was to prevent the development of property that might be needed in the future. Development of the property would make the property more expensive when the State was ready to acquire the property by eminent domain. The map of reservation statute was held to be invalid as a violation of the United States and Florida constitutions because it was an impermissible taking of private property without the payment of just compensation.

After *Joint Ventures*, FDOT shifted its pressure to local governments and asked them to act to preserve potential future ROW from development. The result was the adoption of ordinances by some local governments, like the adoption by Escambia County of Ordinance 2007-81, where the intent was to prevent land use changes within designated transportation corridor preservation areas; where the land use changes would potentially increase the future cost of acquiring the land by eminent domain. Probably the most notorious of these county ordinances was adopted in 2006 by Pasco County. A federal district judge described the Pasco scheme in the following manner, before declaring the ordinance unconstitutional.

Preferring to avoid the payment of “just compensation” after acquiring the necessary land by eminent domain, Pasco County has hatched a novel and effective but constitutionally problematic idea, a most uncommon regulatory regime that is crowned by Pasco County's “Right of Way Preservation Ordinance.” The unremarkable part of the regime designates new “transportation corridors,” which expand certain Pasco County highways.

For most landowners, whose land is encroached by the transportation corridor but who have no plans to develop the land adjacent to the encroached land, no immediate consequence (and no constitutional jeopardy) occurs; Pasco County will take the expanded right-of-way -- when needed -- by eminent domain and will pay “just compensation” as determined by a jury in a Pasco County circuit court.

The remarkable part of the regime and the constitutional mischief appear in the instance of a landowner whose land is encroached by the new transportation corridor but who plans to develop the remaining land, which adjoins the encroachment. The Ordinance requires Pasco County to deny the landowner's development permit and to forbid development of the land adjoining the new transportation corridor unless the landowner “dedicates” (conveys in fee simple) to Pasco County -- for free -- the land within the new transportation corridor. In other words, to avoid the nettlesome payment of “just compensation,” the Ordinance empowers Pasco County to purposefully leverage the permitting power to compel a landowner to dedicate land encroached by a transportation corridor. In Pasco County, if there is no free dedication, there is no permit.

As the Pasco County Attorney proudly declares, "The right of way preservation ordinance drafted and defended by this office (which is one of only a few in the state) saves the County millions of dollars each year in right of way acquisition costs, business damages and severance damages." The bully result is effected by threatening to deny every proposed new use of private land, from medical clinic to beauty parlor, from restaurant to bait shop, and by coercing everyone, great and small, rich and poor, popular and unpopular, unless the landowner completes the mandatory "voluntary" dedication of real estate.

Hillcrest Property, LLP v. Pasco County, 939 F.Supp 2d 1240 (M.D. Fla. 2013).

Escambia County's Ordinance 2007-81 is not equivalent to the bold "land grab" of the Pasco ordinance; but it suffers from the same constitutional infirmity if the County actually imposes a requirement that Briar Ridge donate land, at no cost to the county.

The buyer of the Briar Ridge property built a 50 foot setback into its proposed development. Based on this action, Briar Ridge told the County Administrator that it will donate this 50 foot strip in fee simple to the County, and at no cost, if the future land use and rezoning is approved. This runs along the boundary of the 56 acres subject to the application.

We submit there is no lawful objection to the requested future land use and rezoning applications. The County submitted its staff reports for the December Planning Board hearings. The reports are of record and no facts have changed since that submission by the County. A decision by the County to now recommend denial of either application would demonstrate that the County is seeking to go down the forbidden path taken by Pasco County.

Exhibit BR-1

THE DOCUMENT WAS RECEIVED AND SHOWN ON PAGES 15-20.

THE FOLLOWING WAS NOT PROVIDED TO THE CLERK'S OFFICE:

ORDINANCE ADOPTED AT THE 8:48 AM PUBLIC HEARING WHICH HAS NOT YET BEEN RETURNED FROM THE FLORIDA DEPARTMENT OF STATE

Exh BR-1

BCC Special Session: 12-13-2007



BOARD OF COUNTY COMMISSIONERS

Escambia County, Florida

DEPARTMENT: Planning and Engineering
FROM: T. Lloyd Kerr, AICP, Director
DATE: December 10, 2007
ISSUE: 8:48 am Thursday, December 13, 2007 Public Hearing
Comprehensive Plan Amendment (CPA 2007-02D)

RECOMMENDATION:

That the Board review and adopt the following:

Comprehensive Plan Amendment, **CPA 2007-02D Transportation Corridor Preservation Ordinance**, composed of a draft ordinance and attachments herein, to amend Part II of The Escambia County Code of Ordinances (1999), The Escambia County Comprehensive Plan, as amended; amending portions thereof as follows:

Comprehensive Plan text amendment, amending Chapter 8, "Transportation Element" providing for references to the protection of transportation corridors.

BACKGROUND:

In establishing the Twenty Year "Cost Feasible" Plan, the Florida Department of Transportation (FDOT) and the FL-AL Transportation Planning Organization (TPO) have requested local governments implement measures to ensure roadway projects remain "cost feasible".

The primary concerns, based on past roadway capacity projects, are that local governments reduce the impact of development adjacent to a future corridor improvement projects and reduce land use intensities which may increase the cost of needed right-of-way. Both concerns have and will continue to add a substantial cost to planned projects prior to construction.

This Ordinance, by intent, is to ensure that future development and future roadway projects do not conflict with each other in order to meet future Transportation Level of Service demands. This will alleviate negative impacts to future development or future roadway project cost. This Ordinance will also allow Escambia County to be more competitive for future Federal and State grants based on criteria created in 2006.

The transmittal hearing was held August 2, 2007 where the amendment and ordinance were approved by the BCC and forwarded to DCA. County staff received the DCA

BCC Special Session December 13, 2007
Re: CPA 2007-02D
December 10, 2007
Page 2 of 3

Objection, Recommendation and Comments Report on October 24, 2007. Staff is recommending adoption of the ordinance with no changes.

This is part of the second of the two Comprehensive Plan Amendment packages allowed by Florida Statute for the Year 2007.

BUDGETARY IMPACT:

No budgetary impacts are expected by the approval of this amendment.

LEGAL CONSIDERATION/SIGN-OFF:

The attached ordinance was reviewed and approved for legal sufficiency by Alison P. Rogers, Deputy County Attorney. Any suggested legal comments are attached herein with the respective ordinance to which they pertain.

PERSONNEL:

No additional personnel are anticipated for the implementation of this amendment.

POLICY/REQUIREMENT FOR BOARD ACTION/DISCUSSION:

The amendment is consistent with State Statutes (F.S. 163.3161 through 163.3215), Florida Administrative Code 9J-5 and with the Board's goal " to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION REQUIREMENTS:

Following adoption public hearings and upon recommended approval by the Planning Board and Board of County Commissioners the amendment will be returned to DCA for approval. Upon approval, DCA will issue a Notice of Intent to find In Compliance, at which time the ordinance will be forwarded to the Municipal Code Corporation for codification in the Official Comprehensive Plan of Escambia County.

BCC Special Session December 13, 2007
Re: CPA 2007-02D
December 10, 2007
Page 3 of 3

COORDINATION WITH OTHER AGENCIES/PERSONS:

The proposed amendments were prepared in cooperation with the County Attorney's Office, the Planning and Engineering Department, Office of Transportation and Traffic Operations, and interested citizens. Planning & Engineering will insure proper advertisement.

TLK:eap

Attachments:

c: Janet Lander, County Attorney

CONCUR

Robert R. McLaughlin, Interim County Administrator

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: CPA 2007-02 Transportation Corridor Preservation BCC Ordinance

Date: 12/04/07

Date requested back by: 12/06/07

Requested by: Eva Peterson

Phone Number: 595-3118

.....

(LEGAL USE ONLY)

Legal Review by Alison Perdue Rogers, Deputy County Attorney

Date Received: 12/04/07

XX Approved as to form and legal sufficiency.

 Not approved.

 Make subject to legal signoff.

Additional comments:

ORDINANCE 2007-__

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II, OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE ESCAMBIA COUNTY COMPREHENSIVE PLAN, AS AMENDED; AMENDING CHAPTER 8, THE TRANSPORTATION ELEMENT; AMENDING OBJECTIVE 8.A.4 TO PROVIDE FOR PROTECTION OF PROPOSED TRANSPORTATION CORRIDORS; PROVIDING IN POLICY 8.A.4.1 THAT REZONINGS THAT PROPOSE AN INCREASE IN DENSITY OR INTENSITY OF USE SHALL BE DISCOURAGED IN DESIGNATED TRANSPORTATION CORRIDORS; PROVIDING IN POLICY 8.A.4.2 FOR PROPOSED TRANSPORTATION CORRIDOR AND RIGHT-OF-WAY PROTECTIONS AND ACQUISITIONS; CREATING A NEW POLICY 8.A.4.4 TO ESTABLISH PROPOSED TRANSPORTATION CORRIDORS; DESIGNATING THE BEULAH EXPRESSWAY AS A PROPOSED TRANSPORTATION CORRIDOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on October 20, 1993; and,

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend, and enforce comprehensive plans for the development of the County; and,

WHEREAS, the Escambia County Planning Board (LPA) and the Board of County Commissioners have conducted public hearings and reviewed and approved the changes to the Plan and authorized the transmittal of the proposed changes to the Florida Department of Community Affairs (DCA) for review and comment prior to considering the changes (amendments) for adoption; and,

WHEREAS, the Board of County Commissioners, Escambia County, Florida finds that the adoption of these amendments is in the best interest of the County and its citizens.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Escambia County, Florida as follows:

Section 1. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out, in the Local Government Comprehensive Plan and Land Development Regulation Act, sections 163.3161 through 163.3215, Fla. Stat. and Chapter 9J-5, Florida Administrative Code.

Section 2. Title of Comprehensive Plan Amendment.

This Comprehensive Plan Amendment for Escambia County, Florida shall be entitled "Comprehensive Plan Amendment 2007-02D - Transportation Corridor Preservation."

Section 3. Changes to the Escambia County Comprehensive Plan.

Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as Amended, is further amended as set forth hereto and made part hereof to include changes as follows:

OBJECTIVE 8.A.4: TRANSPORTATION CORRIDOR AND RIGHT-OF-WAY PROTECTION

Continually, the county shall provide for the protection of proposed transportation corridors as well as existing and future rights-of-way from encroachment by including appropriate regulations within the LDC (reference

Policy 7.A.1.1) and implementing Policies 8.A.4.1 through ~~8.A.4.3~~ 8.A.4.4 among others.

Policy 8.A.4.1: Rezoning and Zoning Setback Enforcement

The county shall continue to enforce its zoning ordinance and include said ordinance within the LDC. Note: The zoning ordinance contains setback provisions, which will aid in the protection of existing and future rights-of-way, including transportation corridors, from building encroachment ~~in the "zoned" areas of the county~~. The County shall regulate density and intensity within the existing or designated transportation corridor areas that may interfere with right-of-way needs. Prior to completion of a Project Development and Environmental Impact (PD&E) study for a capacity improvement project, standard right-of-way will be considered as follows:

<u>Major Collectors</u>	<u>80'</u>
<u>Major Arterials</u>	<u>125'</u>
<u>Beltways</u>	<u>300'</u>

Policy 8.A.4.2: Right-of-Way Protection for Existing and Planned Roadways

The county shall require the set aside of right-of-way necessary to comply with programmed roadway widening or, as necessary, for proposed transportation corridors.

Policy 8.A.4.3: Scenic Roadways

Because of their unique scenic character, and related historic and tourist significance, Scenic Highway (SR-10A) and Perdido Key Drive (SR 292) are

designated "scenic roadways." Parcels adjacent to these rights-of-way shall be the subject of special sign controls in the LDC.

Policy 8.A.4.4: Proposed Transportation Corridors

The County shall make efforts to inform the public about the location of proposed transportation corridors. Such proposed transportation corridors are to be initially designated in this section, the adopted Transportation Planning Organization's "Cost Feasible Plan", the proposed or adopted County Capital Improvement Plan or in any proposed or adopted DRI or development plan. Transportation corridor protection regulations shall be incorporated in the LDC.

The Beulah Expressway is designated as a proposed transportation corridor. Maps and descriptions of the proposed north/south corridor and the east/west connecting corridors are on file as Exhibits A and B to Ordinance 2007-02D.

Section 4. SEVERABILITY.

It is declared the intent of the Board of County Commissioners that if any subsection, clause, sentence, provision or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 5. INCLUSION IN THE CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Escambia County Code; and that the sections of this Ordinance may be renumbered or

relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. EFFECTIVE DATE.

This effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184 Fla. Stat., or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Section 163.3184, Fla. Stat.

DONE AND ENACTED this ____ day of _____, 2007.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: _____
D.M. "Mike" Whitehead, Chairman

ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court

By: _____
Deputy Clerk

(SEAL)
ENACTED:
FILED WITH DEPARTMENT OF STATE:
EFFECTIVE:

H:\PZ\PLANNING BD\2007\CPA 2007-02\Transportation Corridor Preservation\BCC 12-13-07\Ordinance draft 3A - Clean Copy.doc

EXHIBIT A

The following describes potential protected areas to provide a corridor for the construction of a future roadway:

The west one-half of the west one-half of Section 34, Township 1 North, Range 31 West, less and except the southwest quarter of the southwest quarter of said section 34. The west one-half of the west one-half of Section 31, Township 1 North, Range 31 West, less and except the northeast quarter of the northwest quarter of the northwest quarter of said section 34. The northeast quarter of the northeast quarter of the northeast quarter of Section 32, Township 1 North, Range 31 West. The east 125 feet of the east one-half of Section 20, Township 1 North, Range 31 West and the west 125 feet of the west one-half of Section 21, Township 1 North, Range 31 West.

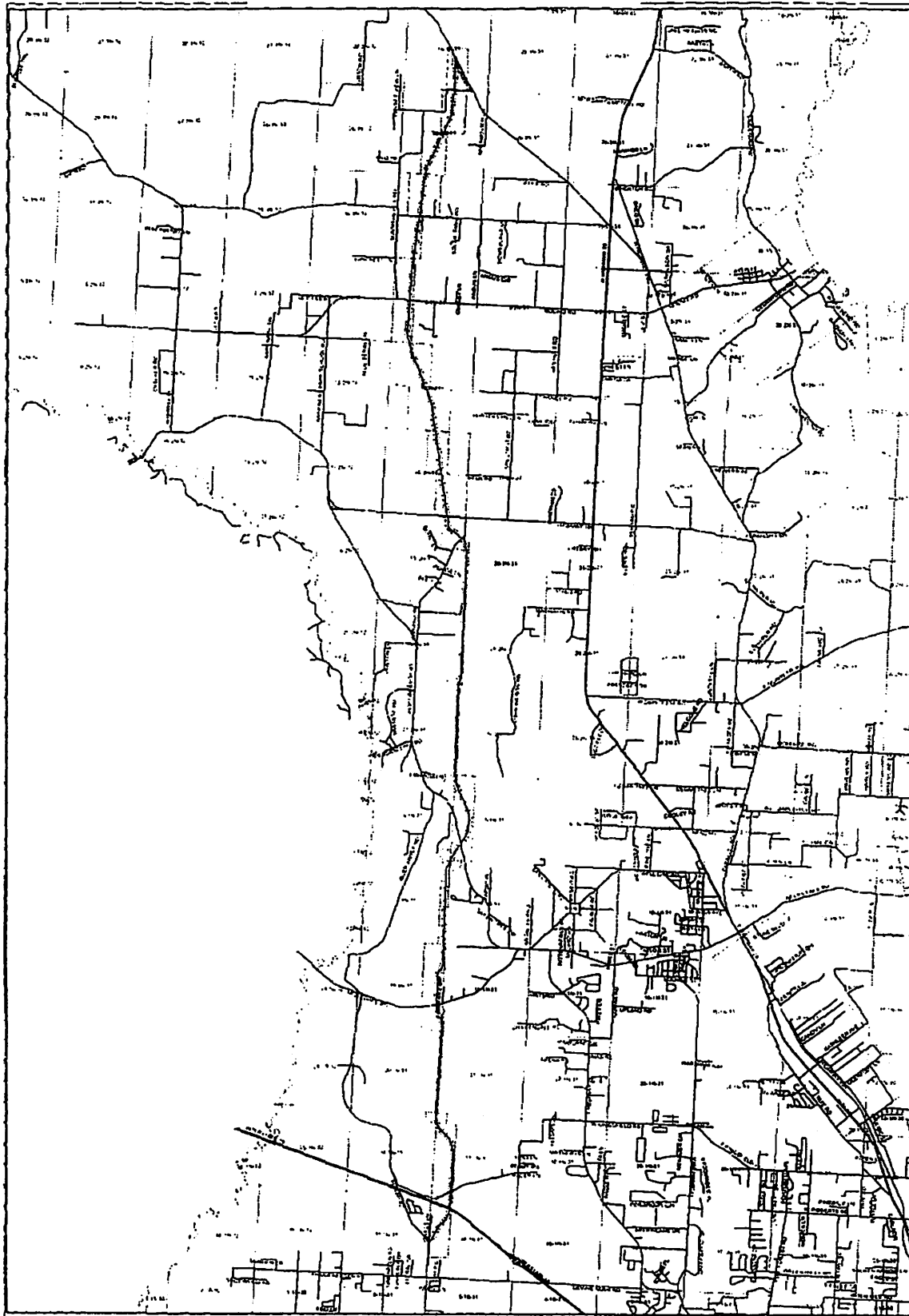
The west 125 feet of the southwest one quarter of the southwest one quarter of Section 18, Township 1 North, Range 31 West. The east one-half of the east one-half of Section 19, Township 1 North, Range 31 West. The east 300 feet of Section 7, Township 1 North, Range 31 West. The northwest quarter of the northwest quarter of the northwest quarter of Section 8, Township 1 North, Range 31 West. The southeast quarter of the southeast quarter of the southeast quarter of Section 6, Township 1 North, Range 31 West. The northeast quarter of the northeast quarter of the northeast quarter of Section 6, Township 1 North, Range 31 West. The west one-half of the west one-half of Section 5, Township 1 North, Range 31 West.

The east 125 feet of Section 31, Township 2 North, Range 31 West and the west 125 feet of Section 32, Township 2 North, Range 31 West. The southeast quarter of the southeast quarter of the southeast quarter of Section 30, Township 2 North, Range 31 West. The west 300 feet of the west one-half of the west one-half of Section 29, Township 2 North, Range 31 West. The west 300 feet of the west one-half of the west one-half of Section 20, Township 2 North, Range 31 West, less and except the northwest quarter of the northwest quarter of said section 20. The north 1,980 feet of the east 1,460 feet of the northeast quarter of Section 19, Township 2 North, Range 31 West.

The east one half of Section 18, Township 2 North, Range 31 West, less and except the east half of the northeast quarter and less and except the west 660 feet of the southeast quarter of said section 18. The south one half of Section 7, Township 2 North, Range 31 West, and the northwest quarter of said Section 7, less and except the west half of the southwest quarter and less and except the east half of the southeast quarter of said section 7. The west one-half of the west one-half of Section 6, Township 2 North, Range 31 West. The west 1,600+- feet of the west one-half of the south one half of Section 31, Township 3 North, Range 31 West, and the northwest quarter of said section 31, less and except the west one half of the west one half of said northwest quarter of section 31. The southwest quarter and the west 200 feet of the southeast quarter of Section 30, Township 3 North, Range 31 West, less and except the west half of said southwest quarter of section 30. The northeast quarter and the east 200 feet of the northwest quarter of Section 30, Township 3 North, Range 31 West, less and except the east half of said northeast quarter of section 30. The southeast quarter of Section 19, Township 3 North, Range 31 West, less and except the east half of said southeast quarter of section 19.

THE CONDITION OF THE ORIGINAL DOCUMENT IS REFLECTED IN THE IMAGE AND IS NOT THE FAULT OF THE MICROFILMING PROCESS

2007-001655 BCC
Dec. 13, 2007 Page 12



Legend

- STREETS
- PROPERTY LINES
- UTILITY LINES
- WATERWAYS

AID TO BELTWAY LAND DESCRIPTION



Scale bar and other technical markings.

EXHIBIT B

The following describes potential EastWest corridors to the proposed beltway protected areas for the construction of access to the proposed beltway:

KINGSFIELD ROAD EXTENSION

The south 50 feet of the west one-half of the west one-half of Section 22, Township 1 North, Range 31 West and the north 50 feet of the west one-half of the west one-half of Section 30, Township 1 North, Range 31 West. The south 50 feet of the south one half of Section 21, Township 1 North, Range 31 West, and the north 50 feet of the north one-half of Section 31, Township 1 North, Range 31 West.

WELL LINE ROAD EXTENSION

The south one-half of the south one-half of sections 4 and 5, Township 1 North, Range 31 West, less and except the south 820 feet of the south one-half of the south one-half of said section 5 and less and except the south 820 feet of the west one-half of the west one-half of said section 4.

QUINETTE ROAD EXTENSION

The south 50 feet of the south one-half of the south one-half of Section 28, Township 2 North, Range 31 West beginning at the westerly right of way of US Highway 29 and extending westward to the west line of said section 28. The north 50 feet of the north one-half of the north one-half of Section 33, Township 2 North, Range 31 West beginning at the westerly right of way of US Highway 29 and extending westward to the west line of said section 33. The south 50 feet of the southeast quarter of Section 29, Township 2 North, Range 31 West and the south one-half of the southeast quarter of the southwest quarter and the south one-half of the southwest quarter of the southwest quarter of said section 29.

EXISTING MATHISON ROAD

The south 50 feet of the southwest quarter of Section 21, Township 2 North, Range 31 West beginning at the westerly right of way of US Highway 29 and extending westward to the west line of said section 21. The north 50 feet of the northwest quarter of Section 28, Township 2 North, Range 31 West beginning at the westerly right of way of US Highway 29 and extending westward to the west line of said section 28. The north 50 feet of the north one-half of the northeast quarter of the northeast quarter of Section 29, Township 2 North, Range 31 West and the south 50 feet of the south one-half of the southeast quarter of the southeast quarter of Section 20, Township 2 North, Range 31 West.

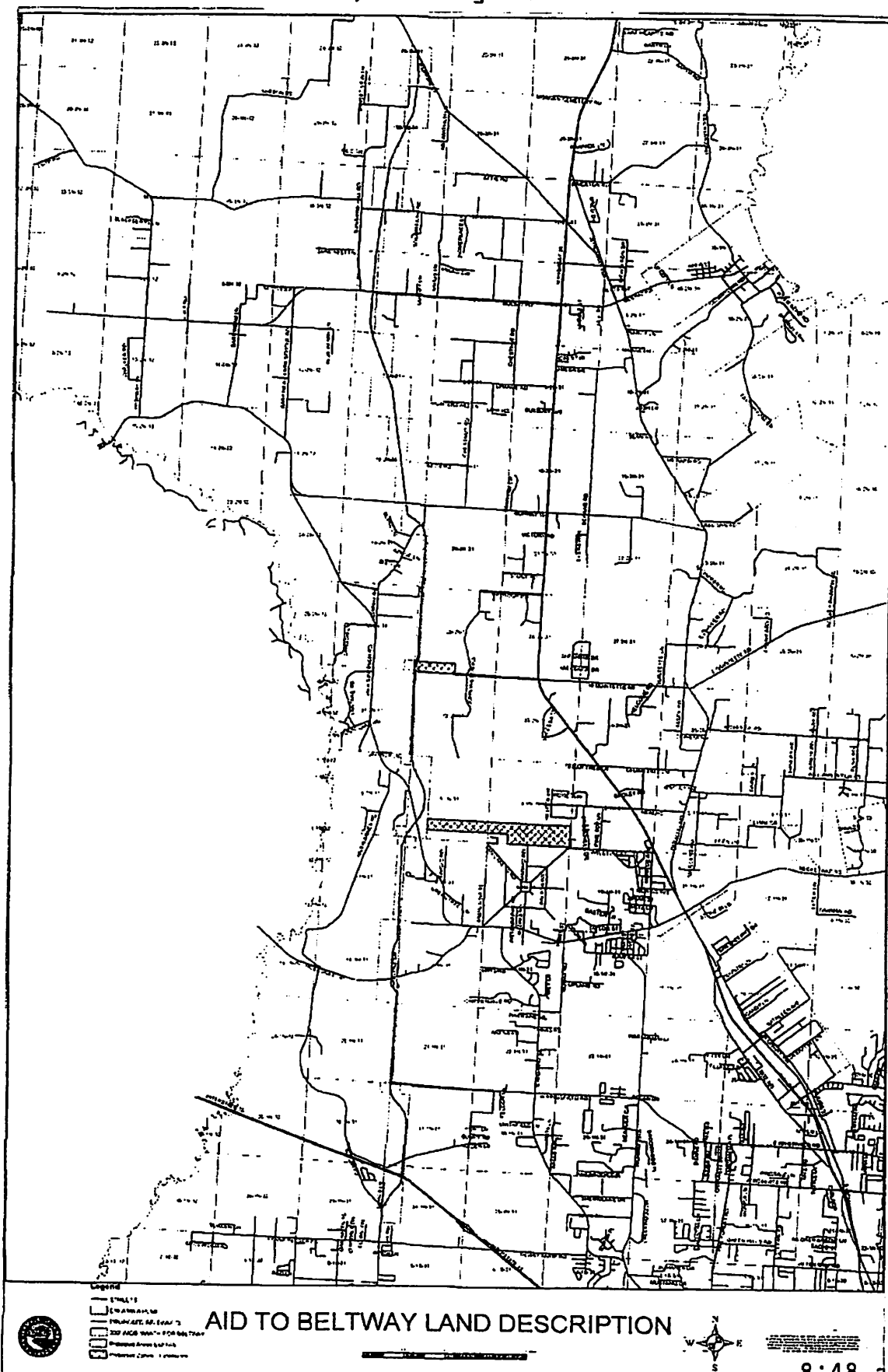
EXISTING MOLINO ROAD

Beginning at the westerly right of way of US Highway 29, the south 50 feet of the south one-half of the south one-half of the northwest quarter of Section 4, Township 2 North, Range 31 West and the north 50 feet of the north one-half of the north one-half of the southwest quarter of said section 4. The south 50 feet of the north one-half of Section 5, Township 2 North, Range 31 West and the north 50 feet of the south one-half of said section 5. The south 50 feet of the north one-half of Section 6, Township 2 North, Range 31 West and the north 50 feet of the south one-half of said section 6, less and except the west one-half of the west one-half of Section 6, Township 2 North, Range 31 West.

THE CONDITION OF THE ORIGINAL DOCUMENT IS REFLECTED IN THE IMAGE AND IS NOT THE FAULT OF THE MICROFILMING PROCESS

2007-001655 BCC

Dec. 13, 2007 Page 14



12/13/2007 8:48am PH

ORDINANCE 2007-81

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II, OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE ESCAMBIA COUNTY COMPREHENSIVE PLAN, AS AMENDED; AMENDING CHAPTER 8, THE TRANSPORTATION ELEMENT; AMENDING OBJECTIVE 8.A.4 TO PROVIDE FOR PROTECTION OF PROPOSED TRANSPORTATION CORRIDORS; PROVIDING IN POLICY 8.A.4.1 THAT REZONINGS THAT PROPOSE AN INCREASE IN DENSITY OR INTENSITY OF USE SHALL BE DISCOURAGED IN DESIGNATED TRANSPORTATION CORRIDORS; PROVIDING IN POLICY 8.A.4.2 FOR PROPOSED TRANSPORTATION CORRIDOR AND RIGHT-OF-WAY PROTECTIONS AND ACQUISITIONS; CREATING A NEW POLICY 8.A.4.4 TO ESTABLISH PROPOSED TRANSPORTATION CORRIDORS; DESIGNATING THE BEULAH EXPRESSWAY AS A PROPOSED TRANSPORTATION CORRIDOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on October 20, 1993; and,

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend, and enforce comprehensive plans for the development of the County; and,

WHEREAS, the Escambia County Planning Board (LPA) and the Board of County Commissioners have conducted public hearings and reviewed and approved the changes to the Plan and authorized the transmittal of the proposed changes to the Florida Department of Community Affairs (DCA) for review and comment prior to considering the changes (amendments) for adoption; and,

Verified By: *D. P. ...*
Date: 12/17/2007

WHEREAS, the Board of County Commissioners, Escambia County, Florida finds that the adoption of these amendments is in the best interest of the County and its citizens.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Escambia County, Florida as follows:

Section 1. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out, in the Local Government Comprehensive Plan and Land Development Regulation Act, sections 163.3161 through 163.3215, Fla. Stat. and Chapter 9J-5, Florida Administrative Code.

Section 2. Title of Comprehensive Plan Amendment.

This Comprehensive Plan Amendment for Escambia County, Florida shall be entitled "Comprehensive Plan Amendment 2007-02D - Transportation Corridor Preservation."

Section 3. Changes to the Escambia County Comprehensive Plan.

Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as Amended, is further amended as set forth hereto and made part hereof to include changes as follows:

OBJECTIVE 8.A.4: TRANSPORTATION CORRIDOR AND RIGHT-OF-WAY PROTECTION

Continually, the county shall provide for the protection of proposed transportation corridors as well as existing and future rights-of-way from encroachment by including appropriate regulations within the LDC (reference

Policy 7.A.1.1) and implementing Policies 8.A.4.1 through ~~8.A.4.3~~ 8.A.4.4 among others.

Policy 8.A.4.1: Rezonings and Zoning Setback Enforcement

The county shall continue to enforce its zoning ordinance and include said ordinance within the LDC. Note: The zoning ordinance contains setback provisions, which will aid in the protection of existing and future rights-of-way, including transportation corridors, from building encroachment ~~in the "zoned" areas of the county~~. The County shall regulate density and intensity within the existing or designated transportation corridor areas that may interfere with right-of-way needs. Prior to completion of a Project Development and Environmental Impact (PD&E) study for a capacity improvement project, standard right-of-way will be considered as follows:

<u>Major Collectors</u>	<u>80'</u>
<u>Major Arterials</u>	<u>125'</u>
<u>Beltways</u>	<u>300'</u>

Policy 8.A.4.2: Right-of-Way Protection for Existing and Planned Roadways

The county shall require the set aside of right-of-way necessary to comply with programmed roadway widening or, as necessary, for proposed transportation corridors.

Policy 8.A.4.3: Scenic Roadways

Because of their unique scenic character, and related historic and tourist significance, Scenic Highway (SR-10A) and Perdido Key Drive (SR 292) are

designated "scenic roadways." Parcels adjacent to these rights-of-way shall be the subject of special sign controls in the LDC.

Policy 8.A.4.4: Proposed Transportation Corridors

The County shall make efforts to inform the public about the location of proposed transportation corridors. Such proposed transportation corridors are to be initially designated in this section, the adopted Transportation Planning Organization's "Cost Feasible Plan", the proposed or adopted County Capital Improvement Plan or in any proposed or adopted DRI or development plan. Transportation corridor protection regulations shall be incorporated in the LDC.

The Beulah Expressway is designated as a proposed transportation corridor. Maps and descriptions of the proposed north/south corridor and the east/west connecting corridors are on file as Exhibits A and B to Ordinance 2007-02D.

Section 4. SEVERABILITY.

It is declared the intent of the Board of County Commissioners that if any subsection, clause, sentence, provision or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 5. INCLUSION IN THE CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Escambia County Code; and that the sections of this Ordinance may be renumbered or

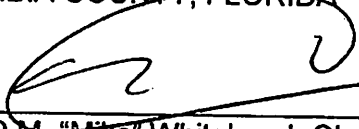
relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. EFFECTIVE DATE.

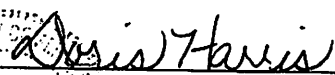
This effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184 Fla. Stat., or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Section 163.3184, Fla. Stat.

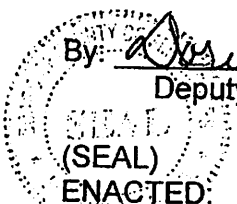
DONE AND ENACTED this 13th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

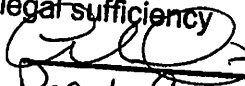
By: 
D.M. "Mike" Whitehead, Chairman

ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court

By: 
Deputy Clerk



ENACTED: December 13, 2007
FILED WITH DEPARTMENT OF STATE: December 19, 2007
EFFECTIVE: See Section 6.

This document approved as to form and legal sufficiency
By: 
Title Deputy County Attorney
Date 12/14/07

The following describes potential protected areas to provide a corridor for the construction of a future roadway:

The west one-half of the west one-half of Section 34, Township 1 North, Range 31 West, less and except the southwest quarter of the southwest quarter of said section 34. The west one-half of the west one-half of Section 31, Township 1 North, Range 31 West, less and except the northeast quarter of the northwest quarter of the northwest quarter of said section 34. The northeast quarter of the northeast quarter of the northeast quarter of Section 32, Township 1 North, Range 31 West. The east 125 feet of the east one-half of Section 20, Township 1 North, Range 31 West and the west 125 feet of the west one-half of Section 21, Township 1 North, Range 31 West.

The west 125 feet of the southwest one quarter of the southwest one quarter of Section 18, Township 1 North, Range 31 West. The east one-half of the east one-half of Section 19, Township 1 North, Range 31 West. The east 300 feet of Section 7, Township 1 North, Range 31 West. The northwest quarter of the northwest quarter of the northwest quarter of Section 8, Township 1 North, Range 31 West. The southeast quarter of the southeast quarter of the southeast quarter of Section 6, Township 1 North, Range 31 West. The northeast quarter of the northeast quarter of the northeast quarter of Section 6, Township 1 North, Range 31 West. The west one-half of the west one-half of Section 5, Township 1 North, Range 31 West.

The east 125 feet of Section 31, Township 2 North, Range 31 West and the west 125 feet of Section 32, Township 2 North, Range 31 West. The southeast quarter of the southeast quarter of the southeast quarter of Section 30, Township 2 North, Range 31 West. The west 300 feet of the west one-half of the west one-half of Section 29, Township 2 North, Range 31 West. The west 300 feet of the west one-half of the west one-half of Section 20, Township 2 North, Range 31 West, less and except the northwest quarter of the northwest quarter of said section 20. The north 1,980 feet of the east 1,460 feet of the northeast quarter of Section 19, Township 2 North, Range 31 West.

The east one half of Section 18, Township 2 North, Range 31 West, less and except the east half of the northeast quarter and less and except the west 660 feet of the southeast quarter of said section 18. The south one half of Section 7, Township 2 North, Range 31 West, and the northwest quarter of said Section 7, less and except the west half of the southwest quarter and less and except the east half of the southeast quarter of said section 7. The west one-half of the west one-half of Section 6, Township 2 North, Range 31 West. The west 1,600+- feet of the west one-half of the south one half of Section 31, Township 3 North, Range 31 West, and the northwest quarter of said section 31, less and except the west one half of the west one half of said northwest quarter of section 31. The southwest quarter and the west 200 feet of the southeast quarter of Section 30, Township 3 North, Range 31 West, less and except the west half of said southwest quarter of section 30. The northeast quarter and the east 200 feet of the northwest quarter of Section 30, Township 3 North, Range 31 West, less and except the east half of said northeast quarter of section 30. The southeast quarter of Section 19, Township 3 North, Range 31 West, less and except the east half of said southeast quarter of section 19.

Exhibit BR-2

GARRETT W. WALTON

2605 Semoran Drive
Pensacola, Florida 32503
garrett@heronsforest.com
(850) 554-6016

January 5, 2017

Briar Ridge, LLC
Attn: Bo Johnson
201 East Government Street, Suite #20
Pensacola, Florida 32502

Re: Beulah property

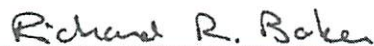
Dear Bo,

This letter is in reference to a tract of land in Section 34, Township 1 North, Range 31 West, Escambia County that Herons Forest Development Company (which is now dissolved, but was active at all times pertinent to the matter at hand, and the undersigned were it's only officers, directors and shareholders at that time) conveyed to Briar Ridge, LLC, on February 8, 2008, by instrument recorded in O.R. Book 6285, Page 1699, of the Public Records of Escambia County (the "Subject Property").

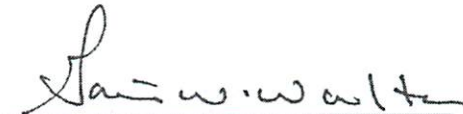
Neither of us has any recollection of any notice, letter or other communication of any kind from Escambia County, or any Escambia County official or employee, concerning the Subject Property relating to a rezoning, taking, condemnation, imposition of an easement or reservation, regulation of use, or similar prior to the conveyance detailed above. Further, being in the real estate business, both of us were always attentive to communications and regulations from local governments. Let there be no doubt that any communication from Escambia County about any changed land use regulation of the Subject Property would have been memorable, and not overlooked or forgotten.

Either, or both, of us will be pleased to answer any further questions you or others might have concerning this matter.

Sincerely,



Richard R. Baker
dick@heronsforest.com
(850) 554-0600



Garrett W. Walton

Exh BR-2

Exhibit BR-3

Westcor Land Title

INSURANCE COMPANY

OWNERSHIP AND ENCUMBRANCE REPORT

SEARCH NO. 16-62675

AGENT NO. FL1030

THE ATTACHED REPORT IS ISSUED TO ESEL F. MATTHEWS, JR. P.A. THE ATTACHED REPORT MAY NOT BE RELIED ON BY ANY OTHER PARTY. NO LIABILITY IS ASSUMED BY WESTCOR LAND TITLE INSURANCE COMPANY FOR ANY UNAUTHORIZED USE OR RELIANCE. THIS OWNERSHIP AND ENCUMBRANCE REPORT IS ISSUED PURSUANT TO FLORIDA STATUTE SECTION 627.7843 AND LIABILITY HEREUNDER FOR INCORRECT INFORMATION IS LIMITED TO THE SUM OF \$1,000.00

The attached Report prepared in accordance with the instructions given by the user named above includes a listing of the owner(s) of record of the land described herein together with current ad valorem tax information and a listing and copies of all open or unsatisfied leases, mortgages and judgments recorded in the Official Records Books of **Escambia** County, Florida that appear to encumber the title to said land. It is the responsibility of the party named above to verify receipt of each document listed. If a copy of any document listed is not received, the office issuing this Report must be contacted immediately. This Report does not include easements, restrictions, notices or other documents not listed above.

This Report does not insure or guarantee the validity of sufficiency of any document attached, or is it to be considered a title insurance policy, an opinion of title, a guarantee of title or as any other form of guarantee or warranty of title. This Report shall not be used for the issuance of any title insurance policy or form.

Use of the term "Report" herein refers to this Ownership and Encumbrance Report and the documents attached hereto.

Period searched: From **09/18/2006 to 12/21/2016 @ 08:00 AM**

The land referred to herein is described as follows:

All that portion of the following described property lying Southerly of Interstate 10 right-of-way; the North 1/2 of the Northwest 1/4 of the Southwest 1/4 and the Southwest 1/4 of the Northwest 1/4, all being in Section 34, Township 1 North, Range 31 West, Escambia County, Florida. LESS AND EXCEPT Road right-of-way for State Road 99 as recorded in Official Records Book 492, Page 764, of the Public Records of Escambia County, Florida.

Westcor Land Title Insurance Company

Telephone #(866) 200-3366

Dated: **December 22, 2016**

DOCUMENT APPROVED "JUNE 18, 1993", BY THE INSURANCE DEPARTMENT OF THE STATE OF FLORIDA

OWNERSHIP AND ENCUMBRANCE REPORT

Plant Order #. **16-62675**

Record Title appears to be vested in:

Briar Ridge, LLC

by virtue of the following:

Warranty Deed recorded in Official Records Book 6285, Page 1699, of the Public Records of Escambia County, Florida.

Ad Valorem taxes appear to be paid through the year **2016**

Encumbrances:

1. Payment of any special lien/assessments imposed by City, County, and/or State.

NOTE: This County may have special lien/assessments imposed by the local municipality. These lien/assessments are not discovered in a title search or shown above. These special assessments typically create a lien on real property. The municipality which governs subject property must be contacted to verify payment status.

2. Mortgage from **Briar Ridge, LLC** to **Whitney National Bank**, recorded **02/11/2008**, in Official Records Book **6285**, Page **1701**, of the Public Records of Escambia County, Florida, given to secure the original principal sum of **\$960,000.00**, together with Assignment of Rents recorded in Official Records Book **6285**, Page **1717**, Assignment of Mortgage recorded in Official Records Book **7025**, Page **620**, Modifications recorded in Official Records Book **6577**, Page **1233**, **6577**, Page **539**, **7028**, Page **191**, **7202**, Page **632**, **7391**, Page **1337** and **7570**, Page **1373**.
3. Easements recorded in Official Records Book **7587**, Page **58**, **373**, Page **243** and **2873**, Page **767**.
4. Settlement Agreement recorded in Official Records Book **5796**, Page **533**, Correction to Agreement recorded in Official Records Book **6246**, Page **1563**, Partial Assignment of Agreement recorded in Official Records Book **6628**, Page **957** and Amendment to Settlement Agreement recorded in Official Records Book **7015**, Page **468**.

January 13, 2017

RE: Letter of Request - 56 +/- Acre Site FLU Change

To Whom It May Concern:

We respectfully request the property described herein be granted the change of Future Land Use to MU-S as depicted on ATTACHMENT A. The parcel previously held a Future Land use for residential prior to a land use change and rezoning that predated the recent real estate recession.

In the current adjusted market and following current development trends in the area, the subject property would be more appropriately used a single family residential. Much new development has occurred along Beulah Road over the past 6-8 years and this area in the western portion of the county continues to be the leader in new construction activities. The largest development on east end of Nine Mile Road continues to be the expanding Navy Federal Credit Union Campus. Navy Federal has relocated a facility to the site and will soon be the largest single employer in Escambia County, announcing in October of 2016 a plan to grow another 54 percent over the next five years. Ground breaking has occurred and much of the expansion is currently underway. This Nine Mile Road corridor of the county continues to be the strongest developing portion of the area which will further increase the housing demand.

Thank you for consideration of our application and we trust you will find sufficient documentation supporting our request.

Sincerely,



Joe A. Rector, Jr.
Senior Associate
Dewberry | Preble-Rish

FUTURE LAND USE MAP AMENDMENT APPLICATION
(Revised 06/05/16)

INSTRUCTIONS

Please contact our office at (595-3475) to make an appointment with a Planner to personally discuss your site and prospective plans for it, and to review the application form with you to answer any questions you may have.

It is important for the application packet to be complete and on time in order to process and schedule your request for the required public hearing(s). The Planning Board holds public hearings once a month. Application closing dates for these hearings are provided in the attached schedule (Attachment A). In order for your application to move through the process in a timely manner, it is important for all items on the application to be completed. Incorrect or missing information could delay the hearing of your request. **NOTE: The applicant, or his/her agent, must be present at the Planning Board meeting. It is also highly recommended that he or she be present at the subsequent Board of County Commissioners meeting.**

An application is not considered complete until all of the items listed on the Future Land Use Map Amendment Application Checklist (attached herein) are received.

Please note the completion and notarized certification(s) required herein. The owner and/or agent acting in his/her behalf, must sign the certification(s) where indicated on the application. Signatures must be properly notarized. If an agent is handling the request, the owner must sign the application and submit an Affidavit of Ownership & Limited Power of Attorney (attached herein) authorizing said agent to act in his/her behalf.

FEES: An application fee of \$2,969.50 for a large-scale amendment and \$2,122.50 for a small-scale amendment. **For a large-scale amendment only,** a \$1000.00 advertising deposit is required upon application submittal. Applications should be accompanied by a check made payable to Escambia County and submitted prior to 3:00 p.m. no later than the closing date for acceptance of applications. In addition, the applicant and agent are responsible for payment of advertisement fees for required public hearings and any remedial reports or analyses which may be required (in accordance with the Escambia County Land Development Code, Chapter 2, Section 2-7.3). An estimated minimum cost of advertisement fees for two public hearings is \$1200.00; however, additional hearings may be required. The exact amount will be billed to the applicant and agent after the newspaper has agreed to run the ad(s). Should applicant fail to submit final payment within 90 days of invoice date (refer to Affidavit of Ownership and FLU Change Request) for advertising costs, agent and applicant may be temporarily suspended from submitting projects until advertising fee balance has been paid in full.

Please remember, the Planning Board meets only once a month. Applications received after the deadline for a particular meeting will not be heard until the following meeting.

NOTE: Whenever an applicant would like any County Staff member to appear and testify at a hearing other than the normal public hearings required to process your request, a minimum notification of 5-10 days to the individual staff member and the Development Services Department is required in advance of the hearing.

**FUTURE LAND USE MAP AMENDMENT
APPLICATION**

CHECKLIST

1. X Owner(s) Name, Home Address and Telephone Number. An email address is optional (see form herein).
2. X Letter of request, including reason(s) for map amendment and desired future land use category
3. X Notarized Affidavit of Ownership and Authorization (form herein)
4. X Notarized Affidavit of Ownership and Limited Power of Attorney (form herein) if agent will act in owner's behalf
5. X Concurrency Determination Acknowledgement (form herein)
6. X Proof of Ownership (Copy of Warranty Deed or Tax Notice)
- Also need copy of Contract for Sale if the change of ownership has not yet been recorded.
7. X Street Map depicting general property location
8. X Legal Description of exact property area proposed for a future land use map amendment, including:
 - X Street Address
 - X Property Reference Number(s)
 - X Boundary Survey
 - X Total acreage requested for amendment
9. X Land Use Map Amendment Application fee
10. X Complete Data and Analysis (See applicable page herein)

FUTURE LAND USE MAP AMENDMENT APPLICATION

(THIS SECTION FOR OFFICE USE ONLY):

TYPE OF REQUEST: SMALL SCALE FLU AMENDMENT _____
LARGE SCALE FLU AMENDMENT X

Current FLU: INDUSTRIAL Desired FLU: MU-S Zoning: ID Taken by: _____

Planning Board Public Hearing, date(s): 12/06/2016

BCC Public Hearing, proposed date(s): 01/05/2017

Fees Paid _____ Receipt # _____ Date: 1/13/2017

OWNER'S NAME AND HOME ADDRESS AS SHOWN ON PUBLIC RECORDS OF ESCAMBIA COUNTY, FL

Name: BRIAR RIDGE LLC

Address: PO BOX 1392

City: PENSACOLA State: FL Zip Code: 32591

Telephone: () _____

Email: _____

DESCRIPTION OF PROPERTY:

Street address: 11975 BEULAH ROAD

Subdivision: _____

Property reference number: Section 34 Township 1N Range 31W

Parcel 2101 Lot 000 Block 001


Size of Property (acres) 56 +/-

**AFFIDAVIT OF OWNERSHIP AND AUTHORIZATION FOR
FUTURE LAND USE CHANGE REQUEST**

By my signature, I hereby certify that:

- 1) I am duly qualified as owner or authorized agent to make such application, this application is of my own choosing, and staff has explained all procedures relating to this request; and
- 2) All information given is accurate to the best of my knowledge and belief, and I understand that deliberate misrepresentation of such information will be grounds for denial or reversal of this application and/or revocation of any approval based upon this application; and
- 3) I understand there are no guarantees as to the outcome of this request, the application fee is non-refundable; and
- 4) The signatory below will be held responsible for the balance of any advertising fees associated with required public hearings for this amendment request (Payment due within 90 days of invoice date) or future planning and zoning applications will not be accepted; and
- 5) I authorize County Staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection; and
- 6) I authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County Staff.

 **Bolley L. Johnson, Briar Ridge LLC** **1/13/2017**
Signature (Property Owner) Printed Name Date

 **Joe A. Rector, Jr., and Jesse Rigby** **1/13/2017**
Signature (Agent's Name (or owner if representing oneself)) Printed Name Date

Address: **25 W Cedar Street, Suite 110**

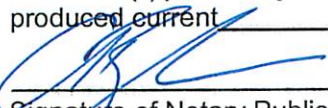
City: **Pensacola** State: **FL** Zip: **32502**

Telephone (**850**) **435** - **7424** Fax # () -

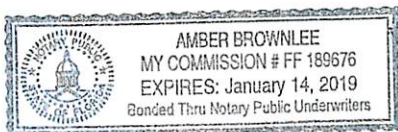
Email: **jrector@dewberry.com**

STATE OF Florida
COUNTY OF Escambia

The forgoing instrument was acknowledged before me this 13th day of January, year of 2017 by Bolley Johnson who () did () did not take an oath. He/she is () personally known to me, () produced current Florida/Other driver's license, and/or () produced current _____ as identification.

 1-13-17 **Amber Brownlee**
Signature of Notary Public Date Printed Name of Notary

My Commission Expires January 14, 2019 Commission No. FF189676
(Notary seal must be affixed)




AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at 11975 BEULAH ROAD,
Pensacola, Florida, Property Reference Number(s) 34-1N-31-2101-000-001,

I hereby designate Joe A. Rector, Jr., and Jesse Rigby, for the sole purpose of completing this application and making a presentation to the Planning Board, sitting as the Local Planning Agency, and the Board of County Commissioners, to request a change in the Future Land Use on the above referenced property.


This Limited Power of Attorney is granted on this 17 day of JANUARY, the year of 2017, and is effective until the Board of County Commissioners has rendered a decision on this request and any appeal period has expired. The owner reserves the right to rescind this Limited Power of Attorney at any time with a written, notarized notice to the Planning and Engineering Department.

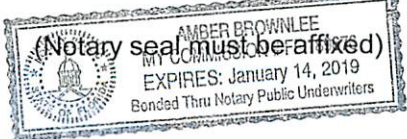
		Bolley L. Johnson, Briar Ridge LLC
Signature of Property Owner	Date	Printed Name of Property Owner
	1/13/2017	Joe A. Rector, Jr., and Jesse Rigby
Signature of Agent	Date	Printed Name of Agent

STATE OF Florida
COUNTY OF Escambia

The foregoing instrument was acknowledged before me this 13th day of January, year of 2017, by Bolley Johnson who did () did not take an oath.

He/she is personally known to me, () produced current Florida/Other driver's license, and/or () produced current _____ as identification.

	<u>1-13-17</u>	<u>Amber Brownlee</u>
Signature of Notary Public	Date	Printed Name of Notary Public
Commission Number <u>FF189676</u>	My Commission Expires <u>January 14, 2019</u>	



**FUTURE LAND USE MAP AMENDMENT APPLICATION
CONCURRENCY DETERMINATION ACKNOWLEDGMENT**

Project name:

KAHEELEY RIDGE

Property reference #: Section 34 Township 1N Range 31W

Parcel # 34-1N-31-2101-000-001

Project Address:

11975 BEULAH ROAD

I/We acknowledge and agree that no future development permit (other than a rezoning/reclassification) shall be approved for the subject parcel(s) prior to the issuance of a certificate of concurrency for such proposed development based on the densities and intensities contained within such future development permit application.

I/We also acknowledge and agree that no development permit or order (other than a rezoning/reclassification) will be issued at that time unless at least one of the concurrency management system standards is met as contained in the Escambia County Code of Ordinances, Part II, Section 6.04, namely:

- (1) The necessary facilities and services are in place at the time a development permit is issued; or
- (2) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
- (3) The necessary facilities are under construction at the time a permit is issued; or
- (4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued. NOTE: This provision only relates to parks and recreation facilities and roads. The LDC will include a requirement that the provision or construction of the facility or service must commence within one (1) year of the Development Order or Permit; or
- (5) The necessary facilities and services are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.320, Florida Statutes or an agreement or development order issued pursuant to Chapter 380, Florida Statutes. Any such agreement shall include provisions pursuant to paragraphs 1, 2, or 3 above.
- (6) The necessary facilities needed to serve new development are in place or under actual construction no more than three (3) years after issuance, by the County, of a certificate of occupancy or its functional equivalent. NOTE: This provision only relates to roads.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS 13th DAY OF JANUARY, 20 17


Owner's signature

Bolley L. Johnson, Briar Ridge LLC

Owner's name (print)
Joe A. Rector, Jr., and Jesse Rigby

Agent's signature

Agent's name (print)

DATA AND ANALYSIS REQUIREMENTS

1. A comparative analysis of the impact of both the current and the proposed future land use categories on the following items, presented in tabular format, based on data taken from professionally accepted existing sources, such as the US Census, State University System of Florida, National Wetland Inventory Maps, regional planning councils, water management districts, or existing technical studies. The data should show that the infrastructure is available to support the most intense development allowed under the requested Future Land Use category, regardless of what type of development is proposed.
 - A. Sanitary Sewer
 - B. Solid Waste Disposal
 - C. Potable Water
 - D. Stormwater Management
 - E. Traffic
 - F. Recreation and Open Space
 - G. Schools

The data and analysis should also support the requested future land use category by reflecting a need for that category. For example, a future land use request from Agricultural to Residential would need an analysis demonstrating the need for additional Residential acreage in the County.

2. Proximity to and impact on the following:
 - A. Wellheads (indicate distance and location to nearest wellhead)
 - B. Historically significant sites (available from University of West Florida)
 - C. Natural Resources, including wetlands (a wetlands survey is highly recommended if wetlands are located on the property)
3. An analysis of consistency with the Escambia County Comprehensive Plan, with reference to applicable sections therein

STATE OF FLORIDA
COUNTY OF ESCAMBIA

PARCEL 1: TO REMAIN INDUSTRIAL

COMMENCE AT A 3" DIAMETER CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA AND RUN THENCE NORTH 05° 08' 11" EAST, A DISTANCE OF 663.45 FEET TO A 4"x4" CONCRETE MONUMENT (LB #8011) FOR THE POINT OF BEGINNING: CONTINUE THENCE NORTH 05° 08' 11" EAST, A DISTANCE OF 638.32 FEET TO A 4"x4" CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 05° 06' 28" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 723.97 FEET TO THE SOUTH RIGHT-OF-WAY OF INTERSTATE HIGHWAY 10; THENCE RUN SOUTH 68° 50' 14" EAST, ALONG THE SOUTH RIGHT-OF-WAY OF SAID INTERSTATE HIGHWAY 10, A DISTANCE OF 123.28 FEET; THENCE RUN SOUTH 21° 09' 46" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 60.00 FEET; THENCE RUN SOUTH 68° 50' 14" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 691.53 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, ALONG SAID RIGHT-OF-WAY, HAVING A RADIUS OF 3589.83 FEET, AN ARC DISTANCE OF 101.94 FEET (CHORD BEARS SOUTH 68° 01' 25" EAST, 101.94 FEET); THENCE RUN NORTH 22° 47' 23" EAST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 80.00 FEET; THENCE RUN ALONG A CURVE TO THE RIGHT, ALONG SAID RIGHT-OF-WAY, HAVING A RADIUS OF 3669.83 FEET, AN ARC DISTANCE OF 946.29 FEET (CHORD BEARS SOUTH 59° 49' 24" EAST, 943.67 FEET) TO 1/2" CAPPED REBAR (LB #7174) ON THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE DEPARTING SAID RIGHT-OF-WAY, RUN NORTH 87° 46' 28" WEST, A DISTANCE OF 429.08 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 04° 49' 49" WEST, A DISTANCE OF 1306.42 FEET TO A 4"x4" CONCRETE MONUMENT (LB #8011) AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 85° 48' 14" WEST, A DISTANCE OF 259.80 FEET; THENCE RUN SOUTH 48° 30' 16" WEST, A DISTANCE OF 511.67 FEET; THENCE RUN NORTH 43° 29' 26" WEST, A DISTANCE OF 176.71 FEET; THENCE RUN NORTH 39° 18' 46" EAST, A DISTANCE OF 327.70 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; CONTINUE THENCE NORTH 39° 18' 46" EAST, A DISTANCE OF 522.23 FEET; THENCE RUN NORTH 07° 07' 58" EAST, A DISTANCE OF 403.13 FEET; THENCE RUN NORTH 51° 59' 50" WEST, A DISTANCE OF 417.16 FEET; THENCE RUN NORTH 87° 46' 40" WEST, A DISTANCE OF 156.16 FEET; THENCE RUN SOUTH 55° 46' 34" WEST, A DISTANCE OF 634.38 FEET; THENCE RUN SOUTH 77° 49' 05" WEST, A DISTANCE OF 79.39 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 36.27 ACRES, MORE OR LESS, AND LIES IN SECTION 34, TOWNSHIP 1 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA.

PARCEL 2: FOR CHANGE TO MU-5

BEGINNING AT A 3" DIAMETER CONCRETE MONUMENT AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 1 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA AND THENCE RUN SOUTH 04° 57' 16" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, A DISTANCE OF 422.98 FEET TO A 1/2" CAPPED REBAR (LB #7312) ON THE EAST RIGHT-OF-WAY OF STATE ROAD 99, PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAP, SECTION 48509-2601; THENCE RUN ALONG A CURVE TO THE RIGHT, ALONG SAID STATE ROAD 99, HAVING A RADIUS OF 1196.28 FEET, AN ARC DISTANCE OF 464.42 FEET (CHORD BEARS SOUTH 05° 08' 27" EAST, 461.51 FEET) TO A 1/2" CAPPED REBAR (LB #8011); THENCE RUN SOUTH 05° 58' 51" WEST, ALONG SAID STATE ROAD 99, A DISTANCE OF 419.84 FEET TO A 1/2" REBAR ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 87° 23' 11" EAST, A DISTANCE OF 1252.15 FEET TO 1/2" CAPPED REBAR (LB #7312) AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE RUN NORTH 04° 49' 49" EAST, A DISTANCE OF 1303.98 FEET TO A 4"X4" CONCRETE MONUMENT (LB #8011) AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 85° 48' 14" WEST, A DISTANCE OF 259.80 FEET; THENCE RUN SOUTH 48° 30' 16" WEST, A DISTANCE OF 511.67 FEET; THENCE RUN NORTH 43° 29' 26" WEST, A DISTANCE OF 176.71 FEET; THENCE RUN NORTH 39° 18' 46" EAST, A DISTANCE OF 327.70 FEET TO A POINT ON THE NORTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 34; CONTINUE THENCE NORTH 39° 18' 46" EAST, A DISTANCE OF 522.23 FEET; THENCE RUN NORTH 07° 07' 58" EAST, A DISTANCE OF 403.13 FEET; THENCE RUN NORTH 51° 59' 50" WEST, A DISTANCE OF 417.16 FEET; THENCE RUN NORTH 87° 46' 40" WEST, A DISTANCE OF 156.16 FEET; THENCE RUN SOUTH 55° 46' 34" WEST, A DISTANCE OF 634.38 FEET; THENCE RUN SOUTH 77° 49' 05" WEST, A DISTANCE OF 79.39 FEET TO A 4"X4" CONCRETE MONUMENT (LB #8011) ON THE WEST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 34; THENCE RUN SOUTH 05° 08' 11" WEST, A DISTANCE OF 663.45 FEET TO THE POINT OF BEGINNING. TRACT CONTAINS 56.80 ACRES, MORE OR LESS, AND LIES IN SECTION 34, TOWNSHIP 1 NORTH, RANGE 31 WEST, ESCAMBIA COUNTY, FLORIDA.



Escambia County, FL - Address Search

Land Use Report

Zoning: Ind

Future Land Use 2030: |

Pensacola Regional Airport Real Estate Disclosure Area (See Military Base Disclosure Info below): No

Pensacola Regional Airport Noise Zone: No

Pensacola Regional Airport Height Restriction Grid: No

Pensacola Regional Airport Education Facility Zone: No

Airfield Influence Planning District: AIPD 2 - NOLF 8

CRA District and Overlay District: No

Accident Potential Zone Description: No

Accident Potential Zone Restriction: No

AICUZ Noise Zone: No

AICUZ Special Area: No

AICUZ Special Area Restrictions: No

Scenic Highway Overlay District: No

Enhanced Neighborhood Protection Zone: No

DSAP Overlay: No

Well Head Protection Area - 7 Year: No

Well Head Protection Area - 20 Year: No

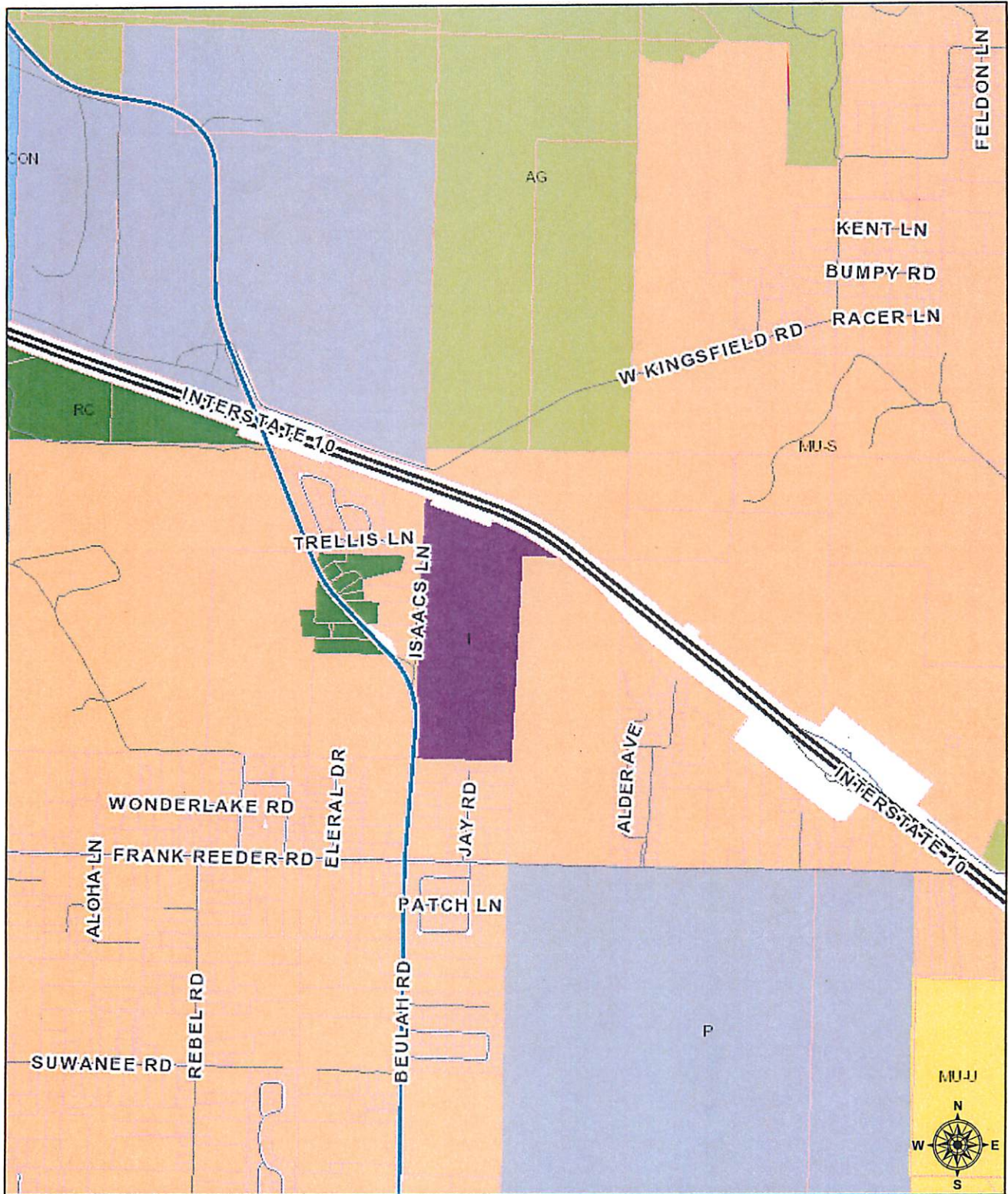
Perdido Key Beach Mouse Critical Habitat: No

NFCU USA: No

Enterprise Zone: No

Perdido Key Master Plan Town Center Overlay: No

Current FLUM

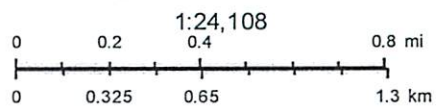


January 13, 2017

Streets

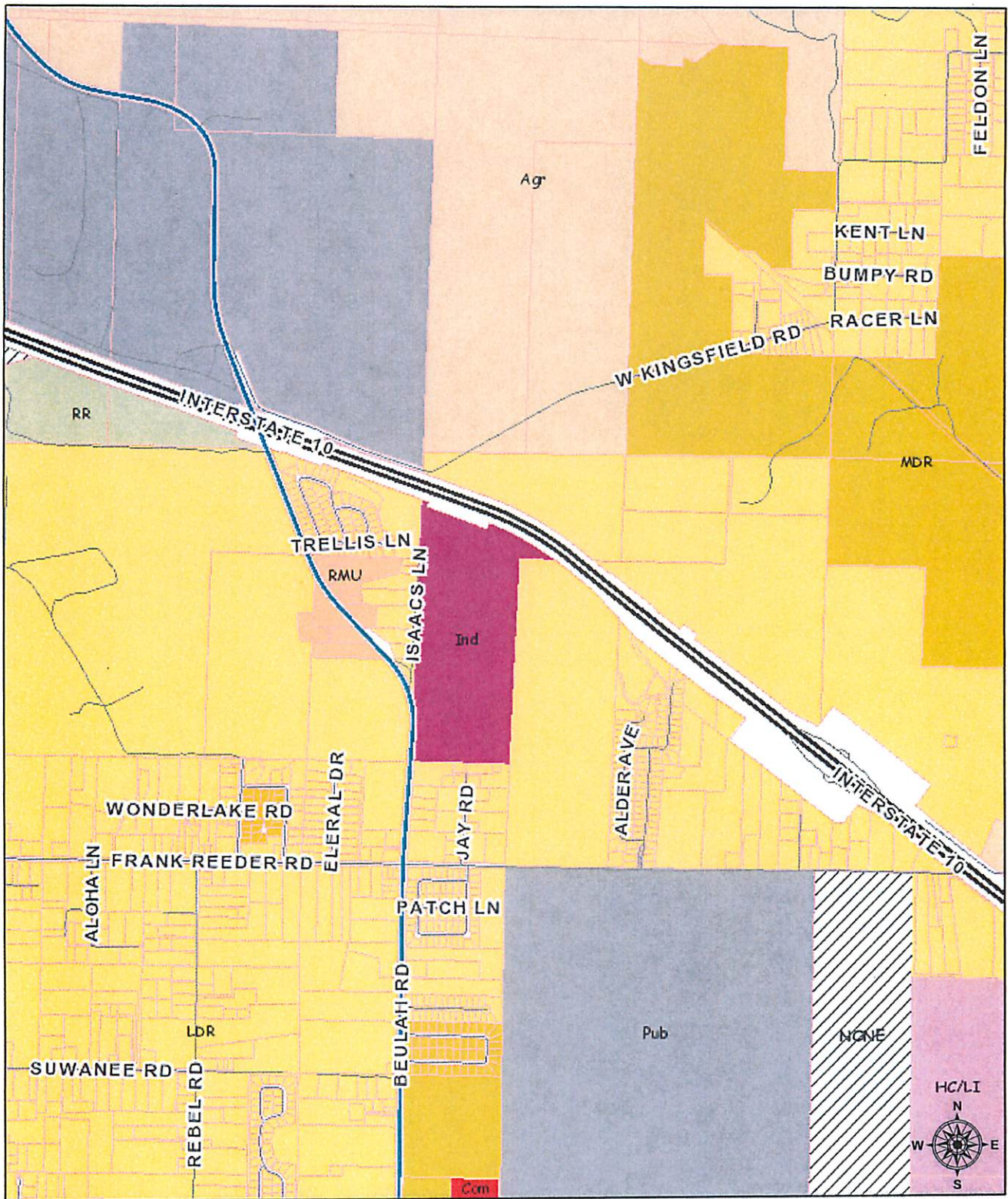
- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD

Parcels



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Current Zoning

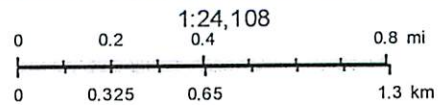


October 26, 2016

Streets

- PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- COLLECTOR
- LOCAL ROAD

Parcels



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Source: Escambia County Property Appraiser

Navigate Mode
 Account
 Reference

[Restore Full Page Version](#)

General Information Reference: 341N312101000001 Account: 114454010 Owners: BRIAR RIDGE LLC Mail: PO BOX 1392 PENSACOLA, FL 32591 Situs: Use Code: TIMBERLAND, MISC. - PINES Taxing Authority: COUNTY MSTU Tax Inquiry: Open Tax Inquiry Window Tax Inquiry link courtesy of Janet Holley Escambia County Tax Collector		Assessments <table border="1"> <thead> <tr> <th>Year</th> <th>Land</th> <th>Imprv</th> <th>Total</th> <th>Cap Val</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>\$7,591</td> <td>\$0</td> <td>\$7,591</td> <td>\$7,591</td> </tr> <tr> <td>2015</td> <td>\$7,591</td> <td>\$0</td> <td>\$7,591</td> <td>\$7,591</td> </tr> <tr> <td>2014</td> <td>\$7,591</td> <td>\$0</td> <td>\$7,591</td> <td>\$7,591</td> </tr> </tbody> </table> <p align="center">Disclaimer</p> <p align="center">Amendment 1/Portability Calculations</p>		Year	Land	Imprv	Total	Cap Val	2016	\$7,591	\$0	\$7,591	\$7,591	2015	\$7,591	\$0	\$7,591	\$7,591	2014	\$7,591	\$0	\$7,591	\$7,591
Year	Land	Imprv	Total	Cap Val																			
2016	\$7,591	\$0	\$7,591	\$7,591																			
2015	\$7,591	\$0	\$7,591	\$7,591																			
2014	\$7,591	\$0	\$7,591	\$7,591																			
Sales Data <table border="1"> <thead> <tr> <th>Sale Date</th> <th>Book</th> <th>Page</th> <th>Value</th> <th>Type</th> <th>Official Records (New Window)</th> </tr> </thead> <tbody> <tr> <td>02/01/2008</td> <td>6285</td> <td>1699</td> <td>\$1,200,000</td> <td>WD</td> <td>View Instr</td> </tr> <tr> <td>09/2006</td> <td>5993</td> <td>21</td> <td>\$825,500</td> <td>WD</td> <td>View Instr</td> </tr> </tbody> </table> Official Records Inquiry courtesy of Pam Childers Escambia County Clerk of the Circuit Court and Comptroller		Sale Date	Book	Page	Value	Type	Official Records (New Window)	02/01/2008	6285	1699	\$1,200,000	WD	View Instr	09/2006	5993	21	\$825,500	WD	View Instr	2016 Certified Roll Exemptions Legal Description N 1/2 OF NW 1/4 LYING S OF INTERSTATE 10 AND NW 1/4 OF SW 1/4 AND SW 1/4 OF NW 1/4 OR 6285 P 1699 LESS OR 492 P... Extra Features None			
Sale Date	Book	Page	Value	Type	Official Records (New Window)																		
02/01/2008	6285	1699	\$1,200,000	WD	View Instr																		
09/2006	5993	21	\$825,500	WD	View Instr																		

Parcel Information [Launch Interactive Map](#)

Section Map Id: [34-1N-31](#)

Approx. Acreage: 93.6200

Zoned: Ind

Evacuation & Flood Information [Open Report](#)

[View Florida Department of Environmental Protection \(DEP\) Data](#)

Chris Jones - Escambia County Property Appraiser

Referenc: 341N312101000001 33
 Account: 114454010
 Section Map: 34-IN-31
 Situs:
 Complex:
 Owner: BRIAR RIDGE LLC
 Mailing Address:
 PO BOX 1392
 PENSACOLA, FL 32591
 Property Use: THIBERLAND, MISC. - PINES
 Last Sale: 2/1/2008 \$1,200,000
 Approx. Acreage: 93.6200
 Bldg. Count: 0
 Total heated Area: 0
 Zoned: Ind
 Tasing Auth: COUNTY MSTU
 Texting Auth: COUNTY MSTU



Briar Ridge

Recorded in Public Records 02/11/2008 at 01:59 PM OR Book 6285 Page 1699,
Instrument #2008010662, Ernie Lee Magaha Clerk of the Circuit Court Escambia
County, FL Recording \$18.50 Deed Stamps \$8400.00

Prepared by and return to:
Stephen B. Shell
Attorney at Law
Shell, Fleming, Davis & Menge, P.A.
P.O. Box 1831 226 Palafox Place, 9th Floor
Pensacola, FL 32591-1831
850-434-2411 File Number: Z95.25569

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 8th day of February, 2008 between Heron's Forest Development Company, a Florida corporation whose post office address is 17 South Palafox Place, Suite 394, Pensacola, FL 32501, grantor, and Briar Ridge, L.L.C., a Florida limited liability company whose post office address is 520 E. Zaragoza Street, Pensacola, FL 32502, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Escambia County, Florida to-wit:

All of that portion of the following described property lying Southerly of Interstate 10 right-of-way; the N ¼ of the NW ¼ of the SW ¼ and SW ¼ of the NW ¼, all being in Section 34, Township 1 North, Range 31 West, Escambia County, Florida. LESS AND EXCEPT Road right-of-way for State Road 99 as recorded in O.R. Book 492, Page 764, Public Records of Escambia County, Florida.

Parcel Identification Number: 34-1N-31-2101-000-001


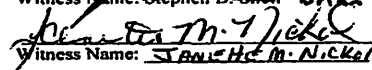
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

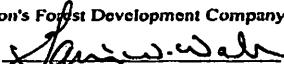
To Have and to Hold, the same in fee simple forever.

And subject to taxes for the current year and later years and all valid easements and restrictions of record, if any, which are not hereby reimposed; and also subject to any claim, right, title or interest arising from any recorded instrument reserving, conveying, leasing, or otherwise alienating any interest in the oil, gas and other minerals. And grantor does warrant the title to said land and will defend the same against the lawful claims of all persons whomsoever, subject only to the exceptions set forth herein.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Name: Stephen B. Shell *Brian Hoffman*

Witness Name: *JANICE M. NICKEL*

Heron's Forest Development Company
By: 
Garret W. Walton, President

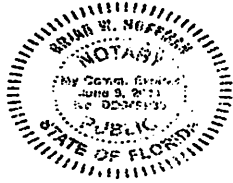
(Corporate Seal)


DoubleTime®

BK: 6285 PG: 1700 Last Page

State of Florida
County of Escambia

The foregoing instrument was acknowledged before me this 8th day of February, 2008 by Garret W. Walton, the President of Heron's Forest Development Company, a Florida corporation, on behalf of the corporation, who () personally known to me or (X) produced as identification.




Printed Name: Stephen D. Shell Brian Hoffman

My Commission Expires: _____

January 13, 2017

Data and Analysis

56 +/- Acre Beulah Road Proposed Residential Development

Pensacola, Florida

The subject site is accessible from Beulah Road and Isaac Lane from the west. The property is located along the southerly right-of-way of I-10 (see location maps), and is adjacent to the proposed Beulah Expressway corridor. The site is approximate one and one-quarter mile north of W. Nine Mile Road which is a multi-lane facility designated as a hurricane evacuation route and the W. Nine Mile Road and Beulah Road intersection contains decell/accell lanes and dedicated turn and acceleration lanes for east and west bound traffic exiting from W. Nine Mile Road (see location map). Beulah Road is a two lane minor collector roadway which is a part of the County's plan to designate Beulah Expressway as a proposed transportation corridor.

AREA GROWTH CORRIDOR: Much new development has occurred along Beulah Road over the past 6-8 years and this area in the western portion of the county continues to be the leader in new construction activities. The largest development on east end of Nine Mile Road continues to be the expanding Navy Federal Credit Union Campus. Navy Federal has relocated a facility to the site and will soon be the largest single employer in Escambia County, announcing in October of 2016 a plan to grow another 54 percent over the next five years. Ground breaking has occurred and much of the expansion is currently underway. This Nine Mile Road corridor of the county continues to be the strongest developing portion of the area which will further increase the housing demand. (See Attached)

UTILITY IMPACTS: A letter identifying potential development impacts on utility capacities including water, sanitary sewer and garbage collection, has been requested.

STORMWATER MANAGEMENT Topographical features show that the site is higher on the west end. As shown on the attached site/contour map, the southwesterly end was found to have an elevation of 130 feet, while the easterly edge of the site had an 86 feet elevation contour. With a 56' downhill gradient, the existing stormwater drainage pattern is from southwest to northeast. This is similar to the existing stormwater drainage system within Arbor Ridge Subdivision, located to west of the property, as evidenced by the location of the existing drainage pond located at the extreme northern end of the property.

The proposed stormwater design for the 56 acre site will include the use of pipe, curb and gutter and swales, among others. The collected stormwater will be directed into two large ponds running along the edge of the existing wetland. The northern and easterly end of the site has been designed to avoid any construction activities within areas that could potentially be classified as jurisdictional wetlands. Prior to any site activity these areas will be flagged by environmental scientists to precisely identify any plants, wetlands and any other flora/fauna of concern. The proposed stormwater plan will then

be designed and submitted for review and approval by all appropriate county, state and federal regulatory offices.

TRAFFIC: Access to the site from the west will be from Beulah Road, and a second access point will likely be a connection from the site to Isaac Lane which is an existing county road that terminates at the southerly right-of-way of I-10. These connection points will be designed during the approval process to make necessary accommodations for the proposed Beulah Expressway corridor. As shown on the attached access map, the single family lots will have two ingress/egress points.

RECREATION AND OPEN SPACE: The site is located just 2.4 miles from the Beulah Regional Park as well as the Escambia County Equestrian Center. (See Attached). It is anticipated that existing facilities have sufficient capacity to meet the recreation and open space needs of this proposed new development.

SCHOOLS: A letter identifying potential development impacts on the area school facilities has been requested. Schools of potential impact include:

K - 3: PINE MEADOW ELEMENTARY

Grades 4 - 5: PINE MEADOW ELEMENTARY

RANSOM MIDDLE SCHOOL

TATE HIGH SCHOOL

January 13, 2017

Navy Federal adds space for thousands of workers



Carlos Gieseken , cgieseken@pnj.com

10:40 p.m. CST November 27, 2015



(Photo: Special to the News Journal)

f 1795
CONNECT

t
TWEET

in 5
LINKEDIN

5
COMMENT

E
EMAIL

MORE

Navy Federal Credit Union is bursting at the seams.

With 4,500 employees at its 9 Mile Road campus and an additional 700 at leased space in Milton and on Pace Boulevard, the Pensacola location of the world's largest credit union can't grow fast enough.

The first phase of an almost 1.5 million square foot expansion project is scheduled to open next summer, providing more than 400,000 square feet of space. The offices, parking facilities, energy plant and infrastructure will provide capacity for 2,000

employees at a price tag of \$245 million.

But that will serve as the appetizer to the main dish, a 1.1 million square foot, \$594 million second phase that will add capacity for 5,000 more employees. Construction will begin next month and there is an expected completion in late 2018 or early 2019.

Navy Federal is pushing toward the 10,000 mark of local employees by the year 2020.



Select Language

Calendar

Employment

Vendors

Contact

Search Site...

Home

Business

Visitors

Government

Home » My Government

Topics

- [ADA Information](#)
- [Address Look-up](#)
- [Administration](#)
- [Agendas](#)
- [BCC Meeting Archive](#)
- [Boards/Committees](#)
- [Budget](#)
- [County Commission](#)
- [County Ordinances](#)
- [Department Directory](#)
- [Elected Officials](#)
- [Emergency Management: Be Ready Escambia](#)
- [Employment](#)
- [Forms](#)
- [Governmental Links](#)
- [L.O.S.T.](#)
- [Legal](#)
- [Public Information & Documents](#)
- [Public Records](#)
- [Surplus Property](#)
- [Volunteer](#)

Maps

Notify Me

Social Media

Most Popular

Watch ECTV

Escambia County Beulah Beltway/I-10 Interchange Project

+A -A



Escambia County has solicited the services of Atkins Global, Inc. to conduct the Corridor Feasibility Study (CFS) and subsequent PD&E Study for the Beulah Beltway. The Beltway purposes the widening of Beulah Road from Nine Mile Road north to I-10 with the construction of a new interchange at I-10, then a new roadway from I-10 North to US 29. While Escambia County and Atkins work through the CFS and PD&E Study phases to meet NEPA standards, the Florida Department of Transportation (FDOT) is conducting the required Interchange Justification Report (IJR) to meet NEPA standards. The IJR is a report that will essentially determine where the new interchange will be located along I-10. FDOT has solicited the services of Parsons Transportation Group to conduct the IJR. Parsons and Atkins are working collaboratively to ensure proper planning.

County staff is working with Atkins to begin the Environmental Assessment (EA) phase for the southern portion of the project while concurrently undergoing the Environment Impact Statement (EIS) for the northern portion. Once the EA & EIS are complete, the county will begin design, right of way acquisition and then construction of the project.

The Escambia County BCC is seeking to expedite the project all the while meeting all necessary NEPA requirements as this is a high priority project for many. If funding is allocated, the county anticipates construction to be complete in 2027 with the hopes of completing the southern segment and I-10 interchange by 2023-2025.

Project Manager: [David Forte](#)
 District: [District 1](#), [District 5](#)
 Status: Pre-Design
 Sponsoring Division: Public Works - Traffic



P.O. Box 15311 • 9255 Sturdevant Street
Pensacola, Florida 32514-0311
ph: 850 476-5110 • fax: 850 969-3308

November 4, 2016

Mr. Micah Jones, P.E.
Dewberry/Preble-Rish
25 W. Cedar Street, Suite 110
Pensacola, Florida 32502

Re: **Letter of Capacity Reservation**
Kaheeley Ridge Subdivision-11975 Beulah Road

Dear Mr. Jones:

In response to your inquiry concerning availability of water and sewer services for the above referenced project, ECUA anticipates no problems in water supply or sewage treatment plant capacity. Our review indicates this project will not degrade ECUA's water and sewer systems to a degree which would cause these systems to fail to meet the adopted levels of service as defined in the Escambia County Comprehensive Plan.

For the purpose of concurrency review, ECUA will guarantee the availability of water and sewer system capacity up to the requested demand and flow for a period not to exceed one year from the date of this letter. The administration of the Concurrency Review Process is the sole responsibility of Escambia County. This letter is provided to assist in that process.

Connection of the proposed project to ECUA's systems is the responsibility of the developer. Extensions to the ECUA potable water distribution and sewage collection systems to serve this project must be designed, approved, and constructed in accordance with ECUA's policies and procedures and all applicable permitting requirements. Wastewater capacity impact fees are due and payable prior to issuance of building permits. Water capacity impact fees are due prior to actual connection to the ECUA system.

Sincerely,


William E. Johnson, Jr., PE/LS
Director of Engineering

WEJ/bs

x:\tracking\concurrency-availability ltr from request for service form\2016\kaheeley ridge-11975 beulah road.docx

Vicki Campbell
District One

Lois Benson
District Two

Elvin McCorvey
District Three

Dale Perkins
District Four

Larry Walker
District Five



January 13, 2017

RECREATION AND OPEN SPACE

The Beulah Community Park is located at 7820 Mobile Hwy, Pensacola, FL 32526 between the intersections of Eight Mile Creek Rd and Beulah Rd.



Complete with plenty of parking and covered picnic tables, this park also features:



- Children's Playground
- Climbing wall in children's playground
- Swings
- Covered Picnic area with pavilion
- Sand Volleyball Court
- Tennis Courts
- Basketball Court
- Paved Walking Path ~ 3 Laps = 1 Mile

RECREATION AND OPEN SPACE
January 13, 2017

- Dog Park with large fenced area (see dog park photo for rules)

The park is free and open daily during daylight hours as there are no safety lights to accommodate night use.



Sand Volleyball, Free Tennis Courts, and basketball courts!



Credit: Nicole St. Aubin, Broker Associate ~ Email me:
Nicoles@PensacolaRealtyMasters.com

The Escambia County Equestrian Center, a 151-acre park, serves as a multi-use event facility. The center hosts numerous horse shows, supporting both English and Western style equine events, Rodeos, dog shows, runs, festivals, and other types of events.

About The Escambia County Equestrian Center

On March 18, 1999, the Board of County Commissioners adopted the Escambia County Parks & Recreation Comprehensive Master Plan, which included a multi-use facility to host horse and agricultural events. Groundbreaking for the new multi-million dollar facility was held February 5, 2001.

The Escambia County Equestrian Center hosted its first event in April of 2002. The first large event of note was the Tate High School FFA Rodeo, which brought approximately 10,000 spectators to the new facility in May of 2002. This event is still going strong and still held at the center. The center continues to attract local and out-of-area equine and dog enthusiasts in large numbers.

Other events held at the facility include equine clinics and symposiums, BeulahFest, Association of Realtors Roundup, Monster Truck Show, Motocross Events, Santa Hay Ride, Flea Market, and Classic Car Unit Shriner's Rodeo. These events bring approximately 200,000 spectators and participants each year to the Equestrian Center. In the future there are plans to add additional programs such as weddings, summer camps, dog training, and riding lessons, bringing in an even more diverse group of participants.

The American Kennel Club voted the Escambia County Equestrian Center as The Best Facility in the Southeast. Florida Parks and Recreation Association showcased the facility in the FRPA Journal in 2004. The National Association of County Parks and Recreation Officials selected the Escambia County Equestrian Center as a 2004 Parks & Recreation Class III Facility Award winner. As the facility grows and improves, we will continue to win accolades and awards and to draw even larger events and crowds.

our location

The Escambia County Equestrian Center, in Pensacola, FL, is ideally situated for equine-related events. We are a very short drive off Interstate 10, making us an easy reach for competitors throughout the southeast.

Drive times from southeast locations:

- ◆ New Orleans, LA - 200 miles/3 hours
- ❖ Birmingham, AL - 250 miles/4 hours
- Atlanta, GA - 325 miles/5 hours
- ⊗ Jacksonville, FL - 350 miles/5 hours
- Ocala, FL - 375 miles/5.5 hours
- Nashville, TN - 450 miles/7 hours
- ◆ Houston, TX - 525 miles/8 hours



our amenities

The Escambia County Equestrian Center has an array of amenities designed to accommodate both local events and larger competitions.

Arena Amenities:

- 375' x 225' Clear Span multi-purpose covered arena that seats 4,500
- Air-conditioned announcer's building/show office with voice/data communication and public address system
- Raised announcer's booth over livestock pens
- Professional quality livestock pens and rodeo chutes
- Four outdoor show rings (2 - 200' x 300' & 2 - 150' x 250'; 5th ring scheduled for completion in September 2012), with announcer/judges booths at each and two with outdoor lighting.
- Radio-based announcement system, capable of tying all arenas together
- Concession stand and public eating area

Barns and Stabling

- 294 12' x 12' Permanent stalls in covered barns and 600 additional temporary stall capability
- 4 Wash racks and manure dump bins for each barn

RV and Trailers

- 65 RV sites with water and electricity; some include sewer
- Dump station with wash down
- 50/30/110 individual electrical service



Additional Amenities:

- Restrooms and shower facilities convenient to covered arena and rings
- Warm-up area adjacent to arena
- Vendor areas adjacent to the indoor and outdoor arenas
- Rodeo loading/unloading area
- Ample vehicle parking
- Ticket sales pavillion
- Indoor space that can be used as a show office, judges lounge, or trophy room
- Maintenance crew on grounds during all events

January 13, 2017

Consistency with Relevant Portions of the Escambia Comprehensive Plan

56 +/- Acre Beulah Road Proposed Residential Development

Pensacola, Florida

OBJ FLU 1.1 Growth Strategies

Apply accepted planning principles and utilize innovative and flexible planning strategies to achieve orderly and balanced growth and development.

POLICIES

FLU 1.1.1 Development Consistency. New development and redevelopment in unincorporated Escambia County will be consistent with the Plan and the FLUM.

RESPONSE: If approved by the Escambia County Planning Board, this proposed development will be consistent with this policy.

OBJ FLU 1.3 Future Land Use Map Designations

Designate land uses on the FLUM to discourage urban sprawl, promote mixed use, compact development in urban areas, and support development compatible with the protection and preservation of rural areas.

POLICIES

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

FLUM Mixed-Use Suburban (MU-S) General Description: Intended for a mix of residential and non-residential uses while promoting compatible infill development and the separation of urban and suburban land uses. Range of Allowable Uses: Residential, retail services, professional office, recreational facilities, public and civic. Standards: Residential Minimum Density: 2 du/acre Maximum Density: 25 du/acre Non-Residential Minimum Intensity: None

Maximum Intensity: 1.0 Floor Area Ratio (FAR) Escambia County intends to achieve the following mix of land uses for new development within ¼ mile of arterial roadways or transit

corridors by 2030: a) Residential 8% to 25% b) Public/Rec/Inst. 5% to 20% c) Non-Residential: Retail Service-30% to 50% Office-25% to 50% In areas beyond ¼ mile of arterial roadways or transit corridors, the following mix of land uses is anticipated: a) Residential 70% to 85% b) Public/Rec/Inst. 10% to 25% c) Non-Residential 5% to 10%

RESPONSE: If approved by the Escambia County Planning Board, this proposed development will be consistent with this policy.

OBJ FLU 2.1 Urban Development

Direct growth toward those areas where infrastructure and services exist to support development at approved densities and intensities.

POLICIES

FLU 2.1.1 Infrastructure Capacities. Urban uses will be concentrated in the urbanized areas with the most intense development permitted in the Mixed-Use Urban (MU-U) areas and areas with sufficient central water and sewer system capacity to accommodate higher density development. Land use densities may be increased through Comprehensive Plan amendments. This policy is intended to direct higher density urban uses to those areas with infrastructure capacities sufficient to meet demands and to those areas with capacities in excess of current or projected demand. Septic systems remain allowed through Florida Health Department permits where central sewer is not available.

RESPONSE: This application is requesting approval to construct a single family residential use on the site south of the existing wetlands. The site location is west and is within the water/sewer/garbage service area of the Emerald Coast Utility Authority (ECUA). The attached ECUA letter concludes that it has all needed infrastructure elements in place with sufficient capacity available. (See service provider's letter in application)

OBJ FLU 2.2 Provision of Public Services

Promote orderly and balanced growth and development as a fiscal management technique to provide cost-efficient public services and facilities.

POLICIES

FLU 2.2.3 Right-of-way Dedication. Escambia County will continue to require dedication of adequate rights-of-way as approved by the County.

RESPONSE: The development of this site would result in roadways that meet the Escambia County Engineering Manuals Specifications for Roadways of which the rights-of-ways would be dedicated to Escambia County.

OBJ MOB 1.1 Transportation System

Continue to provide a safe, convenient, efficient and cost-effective multimodal transportation system and roadway network for present and future residents.

POLICIES

MOB 1.1.1 Level of Service (LOS) Standards. Levels of Service (LOS) will be used to evaluate facility capacity. Escambia County will adopt LOS standards for all roadways as indicated in the LDC. The standards for Strategic Intermodal System (SIS) facilities may be revised based on changes to the federal classification of these roadways. These standards are not regulatory but provide a basis by which the County may monitor congestion and coordinate needed improvements with FDOT.

Nothing in this policy shall be interpreted to preclude the County from requiring the development to pay all costs to the County associated with construction of any transportation improvement made necessary by the development.

RESPONSE: This proposed development will submit detailed site plans identifying required improvements all of which will be paid by the developer.

MOB 1.1.2 On-site Facilities. All new private development will be required to provide safe and convenient on-site traffic flow as indicated in the LDC.

RESPONSE: Preliminary internal circulation design shows the site will be accessible from the west, at two locations. These plans will be submitted to the County for review and approval. The plans will contain overall traffic circulation patterns and will comply with this element of the Comprehensive Plan.

OBJ MOB 1.4 Corridor Preservation

Provide for the protection of existing and future rights-of-way from encroachment by including appropriate regulations for standard right-of-way, setback regulations, density and intensity regulation, right-of-way, and scenic roadway designation within the provisions of the LDC.

POLICIES

MOB 1.4.1 Proposed Transportation Corridors. Escambia County will make efforts to inform the public about the location of proposed transportation corridors. Such proposed transportation corridors are to be initially designated in this section, the adopted TPO's Cost Feasible Plan, the proposed or adopted County Capital Improvement Plan, or in any proposed or adopted Development of Regional Impact (DRI) or development plan. Transportation corridor protection regulations will be incorporated in the LDC.

The Beulah Expressway is designated as a proposed transportation corridor. Maps and descriptions of the proposed north/south corridor and the east/west connecting corridors are on file as Exhibits A and B to Ordinance 2007-02D.

RESPONSE: This proposed development is adjacent to the proposed Beulah Expressway. Detailed site plans identifying necessary additional right-of-way to accommodate the Beulah Expressway corridor will be developed during the review process.

OBJ INF 3.1 Provision of Stormwater Management

Ensure the safe and efficient provision of stormwater management through maximized use of existing facilities, maintenance of appropriate levels of service, correction of existing deficiencies, and protection of natural resources.

POLICIES

INF 3.1.6 Developer Responsibilities. Installation of stormwater management facilities made necessary by new development will be the responsibility of the developer.

RESPONSE: Required stormwater management plan and facilities will be designed and installed at the developer's expense.

OBJ INF 4.1 Provision of Potable Water Service Ensure the safe and efficient provision of potable water services through coordination with service providers, maximized use of existing facilities, maintenance of appropriate levels of service, correction of existing deficiencies, water conservation, and protection of natural resources. POLICIES

INF 4.1.6 Developer Responsibility. The cost of water line extensions made necessary by new development will be the responsibility of the developer unless otherwise funded by the service provider.

RESPONSE: The developer will pay for all agreed costs associated with any required modifications to the water lines.

OBJ COA 1.1 General Hazard Mitigation

Reduce the exposure of people and property to natural hazards.

POLICIES

COA 1.1.3 Flood Elevation. Escambia County will, as supported by federal emergency management regulations (Title 44, Code of Federal Regulations (CFR) 60.1) and the County's experience of significant flood hazard events, require additional height above the base flood elevation to more effectively reduce the exposure of people and property to losses from flood hazards.

RESPONSE: The developer will pay for all agreed costs associated with any required modifications to the water lines

OBJ CON 1.1 General Resource Management

Effectively manage the natural resources of Escambia County through sound conservation principles.

POLICIES

CON 1.1.2 Wetland and Habitat Indicators. Escambia County has adopted and will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the FFWCC Land Satellite (LANDSAT) imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval.

RESPONSE: Existing inventory maps indicate that an area in the middle and eastern edge of the site may likely contain jurisdictional wetlands. As shown on the preliminary site layout, this area is being completely avoided and will remain in its natural state.

OBJ CON 1.3 Surface Water Resources

Protect and improve the quality, biological health, and natural function of all surface water systems to preserve their ecological and aesthetic values.

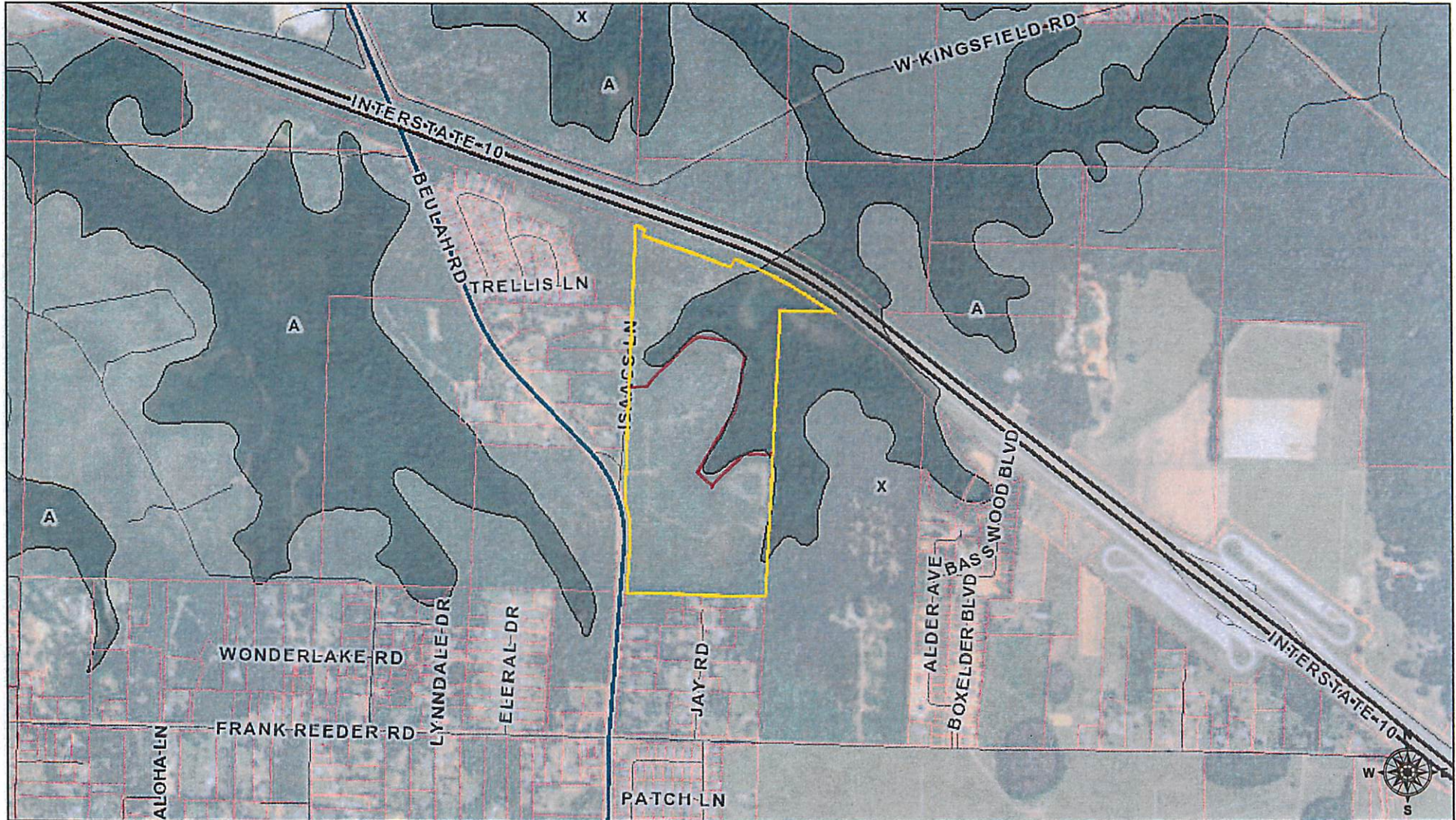
POLICIES

CON 1.3.1 Stormwater Management. Escambia County will protect surface water quality by implementing the stormwater management policies of the Infrastructure Element to improve existing stormwater management systems and ensure the provision of stormwater

RESPONSE: Plans depicting stormwater management and treatment will be submitted to Escambia County for review and approval to assure compliance with this requirement.

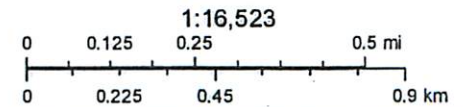
OTHER: The site is not located within any designated Area of Critical State Concern.

FLOOD ZONE



January 13, 2017

- | | | | |
|--------------|--------------|--------------------|------------|
| polygonLayer | polygonLayer | Streets | COLLECTOR |
| Override 1 | Override 1 | PRINCIPAL ARTERIAL | LOCAL ROAD |
| | | MINOR ARTERIAL | Parcels |



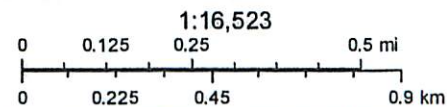
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

NWI WETLANDS



January 13, 2017

- | | | | | |
|---------------------|---------------------|--------------------|------------|----------------|
| polygonLayer | polygonLayer | Streets | COLLECTOR | Wetlands |
| Override 1 | Override 1 | PRINCIPAL ARTERIAL | LOCAL ROAD | County Outline |
| | | MINOR ARTERIAL | Parcels | |

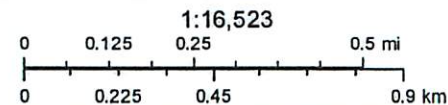
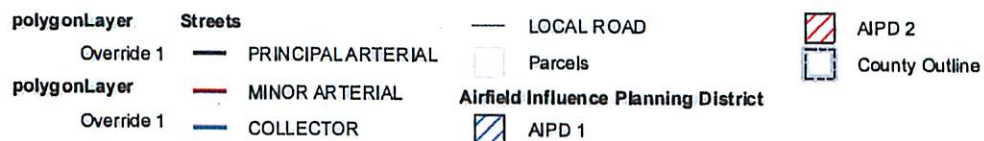


Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Airfield Influence Planning District



January 13, 2017



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

**Comprehensive Plan
Large-Scale Future Land Use Map Amendment
Staff Analysis**

General Data

Project Name: LSA 2016-03 – Beulah Road and Isaac Lane
Location: 11975 Beulah Road
Parcel #s: 34-1N-31-2101-000-001

Acreage: 56.80 ± acres
Request: From Industrial (I) to Mixed-Use Suburban (MU-S)
Agent: Joe A. Rector, Jr., Dewberry/Preble-Rish and Jesse Rigby, Agent for Bolley L. Johnson, Briar Ridge LLC.
Meeting Dates: Planning Board, February 7, 2017
BCC, March 2, 2017

Site Description and Summary of Proposed Amendment:

The agent requests a Future Land Use (FLU) map amendment to change the FLU category of a 56.80 ± acres parcel from Industrial (I) FLU to Mixed-Use Suburban (MU-S) FLU. The zoning designation for the referenced parcel is Industrial (Ind) District. The applicant is aware that the current zoning and proposed FLU are not compatible. The applicant has submitted a rezoning request for the February 2017 Rezoning Planning Board for FLU and Zoning compatibility. The applicant understands that a rezoning approval will be necessary to make the FLU compatible.

The subject parcel can be accessed along Isaac Lane and Beulah Road. It is located north of SR 10 (US 90A)/West Nine Mile Road and south of Interstate 10. The property is surrounded by heavy vegetation to the north and to the east. Residential homes are located adjacent to the south and across Isaac lane to the west.

The applicant has indicated that the proposed activity will be for an approximate 110 lot subdivision. This is based on the anticipated demand from of the expansion of Navy Federal Credit Union Campus, as they move their headquarters to Escambia County.

The subject parcel had a FLU change from MU-S to I case number LSA-2014-02 (14-3ESR) in 2014. Also the parcel was rezoned from Villages Agricultural District (VAG-2), to General Industrial District (ID-2), case number Z-2014-12 on September 4, 2014.

Analysis of Availability of Facilities and Services:

The availability of public facilities and services for the site of a Future Land Use map amendment requires analysis of the general demands of its proposed use. All specific level of service (LOS) standards established by Escambia County are evaluated for compliance during the review processes prescribed by the LDC for approval of proposed development.

Sanitary Sewer Service.

CP Policy INF 1.1.7 Level of Service (LOS) Standards. Average LOS standard for wastewater service is 210 gallons per residential connection per day, and the peak LOS will be 350 gallons per residential connection per day. For nonresidential uses, the LOS requirements will be based upon an Equivalent Residential Connection (ERC), as may be recalculated by the service provider from time to time, and on the size of the nonresidential water meter. Escambia County will continue to work with the water providers to ensure that adequate capacity is available.

CP Policy INF 1.1.11 Required New Service Connection. All new structures intended for human occupancy will connect to the ECUA wastewater system unless ECUA has determined that it is not feasible to provide wastewater service to the proposed structures. Those structures not required to connect to the ECUA wastewater system will not be issued a building permit until the applicant has obtained the appropriate permit from the Health Department.

Analysis: The adopted level of service standards for sanitary sewer established in Comprehensive Plan Policy INF 1.1.7 states that the LOS requirements shall be based upon an equivalent residential connection calculated by the provider. The applicant must coordinate with the local provider to ensure capacity is available for the project. Once the project is submitted, all of the LOS will have to be achieved and the project will be further evaluated during the Site Plan Review process. The subject property is within the service area of the Emerald Coast Utility Authority (ECUA) for sanitary sewer. Connection to ECUA's system in compliance with its requirements is the responsibility of the developer.

Solid Waste Disposal.

CP Policy INF 2.1.2 Perdido Landfill Operation. Escambia County will provide and operate the Perdido Landfill so as to accommodate the municipal solid waste disposal needs of the entire County.

CP Policy INF 2.1.4 Level of Service (LOS) Standards. The LOS standard for solid waste disposal will be 6 pounds per capita per day.

Analysis: As established in Comprehensive Plan policy INF 2.1.4, the adopted LOS standard for solid waste disposal in the county is six pounds per capita per day. The Perdido Landfill current build-out of the 424-acre landfill facility is 74 acres. Based on population growth projections and estimated annual Class 1 municipal solid waste (MSW) received, the estimated remaining life of the landfill is 68 years. Once the project is submitted, all of the LOS will be evaluated during the Site Plan Review process.

Potable Water Service.

CP Policy INF 4.1.4 Concurrency Management. *Escambia County will ensure the provision of potable water facilities concurrent with the demand for such facilities but no later than the certificate of occupancy, as created by development or redevelopment through the implementation of the Concurrency Management System.*

CP Policy INF 4.1.6 Developer Responsibility. *The cost of water line extensions made necessary by new development will be the responsibility of the developer unless otherwise funded by the service provider.*

CP Policy INF 4.1.7 Level of Service (LOS) Standards. *The LOS standard for potable water service within Escambia County will be 250 gallons per residential connection per day. For non-residential uses, the LOS requirements will be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application. Escambia County will continue to work with the water providers to ensure that adequate capacity is available.*

Analysis: Emerald Coast Utilities Authority (ECUA) standard for residential uses, the LOS requirements shall be based upon an Equivalent Residential Connection (ERC) to be calculated by the service provider at the time of application. Once the project is submitted and in coordination with ECUA, all of the LOS standards will be evaluated, during the Site Plan Review process.

Stormwater Management.

CP Policy INF 3.1.5 Concurrency Management. *Escambia County will ensure the provision of stormwater management facilities concurrent with the demand for such facilities as created by development or redevelopment through implementation of the Concurrency Management System.*

CP Policy INF 3.1.6 Developer Responsibilities. *Installation of stormwater management facilities made necessary by new development will be the responsibility of the developer.*

CP Policy INF 3.1.7 Level of Service (LOS) Standards. *Stormwater management LOS will be monitored through the provisions in the LDC design standards.*

Analysis: The applicant has documented and understands the requirements for stormwater management. The applicant acknowledges that separate requirements and permitting thru other state agencies such as the Northwest Florida Water Management District may be required. If approved, based on the proposed operations, further analysis and evaluation will be conducted during the Site Plan Review process.

The applicant must ensure that all of the required State and Federal agencies are contacted and that the required permits are obtained. The presence of sensitive lands on site may require a more in-depth assessment by the agencies involved. The County stormwater engineer will evaluate the proposed project to ensure all of the stormwater management standards are met. Once the project is formally submitted, all of the LOS will be evaluated during the Site Plan Review process.

Streets and Access.

CP Policy MOB 1.1.1 Level of Service (LOS) Standards. *Levels of Service (LOS) will be used to evaluate facility capacity. Escambia County will adopt LOS standards for all roadways as indicated in the LDC. The standards for SIS facilities may be revised based on changes to the federal classification of these roadways. These standards are not regulatory but provide a basis by which the County may monitor congestion and coordinate needed improvements with FDOT.*

Analysis: The following language is from an excerpt from the interoffice memorandum comments provided by the County's Transportation and Traffic Operations (TTO) Division staff:

TTO Staff has reviewed the Large Scale Amendment (LSA)-2016-03 and Rezoning Case (Z)-2016-11, Beulah Road at I-10, agenda item for the upcoming Planning Board meeting scheduled for February 7, 2017. Please see the below comments.

Upon review of LSA-2016-03 and Z-2016-11, TTO Staff provides the following information regarding an existing programmed regional and local transportation project commonly known as the Escambia County Beulah Beltway / I-10 Interchange Project (Project). This project is expected to impact the subject site, as well as potentially other properties within the vicinity once the project moves into the future Right-Of-Way and Construction Phases. The Project limits as identified in the Florida-Alabama Transportation Planning Organization Long Range Transportation Plan begins at the Nine Mile Road at the southern most termini, extends north along Beulah Road to Interstate 10, then further north to US29 (in the Quintette Road vicinity).

The Project was initiated in 2007 following the inception of the Escambia County Midwest Optional Sector Plan (Sector Plan) that justified the need for a new "limited access roadway with Interstate Interchange." County Staff, through Planning Board and Board of County Commission approval, then instituted a Corridor Preservation Ordinance found in the Escambia County Comprehensive Plan and Land Development Code (LDC Ordinance 2007-81) in efforts to minimize the local financial lift once the Project moved into the Right-Of-Way Acquisition and subsequent Construction Phase. Due to the infancy of the Sector Plan and without any substantial data or results of the necessary Corridor Selection Study, the Ordinance created a 300' Preservation Overlay for the future roadway. However, the County is currently finalizing the Corridor Selection Study, and recently received the proposed typical cross sections / right-of-way widths needed for the future roadway; the consultants are recommending two different cross sections. The width proposed for the North Segment (I-10 north to US29) is 225', and the width proposed for the South Segment (Nine Mile Road to I-10) is 104.5'. It is the South Segment specifically abuts the subject site. Attached is the document detailing the cross sections.

In conclusion, TTO Staff recognizes that, though LDC Ordinance 2007-81 details a 300' Preservation Overlay, in receipt of the proposed cross sections that the need to preserve 300' for the South Segment seems unjustified at this point. TTO Staff recommends that the Planning Board and Board of County Commissioners consider directing Staff to amend the Ordinance upon completion of the Corridor Selection Study

(expected for completion Summer 2017). TTO Staff does not oppose the map amendment or rezoning, only if the Boards would consider reducing the 300' preservation width to a width of 104.5' for the South Segment.

Please note that TTO's review is solely based off the application submittal packet, so the comments above hold no bearing on future TTO comments during the Development Review process.

Public School Facilities.

CP Policy ICE 1.3.1 Interlocal Agreement for Public School Facility Planning. *In cooperation with the School Board and the local governments within Escambia County, the County will implement the Interlocal Agreement for Public School Facility Planning (herein Interlocal Agreement) that establishes procedures for coordination and sharing of information, planning processes, and implementation.*

Analysis: Representatives from the Escambia County School District will review and comment on all proposals that could have an impact in the projected school capacities and LOS.

Analysis of Suitability of Amendment for Proposed Use:

The suitability of a Future Land Use map amendment for its proposed use requires an analysis of the characteristics of the site and its resources relative to Comprehensive Plan (CP) goals, objectives, and policies. For these purposes, suitability is the degree to which the existing characteristics and limitations of land and water are compatible with the proposed use or development. Compliance with specific regulations and standards established by Escambia County, including those for public facilities and services, are evaluated during the development review processes prescribed by the LDC for approval of proposed development.

Impact on Land Use.

CP Policy FLU 1.3.1 Future Land Use Categories. *General descriptions, range of allowable uses, and residential densities and non-residential intensities for all future land use categories in Escambia County.*

Analysis: The current I FLU is intended for a mix of industrial development and ancillary office and commercial uses that are deemed to be compatible with adjacent or nearby properties. Industrial areas shall facilitate continued industrial operations within the County and provide jobs and employment security for present and future residents. Range of allowable uses include light to intensive industrial, ancillary retail and office. No new residential development is allowed.

The proposed MU-S FLU is intended for a mix of residential and non-residential uses while promoting compatible infill development and the separation of urban and suburban land uses. Range of allowable uses includes residential, retail services, professional office, and recreational facilities, public and civic. The residential density has a maximum of 25 dwelling per acre and maximum intensity 1.0 floor area ration.

Approval of the amendment would allow residential uses and a range of activities such

as retail services and office.

Impact on Wellheads.

CP Policy CON 1.4.1 Wellhead Protection. *Escambia County will provide comprehensive wellhead protection from potential adverse impacts to current and future public water supplies. The provisions will establish specific wellhead protection areas and address incompatible land uses, including prohibited activities and materials, within those areas.*

Analysis: Further evaluation by the Environmental Division and ECUA will be required to ensure standards for wellhead protection areas will be maintained. Once the project is submitted, all of the LOS will be evaluated during the Site Plan Review process.

Impact on Historically Significant Sites.

CP Policy FLU 1.2.1 State Assistance. *Escambia County will utilize all available resources of the Florida Department of State, Division of Historical Resources in the identification of archeological and/or historic sites or structures within the County and will utilize guidance, direction, and technical assistance received from this agency.*

Analysis: The applicant stated it will assist in any way possible, however did not provide any site requested information from the State of Florida Division of Historical Resources (DHR), or the University of West Florida to identify any historic or archaeological resources.

Staff was not provided with any historical information from the applicant.

Impact on the Natural Environment.

CP Policy CON 1.1.2 Wetland and Habitat Indicators. *Escambia County has adopted and will use the National Wetlands Inventory Map, the Escambia County Soils Survey, and the Florida Fish and Wildlife Conservation Commission's (FFWCC) LANDSAT imagery as indicators of the potential presence of wetlands or listed wildlife habitat in the review of applications for development approval.*

CP Policy CON 1.1.6 Habitat Protection. *Escambia County will coordinate with the FDEP, FFWCC, and other state or federal agencies so as to provide the fullest protection to marine or wildlife habitats that may be impacted by existing or proposed development within the County.*

CP Policy CON 1.3.1 Stormwater Management. *Escambia County will protect surface water quality by implementing the stormwater management policies of the Infrastructure Element to improve existing stormwater management systems and ensure the provision of stormwater management facilities concurrent with the demand for such facilities.*

CP Policy CON 1.3.6 Wetland Development Provisions. *Development in wetlands will not be allowed unless sufficient uplands do not exist to avoid a taking. In this case, development in wetlands will be restricted to allow residential density uses as indicated by the LDC:*

CP CON 1.5.4 Extraction and Reclamation Review. *Escambia County will subject all new or expanded resource extraction and reclamation activities to a mandatory development review process to assess technical standards for public safety, environmental protection, and engineering design.*

CP Policy CON 1.6.3 Tree Protection. *Escambia County will protect trees through LDC provisions.*

Analysis: The applicant has provided staff with wetlands information from County GIS. Staff's review of the County's GIS layer shows a large amount of wetlands on the northern and eastern side of the parcel. The applicant must ensure that all of the required State and Federal agencies are contacted and that the required permits are obtained. The presence of sensitive lands on site may require a more in-depth evaluation by the agencies involved. Escambia County staff will evaluate the proposed project to ensure all of the standards for wetlands protection indicated in the LDC, are met. Once the project is formally submitted, it will be evaluated during the Site Plan Review process.

SUMMARY: The proposed project shall avoid any potential impacts to environmentally sensitive areas and should preserve the natural function of wetlands and natural resources on the subject parcel. Staff will need a more in-depth evaluation of the land to conclude that the proposed development could satisfy all of the requirements listed within the suitability analysis.

CP Objective FLU 1.3 Future Land Use Map Designations. *Designate land uses on the FLUM to discourage urban sprawl, promote mixed use, compact development in urban areas, and support development compatible with the protection and preservation of rural areas."*

Analysis: The proposed amendment is in close proximity to the extensive infrastructure that is accessed by other similar uses within the area. The development promotes the principle of good development by taking advantage of an existing roads and interstate highway as a close proximity for development. As a result of the proximity to similar existing uses, the proposed amendment would reduce transportation costs, including the per capita costs to consumers to own and operate vehicles, road and parking facility costs, traffic accidents and pollution emissions.

The proposed amendment is part of a strategy directing this type of development to the central part of the county, away from sensitive coastal areas to the South, and USDA prime soils and farmlands to the North. The proposed Industrial use expansion will direct economic growth and the associated land development to an area that will complement the existing growth patterns of development in the vicinity of the property, thereby minimizing the adverse impacts to natural resources and the existing ecosystems.

The proposed amendment will ensure that the proposed development is conducted in an efficient manner. Specifically, the proximity of the subject property to other existing

development will provide for an efficient integration of infrastructure and services that will conserve both water and energy.

As previously elaborated, the site has been evaluated for potable water, sanitary sewer, solid waste disposal, stormwater management, and traffic concurrency. The adopted levels of service would appear to be maintained with the proposed subdivision development of the parcel. If the amendment is approved, the parcel must go through the quasi-judicial rezoning process. The completed application packet will then be reviewed and evaluated for concurrency as part of the Site Development Review process.



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

INTEROFFICE MEMORANDUM

TO: Andrew Holmer, Development Services Manager
Development Services Department

FROM: David Forte, Division Manager
Transportation & Traffic Operations Division

DATE: January 19, 2017

RE: Transportation & Traffic Operations (TTO) Comments – LSA-2016-03 & Z-2016-11

TTO Staff has reviewed the Large Scale Amendment (LSA)-2016-03 and Rezoning Case (Z)-2016-11, Beulah Road at I-10, agenda item for the upcoming Planning Board meeting scheduled for February 7, 2017. Please see the below comments.

Upon review of LSA-2016-03 and Z-2016-11, TTO Staff provides the following information regarding an existing programmed regional and local transportation project commonly known as the Escambia County Beulah Beltway / I-10 Interchange Project (Project). This project is expected to impact the subject site, as well as potentially other properties within the vicinity once the project moves into the future Right-Of-Way and Construction Phases. The Project limits as identified in the Florida-Alabama Transportation Planning Organization Long Range Transportation Plan begins at the Nine Mile Road at the southern most termini, extends north along Beulah Road to Interstate 10, then further north to US29 (in the Quintette Road vicinity).

The Project was initiated in 2007 following the inception of the Escambia County Midwest Optional Sector Plan (Sector Plan) that justified the need for a new “limited access roadway with Interstate Interchange.” County Staff, through Planning Board and Board of County Commission approval, then instituted a Corridor Preservation Ordinance found in the Escambia County Comprehensive Plan and Land Development Code (LDC Ordinance 2007-81) in efforts to minimize the local financial lift once the Project moved into the Right-Of-Way Acquisition and subsequent Construction Phase. Due to the infancy of the Sector Plan and without any substantial data or results of the necessary Corridor Selection Study, the Ordinance created a 300’ Preservation Overlay for the future roadway. However, the County is currently finalizing the Corridor Selection Study, and recently received the proposed typical cross sections / right-of-way widths needed for the future roadway; the consultants are recommending two different cross sections. The width proposed for the North Segment (I-10 north to US29) is 225’, and the width proposed for the South Segment (Nine Mile Road to I-10) is 104.5’. It is the

South Segment specifically abuts the subject site. Attached is the document detailing the cross sections...

In conclusion, TTO Staff recognizes that, though LDC Ordinance 2007-81 details a 300' Preservation Overlay, in receipt of the proposed cross sections that the need to preserve 300' for the South Segment seems unjustified at this point. TTO Staff recommends that the Planning Board and Board of County Commissioners consider directing Staff to amend the Ordinance upon completion of the Corridor Selection Study (expected for completion Summer 2017). TTO Staff does not oppose the map amendment or rezoning, only if the Boards would consider reducing the 300' preservation width to a width of 104.5' for the South Segment.

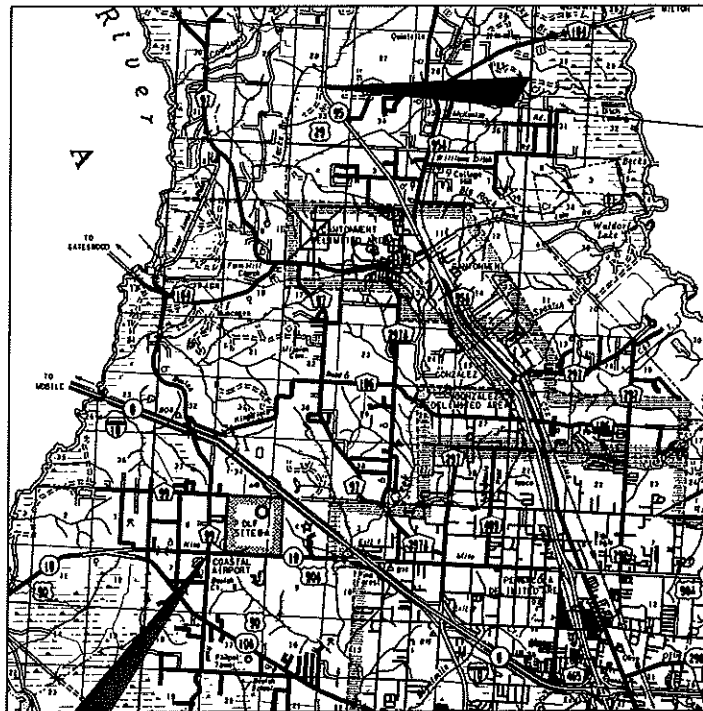
Please note that TTO's review is solely based off the application submittal packet, so the comments above hold no bearing on future TTO comments during the Development Review process.

cc: Horace Jones, Development Services Department Director
Joy Blackmon, P.E., Public Works Department Director
Colby Brown, P.E., Public Works Department Deputy Director

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

TYPICAL SECTION PACKAGE

PROPOSED I-10/BEULAH INTERCHANGE AND BEULAH BELTWAY
(NEW ALIGNMENT), FROM US 90 (MOBILE HIGHWAY) TO US 29



END PROJECT
US 29

BEGIN PROJECT
US 90 & BEULAH RD.

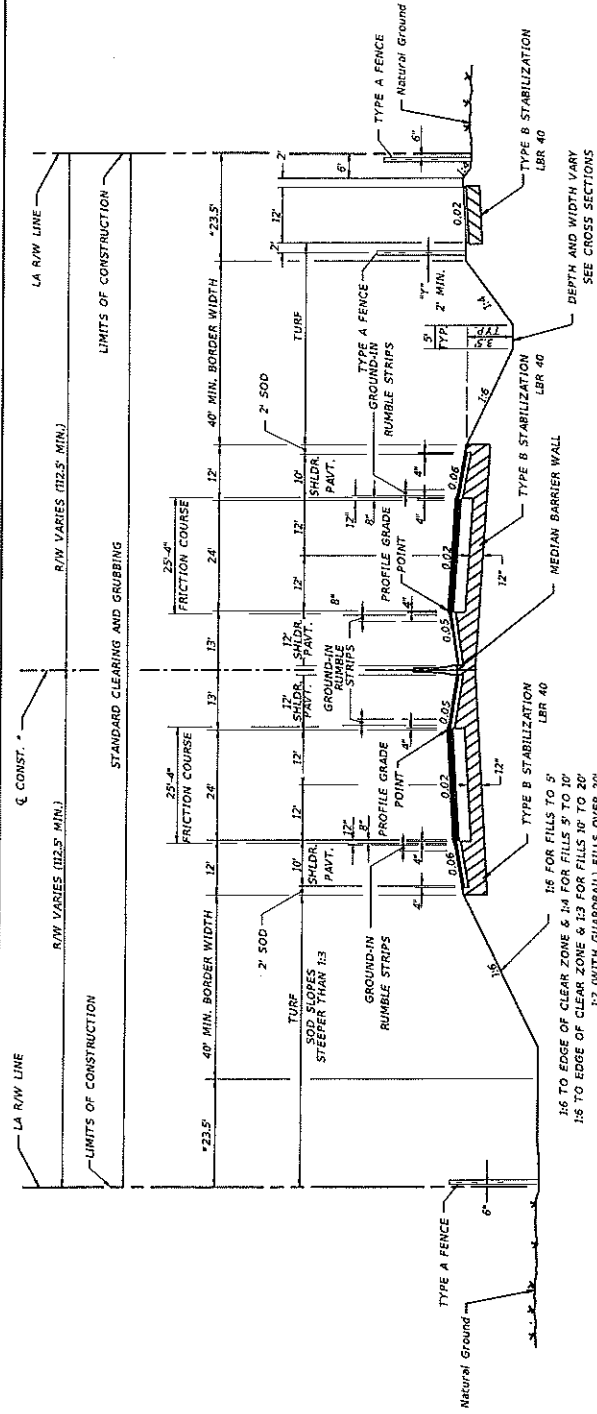
ATKINS
2114 Airport Blvd.
Suite 1450
Pensacola, Florida
32504-6968

DESIGNED BY : _____
GREGORY S. ALLEN, P.E. 51858

PROJECT IDENTIFICATION

FINANCIAL PROJECT ID _____ FEDERAL AID PROJECT NO. _____ COUNTY NAME ESCAMBIA
 SECTION NO. _____ ROAD DESIGNATION LIMITS/MILEPOST
 PROJECT DESCRIPTION PROPOSED I-10/BEULAH INTERCHANGE AND BEULAH BELTWAY (NEW ALIGNMENT), FROM US 90 (MOBILE HIGHWAY) TO US 29

PROPOSED ROADWAY TYPICAL SECTION



PROPOSED RURAL TYPICAL SECTION
 FROM SR 8 (I-10) TO US 29 (PENSACOLA BLVD.)
 DESIGN SPEED = 70 mph

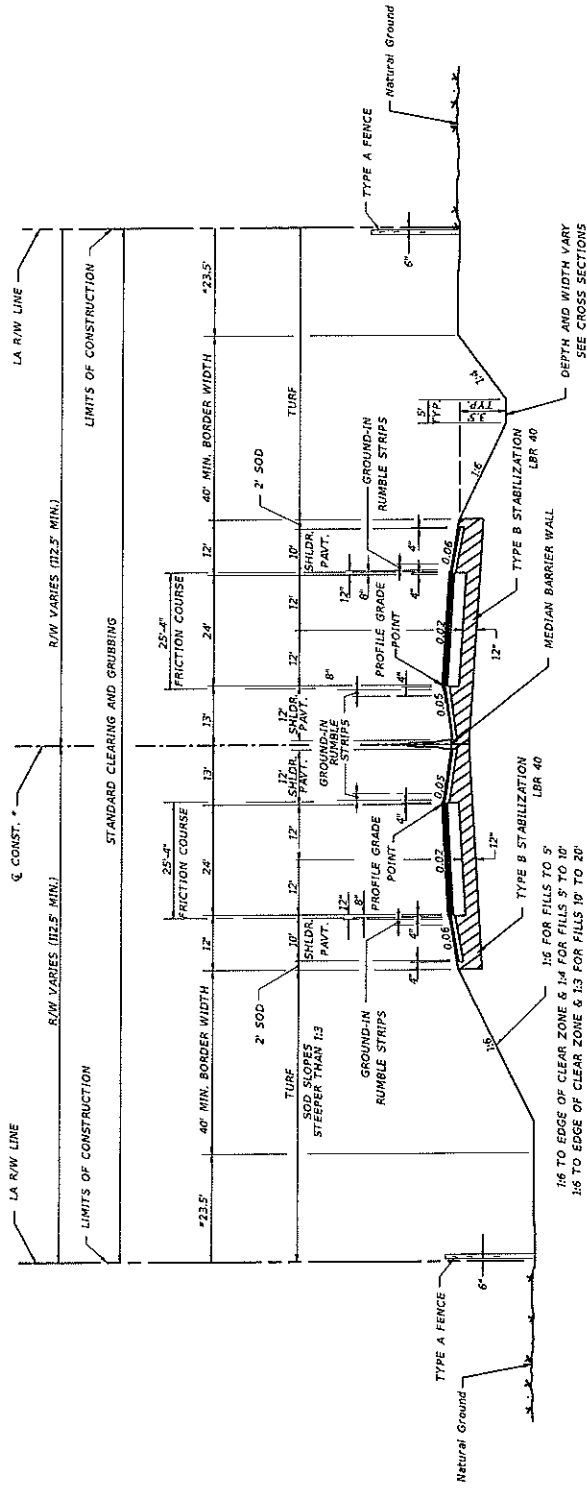
*NOTE: THE WIDTH OF THIS AREA IS TO BE ADDED TO OBTAIN OVERALL BORDER WIDTH.

APPROVED BY: GREGORY S. ALLEN, P.E. #51858	FDOT CONCURRENCE	FHWA CONCURRENCE
Engineer Of Record Signature and Date	RODNEY CHAMBERLAIN, P.E. FDOT District Design Engineer	JORGE RIVERA FHWA Transportation Engineer
FILED	STIMES	DATE

PROJECT IDENTIFICATION

FINANCIAL PROJECT ID _____ FEDERAL AID PROJECT NO. _____ COUNTY NAME ESCAMBIA
 SECTION NO. _____ ROAD DESIGNATION LIMITS/MILEPOST
 PROJECT DESCRIPTION PROPOSED I-10/BEULAH INTERCHANGE AND BEULAH BELTWAY (NEW ALIGNMENT), FROM US 90 (MOBILE HIGHWAY) TO US 29

PROPOSED ROADWAY TYPICAL SECTION



PROPOSED RURAL TYPICAL SECTION
FROM SR 8 (I-10) TO US 29 (PENSACOLA BLVD.)
DESIGN SPEED = 70 mph

*NOTE: THE WIDTH OF THIS AREA IS TO BE ADDED TO OBTAIN OVERALL BORDER WIDTH.

APPROVED BY: **GREGORY S. ALLEN, P.E. #51858**

FDOT CONCURRENCE

FHWA CONCURRENCE

Engineer Of Record Signature and Date

RODNEY CHAMBERLAIN, P.E.
 FDOT District Design Engineer

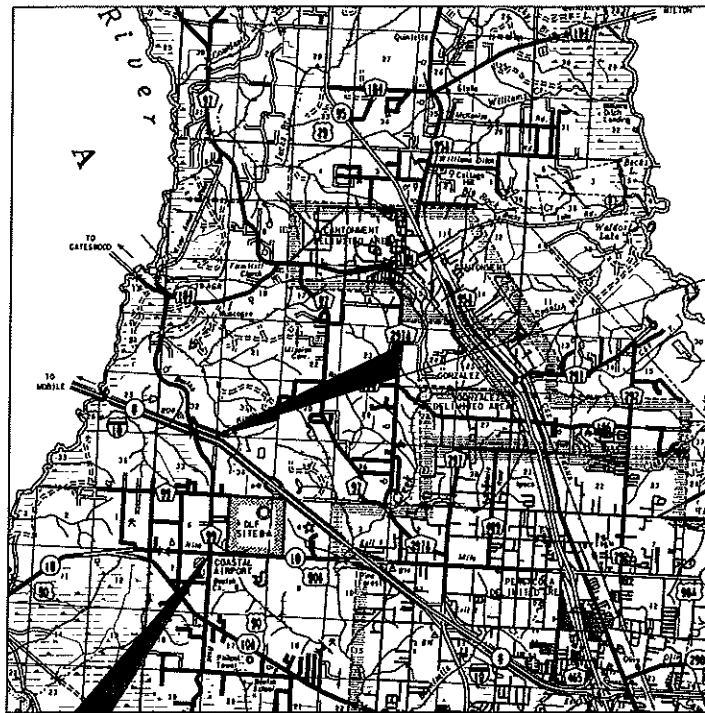
Date

Date

STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

TYPICAL SECTION PACKAGE

BEULAH HIGHWAY RECONSTRUCTION
FROM SR 10A (MOBILE HIGHWAY)
TO SR 10 (INTERSTATE 10)



END PROJECT
SR 10

BEGIN PROJECT
US 90 & BEULAH RD.

ATKINS
2114 Airport Blvd.
Suite 1450
Pensacola, Florida
32504-6968

DESIGNED BY : GREGORY S. ALLEN, P.E. 51858

PROJECT IDENTIFICATION

FINANCIAL PROJECT ID _____ COUNTY (SECTION) ESCAMBIA (48000096)
 PROJECT DESCRIPTION BEULAH HIGHWAY RECONSTRUCTION FROM SR 10A (MOBILE HIGHWAY) TO SR 10 (INTERSTATE 10)

PROJECT CONTROLS

<p style="text-align: center;"><u>FUNCTIONAL CLASSIFICATION</u></p> <p style="text-align: center;">() RURAL (X) URBAN</p> <p>() FREEWAY/EXPWY. () MAJOR COLL. () PRINCIPAL ART. () MINOR COLL. (X) MINOR ART. () LOCAL</p>	<p style="text-align: center;"><u>HIGHWAY SYSTEM</u></p> <p>Yes No</p> <p>(X) () NATIONAL HIGHWAY SYSTEM () (X) FLORIDA INTRASTATE HIGHWAY SYSTEM () (X) STRATEGIC INTERMODAL SYSTEM (X) () STATE HIGHWAY SYSTEM (X) () OFF STATE HIGHWAY SYSTEM</p>																								
<p style="text-align: center;"><u>ACCESS CLASSIFICATION</u></p> <p>() 1 - FREEWAY () 2 - RESTRICTIVE w/Service Roads () 3 - RESTRICTIVE w/660 ft. Connection Spacing () 4 - NON-RESTRICTIVE w/2640 ft. Signal Spacing () 5 - RESTRICTIVE w/440 ft. Connection Spacing (X) 6 - NON-RESTRICTIVE w/1320 ft. Signal Spacing () 7 - BOTH MEDIAN TYPES</p>	<p style="text-align: center;"><u>TRAFFIC</u></p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">YEAR</th> <th style="width: 20%; text-align: center;">AADT</th> </tr> </thead> <tbody> <tr> <td>CURRENT</td> <td style="text-align: center;"><u>2016</u></td> <td style="text-align: center;">_____</td> </tr> <tr> <td>OPENING</td> <td style="text-align: center;"><u>2030</u></td> <td style="text-align: center;">_____</td> </tr> <tr> <td>DESIGN</td> <td style="text-align: center;"><u>2040</u></td> <td style="text-align: center;">_____</td> </tr> </tbody> </table> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;">DISTRIBUTION</th> </tr> </thead> <tbody> <tr> <td>DESIGN SPEED <u>45</u></td> <td style="text-align: right;">K 30 %</td> </tr> <tr> <td>POSTED SPEED <u>40</u></td> <td style="text-align: right;">D 30 %</td> </tr> <tr> <td></td> <td style="text-align: right;">T 24 %</td> </tr> </tbody> </table> <p style="text-align: center;">DESIGN SPEED APPROVALS</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%; border-top: 1px solid black; text-align: center;">DISTRICT DESIGN ENGINEER</td> <td style="width: 30%; border-top: 1px solid black; text-align: center;">DATE</td> </tr> <tr> <td style="border-top: 1px solid black; text-align: center;">DISTRICT TRAFFIC OPERATIONS ENGINEER</td> <td style="border-top: 1px solid black; text-align: center;">DATE</td> </tr> </table>		YEAR	AADT	CURRENT	<u>2016</u>	_____	OPENING	<u>2030</u>	_____	DESIGN	<u>2040</u>	_____		DISTRIBUTION	DESIGN SPEED <u>45</u>	K 30 %	POSTED SPEED <u>40</u>	D 30 %		T 24 %	DISTRICT DESIGN ENGINEER	DATE	DISTRICT TRAFFIC OPERATIONS ENGINEER	DATE
	YEAR	AADT																							
CURRENT	<u>2016</u>	_____																							
OPENING	<u>2030</u>	_____																							
DESIGN	<u>2040</u>	_____																							
	DISTRIBUTION																								
DESIGN SPEED <u>45</u>	K 30 %																								
POSTED SPEED <u>40</u>	D 30 %																								
	T 24 %																								
DISTRICT DESIGN ENGINEER	DATE																								
DISTRICT TRAFFIC OPERATIONS ENGINEER	DATE																								
<p style="text-align: center;"><u>CRITERIA</u></p> <p>(X) NEW CONSTRUCTION / RECONSTRUCTION () RRR INTERSTATE / FREEWAY () RRR NON-INTERSTATE / FREEWAY () TDLC / NEW CONSTRUCTION / RECONSTRUCTION () TDLC / RRR () MANUAL OF UNIFORM MINIMUM STANDARDS (FLORIDA GREENBOOK) (OFF-STATE HIGHWAY SYSTEM ONLY)</p>																									

LIST ANY POTENTIAL EXCEPTIONS AND VARIATIONS RELATED TO TYPICAL SECTION ELEMENTS:

LIST MAJOR STRUCTURES LOCATION/DESCRIPTION - REQUIRING INDEPENDENT STRUCTURE DESIGN:
 BRIDGE OVERPASS ACROSSING SR 10 (INTERSTATE 10)

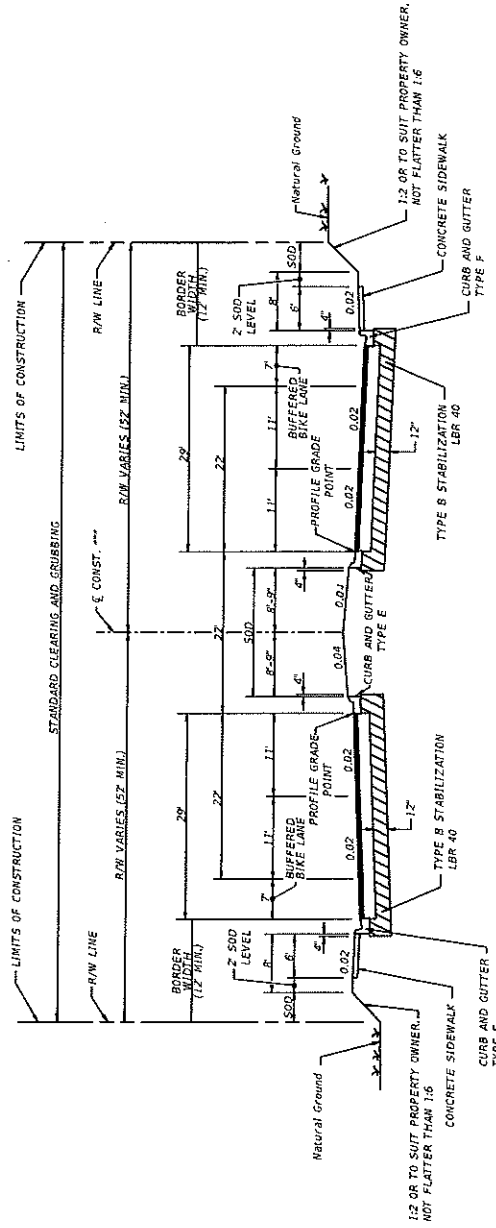
LIST MAJOR UTILITIES WITHIN PROJECT CORRIDOR:
 TELEPHONE, FIBER OPTIC, GAS, OVERHEAD ELECTRIC, POWER, SEWER, & CABLE TV

LIST OTHER INFORMATION PERTINENT TO DESIGN OF PROJECT:

PROJECT IDENTIFICATION

FINANCIAL PROJECT ID _____ FEDERAL AID PROJECT NO. _____ COUNTY NAME ESCAMBIA
 SECTION NO. _____ ROAD DESIGNATION _____ LIMITS/MILEPOST _____
 PROJECT DESCRIPTION PROPOSED I-10/BEULAH INTERCHANGE AND BEULAH BELTWAY (NEW ALIGNMENT), FROM US 90 (MOBILE HIGHWAY) TO US 29

PROPOSED ROADWAY TYPICAL SECTION



PROPOSED URBAN TYPICAL SECTION
 FROM US 90 (MOBILE HIGHWAY) TO SR 8 (I-10)
 DESIGN SPEED = 45 mph

APPROVED BY: GREGORY S. ALLEN, P.E. #51858

FDOT CONCURRENCE

FHWA CONCURRENCE

Engineer Of Record Signature
 and Date

RODNEY CHAMBERLAIN, P.E.
 FDOT District Design Engineer

Date

JORGE RIVERA
 FHWA Transportation Engineer

Date

THE DOCUMENT WAS RECEIVED AND SHOWN ON PAGES 15-20.

THE FOLLOWING WAS NOT PROVIDED TO THE CLERK'S OFFICE:

ORDINANCE ADOPTED AT THE 8:48 AM PUBLIC HEARING WHICH HAS NOT YET BEEN RETURNED FROM THE FLORIDA DEPARTMENT OF STATE

BCC Special Session: 12-13-2007



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

DEPARTMENT: Planning and Engineering
FROM: T. Lloyd Kerr, AICP, Director
DATE: December 10, 2007
ISSUE: 8:48 am Thursday, December 13, 2007 Public Hearing
Comprehensive Plan Amendment (CPA 2007-02D)

RECOMMENDATION:

That the Board review and adopt the following:

Comprehensive Plan Amendment, **CPA 2007-02D Transportation Corridor Preservation Ordinance**, composed of a draft ordinance and attachments herein, to amend Part II of The Escambia County Code of Ordinances (1999), The Escambia County Comprehensive Plan, as amended; amending portions thereof as follows:

Comprehensive Plan text amendment, amending Chapter 8, "Transportation Element" providing for references to the protection of transportation corridors.

BACKGROUND:

In establishing the Twenty Year "Cost Feasible" Plan, the Florida Department of Transportation (FDOT) and the FL-AL Transportation Planning Organization (TPO) have requested local governments implement measures to ensure roadway projects remain "cost feasible".

The primary concerns, based on past roadway capacity projects, are that local governments reduce the impact of development adjacent to a future corridor improvement projects and reduce land use intensities which may increase the cost of needed right-of-way. Both concerns have and will continue to add a substantial cost to planned projects prior to construction.

This Ordinance, by intent, is to ensure that future development and future roadway projects do not conflict with each other in order to meet future Transportation Level of Service demands. This will alleviate negative impacts to future development or future roadway project cost. This Ordinance will also allow Escambia County to be more competitive for future Federal and State grants based on criteria created in 2006.

The transmittal hearing was held August 2, 2007 where the amendment and ordinance were approved by the BCC and forwarded to DCA. County staff received the DCA

BCC Special Session December 13, 2007
Re: CPA 2007-02D
December 10, 2007
Page 2 of 3

Objection, Recommendation and Comments Report on October 24, 2007. Staff is recommending adoption of the ordinance with no changes.

This is part of the second of the two Comprehensive Plan Amendment packages allowed by Florida Statute for the Year 2007.

BUDGETARY IMPACT:

No budgetary impacts are expected by the approval of this amendment.

LEGAL CONSIDERATION/SIGN-OFF:

The attached ordinance was reviewed and approved for legal sufficiency by Alison P. Rogers, Deputy County Attorney. Any suggested legal comments are attached herein with the respective ordinance to which they pertain.

PERSONNEL:

No additional personnel are anticipated for the implementation of this amendment.

POLICY/REQUIREMENT FOR BOARD ACTION/DISCUSSION:

The amendment is consistent with State Statutes (F.S. 163.3161 through 163.3215), Florida Administrative Code 9J-5 and with the Board's goal "to increase citizen involvement in, access to, and approval of, County government activities."

IMPLEMENTATION REQUIREMENTS:

Following adoption public hearings and upon recommended approval by the Planning Board and Board of County Commissioners the amendment will be returned to DCA for approval. Upon approval, DCA will issue a Notice of Intent to find In Compliance, at which time the ordinance will be forwarded to the Municipal Code Corporation for codification in the Official Comprehensive Plan of Escambia County.

BCC Special Session December 13, 2007
Re: CPA 2007-02D
December 10, 2007
Page 3 of 3

COORDINATION WITH OTHER AGENCIES/PERSONS:

The proposed amendments were prepared in cooperation with the County Attorney's Office, the Planning and Engineering Department, Office of Transportation and Traffic Operations, and interested citizens. Planning & Engineering will insure proper advertisement.

TLK:eap

Attachments:

c: Janet Lander, County Attorney

CONCUR

Robert R. McLaughlin, Interim County Administrator

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: CPA 2007-02 Transportation Corridor Preservation BCC Ordinance

Date: 12/04/07

Date requested back by: 12/06/07

Requested by: Eva Peterson

Phone Number: 595-3118



(LEGAL USE ONLY)

Legal Review by Alison Perdue Rogers, Deputy County Attorney

Date Received: 12/04/07

XX Approved as to form and legal sufficiency.

 Not approved.

 Make subject to legal signoff.

Additional comments:

ORDINANCE 2007-__

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II, OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE ESCAMBIA COUNTY COMPREHENSIVE PLAN, AS AMENDED; AMENDING CHAPTER 8, THE TRANSPORTATION ELEMENT; AMENDING OBJECTIVE 8.A.4 TO PROVIDE FOR PROTECTION OF PROPOSED TRANSPORTATION CORRIDORS; PROVIDING IN POLICY 8.A.4.1 THAT REZONINGS THAT PROPOSE AN INCREASE IN DENSITY OR INTENSITY OF USE SHALL BE DISCOURAGED IN DESIGNATED TRANSPORTATION CORRIDORS; PROVIDING IN POLICY 8.A.4.2 FOR PROPOSED TRANSPORTATION CORRIDOR AND RIGHT-OF-WAY PROTECTIONS AND ACQUISITIONS; CREATING A NEW POLICY 8.A.4.4 TO ESTABLISH PROPOSED TRANSPORTATION CORRIDORS; DESIGNATING THE BEULAH EXPRESSWAY AS A PROPOSED TRANSPORTATION CORRIDOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on October 20, 1993; and,

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend, and enforce comprehensive plans for the development of the County; and,

WHEREAS, the Escambia County Planning Board (LPA) and the Board of County Commissioners have conducted public hearings and reviewed and approved the changes to the Plan and authorized the transmittal of the proposed changes to the Florida Department of Community Affairs (DCA) for review and comment prior to considering the changes (amendments) for adoption; and,

WHEREAS, the Board of County Commissioners, Escambia County, Florida finds that the adoption of these amendments is in the best interest of the County and its citizens.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Escambia County, Florida as follows:

Section 1. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out, in the Local Government Comprehensive Plan and Land Development Regulation Act, sections 163.3161 through 163.3215, Fla. Stat. and Chapter 9J-5, Florida Administrative Code.

Section 2. Title of Comprehensive Plan Amendment.

This Comprehensive Plan Amendment for Escambia County, Florida shall be entitled "Comprehensive Plan Amendment 2007-02D - Transportation Corridor Preservation."

Section 3. Changes to the Escambia County Comprehensive Plan.

Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as Amended, is further amended as set forth hereto and made part hereof to include changes as follows:

OBJECTIVE 8.A.4: TRANSPORTATION CORRIDOR AND RIGHT-OF-WAY PROTECTION

Continually, the county shall provide for the protection of proposed transportation corridors as well as existing and future rights-of-way from encroachment by including appropriate regulations within the LDC (reference

Policy 7.A.1.1) and implementing Policies 8.A.4.1 through 8.A.4.3 8.A.4.4 among others.

Policy 8.A.4.1: Rezoning and Zoning Setback Enforcement

The county shall continue to enforce its zoning ordinance and include said ordinance within the LDC. Note: The zoning ordinance contains setback provisions, which will aid in the protection of existing and future rights-of-way, including transportation corridors, from building encroachment in the "zoned" areas of the county. The County shall regulate density and intensity within the existing or designated transportation corridor areas that may interfere with right-of-way needs. Prior to completion of a Project Development and Environmental Impact (PD&E) study for a capacity improvement project, standard right-of-way will be considered as follows:

<u>Major Collectors</u>	<u>80'</u>
<u>Major Arterials</u>	<u>125'</u>
<u>Beltways</u>	<u>300'</u>

Policy 8.A.4.2: Right-of-Way Protection for Existing and Planned Roadways

The county shall require the set aside of right-of-way necessary to comply with programmed roadway widening or, as necessary, for proposed transportation corridors.

Policy 8.A.4.3: Scenic Roadways

Because of their unique scenic character, and related historic and tourist significance, Scenic Highway (SR-10A) and Perdido Key Drive (SR 292) are

designated "scenic roadways." Parcels adjacent to these rights-of-way shall be the subject of special sign controls in the LDC.

Policy 8.A.4.4: Proposed Transportation Corridors

The County shall make efforts to inform the public about the location of proposed transportation corridors. Such proposed transportation corridors are to be initially designated in this section, the adopted Transportation Planning Organization's "Cost Feasible Plan", the proposed or adopted County Capital Improvement Plan or in any proposed or adopted DRI or development plan. Transportation corridor protection regulations shall be incorporated in the LDC.

The Beulah Expressway is designated as a proposed transportation corridor. Maps and descriptions of the proposed north/south corridor and the east/west connecting corridors are on file as Exhibits A and B to Ordinance 2007-02D.

Section 4. SEVERABILITY.

It is declared the intent of the Board of County Commissioners that if any subsection, clause, sentence, provision or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 5. INCLUSION IN THE CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Escambia County Code; and that the sections of this Ordinance may be renumbered or

relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. EFFECTIVE DATE.

This effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184 Fla. Stat., or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Section 163.3184, Fla. Stat.

DONE AND ENACTED this ____ day of _____, 2007.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: _____
D.M. "Mike" Whitehead, Chairman

ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court

By: _____
Deputy Clerk

(SEAL)
ENACTED:
FILED WITH DEPARTMENT OF STATE:
EFFECTIVE:

H:\PZ\PLANNING BD\2007\CPA 2007-02\Transportation Corridor Preservation\BCC 12-13-07\Ordinance draft 3A - Clean Copy.doc

EXHIBIT A

The following describes potential protected areas to provide a corridor for the construction of a future roadway:

The west one-half of the west one-half of Section 34, Township 1 North, Range 31 West, less and except the southwest quarter of the southwest quarter of said section 34. The west one-half of the west one-half of Section 31, Township 1 North, Range 31 West, less and except the northeast quarter of the northwest quarter of the northwest quarter of said section 34. The northeast quarter of the northeast quarter of the northeast quarter of Section 32, Township 1 North, Range 31 West. The east 125 feet of the east one-half of Section 20, Township 1 North, Range 31 West and the west 125 feet of the west one-half of Section 21, Township 1 North, Range 31 West.

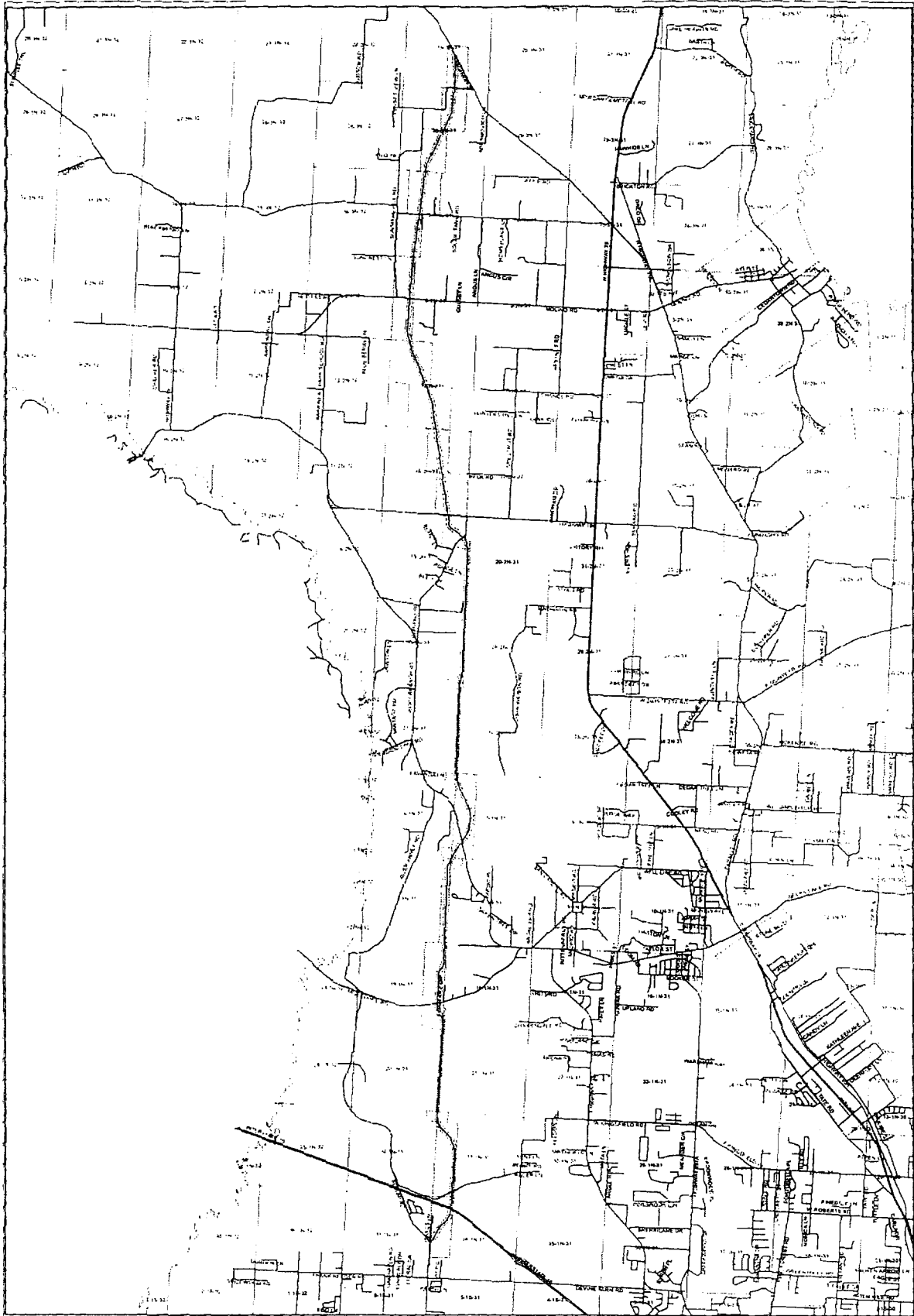
The west 125 feet of the southwest one quarter of the southwest one quarter of Section 18, Township 1 North, Range 31 West. The east one-half of the east one-half of Section 19, Township 1 North, Range 31 West. The east 300 feet of Section 7, Township 1 North, Range 31 West. The northwest quarter of the northwest quarter of the northwest quarter of Section 8, Township 1 North, Range 31 West. The southeast quarter of the southeast quarter of the southeast quarter of Section 6, Township 1 North, Range 31 West. The northeast quarter of the northeast quarter of the northeast quarter of Section 6, Township 1 North, Range 31 West. The west one-half of the west one-half of Section 5, Township 1 North, Range 31 West.

The east 125 feet of Section 31, Township 2 North, Range 31 West and the west 125 feet of Section 32, Township 2 North, Range 31 West. The southeast quarter of the southeast quarter of the southeast quarter of Section 30, Township 2 North, Range 31 West. The west 300 feet of the west one-half of the west one-half of Section 29, Township 2 North, Range 31 West. The west 300 feet of the west one-half of the west one-half of Section 20, Township 2 North, Range 31 West, less and except the northwest quarter of the northwest quarter of said section 20. The north 1,980 feet of the east 1,460 feet of the northeast quarter of Section 19, Township 2 North, Range 31 West.

The east one half of Section 18, Township 2 North, Range 31 West, less and except the east half of the northeast quarter and less and except the west 660 feet of the southeast quarter of said section 18. The south one half of Section 7, Township 2 North, Range 31 West, and the northwest quarter of said Section 7, less and except the west half of the southwest quarter and less and except the east half of the southeast quarter of said section 7. The west one-half of the west one-half of Section 6, Township 2 North, Range 31 West. The west 1,600+- feet of the west one-half of the south one half of Section 31, Township 3 North, Range 31 West, and the northwest quarter of said section 31, less and except the west one half of the west one half of said northwest quarter of section 31. The southwest quarter and the west 200 feet of the southeast quarter of Section 30, Township 3 North, Range 31 West, less and except the west half of said southwest quarter of section 30. The northeast quarter and the east 200 feet of the northwest quarter of Section 30, Township 3 North, Range 31 West, less and except the east half of said northeast quarter of section 30. The southeast quarter of Section 19, Township 3 North, Range 31 West, less and except the east half of said southeast quarter of section 19.

THE CONDITION OF THE ORIGINAL DOCUMENT IS REFLECTED IN THE IMAGE AND IS NOT THE FAULT OF THE MICROFILMING PROCESS

2007-001655 BCC
Dec. 13, 2007 Page 12



- Legend
- STREETS
 - ENCUMBRANCES
 - ENCUMBRANCE AREA
 - ENCUMBRANCE DESCRIPTION
 - ENCUMBRANCE DATE

AID TO BELTWAY LAND DESCRIPTION



EXHIBIT B

The following describes potential East/West corridors to the proposed beltway protected areas for the construction of access to the proposed beltway:

KINGSFIELD ROAD EXTENSION

The south 50 feet of the west one-half of the west one-half of Section 22, Township 1 North, Range 31 West and the north 50 feet of the west one-half of the west one-half of Section 30, Township 1 North, Range 31 West. The south 50 feet of the south one half of Section 21, Township 1 North, Range 31 West, and the north 50 feet of the north one-half of Section 31, Township 1 North, Range 31 West.

WELL LINE ROAD EXTENSION

The south one-half of the south one-half of sections 4 and 5, Township 1 North, Range 31 West, less and except the south 820 feet of the south one-half of the south one-half of said section 5 and less and except the south 820 feet of the west one-half of the west one-half of said section 4.

QUINETTE ROAD EXTENSION

The south 50 feet of the south one-half of the south one-half of Section 28, Township 2 North, Range 31 West beginning at the westerly right of way of US Highway 29 and extending westward to the west line of said section 28. The north 50 feet of the north one-half of the north one-half of Section 33, Township 2 North, Range 31 West beginning at the westerly right of way of US Highway 29 and extending westward to the west line of said section 33. The south 50 feet of the southeast quarter of Section 29, Township 2 North, Range 31 West and the south one-half of the southeast quarter of the southwest quarter and the south one-half of the southwest quarter of the southwest quarter of said section 29.

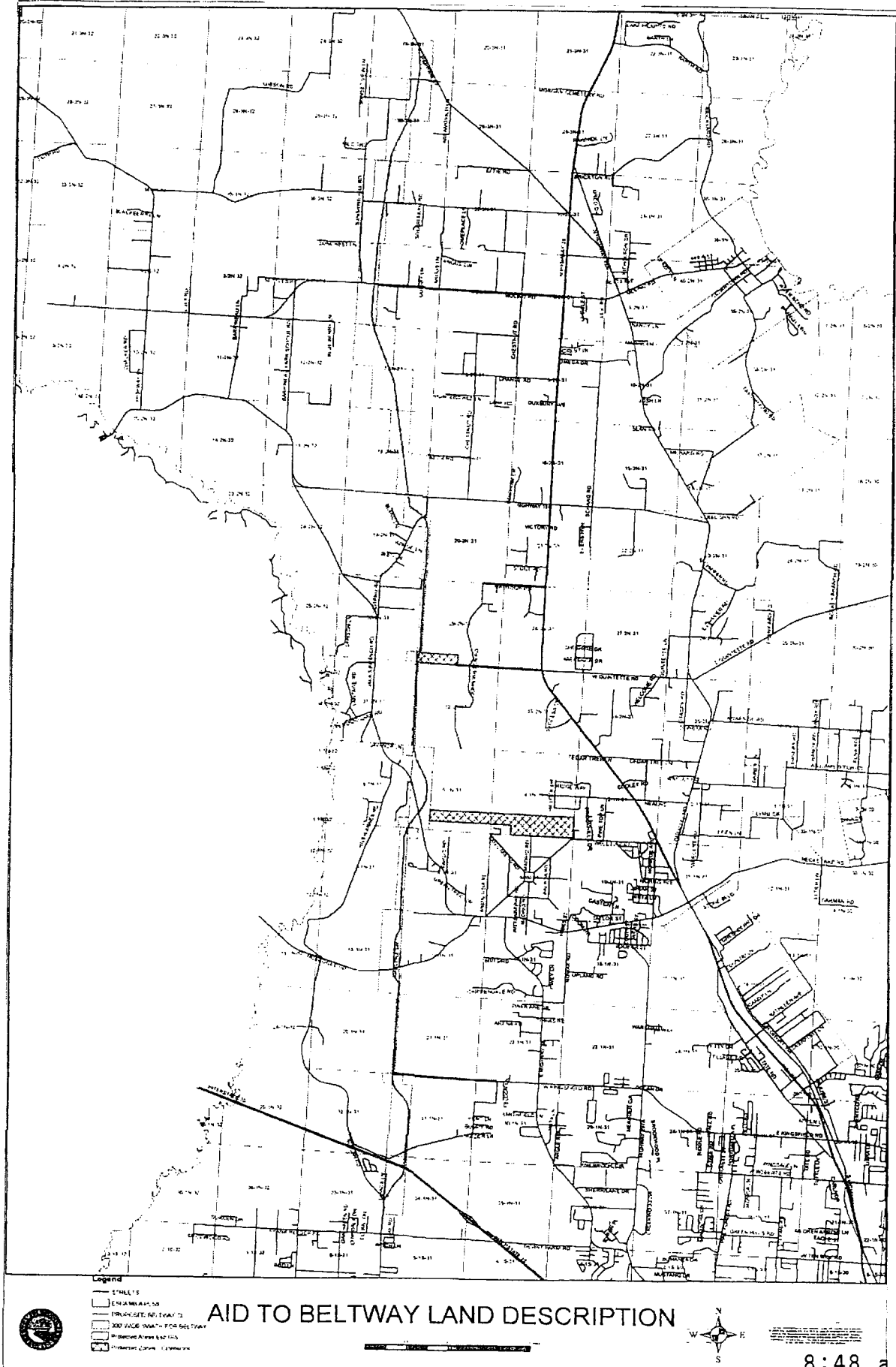
EXISTING MATHISON ROAD

The south 50 feet of the southwest quarter of Section 21, Township 2 North, Range 31 West beginning at the westerly right of way of US Highway 29 and extending westward to the west line of said section 21. The north 50 feet of the northwest quarter of Section 28, Township 2 North, Range 31 West beginning at the westerly right of way of US Highway 29 and extending westward to the west line of said section 28. The north 50 feet of the north one-half of the northeast quarter of the northeast quarter of Section 29, Township 2 North, Range 31 West and the south 50 feet of the south one-half of the southeast quarter of the southeast quarter of Section 20, Township 2 North, Range 31 West.

EXISTING MOLINO ROAD

Beginning at the westerly right of way of US Highway 29, the south 50 feet of the south one-half of the south one-half of the northwest quarter of Section 4, Township 2 North, Range 31 West and the north 50 feet of the north one-half of the north one-half of the southwest quarter of said section 4. The south 50 feet of the north one-half of Section 5, Township 2 North, Range 31 West and the north 50 feet of the south one-half of said section 5. The south 50 feet of the north one-half of Section 6, Township 2 North, Range 31 West and the north 50 feet of the south one-half of said section 6, less and except the west one-half of the west one-half of Section 6, Township 2 North, Range 31 West.

THE CONDITION OF THE ORIGINAL DOCUMENT IS REFLECTED IN THE IMAGE AND IS NOT THE FAULT OF THE MICROFILMING PROCESS



12/13/2007 8:48am PH

ORDINANCE 2007-81

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II, OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE ESCAMBIA COUNTY COMPREHENSIVE PLAN, AS AMENDED; AMENDING CHAPTER 8, THE TRANSPORTATION ELEMENT; AMENDING OBJECTIVE 8.A.4 TO PROVIDE FOR PROTECTION OF PROPOSED TRANSPORTATION CORRIDORS; PROVIDING IN POLICY 8.A.4.1 THAT REZONINGS THAT PROPOSE AN INCREASE IN DENSITY OR INTENSITY OF USE SHALL BE DISCOURAGED IN DESIGNATED TRANSPORTATION CORRIDORS; PROVIDING IN POLICY 8.A.4.2 FOR PROPOSED TRANSPORTATION CORRIDOR AND RIGHT-OF-WAY PROTECTIONS AND ACQUISITIONS; CREATING A NEW POLICY 8.A.4.4 TO ESTABLISH PROPOSED TRANSPORTATION CORRIDORS; DESIGNATING THE BEULAH EXPRESSWAY AS A PROPOSED TRANSPORTATION CORRIDOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on October 20, 1993; and,

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend, and enforce comprehensive plans for the development of the County; and,

WHEREAS, the Escambia County Planning Board (LPA) and the Board of County Commissioners have conducted public hearings and reviewed and approved the changes to the Plan and authorized the transmittal of the proposed changes to the Florida Department of Community Affairs (DCA) for review and comment prior to considering the changes (amendments) for adoption; and,

Verified By: *D. H. H. H.*

Date: 12/17/2007

WHEREAS, the Board of County Commissioners, Escambia County, Florida finds that the adoption of these amendments is in the best interest of the County and its citizens.

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Escambia County, Florida as follows:

Section 1. Purpose and Intent.

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out, in the Local Government Comprehensive Plan and Land Development Regulation Act, sections 163.3161 through 163.3215, Fla. Stat. and Chapter 9J-5, Florida Administrative Code.

Section 2. Title of Comprehensive Plan Amendment.

This Comprehensive Plan Amendment for Escambia County, Florida shall be entitled "Comprehensive Plan Amendment 2007-02D - Transportation Corridor Preservation."

Section 3. Changes to the Escambia County Comprehensive Plan.

Part II of the Escambia County Code of Ordinances (1999), the Escambia County Comprehensive Plan, as Amended, is further amended as set forth hereto and made part hereof to include changes as follows:

OBJECTIVE 8.A.4: TRANSPORTATION CORRIDOR AND RIGHT-OF-WAY PROTECTION

Continually, the county shall provide for the protection of proposed transportation corridors as well as existing and future rights-of-way from encroachment by including appropriate regulations within the LDC (reference

Policy 7.A.1.1) and implementing Policies 8.A.4.1 through 8.A.4.3 8.A.4.4 among others.

Policy 8.A.4.1: Rezoning and Zoning Setback Enforcement

The county shall continue to enforce its zoning ordinance and include said ordinance within the LDC. Note: The zoning ordinance contains setback provisions, which will aid in the protection of existing and future rights-of-way, including transportation corridors, from building encroachment in the “zoned” areas of the county. The County shall regulate density and intensity within the existing or designated transportation corridor areas that may interfere with right-of-way needs. Prior to completion of a Project Development and Environmental Impact (PD&E) study for a capacity improvement project, standard right-of-way will be considered as follows:

<u>Major Collectors</u>	<u>80'</u>
<u>Major Arterials</u>	<u>125'</u>
<u>Beltways</u>	<u>300'</u>

Policy 8.A.4.2: Right-of-Way Protection for Existing and Planned Roadways

The county shall require the set aside of right-of-way necessary to comply with programmed roadway widening or, as necessary, for proposed transportation corridors.

Policy 8.A.4.3: Scenic Roadways

Because of their unique scenic character, and related historic and tourist significance, Scenic Highway (SR-10A) and Perdido Key Drive (SR 292) are

designated "scenic roadways." Parcels adjacent to these rights-of-way shall be the subject of special sign controls in the LDC.

Policy 8.A.4.4: Proposed Transportation Corridors

The County shall make efforts to inform the public about the location of proposed transportation corridors. Such proposed transportation corridors are to be initially designated in this section, the adopted Transportation Planning Organization's "Cost Feasible Plan", the proposed or adopted County Capital Improvement Plan or in any proposed or adopted DRI or development plan. Transportation corridor protection regulations shall be incorporated in the LDC.

The Beulah Expressway is designated as a proposed transportation corridor. Maps and descriptions of the proposed north/south corridor and the east/west connecting corridors are on file as Exhibits A and B to Ordinance 2007-02D.

Section 4. SEVERABILITY.

It is declared the intent of the Board of County Commissioners that if any subsection, clause, sentence, provision or phrase of this Ordinance is held to be invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

Section 5. INCLUSION IN THE CODE.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Escambia County Code; and that the sections of this Ordinance may be renumbered or

relettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

Section 6. EFFECTIVE DATE.

This effective date of this plan amendment shall be: The date a final order is issued by the Department of Community Affairs finding the amendment to be in compliance in accordance with Chapter 163.3184 Fla. Stat., or the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Section 163.3184, Fla. Stat.

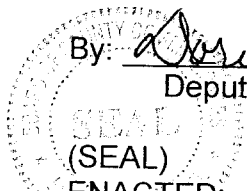
DONE AND ENACTED this 13th day of December, 2007.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: _____

D.M. "Mike" Whitehead, Chairman

ATTEST: ERNIE LEE MAGAHA
Clerk of the Circuit Court



By: _____

Deputy Clerk

ENACTED: December 13, 2007

FILED WITH DEPARTMENT OF STATE: December 19, 2007

EFFECTIVE: See Section 6.

This document approved as to form and legal sufficiency

By: _____

Title Deputy County Attorney

Date 12/14/07

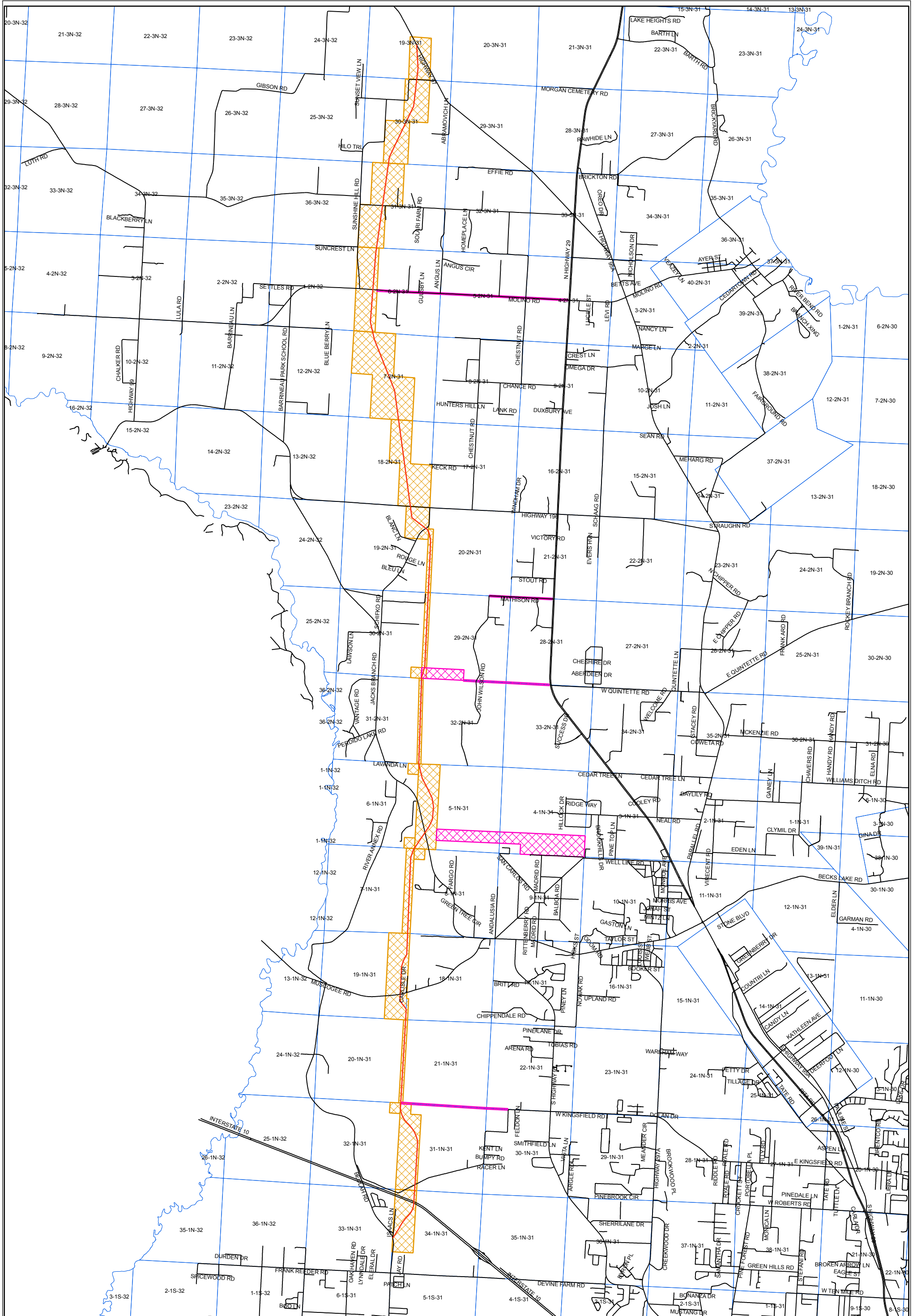
The following describes potential protected areas to provide a corridor for the construction of a future roadway:

The west one-half of the west one-half of Section 34, Township 1 North, Range 31 West, less and except the southwest quarter of the southwest quarter of said section 34. The west one-half of the west one-half of Section 31, Township 1 North, Range 31 West, less and except the northeast quarter of the northwest quarter of the northwest quarter of said section 34. The northeast quarter of the northeast quarter of the northeast quarter of Section 32, Township 1 North, Range 31 West. The east 125 feet of the east one-half of Section 20, Township 1 North, Range 31 West and the west 125 feet of the west one-half of Section 21, Township 1 North, Range 31 West.

The west 125 feet of the southwest one quarter of the southwest one quarter of Section 18, Township 1 North, Range 31 West. The east one-half of the east one-half of Section 19, Township 1 North, Range 31 West. The east 300 feet of Section 7, Township 1 North, Range 31 West. The northwest quarter of the northwest quarter of the northwest quarter of Section 8, Township 1 North, Range 31 West. The southeast quarter of the southeast quarter of the southeast quarter of Section 6, Township 1 North, Range 31 West. The northeast quarter of the northeast quarter of the northeast quarter of Section 6, Township 1 North, Range 31 West. The west one-half of the west one-half of Section 5, Township 1 North, Range 31 West.

The east 125 feet of Section 31, Township 2 North, Range 31 West and the west 125 feet of Section 32, Township 2 North, Range 31 West. The southeast quarter of the southeast quarter of the southeast quarter of Section 30, Township 2 North, Range 31 West. The west 300 feet of the west one-half of the west one-half of Section 29, Township 2 North, Range 31 West. The west 300 feet of the west one-half of the west one-half of Section 20, Township 2 North, Range 31 West, less and except the northwest quarter of the northwest quarter of said section 20. The north 1,980 feet of the east 1,460 feet of the northeast quarter of Section 19, Township 2 North, Range 31 West.

The east one half of Section 18, Township 2 North, Range 31 West, less and except the east half of the northeast quarter and less and except the west 660 feet of the southeast quarter of said section 18. The south one half of Section 7, Township 2 North, Range 31 West, and the northwest quarter of said Section 7, less and except the west half of the southwest quarter and less and except the east half of the southeast quarter of said section 7. The west one-half of the west one-half of Section 6, Township 2 North, Range 31 West. The west 1,600+- feet of the west one-half of the south one half of Section 31, Township 3 North, Range 31 West, and the northwest quarter of said section 31, less and except the west one half of the west one half of said northwest quarter of section 31. The southwest quarter and the west 200 feet of the southeast quarter of Section 30, Township 3 North, Range 31 West, less and except the west half of said southwest quarter of section 30. The northeast quarter and the east 200 feet of the northwest quarter of Section 30, Township 3 North, Range 31 West, less and except the east half of said northeast quarter of section 30. The southeast quarter of Section 19, Township 3 North, Range 31 West, less and except the east half of said southeast quarter of section 19.



- Legend**
- STREETS
 - ESCAMBIA PLS
 - PROPOSED BELTWAY CL
 - 300' WIDE SWATH FOR BELTWAY
 - Protected Areas Esc GIS
 - Protected Zones - Extensions

AID TO BELTWAY LAND DESCRIPTION



This map was prepared by the Escambia County GIS Division and is provided for informational purposes only. It is not to be used for development of construction plans or any type of engineering services based on the information depicted herein and is not a replacement for the location of the official map. It is not intended for any use other than that for which it was prepared.

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Large Scale LSA 2016-03

Date: 01/18/2017

Date requested back by: 01/20/2017

Requested by: John C Fisher

Phone Number: 595-4651

.....
(LEGAL USE ONLY)

Legal Review by M. Crawford

Date Received: 1/30/2017

X Approved as to form and legal sufficiency.

_____ Not approved.

_____ Make subject to legal signoff.

Additional comments:

- Transportation & Planning to address Corridor Preservation Ordinance
- Amendments forthcoming / Summer 2017 Study
- Ordinance Title 2017 not 2016.
- 50 ft. donation by property owner

ORDINANCE NUMBER 2017-___

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART II OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE ESCAMBIA COUNTY COMPREHENSIVE PLAN: 2030, AS AMENDED; AMENDING CHAPTER 7, "THE FUTURE LAND USE ELEMENT," POLICY FLU 1.1.1, TO PROVIDE FOR AN AMENDMENT TO THE 2030 FUTURE LAND USE MAP, CHANGING THE FUTURE LAND USE CATEGORY OF A PARCEL WITHIN SECTION 34, TOWNSHIP 1N, RANGE 31W, PARCEL NUMBER 2101-000-001 TOTALING 56.80 (+/-) ACRES, LOCATED EAST OF ISAACS LANE, FROM INDUSTRIAL (I) TO MIXED USE SUBURBAN (MU-S); PROVIDING FOR A TITLE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, Escambia County adopted its Comprehensive Plan on April 29, 2014; and

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Escambia County, Florida to prepare, amend and enforce comprehensive plans for the development of the County; and

WHEREAS, the Escambia County Planning Board conducted a public hearing and forwarded a recommendation to the Board of County Commissioners to approve changes (amendments) to the Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Escambia County, Florida finds that the adoption of this amendment is in the best interest of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Escambia County, Florida, as follows:

Section 1. Purpose and Intent

This Ordinance is enacted to carry out the purpose and intent of, and exercise the authority set out in, the Community Planning Act, Sections 163.3161 through 163.3215, Florida Statutes.

Section 2. Title of Comprehensive Plan Amendment

This Comprehensive Plan amendment shall be entitled – "Large Scale Amendment 2016-03."

Section 3. Changes to the 2030 Future Land Use Map

The 2030 Future Land Use Map, as adopted by reference and codified in Part II of the Escambia County Code of Ordinances, the Escambia County Comprehensive Plan: 2030, as amended; Chapter 7, "Future Land Use Element," Policy FLU 1.1.1; and all notations, references and information shown thereon, is further amended to include the following future land use changes:

A parcel within Section 34, Township 1N, Range 31W, parcel number 2101-000-001 and totaling 56.80 (+/-) acres, located East of Isaacs Lane, as more particularly described in the Legal Description produced by Dewberry Preble-Rish, George Gibson P.S.M. as Exhibit A, from Industrial (I) to Mixed Use Suburban (MU-S).

Section 4. Severability

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

Section 5. Inclusion in the Code

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

INTENTIONALLY LEFT BLANK

Section 6. Effective Date

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

DONE AND ENACTED this _____ day of _____, 2017.

BOARD OF COUNTY COMMISSIONERS
OF ESCAMBIA COUNTY, FLORIDA

By: _____
D. B. Underhill, Chairman

ATTEST: PAM CHILDERS
CLERK OF THE CIRCUIT COURT

By: _____
Deputy Clerk

(SEAL)

ENACTED:
FILED WITH THE DEPARTMENT OF STATE:
EFFECTIVE DATE:



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

6. B.

Meeting Date: 02/07/2017

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

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

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

That the Board review and recommend to the Board of County Commissioners (BCC) for adoption, an Ordinance to the Land Development Code (LDC) Chapter 2, Development and Compliance Review, Article 6, Special Conditions and Circumstances, amending Section 2-6.2 through Section 2-6.10 to require additional public notification for certain quasi-judicial hearings, appeals of administrative decisions, variances, conditional uses, substantial hardship variances, and other reviews; amending Chapter 2, Development and Compliance Review, Article 7, LDC and Comprehensive Plan Amendment, amending Section 2-7.1 through Section 2-7.3 to require additional public notification for zoning and future land use map amendments.

BACKGROUND:

The BCC directed that the Development Services Department expand the radius of minimum notification to property owners from 500' to 2500' to ensure that citizens are informed of certain development proposals and to allow for additional public involvement in the development process.

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 Meredith Crawford, 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.

Attachments

Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: 2500'Notification

Date: 12/28/16

Date requested back by: 1/12/17 for Feb. PB meeting

Requested by: Allyson Cain

Phone Number: _____



(LEGAL USE ONLY)

Legal Review by M. Crawford

Date Received: 12/29/16

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

Draft PB#4

1 are hereby amended as follows (words underlined are additions and words ~~stricken~~ are
2 deletions):

3

4 **Sec. 2-6.2 - Review by quasi-judicial hearing.**

5 Quasi-judicial hearings are required for final determinations on the following
6 applications: Appeals of administrative decisions, variances, conditional uses,
7 substantial hardship variances and other reviews as prescribed within this article.

8 Public notification is required as further outlined in this Article. The cost of the
9 notification is to be borne by the applicant requesting review.

10

11 **Sec. 2-6.3 Variance of LDC standards.**

12

13 **(a) General.** An applicant may request a variance to specified provisions of the LDC.

14

15 A variance authorizes site use in a manner that is not otherwise allowed by the
16 dimensional or physical requirements of the LDC, but a variance cannot
17 authorize uses that are prohibited by zoning or remedy general hardship
18 conditions that extend to other sites.

19

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

25

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

32

33 Design and construction of swimming pools at Pensacola beach must take
34 into consideration the existing environmental conditions on a barrier island
35 location. Swimming pools to be constructed outside of established building
36 setback lines must be approved by the SRIA Board only, without the need
37 for further action by the BOA.

38

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

40

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

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

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

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

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

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

15
16 **(7) Public participation.** Prior to any hearing to consider a variance, the clerk of
17 the reviewing board shall provide adequate public notice.

18
19 **a. Publication.** At least ten days prior to the hearing, notice shall be
20 published in a newspaper of general circulation in Escambia County.

21 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than
22 20 inches by 30 inches shall be prominently posted on, or as near as
23 practicable to, the subject property and shall be clearly readable from
24 the nearest public right-of-way.

25 **c. Notification.** At least 15 days prior to the hearing, notification shall be
26 sent via U.S. mail to the address registered with the property appraiser
27 for each owner of real property with any portion of the property located
28 within 2500 feet of the subject property. The cost of the mailing is to be
29 borne by the applicant.

30
31 **(c) Substantial hardship variance provisions.** An applicant may request a substantial
32 hardship variance providing limited relief for a hardship arising from conditions
33 peculiar to a specific property. The process to approve a substantial hardship
34 variance is established here for the BOA and SRIA to consider whether there is a
35 deficiency in real property that creates a substantial undue hardship for the property
36 owner by preventing development of the property in compliance with a LDC standard
37 and whether a requested adjustment in the standard should compensate for that
38 deficiency.

39
40 **(1) Application.** An application for substantial hardship variance approval shall
41 be submitted for compliance review to the clerk of the reviewing board within

1 the deadline stated in the application. A pre-application meeting with staff is
2 recommended.

3 **(2) Public participation.** Prior to any hearing to consider a substantial hardship
4 variance, the clerk of the reviewing board shall provide adequate public
5 notice.

6
7 **a. Publication.** At least ten days prior to the hearing, notice shall be
8 published in a newspaper of general circulation in Escambia County.

9
10 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than
11 20 inches by 30 inches shall be prominently posted on, or as near as
12 practicable to, the subject property and shall be clearly readable from
the nearest public right-of-way.

13
14 **c. Notification.** At least 15 days prior to the hearing, notification shall be
15 sent via U.S. mail to the address registered with the property appraiser
16 for each owner of real property with any portion of the property located
17 within 2500 feet of the subject property. The cost of the mailing is to be
borne by the applicant.

18
19 **(3) Compliance review.** The BOA or SRIA shall conduct a quasi-judicial public
20 hearing as noticed to consider the requested substantial hardship variance
21 according to the provisions of this article. The applicant must establish the
22 presence of the following:

23
24 **a. Exceptional conditions.** There are exceptional conditions or
25 circumstances that are unique to the land in question, not ordinarily found
26 on other lands in the vicinity and not a result of the owner's intentional
27 action. Unique conditions or circumstances include exceptional
28 narrowness, shallowness, shape, or topographic conditions of the land or
29 the presence of environmentally sensitive lands in or around the land.

30
31 **b. Substantial hardship.** Under the unique land conditions or circumstances
32 prompting the variance request, the strict application of LDC standards
33 causes an exceptional practical difficulty or undue physical hardship to the
34 owner that effectively prohibits a permissible principal use or denies rights
35 and privileges legally enjoyed by owners of other properties in the vicinity
36 or within the same zoning district.

37 **(4) Final determination.**

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

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

9
10 **c. Other conditions of approval.** In granting a variance, the reviewing
11 board shall have the authority to attach any conditions directly related to
12 the variance as the board may find necessary for satisfaction of the
13 variance conditions and preservation of the intent of the subject standard.

14
15 **Sec. 2-6.4 Conditional uses.**

16
17 **(a) General.** The LDC may conditionally allow other uses in addition to the permitted
18 uses within each zoning district. Conditions that may justify conditional use approval
19 are evaluated through quasi-judicial public hearing review by the Board of
20 Adjustment (BOA), the Santa Rosa Island Authority (SRIA) for Pensacola Beach
21 properties, or the Board of County Commissioners (BCC) for certain uses as noted
22 in the applicable zoning district.

23
24 **(b) Limits on conditional uses.** Conditional uses are subject to the following
25 limitations:

26
27 **(1) Availability.** Conditional uses are available and may be granted only to land
28 for which that option is specifically provided by the applicable zoning district
29 or other provisions of the LDC.

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

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

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

39
40 **(c) Conditional use provisions.**

41
42 **(1) Application.** Application for conditional use approval shall be submitted for
43 compliance review to the clerk of the reviewing board within the time period

1 stated in the application. A pre-application meeting with staff for the board is
2 recommended.

3
4 **(2) Public participation.** Hearings to consider a conditional use shall be open to
5 the public. Prior to any hearing to consider a conditional use, the county shall
6 provide reasonable notice to the public as required by Florida Statutes.
7

8 **a. Publication.** At least ten days prior to the hearing, notice shall be
9 published in a newspaper of general circulation in Escambia County.

10 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than
11 20 inches by 30 inches shall be prominently posted on, or as near as
12 practicable to, the subject property and shall be clearly readable from
13 the nearest public right-of-way.

14 **c. Notification.** At least 15 days prior to the hearing, notification shall be
15 sent via U.S. mail to the address registered with the property appraiser
16 for each owner of real property with any portion of the property located
17 within 2500 feet of the subject property. The cost of the mailing is to be
18 borne by the applicant.

19
20 **(3) Compliance Review.** The reviewing board shall conduct the quasi-judicial
21 public hearing to consider the requested conditional use. The applicant has
22 the burden of presenting competent substantial evidence that establishes
23 each of the following conditions:
24

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

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

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

35 **d. Nuisances and hazards.** The scale, intensity, and operation of the use will
36 not generate unreasonable noise, glare, dust, smoke, odor, vibration,
37 electrical interference, or other nuisances or hazards for adjoining
38 properties and other properties in the immediate area.

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

- 1 **f. Screening and buffering.** Where not otherwise required by the LDC,
2 screening and buffering will be provided if appropriate to the proposed use
3 and site.
- 4 **g. Signs and lighting.** All exterior signs and lights, whether attached or
5 freestanding, will be compatible with adjoining properties and other
6 properties in the immediate area, especially regarding glare and traffic
7 safety.
- 8 **h. Site characteristics.** The size, shape, location and topography of the site
9 appear adequate to accommodate the proposed use, including setbacks,
10 intensity, bulk, height, open space and aesthetic considerations.
- 11 **i. Use requirements.** The proposed use complies with any additional
12 conditional use requirements of the applicable zoning district, use, or other
13 provisions of the LDC.

14
15 **(4) Final determination.**

- 16
17 **a. Action of board.** If the reviewing board finds from the record of the
18 hearing that the applicant has presented competent substantial evidence
19 proving the required conditions, the board shall grant a conditional use,
20 unless the board finds from the evidence presented that granting the
21 conditional use will be adverse to the public interest.
- 22 **b. Period of valid approval.** A conditional use approval is valid for a period
23 of four years from the date of approval. If within that period the conditional
24 use is not part of an approved site development application or one
25 continuing in good faith review as determined by the Planning Official, the
26 conditional use approval expires and is void. No extension of the initial
27 approval is available. However, once the conditional use is part of an
28 approved site development plan, the conditional use approval will remain
29 valid through the approved plan.
- 30 **c. Other conditions of approval.** In granting a conditional use, the reviewing
31 board shall have the authority to attach any conditions directly related to
32 the use as the board may find necessary for satisfaction of the conditional
33 use conditions and preservation of the intent of the applicable zoning
34 district. Such conditions include setbacks, height, impervious cover, total
35 floor area, building orientation, screening, buffering, site signage and
36 lighting, and hours of operation.

37
38 **Sec. 2-6.5 Extensions of review, approval, and use periods.**

- 39 **(a) General.** The LDC requires good faith efforts in adhering to its established periods,
40 but extension of an eligible LDC time limit may be requested according to the
41 provisions of this section whereby a landowner asserts that the limit does not
42 anticipate legitimate delays in compliance. However, no applicant is automatically

1 entitled to any extension. Short-term (six-month) extensions are evaluated by the
2 planning official, and longer extensions (one year) shall be evaluated through a
3 quasi-judicial public hearing review by the BOA. These extension processes allow
4 additional time for concluding the compliance review, developing an approved use,
5 and continuing or reestablishing some uses.

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

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

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

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

19
20 **Sec. 2-6.6 - Medical hardship temporary use of manufactured homes.**

21 **(a) General.** Temporary placement of a manufactured (mobile) home or park trailer
22 may be requested according to the provisions of this section when a landowner
23 asserts that existing medical conditions require in-home care and an accessory
24 dwelling to reasonably provide it. The manufactured home may be placed within any
25 mainland zoning district to remedy a medical hardship according to the temporary
26 use provisions of chapter 4, regardless of the density limits of the applicable zoning.
27 The requirements to grant the temporary use of a manufactured home or park trailer
28 as an accessory dwelling to provide in-home medical care is considered by the BOA
29 in a quasi-judicial hearing whether conditions warrant such use.

30 **(b) Medical hardship temporary use.**

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

1 (2) **Public participation.** Prior to any hearing to consider the medical hardship
2 temporary use of a manufactured home or park trailer, the clerk of the BOA
3 shall provide adequate public notice.

4 **a. Publication.** At least ten days prior to the hearing, notice shall be
5 published in a newspaper of general circulation in Escambia County.

6 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than
7 20 inches by 30 inches shall be prominently posted on, or as near as
8 practicable to, the subject property and shall be clearly readable from
9 the nearest public right-of-way.

10 **c. Notification.** At least 15 days prior to the hearing, notification shall be
11 sent via U.S. mail to the address registered with the property appraiser
12 for each owner of real property with any portion of the property located
13 within 2500 feet of the subject property. The cost of the mailing is to be
14 borne by the applicant.

15 (3) **Compliance review.** The BOA shall conduct a quasi-judicial public hearing as
16 noticed to consider the requested medical hardship temporary use of a
17 manufactured home or park trailer according to the provisions of this article.
18 The applicant has the burden of presenting competent substantial evidence to
19 the board that establishes each of the following conditions:

20 **a. Certified need.** A Florida-licensed physician certifies in writing the medical
21 need, specifying the extent of the need for in-home medical care and the
22 approximate length of time for such in-home medical care.

23 **b. Minimum necessary.** Conditions and circumstances make it difficult or
24 impossible for the recipient and provider of medical care to reside in the
25 same dwelling and the temporary accessory dwelling is the minimum
26 necessary to provide relief of that medical hardship.

27 **c. Adequate public services.** The manufactured home or park trailer will
28 have adequate water, sewer, solid waste removal, and electric services
29 available.

30 **d. Compatibility.** The temporary use will not produce adverse impacts on the
31 uses of surrounding properties.

32 **e. Standard conditions.** The temporary use can comply with the applicable
33 standards of chapter 4.

34 (4) **Final determination.**

35 **a. Action of board.** If the BOA determines from the established record of the
36 hearing that there is a compelling demonstration by the applicant of
37 competent substantial evidence proving the required conditions, the board
38 shall grant the temporary use of a manufactured home.

39 **b. Period of valid approval.** Approval of the medical hardship temporary use
40 of a manufactured home or park trailer is valid for a period of one year from

1 the date of approval. If within that period the temporary use is not part of an
2 approved site development application or one continuing on good-faith
3 review as determined by the planning official, the temporary use approval is
4 void. Once the temporary use is part of an approved site development plan,
5 however, the use approval will remain valid through the approved plan.

6 **c. Period of use.** The medical hardship temporary use of a manufactured
7 home or park trailer is initially limited to two years from the date the
8 certificate of occupancy for the home is issued. An extension to the period
9 of use may be granted for a continuing medical need according to the
10 extension provisions of this article. However, regardless of any extensions
11 granted, whenever the medical hardship ends, the approval of the
12 temporary placement and use of the manufactured home are void.

13 **d. Other conditions of approval.** In granting temporary use of a
14 manufactured home or park trailer, the BOA shall have the authority to
15 attach any conditions directly related to the use as the board may find
16 necessary for protection of the general public, satisfaction of the temporary
17 use criteria, and preservation of the intent of the applicable zoning district.
18 These conditions are in addition to any use-specific standards prescribed
19 by chapter 4 for the temporary placement of a manufactured home.

20
21 **Sec. 2-6.7 Vested rights.**

22
23 **(a) General.** It is the intent of this section to provide a mechanism for the granting of an
24 equitable vested right according to the provisions of this section when a landowner
25 asserts that sufficient development activity, once lawful under applicable land use
26 regulations but now contrary to their terms, has occurred so that the landowner is
27 entitled to a development right.

28
29 **(b) Application.** Application for vested rights approval shall be submitted to the clerk of
30 the Planning Board no later than 12 months following any act or omission on the part
31 of the county that the landowner discovers and asserts as the basis for a vested
32 right, or no later than 12 months following written county notification to the
33 landowner of the need to apply for a determination, whichever occurs sooner.

34
35 **(c) Public Participation.** Prior to any hearing to consider a vested right, the clerk of the
36 Planning Board shall provide adequate provide adequate public notice.

- 37
38 **1. Publication.** At least ten days prior to the hearing, notice shall be
39 published in a newspaper of general circulation in Escambia County.
40
41 **2. Site sign.** At least 15 days prior to the hearing, a sign no smaller than
42 20 inches by 30 inches shall be prominently posted on, or as near as
43 practicable to, the subject property and shall be clearly readable from
the nearest public right-of-way.

1 **3. Notification.** At least 15 days prior to the hearing, notification shall be
2 sent via U.S. mail to the address registered with the property appraiser
3 for each owner of real property with any portion of the property located
4 within 2500 feet of the subject property. The cost of the mailing is to be
5 borne by the applicant.

6
7 **(d) Compliance review.** The Planning Board shall conduct a quasi-judicial public
8 hearing to consider the requested vested right according to the provisions of this
9 article. The Planning Board shall adopt a recommendation to the BCC for vested
10 right approval, approval with conditions, or denial based on the hearing record of
11 evidence.

12
13 **(e) Criteria for vested rights determination.** An owner shall be entitled to a
14 determination of vested rights only if through substantial competent evidence it can
15 be established that the proposed use of the property meets the concurrency
16 provisions of Article 5 and in addition one of the following criteria has been met:

17
18 **(1)** The proposed use was authorized pursuant to a county development order, or
19 equivalent, issued on or before the effective date of this Code, or a pertinent
20 amendment thereto, and the development has commenced and is continuing in
21 good faith. In a claim based upon this criterion, the owner must produce evidence
22 of actions and accomplishments that substantiate timely and lawful progression
23 towards the completion of the intentions and plans documented in the original
24 order, or equivalent. In a claim based upon this criterion, the right to which the
25 owner may be vested is a continuation of the original order, or equivalent.

26
27 **(2)** The owner is determined to have acquired rights due to good faith reliance on an
28 act of commission or omission of the county which has caused the owner to
29 make such a substantial change in position or to incur such extensive obligations
30 and expenses that it would be highly inequitable and unjust to destroy the rights
31 acquired. In a claim based upon this criterion, the owner must document, and the
32 county must verify, the obligations and expenses that are in jeopardy. The owner
33 must produce evidence of actions and accomplishments that substantiate timely
34 and lawful progression towards the completion of the intentions and plans that
35 have been jeopardized. Evidence including, but not limited to, that which
36 demonstrates that such activity has not progressed in such a manner may be
37 sufficient to negate a finding of good faith on the part of the owner and therefore
38 invalidate the claim to vested rights.

39
40 **(f) Limitation on vested rights.** A determination of vested rights shall expire and be
41 null and void unless construction of improvements, if any, are commenced pursuant
42 to a development order within 18 months after the issuance of the determination of
43 vested rights.

1 **Sec. 2-6.8 Planned Unit Developments.**

2 **(a) General.** Planned unit development (PUD) is an optional and supplemental
3 compliance review process for the subdivision of land. It allows flexibility in LDC
4 requirements to encourage greater creativity in land use planning and design for the
5 mutual benefit of developers and the public. The intent of the PUD is to obtain
6 benefits not anticipated by the strict application of zoning district regulations and
7 subdivision standards, and not available by other variance processes. For the
8 private gain of greater design flexibility, developers are required to provide greater
9 public benefits through permanently preserved common open space, infrastructure
10 improvements, accommodation of environmental and aesthetic features, and other
11 permanent site improvements and amenities benefiting public health, safety and
12 welfare. Proposed PUD is evaluated first through a quasi-judicial public hearing by
13 the Planning Board and then by the Board of County Commissioners (BCC)

14
15 **(b) Limits on PUD.** Planned unit development can be used to mix land uses, provide
16 broader housing choices, and allow more compact development through specific
17 height, area, yard, size and use requirements that are different in any or all respects
18 from those required by the applicable zoning district, or subdivision design standards
19 different from those prescribed in Chapter 5. Planned unit development is allowed
20 for subdivision within any zoning district or future land use category, but it is subject
21 to the following limitations:

22
23 **(1) Land uses.** Land uses may vary from the specific uses allowed by the applicable
24 zoning district, but they shall comply with the range of allowed uses within the
25 applicable future land use category.

26 **(2) Density.** The number of dwelling units shall not exceed the density allowed by
27 the applicable future land use category or zoning district.

28 **(3) Other processes.** The PUD process supplements but does not replace other
29 applicable compliance review processes of the LDC, including those for approval
30 of preliminary plats, construction plans, and final plats.

31 **(4) Standards.** The PUD process shall not modify any level of service standards for
32 adequate public facilities or standards for accessibility, life safety, or health

33
34 **(c) Application.** An application for PUD approval shall be submitted to the clerk of the
35 Planning Board within the time frame provided in the application. A pre-application
36 meeting with staff is recommended.

37
38 **(d) Public participation.** Prior to any hearing to consider a PUD, the clerk of the
39 Planning Board shall provide adequate public notice.

40
41 **(1) Publication.** At least ten days prior to the hearing, notice shall be published in a
42 newspaper of general circulation in Escambia County.

1 **(2) Site sign.** At least 15 days prior to the hearing, a sign no smaller than 20 inches
2 by 30 inches shall be prominently posted on, or as near as practicable to, the
3 subject property and shall be clearly readable from the nearest public right-of-way.

4 **(3) Notification.** At least 15 days prior to the hearing, notification shall be sent via
5 U.S. mail to the address registered with the property appraiser for each owner of
6 real property with any portion of the property located within 2500 feet of the
7 subject property. The cost of the mailing is to be borne by the applicant.

8
9 **(e) Compliance review.** The Planning Board shall conduct a quasi-judicial public
10 hearing as noticed to consider whether conditions warrant the proposed
11 modifications and make recommendations regarding the proposal to the BCC and
12 for them to consider and act on those recommendations.

13
14 **(f) Criteria for PUD approval.** The applicant has the burden of presenting competent
15 substantial evidence to the board that establishes each of the following conditions
16 for the PUD:

17
18 **(1) Creative Planning.** Uses and structures are arranged in a manner that
19 demonstrates creative concepts of land use planning throughout the
20 development area. Residential uses include a complementary and sustainable
21 mix of dwelling unit types or mix with non-residential uses.

22 **(2) Natural amenities.** Clustering, setbacks, easements and other methods are
23 utilized to preserve to the greatest extent practicable the natural amenities and
24 characteristics of the land, including open space, topography, natural vegetation,
25 groundwater recharge, waterways, and scenic views. Deficiencies in natural
26 amenities are supplemented through landscaping and other enhancements.

27 **(3) Desirable environment.** A more desirable environment in which to live or work
28 is created than would be possible through the strict application of the minimum
29 requirements of the LDC. Common open space area is within reasonable walking
30 distance of all dwelling units in the development.

31 **(4) Mobility.** Internal circulation systems promote both pedestrian and vehicular
32 mobility, especially between residential areas and local public open space,
33 schools, retail sales and services, and employment. Sidewalks are located on at
34 least one side of every street to support safe pedestrian mobility within the
35 development and appropriate access to surrounding uses.

36 **(5) Efficient land use.** An efficient use of land results in smaller networks of streets
37 and utilities. If street rights-of-way are proposed to be less than standard width,
38 easements will provide adequate space to install and maintain utilities.

39 **(6) Compatibility.** The development is compatible with surrounding areas and
40 provides stable conditions and character to maintain long-term compatibility.

1 **Sec. 2-6.9 - Statutory development agreements.**

2 At the request of an applicant or the county, a voluntary development agreement
3 may be entered into that would vest certain conditions agreed to by both parties
4 according to the requirements of Florida Statutes. The form of the development
5 agreement shall be approved through the county attorney's office. The planning board
6 shall conduct the first of two public hearings required by law. The BCC shall conduct the
7 second public hearing, with final adoption of the development agreement requiring a
8 majority vote of the BCC.

9
10 **Section 2-6.10 Appeal of Administrative Decisions**

11
12 **(a) Appeal option.** Any person whose substantial interests have been adversely
13 affected by an error in the order, requirement, interpretation, or determination of an
14 administrative official regarding compliance with the requirements of the LDC may
15 appeal that decision according to the provisions of this section. The provisions do
16 not apply to decisions regarding administration of the building code, actions of code
17 enforcement officers, or challenges of consistency of LDC regulations with the
18 Comprehensive Plan. A claim to appeal or challenge the consistency of a
19 development order with the adopted Comprehensive Plan must be filed with the
20 Clerk of the Circuit Court of Escambia County pursuant to Florida Statute 163.3215.
21

22 **(b) Appeal process.** Conditions that may justify modification of administrative decisions
23 are evaluated through quasi-judicial public hearing review by the Board of Adjustment
24 (BOA).
25

26 **(1) Application.** Application for appeal of an administrative decision shall be submitted
27 for compliance review within 15 days after the date of the decision being appealed.
28 A quasi-judicial public hearing for the appeal shall be scheduled to occur within 30
29 business days after receipt of a complete application. The application shall provide
30 information as required by the adopted appeal procedures, including the following:
31

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

34 **b. LDC reference.** Identification of the specific LDC provisions for which
35 noncompliance is alleged.

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

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

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

41 **f. Other information.** Any other pertinent information the applicant wishes to have
42 considered.

1
2 **(2) Public participation.** Hearings to consider an appeal of administrative decision
3 shall be open to the public. Prior to any hearing to consider an appeal of
4 administrative decision, the county shall provide reasonable notice to the public as
5 required by Florida Statutes. ~~Although the hearing before the BOA is open to the~~
6 ~~public, only those person or entities with “standing” will be allowed to present~~
7 ~~testimony or other evidence during the hearing. Persons with standing include:~~

8
9 ~~a. The applicant or other person who received the complained of adversed decision~~
10 ~~from the county administrative official.~~

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

14 a. **Publication.** At least ten days prior to the hearing, notice shall be
15 published in a newspaper of general circulation in Escambia County.

16 b. **Site sign.** At least 15 days prior to the hearing, a sign no smaller than
17 20 inches by 30 inches shall be prominently posted on, or as near as
18 practicable to, the subject property and shall be clearly readable from
19 the nearest public right-of-way.

20 c. **Notification.** At least 15 days prior to the hearing, notification shall be
21 sent via U.S. mail to the address registered with the property appraiser
22 for each owner of real property with any portion of the property located
23 within 2500 feet of the subject property. The cost of the mailing is to be
24 borne by the applicant.

25
26 **(3) Standing.** Although the hearing before the BOA is open to the public, only those
27 person or entities with “standing” will be allowed to present testimony or other
28 evidence during the hearing. Persons with standing include:

29 a. The applicant or any other person who received the adverse decision from the
30 county administrative official.

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

34
35 **(3) (4) Compliance review.** The BOA shall conduct the quasi-judicial public hearing
36 to consider the appeal of an administrative decision. The applicant has the
37 burden of presenting competent substantial evidence to the board that
38 establishes each of the following conditions with regard to the decision being
39 appealed:

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

- 1
- 2 **b. LDC noncompliance.** The specific LDC provisions identified in the appeal
- 3 application are appropriate to the decision and the decision was not in
- 4 compliance with those provisions.
- 5 **c. Adverse impact.** The applicant’s property will suffer an adverse impact as a
- 6 result of the decision if it is not modified.
- 7 **d. Protected interest.** The adverse impact is to a specific interest protected or
- 8 furthered by the LDC or Comprehensive Plan.
- 9 **e. Greater impact.** The adverse impact adversely affects the applicant in a
- 10 greater degree than any adverse impact shared by the community at large;
- 11 and, if the applicant is a third party to the decision, the adverse impact
- 12 peculiar to the applicant differs in kind (as opposed to degree) to any suffered
- 13 by the community as a whole.

14

15 **(4) (5) Final determination.**

16

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

36 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development

37 Code of Escambia County, Chapter 2, Article 7, Sections 2-7.1 through Section 2-7.3

38 are hereby amended as follows (words underlined are additions and words ~~stricken~~ are

39 deletions):

40

41 **Article 7 LDC and Comprehensive Plan Amendment**

1 **Sec. 2-7.1 Purpose of article.**

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

11

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

13 **(a) General.** All provisions of the LDC are established, modified, or repealed by
14 ordinance of the Board of County Commissioners (BCC). Zoning map and text
15 amendments may be proposed by the county or others according to the ordinance
16 enactment procedures prescribed by Florida Statutes and the provisions of this
17 section. Since any LDC amendment is a change to implementing the land use
18 regulations of the county and can modify the requirements for subsequent
19 authorizations of land uses and development activities, significant opportunities for
20 public participation are provided. These map and text amendment processes are
21 established for the county to authorize appropriate changes to its land development
22 regulations.

23 **(b) Zoning map amendment (Rezoning application)**

24 **(1) Application.** An application for a rezoning shall be submitted to the clerk of the
25 Planning Board at least 30 business days prior to the scheduled board meeting.
26 If the application concerns property under the jurisdiction of the Santa Rosa
27 Island Authority (SRIA), the application shall be submitted to the clerk of the
28 SRIA at least 30 business days prior to the scheduled board meeting. A pre-
29 application meeting of the applicant with the staff for the board is recommended
30 to discuss the process and review county and applicant responsibilities.

31 **(2) Public participation.** Hearings to consider a rezoning application shall be open
32 to the public. Prior to any such hearing, the clerk of the reviewing board shall
33 provide reasonable notice to the public as required by Florida Statutes and the
34 Comprehensive Plan. Public notification is required as further outlined in this
35 Article. The cost of the notification is to be borne by the applicant requesting
36 review.

37 a. Publication. At least ten days prior to the hearing, notice shall be published
38 in a newspaper of general circulation in Escambia County.

1 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than 20
2 inches by 30 inches shall be prominently posted on, or as near as practicable
3 to, the subject property and shall be clearly readable from the nearest public
4 right-of-way.

5 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent
6 via U.S. mail to the address registered with the property appraiser for each
7 owner of real property with any portion of the property located within 2500
8 feet of the subject property. The cost of the mailing is to be borne by the
9 applicant.

10 **(3) Compliance review.** A quasi-judicial public hearing shall be conducted by the
11 appropriate reviewing board to consider a requested rezoning according to the
12 provisions of this article. At the conclusion of the hearing, based on the record
13 evidence, the reviewing board shall submit a recommendation to the BCC for
14 rezoning approval, denial, or if appropriate and acceptable to the applicant,
15 approval of a district with less intensive uses than the requested zoning.

16 **(4) Approval conditions.** The applicant has the burden of presenting competent
17 substantial evidence to the reviewing board that establishes each of the following
18 conditions:

19 **a. Consistent with Comprehensive Plan.** The proposed rezoning is
20 consistent with the goals, objectives, and policies of the Comprehensive Plan
21 and not in conflict with any of its provisions.

22 **b. Consistent with LDC.** The proposed rezoning is consistent with the stated
23 purposes and intent of the LDC and not in conflict with any of its provisions.

24 **c. Compatibility.** All land uses, development activities, and conditions allowed
25 by the proposed zoning are compatible with the surrounding conforming uses,
26 activities and conditions and are able to coexist in relative proximity to them in
27 a stable fashion over time such that no use, activity, or condition negatively
28 impacts another. The appropriateness of the rezoning is not limited to any
29 specific use that may be proposed but is evident for all permitted uses of the
30 requested zoning. This condition shall not apply to any conditional uses of
31 the proposed district or compatibility with nonconforming or unapproved uses,
32 activities, or conditions.

33 **d. Changed conditions.** The area to which the proposed rezoning would apply
34 has changed, or is changing, to such a degree that it is in the public interest
35 to encourage new uses, density, or intensity in the area through rezoning.

36 **e. Development patterns.** The proposed rezoning would contribute to or result
37 in a logical and orderly development pattern.

38 **f. Effect on natural environment.** The proposed rezoning would not increase
39 the probability of any significant adverse impacts on the natural environment.

40 **(5) Board Action.** When the reviewing board finds from the record of the hearing
41 that the applicant has presented competent substantial evidence establishing the

1 required conditions, the board shall recommend approval of the rezoning request
2 to the BCC, unless the board determines that maintaining the current zoning will
3 prevent the following:

- 4 **a. Premature development or sprawl.** The land uses and development
5 activities allowed by the proposed rezoning are premature, or the rezoning
6 would likely create or contribute to an urban sprawl pattern of development
7 more than the current zoning.
- 8 **b. Isolated districts.** The proposed rezoning would create or contribute to an
9 isolated zoning district that is neither related to the adjacent and nearby
10 zoning districts nor an appropriate transition between them.
- 11 **c. Intrusion of non-residential uses.** The proposed rezoning would allow an
12 intrusion of commercial or industrial uses into a platted residential subdivision
13 or other established residential area more than the current zoning.
- 14 **d. Property value impacts.** The land uses, development activities and
15 conditions allowed by the proposed rezoning would likely result in significant
16 adverse impacts upon the property values of adjacent properties or those in
17 the immediate area more than the types of use, activities, and conditions
18 permitted by the current zoning.
- 19 **e. Nuisance-based impacts.** The land uses, development activities and
20 conditions allowed by the proposed rezoning would likely adversely impact
21 the character of existing development or quality of life in the general area or
22 neighborhood by creating excessive traffic, noise, lights, vibration, fumes,
23 odors, dust, physical activities, or other detrimental effects or nuisances more
24 than the types of uses, activities and conditions permitted by the current
25 zoning.

26
27 **(6) Final determination.** The BCC at its scheduled hearing shall adopt, modify, or
28 reject the recommendation of the Planning Board or SRIA or return the rezoning
29 case to the board with instructions for additional facts or clarification. The staff of
30 the recommending board shall inform the board of all formal actions taken by the
31 BCC on the rezoning request. If the final determination of the BCC is denial of
32 the rezoning, no new application for identical action on the same parcel shall be
33 accepted for consideration within a period of 180 days from the date of the
34 denial.

35 **(7) Appeals.** Actions by the BCC adopting, rejecting, or modifying the
36 recommended rezoning of the reviewing board are final. Any party seeking
37 judicial review of the final determination shall do so according to the general
38 provisions of Article 1. Additionally, written notice of the filing of any such petition
39 for judicial review shall be promptly provided by the petitioner through the county
40 to each owner of real property with any portion within a 500-foot radius of the
41 rezoning subject property. (Ord. No. 2015-35, § 1, 9-3-2015)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

(c) LDC Text amendment provisions.

Changes to the text of the LDC set policy and are legislative in nature. The requirements to approve a text amendment are established for the Planning Board to make recommendations to the BCC regarding whether requested changes to LDC text are necessary and appropriate and for the BCC to consider and act on those recommendations. The text amendment process does not amend the content of zoning district maps, technical standards, and other maps or documents adopted by reference within the LDC.

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

(2) Public participation. Prior to any meeting to consider a text amendment, the clerk of the Planning Board shall ensure public notice consistent with Florida Statutes and the Comprehensive Plan. At least ten days prior to the hearing, notice shall be published in a newspaper of general circulation in Escambia County.

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

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

b. Recommendation to BCC. For any amending ordinance, the clerk of the Planning Board shall forward the board's recommendation to the BCC for consideration in a public hearing at the next available scheduled meeting of the BCC. The clerk of the Planning Board shall ensure public notice of the BCC hearing consistent with Florida Statutes and the notice required for hearings of the Planning Board.

(4) Final determination. The BCC shall consider the amending ordinance at a public hearing as noticed and adopt, modify, or reject the recommendation of the Planning Board. At its discretion, the BCC may return the amending ordinance to

1 the board with instructions for modifications. If the amending ordinance is
2 returned for modifications, the Planning Board shall hold another public hearing
3 for the purpose of considering any revisions. The hearing shall be at a
4 scheduled meeting of the Planning Board, with public notice the same as that
5 provided for the initial hearing. Within the time requested by the BCC, the
6 Planning Board shall resubmit the amending ordinance with any revisions it may
7 propose for BCC consideration. The clerk of the Planning Board shall again
8 ensure proper public notice of the hearing at the next available scheduled
9 meeting of the BCC. In the hearing, the BCC shall again consider the amending
10 ordinance for adoption, modification, or rejection.

11 **(d) Consistency with Comprehensive Plan.** A challenge by a substantially affected
12 person of any LDC regulation on the basis that it is inconsistent with the
13 Comprehensive Plan shall be made according to the administrative review
14 provisions of Florida Statutes.

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

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

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

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

31 **(d) Amendment requirements.** Amendments to both the text and the future land use
32 map of the Comprehensive Plan functionally set policy and are legislative in nature.
33 The requirements to approve a comprehensive plan amendment are established for
34 the Planning Board to make final recommendations to the BCC regarding whether
35 requested amendments to the Comprehensive Plan of the county are necessary and
36 appropriate and for the BCC to consider and act on those recommendations.

37 **(e) Comprehensive Plan map amendments**

38 **(1) Application.** An application for a Comprehensive Plan map amendment
39 approval shall be submitted for compliance review to the clerk of the Planning
40 Board at least 30 business days prior to the scheduled board meeting. A pre-

1 application meeting of the applicant with staff for the board is recommended to
2 discuss the process and review county and applicant responsibilities.

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

6 **a. Publication.** At least ten days prior to the hearing, notice shall be published
7 in a newspaper of general circulation in Escambia County.

8 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than 20
9 inches by 30 inches shall be prominently posted on, or as near as practicable
10 to, the subject property and shall be clearly readable from the nearest public
11 right-of-way.

12 **c. Notification.** At least 15 days prior to the hearing, notification shall be sent
13 via U.S. mail to the address registered with the property appraiser for each
14 owner of real property with any portion of the property located within 2500
15 feet of the subject property. The cost of the mailing is to be borne by the
16 applicant.

17 **(3) Compliance review.** The Planning Board shall consider a requested
18 Comprehensive Plan map amendment during the noticed meeting of the board
19 and determine any subsequent actions. At the conclusion of the hearing, the
20 Planning Board shall adopt a recommendation to the BCC for adoption, adoption
21 with modification, or rejection of the amendment.

22 **a. General amendment conditions.** All amendments to the Comprehensive
23 Plan shall demonstrate the following general conditions, allowing that where
24 an amendment is imposed by a state or federal requirement it need only
25 demonstrate the conditions to the greatest extent practicable under that
26 requirement:

27 **1. Need and benefit.** There is an identified land use need particular to the
28 scope and function of the Comprehensive Plan for which an amendment is
29 clearly warranted.

30 **2. Professional practices.** The proposed amendment applies
31 contemporary planning principles, engineering standards, and other
32 professional practices to provide an effective and efficient remedy for the
33 identified land use problem or need.

34 **b. FLUM amendment conditions.** In addition to the general amendment
35 conditions, a future land use map amendment shall be based upon analyses
36 by Florida Statute.

37 **e. (f) Comprehensive Plan text amendment**

38 A comprehensive plan text amendment shall demonstrate any applicable
39 governing regulations.

1 Changes to the text of the comprehensive plan set policy and are legislative in
2 nature. The requirements to approve a text amendment are established for the
3 Planning Board to make recommendations to the BCC regarding whether
4 requested changes to comprehensive plan text are necessary and appropriate
5 and for the BCC to consider and act on those recommendations. The text
6 amendment process does not amend the content of future land use maps,
7 technical standards, and other maps or documents adopted by reference within
8 the comprehensive plan.

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

15 **(2) Public participation.** Prior to any meeting to consider a text amendment, the
16 clerk of the Planning Board shall ensure public notice consistent with Florida
17 Statutes and the Comprehensive Plan. At least ten days prior to the hearing,
18 notice shall be published in a newspaper of general circulation in Escambia
19 County.

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

26 **a. Planning Official's report.** For any amending ordinance, or as may be
27 requested by the Planning Board for any other amendment proposal, the
28 Planning Official shall review and evaluate the proposal according to the
29 required amendment conditions. The evaluation shall be provided to the
30 Planning Board for consideration with the proposed text amendment.

31 **b. Recommendation to BCC.** For any amending ordinance, the clerk of the
32 Planning Board shall forward the board's recommendation to the BCC for
33 consideration in a public hearing at the next available scheduled meeting of
34 the BCC. The clerk of the Planning Board shall ensure public notice of all
35 BCC hearings regarding the amendment consistent with Florida Statutes and
36 the notice required for hearings of the Planning Board.

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

40 **a. Initial action of BCC.** The BCC shall consider the amending ordinance at its
41 noticed public hearing and accept, modify, or reject the recommendation of
42 the Planning Board. The initial hearing of the BCC shall be for transmittal if

1 the amendment is following the expedited state review or state coordinated
2 review process. If the amendment qualifies as small in scale, the initial
3 hearing shall be the adoption hearing for the ordinance.

4 **b. Initial transmittal.** If approved by the BCC at the initial public hearing, an
5 amendment following the expedited state review or state coordinated review
6 process shall be transmitted with appropriate supporting data and analysis to
7 the state land planning agency and other reviewing agencies for comment.

8 **c. Response of BCC.** After county receipt of reviewing agency comments the
9 BCC shall hold a second noticed public hearing within the time prescribed by
10 statute to consider adoption of the ordinance. At the hearing the BCC shall
11 adopt, modify, or reject the amending ordinance. Failure to timely hold a
12 second hearing shall be considered withdrawal of the amendment.

13 **d. Adoption transmittal.** If approved by the BCC at a public hearing, the
14 county shall transmit the adopted amendment and appropriate supporting
15 data and analysis to the state land planning agency and any other reviewing
16 agencies that provided timely comment. An adopted amendment becomes
17 effective no sooner than the minimum time after adoption prescribed by
18 statute. If timely challenge, an amendment does not become effective until
19 the state issues a final order determining compliance.

20 **e. Landowner dispute resolution.** If the county denies a landowner's request
21 for an amendment to the comprehensive plan that is applicable to the owner's
22 land, the county must afford the owner an opportunity for informal mediation
23 or other alternative dispute resolution as required by Florida Statutes.

24 **Section 3.** Part III of the Escambia County Code of Ordinances, the Land Development
25 Code of Escambia County, Chapter 4, Article 7, Sections 4-7.16 is hereby amended as
26 follows (words underlined are additions and words ~~stricken~~ are deletions):

27 **Sec. 4-7.6 Borrow pits and reclamation.**

28 **(a) Approvals.** The extraction, removal and transportation of material excavated
29 from borrow pits, and the filling or other reclamation of such pits after removal of
30 usable materials, requires site development approval coordinated with the borrow
31 pit and reclamation provisions of Chapters 42 and 82, Escambia County Code of
32 Ordinances. Borrow pits and their reclamation remain subject to the additional
33 requirements of applicable federal, state, and regional regulatory authorities.

34 **(1) Application.** An application to consider any borrow pit or reclamation activity
35 shall be submitted to the clerk of the Board at least 30 business days prior to
36 the scheduled board meeting. A pre-application meeting of the petitioner with
37 county staff is recommended to discuss the process and review county and
38 petitioner responsibilities.

39 **(2) Public participation.** Prior to any hearing to consider any borrow pit or
40 reclamation activity, the clerk of the Board shall ensure public notice

1 consistent with Florida Statutes, Code of Ordinance and the Comprehensive
2 Plan.

3 **a. Publication.** At least ten days prior to the hearing, notice shall be
4 published in a newspaper of general circulation in Escambia County.

5 **b. Site sign.** At least 15 days prior to the hearing, a sign no smaller than 20
6 inches by 30 inches shall be prominently posted on, or as near as
7 practicable to, the subject property and shall be clearly readable from the
8 nearest public right-of-way.

9 **c. Notification.** At least 15 days prior to the hearing, notification shall be
10 sent via U.S. mail to the address registered with the property appraiser for
11 each owner of real property with any portion of the property located within
12 2500 feet of the subject property. The cost of the mailing is to be borne by
13 the applicant.

14
15 **(a)(b) Standards regulating conditional uses.** In addition to the general provisions
16 regulating conditional uses, a conditional use may be permitted by the BOA provided
17 the proposed conditional use complies with the standards of this Code and the
18 following requirements:

19 **(1) Borrow pits and land clearing debris disposal sites.**

20 **a.** Sites shall require access from adequately wide paved roads where trucks
21 hauling excavated materials or debris to/from the site do not require access
22 on local residential roads.

23 **b.** The scale, intensity and operation of use shall not generate unreasonable
24 noise, traffic, odors, dust, or other potential nuisances or hazards to
25 contiguous residential properties.

26 **c.** The applicant shall submit a boundary survey and description of anticipated
27 excavation phases for a borrow pit as well as a reclamation plan for affected
28 lands. The same requirements shall apply to a development plan explaining:

29 1. Proposed practices to protect adjacent land and water resources,
30 minimize erosion, and treat stormwater runoff.

31 2. Safety features of the development plan.

32 3. Landscaped areas, particularly treatment of property lines in the
33 proximity of residential uses.

34 4. The applicant's reclamation plan.

35 5. Time schedule that meets the requirements of the permitting agency.

36 6. Method, manner, and type of revegetation of affected areas.

37 **d.** Minimum parcel size is 20 acres.

- e. Conditional use approval pursuant to this subsection does not waive an applicant's duty to meet any other county, state, or federal permitting requirements or performance standards.
- f. Notwithstanding the uses listed for any zoning district, the conditional use approval process shall be waived for any borrow pit or reclamation activity that is located 1000 feet on all sides from any residential use or zoning district and is serviced by an adjacent arterial or collector road.

(b)(c) Standards regulating adverse off-site impacts

(1) Noise

- a. *Prohibitions.* It shall be unlawful, except as expressly permitted herein, to make, cause, or allow the making of any noise or sound which exceeds the limits set forth in this article or in any county ordinance regulating noise. The Escambia County Code of Ordinances contains the principal noise regulations; the following provisions deal with development issues only.
- b. *Measurement of sound.* The measurement of sound or noise shall be made with a calibrated sound or noise level meter. A calibration check shall be made at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. A windscreen for the sound level meter microphone shall be used when required. Traffic, aircraft and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured. All measurements shall be made at the property line of the subject property and such measurements shall be taken at least five feet above grade and for a period of not less than two minutes.
- c. *Maximum permissible sound levels.* No manufacturing or commercial use shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth below at the time of land use certificate/site plan review, the applicant may be asked to certify the intent to meet the specified standard:

Sound level limits

Use Occupancy	Time	Sound Level Limit dB
Commercial/ tourist	7:00 a.m.—10:00 p.m.	75
	10:00 p.m.— 7:00 a.m.	<u>70</u>
Manufacturing ID-P	At all times	60

ID-1 or ID-2	6:00 a.m.—10:00 p.m.	95
	10:00 p.m.— 6:00 a.m.	85

1 **(2) Hours of operation**

2 **a.** Mining, borrow pit, resource extraction, and reclamation activities, including land
3 clearing debris and construction and demolition debris disposal that require trucks
4 and heavy equipment to traverse through residential areas as their only access path
5 to pit operations are limited to the hours between 6:00 a.m. and 6:00 p.m. Monday
6 through Friday and between 8:00 a.m. and 2:00 p.m. on Saturday. Operations that
7 occur entirely on-site and do not require traffic or access to roadways are permitted
8 on Sunday during daylight hours.

9 **b.** Mining, borrow pit, resource extraction, and reclamation activities, including land
10 clearing debris and construction and demolition debris disposal that access their
11 operations without traversing through residential areas are limited to the hours
12 between 6:00 a.m. and 6:00 p.m. Monday through Saturday. Operations that occur
13 entirely on-site and do not require traffic or access to roadways are permitted on
14 Sunday during daylight hours.

15 **(3) Exceptions to the above noted operating hours may be authorized by federal, state,**
16 **and/or county authorities in cases of emergency or when determined by such authorities**
17 **to best serve the public interest. Any exceptions require written approval by the county**
18 **administrator, or his/her appointed designee, specifying the reason and allowed**
19 **timeframe(s) for the exception.**

20 **(a) Exemptions.** The following uses or activities are exempt from the noise level
21 regulations as noted above and in chapter 1-20.3:

22 **(1) Construction operations for which building permits have been issued, provided that**
23 **such operations are limited to the hours between 5:00 a.m. and one hour after**
24 **sunset, except that on Pensacola Beach:**

- 25 **a.** No outside construction may begin before 6:30 a.m., if within 200 feet of an
26 occupied residence; and
- 27 **b.** Owner-occupied single-family detached houses are exempt from the above
28 restriction.

29 **(2) Safety signals, warning devices, bells and chimes of churches;**

30 **(3) Noise from emergency vehicles, or noises resulting from emergency works;**

31 **(4) All noises coming from the normal operation of trains, aircraft (not including scale**
32 **model aircraft), motor vehicles governed by F.S. § 316.293, or vessels operated**
33 **upon the waters within or adjacent to Escambia County;**

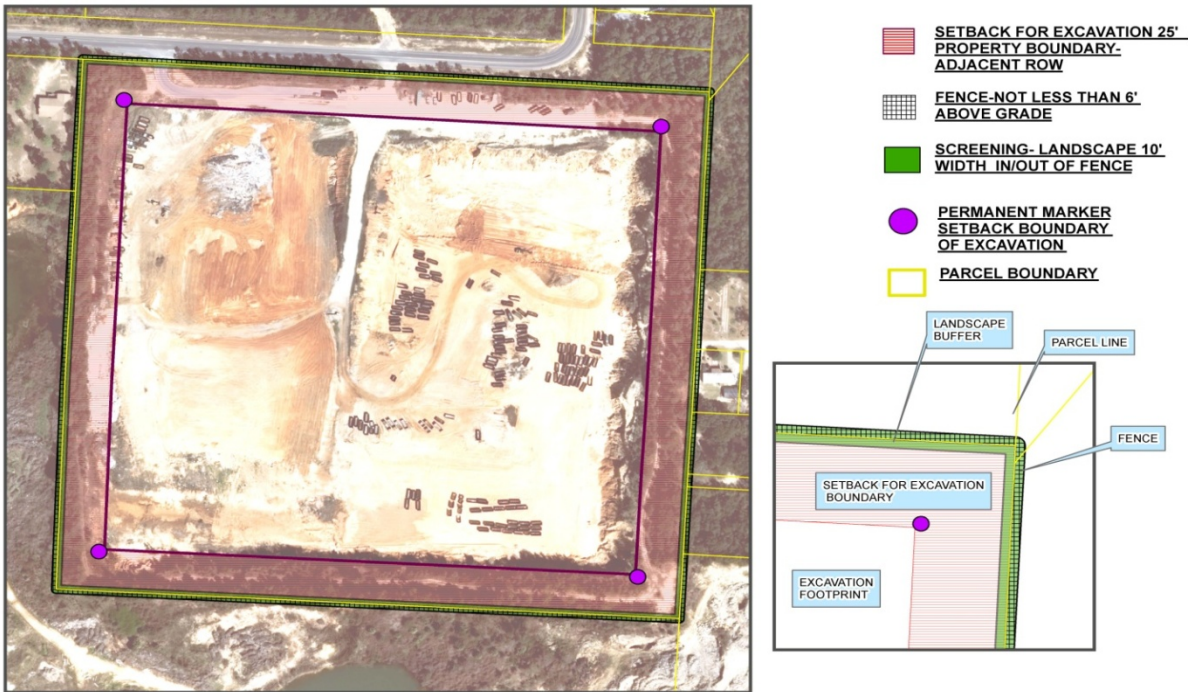
34 **(5) Activities at Five Flags Speedway and/or other legally constructed and operated**
35 **tracks or courses for competitive motor vehicles.**

37 **~~(e)~~(d) Borrow pits (includes mining and resource extraction) and reclamation**
38 **activities thereof**

39 **(1) Setbacks for excavation.** Borrow pit slope commencement (i.e., the outermost edge
40 of excavation) shall be located a minimum of 25 feet from the adjoining owner's
41 property boundary and/or adjacent right-of-way (ROW); however, minimum
42 excavation setbacks shall be consistent with the setbacks to be applied in the

1 applicant's reclamation plan. Setback provisions established herein include the
2 required width for landscape screening and buffers subsequently noted herein. The
3 following exceptions may apply:

- 4 **a. Back to back pits.** The setback for slope commencement excludes property
5 boundary lines between active pits using the same excavation area.
6 **b. Site specific requirements.** Increased setbacks may be required per the terms of
7 the mandatory county development order to protect wellheads, environmental areas,
8 and/or adjacent properties from adverse impacts.
9



- 10
- 11 **(2) Excavation slope requirements.** The angle of repose for borrow pit/mining slopes
12 shall be no greater than 2:1 (i.e., two feet horizontal for each one foot vertical) unless
13 a professional engineer (P.E.) or professional geologist (P.G.) certifies that an angle
14 of repose exceeding this ratio will prohibit any potential erosion or slumping, factoring
15 into account the type of soil (i.e., clay, sand, etc.) and pertinent environmental
16 conditions of the area.
- 17 **(3) Traffic requirements.** See section 7.11.09. Pit access shall be limited to routes
18 having the least impact on residential areas, and the use shall be subject to all traffic
19 concurrency requirements.
- 20 **(4) Permits.** See Escambia County Code of Ordinances, part I, chapter 42, Article VIII,
21 section 42-323. A county resource extraction permit is required for extraction,
22 removal and transportation of material excavated from the site. Permits for filling
23 and/or reclamation of pits after removal of usable materials are subject to additional
24 federal, state and/or local regulations as governed by the applicable regulatory
25 authority.
- 26 **(5) Hours of operation.** Limited for pits and reclamation activities as indicated above.

- 1 **(6)** Fences and gates. A security fence with appropriate gates for access, not less than
2 six feet above grade, is required along the outer perimeter of the excavated area,
3 with exception of the pit access point(s). Additional security features, such as barbed
4 wire above the fence top, are permitted. Gates for access shall be locked at all times
5 during non-operating hours. Fences and gates shall be maintained in a reasonable
6 condition to remain an effective barrier.
- 7 **(7)** Screening. Portions of the pit visible from the public right-of-way or nearest
8 residential use shall be screened with dense landscaping to achieve at least 75
9 percent opacity - The landscape buffer shall be no less than ten feet in width at any
10 given point and may be placed either inside or outside the required fence perimeter
11 to achieve maximum dust and noise reduction and visible shielding. Earthen berms
12 with a minimum height of three feet can be placed within this buffer area.
- 13 **(8)** Buffers. In addition to the landscape screening noted above, a minimum ten-foot
14 wide buffer is required parallel to, and inside, the required fence. Excavation, pit
15 operations, parking, storage and disposal of debris are not permitted within the
16 screening or buffer areas. The setback area may not be used for truck or equipment
17 traffic, except as necessary to maintain the setback area and perimeter fence. Pit
18 access point(s) shall be designed perpendicular to the buffer/screening width with
19 the least disturbance to the buffer/screening zone that allows safe vehicle and
20 equipment access to the operating site.
- 21 **(9)** Signs. "No Trespassing" signs are required at each pit access point(s), every 250
22 linear feet on the boundary fence, and at each corner, in letters not less than two
23 inches in height. "No Trespassing" signs shall be maintained in legible condition.
- 24 **(10)** Reclamation activities. Active reclamation activities shall be governed by any
25 performance standards applicable to the reclamation occurring on site, in
26 accordance with all federal, state, and local regulations and as approved pursuant to
27 the Escambia County Code of Ordinances. Reclamation involving land clearing
28 debris disposal shall only be permitted to the minimum height above ground level
29 that allows for environmental safety and stormwater runoff consistent with the
30 surrounding environment and intended post-mining land use not to exceed six feet.
31 Groundwater monitoring wells may be required for specific types of debris disposal
32 per the applicable federal and state regulations and the terms of the required county-
33 approved reclamation plan.
- 34 **(11)** Existing permitted and unpermitted activities. Borrow pits, and resource
35 extraction activities existing and in operation prior to August 22, 2014, or permitted
36 prior to that date shall be grandfathering (or vested) in accordance with the following
37 regulations:
- 38 **(a)** *Lawful nonconforming activities existing prior to June 2, 2005.* Ordinance 2005-
39 18 was adopted on June 2, 2005. Borrow pits and resource extraction activities
40 existing and in operation prior to June 2, 2005 became lawful nonconforming land
41 uses on June 2, 2005. Such land use activities were and are subject to the
42 provisions of Chapter 1, Article 2 of the Land Development Code. Local permits are
43 required and to the extent these facilities and land use activities are not
44 grandfathered and do not already comply with applicable regulations, they shall have
45 180 days from the date this ordinance is approved to comply. Extensions for
46 extenuating circumstances may be approved by the County Administrator or the
47 County Administrator's designee on a case-by-case basis.

1 (b) Unpermitted existing activities. Borrow pit and resource extraction activities
2 created on or after June 2, 2005 that were otherwise in a zoning district that
3 authorized the land use activity as either a permitted or conditional use, and which
4 made application for either permitting or a development order prior to August 22,
5 2014, shall obtain and will be considered for a local permit to operate consistent with
6 their current and historical use of the property. The technical conditions of the permit
7 shall be addressed on a case-by-case basis, which will include consideration of the
8 nature and history of the activity to be permitted and the length of time the activity
9 has been ongoing; however, the permit conditions will include compliance with this
10 article to the extent feasible. Facilities qualifying to request treatment pursuant to
11 either section 5.a or 5.b may choose either.

12 (c) *Permitted existing activities.* The grandfathered status and vested rights of
13 operators and owners of borrow pits and resource extraction activities that held a
14 current and active development order or other permit issued by the County prior to
15 August 22, 2014, are to obtain local permits upon approval of this section and are to
16 be addressed on a case-by-case basis that will include consideration of the specific
17 wording of the previously approved development order, permit and any other land
18 use approval issued by the County relating to the operation of the borrow pit or
19 resource extraction activity. Previously permitted or approved performance
20 standards remain in effect, except where the County determines the public health,
21 safety and welfare dictates the current standard apply.

22 (d) *Inordinate burden.* In no event shall the application of any revision to the Land
23 Development Code relating to an activity that falls within the coverage of subsection
24 5 be so severe as to make the permitted activity either economically infeasible or to
25 impose an inordinate burden on the land use activity, as such inordinate burden is
26 defined in Section 70.001, Fla. Statute.

27
28 **Section 4. Severability.**

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

32
33 **Section 5. Inclusion in Code.**

34 It is the intention of the Board of County Commissioners that the provisions of this
35 Ordinance shall be codified as required by F.S. § 125.68 (2016); and that the sections,
36 subsections and other provisions of this Ordinance may be renumbered or re-lettered
37 and the word "ordinance" may be changed to "section," "chapter," or such other
38 appropriate word or phrase in order to accomplish such intentions.

39
40
41
42 **INTENTIONALLY LEFT BLANK**
43
44

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Section 5. Effective Date.

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

DONE AND ENACTED this _____ day of _____, 2017.

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

By: _____
D. B. Underhill, Chairman

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

By: _____
Deputy Clerk

(SEAL)

**ENACTED:
FILED WITH THE DEPARTMENT OF STATE:
EFFECTIVE DATE:**



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

6. C.

Meeting Date: 02/07/2017

Issue: A Public Hearing Concerning the Review of an Ordinance Amending an LDC Ordinance Chapter 2, Article 5, Final Plats

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 2, Article 5, Final Plats

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, Article 5 "Subdivision", Section 2-5.7 "Final plats"; establishing a requirement for an infrastructure maintenance disclosure.

BACKGROUND:

Section 125.01, Florida Statutes, authorizes the BCC to establish regulations for site and building requirements and final plats in the unincorporated areas of the County pursuant to general law. Maintenance of infrastructure can be extremely costly and is necessary for the most basic enjoyment of residential property rights. Applicant shall provide a disclosure form showing the entity responsible for maintenance of the infrastructure.

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 Meredith D. Crawford, 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.

Attachments

Draft Ordinance

Backup material

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Ordinance amending Chapter 2, requiring an infrastructure maintenance disclosure

Date: 12/27/16

Date requested back by: 1/12/17

Requested by: Allyson Cain

Phone Number: 595-3547



(LEGAL USE ONLY)

Legal Review by M. Crawford

Date Received: 1/10/17

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

1 that the preliminary plat and construction plans were approved unless an
2 extension is granted as provided in Chapter 2.

3 **(c) Warranty agreement.** Applicants seeking final plat approval shall warrant that
4 all public subdivision improvements are built in accordance with approved
5 construction plans and free from design, construction, material, and workmanship
6 defects for a LDC 2:19 period of two years from the date that the final plat is
7 recorded. The applicant shall make the warranty on a form of warranty
8 agreement published by the County.

9 **(d) Incidental deficiencies.** At the discretion of the County Engineer, final plats may
10 be submitted to the Board of County Commissioners for approval with minor
11 defects to public subdivision improvements that are determined to be incidental
12 deficiencies. Incidental deficiencies are primarily cosmetic in nature and do not
13 undermine the function or stability of the public subdivision improvements.
14 Incidental deficiencies include but are not limited to the following:

15 **(1)** Cracked curbing or other cracked concrete that is not destroyed or displaced
16 but still functions for the intended use.

17 **(2)** Minor ponding of water on asphalt, provided base failure is not evident.

18 **(3)** Minor settling of asphalt areas, provided base failure is not evident.

19 **(4)** Minor defects in stormwater pipe, provided installation is in accordance with
20 the manufacturers' requirements.

21 **(5)** Ponds recharging at a slow rate, but still meeting regulatory requirements.

22 **(6)** Seed or sod that has failed to establish sufficient ground cover for final
23 stabilization and erosion control.

24 Incomplete installation of street signs and pavement markings shall not be considered
25 incidental deficiencies. If incidental deficiencies exist when the final plat is submitted for
26 approval by the Board of County Commissioners, the applicant shall also include
27 financial security with the executed warranty agreement.

28 **(e) Acceptable forms of financial security.** Financial security shall be in the form of a
29 cash deposit or irrevocable letter of credit. The cash deposit shall be held in an
30 interest-bearing account with withdrawals conditions upon approval of the County
31 Administrator. Interest on cash deposits shall be retained by the applicant only if
32 the applicant satisfactorily corrects all incidental deficiencies guaranteed by the
33 deposit.

34 **(f) Amount of financial security.** If financial security is required, the applicant shall
35 provide an estimate from the engineer of record for the cost to remove and
36 replace all public subdivision improvements with incidental deficiencies. The
37 amount of the financial security to be provided by the applicant shall be 150% of
38 the cost estimate or \$7,500, whichever is greater.

39 **(g) Warranty inspection.** The County shall inspect all warranted public subdivision
40 improvements prior to the expiration of the two year warranty period and provide
41 to the applicant a list of deficiencies noted during the inspection. The applicant
42 shall remain responsible for correcting any deficiencies noted in the inspection

1 even if the corrective action is not completed until after the expiration of the two
2 year warranty period.

3 (h) Approval process Checklists provided by the appropriate department will give the
4 applicant quick and ready access to the requirements of this article.

5 (i) Recreational amenities. For proposed subdivisions that are designed to utilize
6 significant recreational amenities, including but not limited to a golf course,
7 swimming pool, club house or tennis courts, the area designated for those uses
8 shall be included in the final plat.

9 (j) Infrastructure Maintenance Disclosure. For any residential plat submitted to the
10 Board on or after June 1, 2017, the applicant shall provide a complete listing of
11 the infrastructure expected to be constructed within the platted area along with
12 the location of such infrastructure and a disclosure of the person or entity
13 responsible for maintenance of such infrastructure. The format of this disclosure
14 shall substantially mirror that provided in section 86-166 of the Escambia County
15 Code of Ordinances.
16

17 **SECTION 2. SEVERABILITY.**
18

19 If any section, sentence, clause or phrase of this Ordinance is held to be invalid
20 or unconstitutional by any Court of competent jurisdiction, then said holding shall in no
21 way affect the validity of the remaining portions of this Ordinance.
22

23 **SECTION 3. INCLUSION IN THE CODE.**
24

25 It is the intention of the Board of County Commissioners that the provisions of
26 this Ordinance shall be codified as required by Section 125.68, Fla. Stat. (2016); and
27 that the sections, subsections and other provisions of this Ordinance may be
28 renumbered or relettered and the word "ordinance" may be changed to "section",
29 "article", or such other appropriate word or phrase in order to accomplish such
30 intentions.
31
32
33
34
35

36 **INTENTIONALLY LEFT BLANK**
37
38
39
40
41
42
43

1 **SECTION 4. EFFECTIVE DATE.**

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

4
5 **DONE AND ENACTED** this _____ day of _____, 2017.

6
7 BOARD OF COUNTY COMMISSIONERS
8 OF ESCAMBIA COUNTY, FLORIDA
9

10 By: _____
11 D.B. Underhill, Chairman

12 ATTEST: PAM CHILDERS
13 Clerk of the Circuit Court

14
15 By: _____
16 Deputy Clerk

17 (SEAL)

18
19 ENACTED:

20 FILED WITH THE DEPARTMENT OF STATE:

21 EFFECTIVE DATE:

ORDINANCE 2017-__

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA; AMENDING CHAPTER 86, ARTICLE V, "DISCLOSURE REGARDING ABUTTING ROADWAYS," SECTIONS 86-161 THROUGH 86-170, AMENDING THE REAL ESTATE DISCLOSURE ORDINANCE TO ADD A REQUIREMENT THAT ALL INFRASTRUCTURE MAINTENANCE RESPONSIBILITIES IN NEW SUBDIVISIONS BE DISCLOSED BY SELLERS PRIOR TO CLOSING; ADDING A DEFINITION OF INFRASTRUCTURE; CLARIFYING THAT THE OBLIGATION TO SUPPLY REAL ESTATE DISCLOSURE FORMS FALLS ON THE SELLER; PROVIDING FOR DISPLAY OF ROADS ACCEPTED FOR COUNTY MAINTENANCE AND NEW SUBDIVISION INFRASTRUCTURE RESPONSIBILITIES ON THE COUNTY'S WEBSITE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is vitally important for residential property buyers to know the financial ramifications of their property acquisition; and,

WHEREAS, Sellers of residential properties are best equipped to know the parties responsible for maintenance of infrastructure serving the subject property; and,

WHEREAS, maintenance of infrastructure can be extremely costly and is necessary for the most basic enjoyment of residential property rights.

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

SECTION 1. Chapter 86, Article V, Sections 86-161 through 86-170 of the Escambia County Code of Ordinances is hereby amended as follows:

ARTICLE V. - DISCLOSURE REGARDING ABUTTING ROADWAYS AND OTHER INFRASTRUCTURE

Sec. 86-161. - Citation and title.

This article shall constitute "Chapter 86, Article V of the Code of Ordinances of Escambia County" and may be cited as such; the title of this article shall be "*Abutting Roadways and Other Infrastructure Maintenance Disclosure.*"

Sec. 86-162. - Purpose.

Since the proprietary status and quality of roadways *abutting* residential lots and other infrastructure within a subdivision have an impact on the responsibilities of

45 homeowners to maintain such roadways and infrastructure, the ability to dedicate such
46 roadways and infrastructure, and the development of such residential lots, the purpose
47 of this article is to establish a mechanism whereby buyers of real property will be
48 notified of the status of *abutting* roadways and other infrastructure to avoid surprise at
49 some later date.

50

51 **Sec. 86-163. - Definitions.**

52

53 The following words, terms and phrases when used in this article, shall have the
54 meanings ascribed to them in this section, except where the context clearly indicates a
55 different meaning:

56

57 *Infrastructure* means facilities and services needed to sustain land use activities,

58 *including streets, potable water service, wastewater service, solid waste facilities,*

59 *power grids, telecommunication facilities and public schools.*

60

61 *Roadway* means a public or private right-of-way designed for vehicular traffic
62 including all of the land lying between the right-of-way lines as delineated on a plat
63 showing such roadways or other method of designation whether improved or
64 unimproved.

65

66 *Sale* means transmission of real property from one person to another by voluntary
67 act and agreement between the seller and buyer founded on a valuable consideration.
68 The meaning does not include transfers of real property conducted under a judgment,
69 order, or supervision of a court of law or equity.

70

71 *Seller* means the owner or title holder of real property or person or entity who has
72 authority to enter into a contract for sale of the property.

73

74 **Sec. 86-164. - Exemptions.**

75

76 The following transfers shall be exempt from this article:

77

78 (1) Transfers pursuant to court order, including, but not limited to, transfers ordered
79 by a probate court in the administration of an estate, transfers pursuant to a writ
80 of execution, transfers by any foreclosure sale, transfers by a trustee in
81 bankruptcy, transfers by eminent domain, and transfers resulting from a decree
82 for specific performance.

83

84 (2) Transfers to a mortgagee by a mortgagor or successor in interest who is in
85 default; transfers to a beneficiary of a deed of trust by a trustor or successor in
86 interest who is in default; transfers by any foreclosure sale after default, in an
87 obligation secured by a mortgage; transfers by a sale under a power of sale or
88 any foreclosure sale under a decree of foreclosure after default in an obligation
89 secured by a deed of trust or secured by any other instrument containing a

90 power of sale; or transfers by a mortgagee or a beneficiary under a deed of
91 trust who has acquired the real property at a sale conducted pursuant to a
92 power of sale under a mortgage or deed of trust or a sale pursuant to a decree
93 of foreclosure, or has acquired the real property by a deed in lieu of foreclosure.

94
95 (3) Transfer by a bank, savings and loan association, mortgage banker, the Federal
96 National Mortgage Association, Government National Mortgage Association,
97 Federal Home Loan Mortgage Corporation, or other institutional lender who has
98 acquired the property through foreclosure or deed in lieu of foreclosure.

99
100 (4) Transfers of condominiums, as defined in F.S. ch. 718; cooperatives, as defined
101 in F.S. ch. 719; and time share plans, as defined in F.S. ch. 721.

102
103 (5) Transfers by a fiduciary in the course of the administration of a decedent's
104 estate, guardianship, conservatorship, or trust.

105
106 (6) Transfers from one co-owner to one or more other co-owners.

107
108 (7) Transfers made to a spouse or to a person or persons related by consanguinity
109 to one or more of the transferors.

110
111 (8) Transfers between spouses resulting from a decree of dissolution of marriage or
112 a decree of legal separation or from a property settlement agreement incidental
113 to such a decree.

114
115 (9) Transfers under F.S. ch. 197 as a result of failure to pay property taxes.

116
117 (10) Transfers or exchanges to or from ~~an~~ a governmental entity.

118
119 **Sec. 86-165. - Disclosure.**

120
121 (a) ~~Prior to execution of a contract for sale, including an installation sales~~
122 ~~agreement, for the closing on any improved or unimproved residential lot or lots~~
123 ~~located in the unincorporated areas of the county, the seller shall disclose to the~~
124 ~~buyer:~~

125
126 (1) ~~Whether the portions of any roadway that abuts the lot or lots to be~~
127 ~~purchased ~~has~~ have been accepted by the county for maintenance; and~~

128
129 (2) ~~That the seller of a residential building lot is required prior to the~~
130 ~~completion of any sales transaction to certify to the buyer that such lot, which is the~~
131 ~~subject of such contract for sale, is a part of a subdivision approved under the~~
132 ~~provisions of the 1996 Land Development Code of the county or that it has been~~
133 ~~specifically exempted from that code for the reasons which shall be specified in the~~
134 ~~disclosure statement. For any lot or lots that are included in a plat accepted by the~~

135 County on or after June 1, 2017, who is responsible for maintenance of all
136 infrastructure within the platted area(s).

137
138 ~~(b) Information as to whether the subject portion of roadway has been accepted for~~
139 ~~maintenance by county or as to whether a particular residential lot is a part of a~~
140 ~~subdivision approved by the county shall be provided in writing by county to seller~~
141 ~~within ten business days after receipt of a written request from seller on a form~~
142 ~~prepared and provided by the department of public works. To assist sellers in~~
143 ~~making the disclosures required by this ordinance, the County shall maintain on its~~
144 ~~website at www.myescambia.com a database of public records on infrastructure~~
145 ~~maintenance and land development. However, the disclosures required by this~~
146 ~~ordinance shall remain the exclusive obligation of the seller; nothing in this ordinance~~
147 ~~shall be construed to impose on the County, or its employees and agents, the~~
148 ~~obligation to make the disclosure on behalf of sellers or assist sellers in interpreting~~
149 ~~the public records or confirming the accuracy of the information contained in the~~
150 ~~database.~~

151
152 **Sec. 86-166. - Format.**
153

154 (a) ~~The Each required disclosure shall be a separate document which shall be~~
155 ~~prominently titled "Abutting Roadway Maintenance Disclosure" and "Subdivision~~
156 ~~Certification" Infrastructure Maintenance Disclosure." In addition, the document(s)~~
157 ~~must be signed by both the seller and the buyer and witnessed by two persons. If~~
158 ~~the property abuts more than one roadway, the seller may use one form to indicate~~
159 ~~the status of all such roadways.~~

160
161 ~~(b) The board of county commissioners shall provide such forms; however, sellers~~
162 ~~may produce their own forms provided the types sizes for the title and body are no~~
163 ~~smaller than those on the forms provided by the board of county commissioners and~~
164 ~~the forms otherwise comply with the disclosure requirements of this article. Forms~~
165 ~~for the disclosures required by this section are to be provided by the sellers in~~
166 ~~substantially the form provided below:~~

167
168 **Exhibit A**
169 RESIDENTIAL SALES
170 **ABUTTING ROADWAY**
171 **MAINTENANCE DISCLOSURE**

172 ATTENTION: Pursuant to section 86-165 of the Escambia County Code of Ordinances, sellers
173 of residential lots are required to disclose to buyers whether abutting roadways will be
174 maintained by Escambia County. The disclosure must additionally provide that Escambia
175 County does not accept roads for maintenance that have not been built or improved to meet

176 county standards. Section 86-166 of the Escambia County Code of Ordinances requires this
177 disclosure be attached along with other attachments to the deed or other method of conveyance
178 required to be made part of the public records of Escambia County, Florida. Note: Acceptance
179 for filing by County employees of this disclosure shall in no way be construed as an
180 acknowledgment by the County of the veracity of any disclosure statement.

181 Name of Roadway: _____

182 Legal Address of Property: _____

183 The County () has accepted () has not accepted the abutting roadway for maintenance.

184 This information is believed to be correct and is being provided as it appears on the County's
185 website at www.myescambia.com.

186 This form completed by: _____
187 Seller's Name
188 _____
189 Address
190 _____
191 City, State, Zip Code

192 AS TO SELLER(S):

193 _____
194 Seller's Name: _____ Witness' Name: _____

195 _____
196 Seller's Name: _____ Witness' Name: _____

197 AS TO BUYER(S):

198 _____
199 Buyer's Name: _____ Witness' Name: _____

200 _____
201 Buyer's Name: _____ Witness' Name: _____

202 Effective: _____

203 **Exhibit B**

204
205 **RESIDENTIAL SALES**
206 **INFRASTRUCTURE MAINTENANCE DISCLOSURE**

207
208 **ATTENTION:** Pursuant to section 86-165 of the Escambia County Code of Ordinances, sellers of residential
209 lots are required to disclose to buyers who is responsible for maintenance of infrastructure within areas
210 platted on or after June 1, 2017. Section 86-166 of the Escambia County Code of Ordinances requires this
211 disclosure be attached along with other attachments to the deed or other method of conveyance required to
212 be made part of the public records of Escambia County, Florida. Note: Acceptance for filing by County

213 employees of this disclosure shall in no way be construed as an acknowledgment by the County of the
214 veracity of any disclosure statement.

215
216 If multiple entities are responsible for maintenance of the same type of infrastructure within the platted area,
217 you must attach an additional disclosure form for each responsible entity and designate the area of
218 responsibility by lot and block.

219
220 If additional space is needed, please check box and attach additional pages.

221
222 **Name of Subdivision:** _____
223 **Lots & Blocks** _____ **(All or Specify)**

224

Responsibility of Infrastructure Maintenance Disclosure	
Type of Infrastructure	Responsible Entity (i.e. Escambia Co., ECUA, Private, Homeowner)
Road(s)	
Bridge(s)	
Retention Pond(s)	
Stormwater Conveyance or Easements (rear yard)	
Easements between lots (side yard)	
Sewer Lift Station Central	
Sewer System	
Water System	
Gas	
Other (i.e. Clubhouse)	

225
226 This information is believed to be correct and is being provided as it appears on the County's website at
227 www.myescambia.com.

228
229 This form completed by: _____
230 **Seller's Name**
231 _____
232 **Address**
233 _____
234 **City, State, Zip Code**

235 **AS TO SELLER(S):**
236 _____
237 **Seller's Name:** _____ **Witness' Name:** _____

238 _____
239 **Seller's Name:** _____ **Witness' Name:** _____

240 **AS TO BUYER(S):**
241 _____
242 **Buyer's Name:** _____ **Witness' Name:** _____

243 _____
244 **Buyer's Name:** _____ **Witness' Name:** _____

245
246 **Effective:**

247
248 Page ____ of _____. You must note the total number of pages provided in this space.

249
250

251 **Sec. 86-167. - Additional language.**

252
253 The disclosures shall additionally provide that the county will not accept for
254 maintenance roadways or other infrastructure not built or improved to meet county
255 standards. However the preceding provision shall not be construed to enlarge or
256 create any responsibility of the county to accept roadways or other infrastructure for
257 maintenance.
258

259 **Sec. 86-168. - Filing.**

260
261 The disclosure documents shall be attached along with other attachments to the deed
262 or other method of conveyance required to be made part of the public records of the
263 county. However, failure to comply with this article shall not jeopardize the validity of
264 any deed, nor effect the date of filing of the deed. Moreover, the acceptance of the
265 disclosures by county employees for filing in the public records shall in no way be
266 construed as an acknowledgement by the county of the truth of the statements
267 therein. In addition, the acceptance for filing of any deed or other instrument shall not
268 be an acknowledgement of compliance with the requirements of this article.
269

270 **Sec. 86-169. - Effect on title.**

271
272 No transfer subject to this article shall be invalidated solely because of the failure of
273 any person to comply with any provisions of this article.
274

275 **Sec. 86-170. - Penalties.**

276 Any seller who shall violate any provision of this article, or who shall fail, neglect or
277 refuse to comply with the requirements of this article, shall be prosecuted in the same
278 manner as a misdemeanor in the second degree, and upon conviction shall be
279 punished by a fine not to exceed \$500.00 or imprisonment in the county jail not to
280 exceed 60 days or by both such fine and imprisonment pursuant to F.S. §§ 775.08,
281 775.081, 775.082 and 775.083. A separate offense shall be deemed committed for
282 each transaction wherein the requirements of this article are not followed.
283

284 **SECTION 2. SEVERABILITY.**

285
286 If any section, sentence, clause or phrase of this Ordinance is held to be invalid
287 or unconstitutional by any Court of competent jurisdiction, then said holding shall in no
288 way affect the validity of the remaining portions of this Ordinance.
289

290 **SECTION 3. INCLUSION IN THE CODE.**

291
292 It is the intention of the Board of County Commissioners that the provisions of
293 this Ordinance shall be codified as required by Section 125.68, Fla. Stat. (2016); and
294 that the sections, subsections and other provisions of this Ordinance may be
295 renumbered or relettered and the word "ordinance" may be changed to "section",

296 “article”, or such other appropriate word or phrase in order to accomplish such
297 intentions.
298

299 **SECTION 4. EFFECTIVE DATE.**
300

301 This Ordinance shall become effective upon filing with the Department of State.
302

303 **DONE AND ENACTED** this _____ day of _____, 2017.
304

305 BOARD OF COUNTY COMMISSIONERS
306 OF ESCAMBIA COUNTY, FLORIDA
307

308 By: _____
309 D. B. Underhill, Chairman
310

311 ATTEST: PAM CHILDERS
312 Clerk of the Circuit Court
313

314 By: _____
315 Deputy Clerk
316

317 (SEAL)

318 ENACTED:

319 FILED WITH THE DEPARTMENT OF STATE:

320 EFFECTIVE DATE:
321
322
323



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular

6. D.

Meeting Date: 02/07/2017

Issue: A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3 Article 3, Section 3-3.7, Scenic Highway Overlay

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

A Public Hearing Concerning the Review of an Ordinance Amending Chapter 3 Article 3, Section 3-3.7, Scenic Highway Overlay

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 Overlay Districts, Section 3-3.7 "Scenic Highway Overlay," to refine the list of structures that must meet the minimum 50' setback from the Scenic Highway right-of-way.

BACKGROUND:

The BCC directed staff to amend provisions of the Scenic Highway Overlay to expand the list of structure types that must meet the 50' minimum setback from the Scenic Highway right-of-way. The Scenic Highway Overlay is intended to protect the unique scenic vista and environmental resources of the Scenic Highway corridor and adjacent Escambia Bay.

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 Meredith D. Crawford, 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.

Attachments

Draft Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: Scenic Highway Overlay

Date: 01-09-2017

Date requested back by: 01-12-2017

Requested by: Andrew Holmer

Phone Number: 595-3466



(LEGAL USE ONLY)

Legal Review by M. Crawford

Date Received: 1/12/17

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

- limit to section 3-3.7 scenic highway & not entire chapter
- circle w/ District 4 & code enforcement
- ~~Draft MDC #2~~ Draft MDC #3

1 **(b) Boundary.** The Scenic Highway Overlay district includes all parcels adjoining the
2 west side of the Pensacola Scenic Bluffs Highway (U.S. Highway 90 or Scenic
3 Highway) and all property between the highway and Escambia Bay on the east side of
4 the highway, north from the Pensacola city limit along the highway for approximately
5 five miles to the county line at Escambia River.
6

7 **(c) Permitted uses.** All of the uses permitted within the underlying zoning districts are
8 permitted, subject to the site and building requirements of the overlay district.
9

10 **(d) Site and building requirements.**
11

12 **(1) Structure height.** Structures between Scenic Highway and Escambia Bay shall
13 have a maximum height of 35 feet as measured from the highest adjacent grade. Non-
14 residential uses may exceed the height limit if granted conditional use approval by the
15 Board of Adjustment. In addition to the other conditional use criteria, the requested
16 height must be found not to interfere with the scenic attractiveness of the location as
17 viewed from any plausible direction, and for every two feet in height over 35 feet, there
18 shall be an additional one foot of front and side setback at the ground level.
19

20 **(2) Lot coverage.** Maximum land area coverage by all structures, parking areas,
21 driveways and other impervious surfaces shall not exceed 50 percent of the gross site
22 area.

23 **(3) Setback.** All structures shall be located a minimum of 50 feet from the Scenic
24 Highway right-of-way unless precluded by lot configuration or topography. For purposes
25 of this section chapter, the term structures also includes walls, posts, fences, ornaments,
26 decorations, decorative items, statues, sculptures, lights, light fixtures, landscaping,
27 and all other customary yard accessories along with ornaments and decorations.
28

29 **(4) Building separation.** The minimum distance between structures shall be 15 feet,
30 and there shall be at least 100 feet between single-family dwellings and multi-family
31 dwellings, residential group living, or public lodging.
32

33 **(5) Multi-use path.** Based on the corridor management plan, a multi-use path on the
34 east side of Scenic Highway is intended to run the full length of the corridor within the
35 right-of-way, but at the maximum distance possible from the roadway pavement.
36 Developers of property within the overlay are encouraged to maximize the innovative
37 integration of a path extension into their development, but outside of the right-of-way on
38 public property or on easements donated by private property owners.
39

40 **(6) Tree protection.**

41 **a.** A canopy tree protection zone is hereby established for all land within 20 feet of the
42 right of way of Scenic Highway and Highway 90 from the Pensacola city limit to the
43 Santa Rosa County line. No person or agency shall cut, remove, trim or in any way

1 damage any tree in the canopy tree protection zone without a permit. Except in unique
2 cases, permitted pruning shall not remove more than 30 percent of the existing tree
3 material. Utility companies are not permitted to prune more than 30 percent of the
4 existing tree canopy.

5 **b.** Heritage Oak trees shall be preserved.

6 **c.** Clearing of natural vegetation within the corridor shall require a land disturbance
7 permit and is generally prohibited except for the minimum area needed for construction
8 of allowable structures or view enhancement.

9
10 **(7) Landscaping.** For developments otherwise subject to LDC landscaping
11 requirements, a minimum 10-foot wide landscaped strip shall be required along any
12 Scenic Highway frontage, and shall contain one tree for every 35 linear feet of frontage.
13 The trees shall be of sufficient height at planting such that a six-foot view shed exists at
14 planting. Preservation of existing plant communities within the required landscaped
15 areas can be used to satisfy these requirements.

16
17 **(8) Orientation of non-residential buildings.** Orientation of non-residential buildings
18 shall be away from residential development within or adjacent to the district. Layout of
19 parking and service areas, access, landscaping, yards, courts, walls, signs, lighting and
20 control of noise and other potentially adverse influences shall be such as to promote
21 protection of such residential development, and will include adequate buffering.

22
23 **(9) Fences.** No fence within the overlay may be solid. No chain link fence shall be
24 located between Scenic Highway and the principal building. Any other type of fence in
25 this area shall not exceed three feet. Where single story structures are higher than the
26 roadbed, there should be no wall, fence, structure or plant material located between the
27 front building line and the roadbed that will obstruct the view from automobiles on the
28 scenic route.

29
30 **(10) Structure location.** All structures will be reviewed to assure conformance with the
31 following criteria:

32 **a.** The location shall afford maximum views of the bay from the street right-of-way.

33 **b.** The location shall minimize impact on the natural bluff and plant material (other than
34 pruning to enhance views).

35 **c.** Provide underground utilities.
36

37 **SECTION 2. SEVERABILITY.**

38
39 If any section, sentence, clause or phrase of this Ordinance is held to be invalid
40 or unconstitutional by any Court of competent jurisdiction, then said holding shall in no
41 way affect the validity of the remaining portions of this Ordinance.
42

1 **SECTION 3. INCLUSION IN THE 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 Section 125.68, Fla. Stat. (2016); and
5 that the sections, subsections and other provisions of this Ordinance may be
6 renumbered or relettered and the word "ordinance" may be changed to "section",
7 "article", or such other appropriate word or phrase in order to accomplish such
8 intentions.

9
10 **SECTION 4. EFFECTIVE DATE.**

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

13
14 **DONE AND ENACTED** this _____ day of _____, 2017.

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

18
19 By: _____
20 D.B. Underhill, Chairman

21 ATTEST: PAM CHILDERS
22 Clerk of the Circuit Court

23
24 By: _____
25 Deputy Clerk

26 (SEAL)

27
28 ENACTED:

29 FILED WITH THE DEPARTMENT OF STATE:

30 EFFECTIVE DATE:



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

Planning Board-Regular
Meeting Date: 02/07/2017

7. A.

Agenda Item:

Spot Zoning Discussion

Attachments

Rezoning Approval Conditions

Draft Rezoning Conditions and Board Consideration

Draft rezoning conditions and board consideration provisions are proposed as replacements to the corresponding text currently within LDC Section 2-7.2. The revisions are intended to:

- Identify the principal purpose of rezoning conditions in maintaining a logical and orderly development pattern
- Incorporate useful rezoning considerations from other jurisdictions
- Consolidate and focus rezoning conditions into the essential hearing questions for review
- Define and allow “spot zoning” but require greater justification for it
- Retain and emphasize the board’s responsibility to consider when retaining the existing zoning may be in the best interest of the public

Sec. 2-7.2 LDC zoning map and text amendments

(b) Zoning map amendment

(4) Approval conditions. The applicant has the burden of presenting competent substantial evidence to the reviewing board establishing that the requested zoning district would contribute to or result in a logical and orderly development pattern as demonstrated by all of the following conditions:

a. Consistent with Comprehensive Plan. The proposed zoning is consistent with the future land use (FLU) category as prescribed in LDC Chapter 3, and with all other applicable goals, objectives, and policies of the Comprehensive Plan. A zoning change necessary to implement a pending FLU map amendment may, however, be authorized conditional to adoption of the FLU change. **[required evidence narrowed to FLU and other applicable Comp Plan provisions, and specific exception for pending FLU included]**

b. Consistent with district provisions. The proposed zoning is consistent with the purpose and intent, location criteria, and any other zoning establishment provisions prescribed by the proposed district in Chapter 3. **[districts already include one or more of these guides to appropriate establishment]**

c. Compatible with surroundings. All of the permitted uses of the proposed zoning, not just those anticipated by the rezoning applicant, are compatible with the surrounding uses. The uses of any surrounding undeveloped land shall be considered the permitted uses of the applicable district. Compatibility is not, however, considered for possible conditional uses of the districts or for any nonconforming or unapproved uses. Also, in establishing the compatibility of a residential use, there is no additional burden to demonstrate the compatibility of specific residents or activities protected by

1 county, state, or federal fair housing law (e.g., affordable housing).
2 **[included limits that focus testimony on relevant conditions, including**
3 **reference to fair housing consistent with conditional use conditions for**
4 **residential uses (separate pending ordinance)]**

5 **d. Appropriate where spot zoning.** Where the proposed zoning would
6 establish or reinforce a condition of spot zoning as defined in Chapter 6, the
7 isolated district would nevertheless be transitional in character between the
8 adjoining districts or the differences with those districts would otherwise be
9 limited. The extent of these mitigating conditions demonstrates a
10 site-specific balancing of interests appropriate to the characteristics of the
11 isolated district. **[spot zoning is allowed with additional justification]**

12 **e. Appropriate with changing conditions.** The area surrounding the
13 property of the proposed zoning has changed, or is changing, to such a
14 degree that the permitted uses of the proposed district are not premature for
15 the area and not likely to create or contribute to urban sprawl.

16 **(5) Board Action.** If the reviewing board finds from the record of the hearing that
17 the applicant has presented competent substantial evidence establishing the
18 required approval conditions, the board shall then consider whether maintaining
19 the current zoning will serve a greater public interest. If both of the following
20 conditions are confirmed and no greater public interest is otherwise found in
21 maintaining the current zoning, the board shall recommend approval of the
22 rezoning request to the BCC: **[board retains ability and responsibility to not**
23 **recommend approval if other conditions outweigh conditions proven]**

24 **a.** No new uses, density, or intensity of use will likely diminish quality of life,
25 reduce property values, confer a special benefit on the subject property to
26 the detriment of the community as a whole, or create other adverse impacts
27 upon surrounding properties more than the uses, density, or intensity of the
28 current zoning.

29 **b.** Greater consideration has been given to the protection of established
30 conforming investments than to projected investments, and future beneficial
31 use is encouraged rather than the sale of land for mere speculation.

32
33 **Sec. 6.0-3 Terms defined.**

34 **Spot zoning.** Zoning applied to an area of land, regardless of its size, that is different
35 from the zoning of any adjoining land. Such isolated or “spot” zoning is usually higher
36 in its density or intensity of use than the adjoining zoning and may, therefore, extend
37 privileges not generally extended to property similarly located in the area. Spot
38 zoning is not by itself prohibited, but due to its potentially adverse impacts on
39 adjoining zoning it carries a higher burden of demonstration that, if authorized, it will
40 contribute to or result in the logical and orderly development required of all zoning.