

ORDINANCE NO. 2008-\_\_\_\_

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 7, THE FUTURE LAND USE ELEMENT; AMENDING POLICY 7.A.4.7.G TO ESTABLISH A DENSITY MAXIMUM FOR RESIDENTIAL USES IN THE COMMERCIAL FUTURE LAND USE CATEGORY; 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) conducted a public hearing and forwarded a recommendation to the Board of County Commissioners, who have conducted a public hearing, 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, Florida Statutes, and Chapter 9J-5, Florida Administrative Code (2007).

1 **Section 2. Title of Comprehensive Plan Amendment**

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3 This Comprehensive Plan Amendment for Escambia County, Florida shall be entitled –  
4 "Comprehensive Plan Amendment 2008-01B." This is the first of the two amendment  
5 packages to be submitted to the DCA for the Year 2008.  
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7 **Section 3. Changes to the Escambia County Comprehensive Plan**

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9 Part II of the Escambia County Code of Ordinances (1999), the Escambia County  
10 Comprehensive Plan, as amended, is further amended to read as set forth on the  
11 following pages attached hereto, which includes changes to the following chapter:  
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13 Chapter 7, Future Land Use Element

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15 **Section 4. Future Land Use Element**

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17 Part II, of the Escambia County Code of Ordinances (1999), the Comprehensive Plan,  
18 as amended; Chapter 7, "Future Land Use Element", Section 7.04, Policy 7.A.4.7(g)  
19 and all notations, references and information shown thereon is further amended as  
20 follows (words underlined are additions and words ~~stricken~~ are deletions):  
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22 **Section 7.04 Goals, Objectives and Policies.**

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24 *Policy 7.A.4.7 Future Land Use Categories (Densities and Intensities)*

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26 (g) The commercial category includes approximately 8,575 acres which is  
27 approximately 2.0 percent of the county. Uses allowed within this category include all  
28 types of commercial activities including shopping centers, professional offices, medical  
29 offices and facilities, educational and religious uses, public utilities and facilities,  
30 convenience retail uses and other similar uses of a commercial nature. This category  
31 will be implemented by the inclusion of two or more zoning districts and zoning  
32 designations on the zoning maps consistent with the future land use map. The intensity  
33 of use within the category shall be defined by limiting the maximum amount of  
34 impervious cover to 85 percent and a floor area ratio of 1.1. The purpose of the  
35 category is to encourage and promote concentrations of commercial uses which have  
36 historically developed in response to market conditions and influences. It is the intent of  
37 this category that intensive commercial uses be generally confined to the areas  
38 depicted on the future land use map thereby creating compact commercial development  
39 and "infill" commercial development opportunities and minimize the opportunity for  
40 continued ribbon or strip commercial development. ~~Generally, residential uses are~~  
41 ~~discouraged in this land use category. However, Second floor and/or secondary~~  
42 residential uses are only allowed when part of a predominately commercial  
43 development or a multi-story structure with residential units above the first floor. The

1 maximum density for residential uses is 25 dwelling units per acre. Mining, resource  
2 extraction and/or reclamation activities constituting unique nonresidential uses may be  
3 allowed subject to the provisions of Policies 7.A.2.2 and 7.A.2.3. Note: Pursuant to  
4 section 7.08 and for the purposes of this plan those otherwise conforming and lawfully  
5 developed residential uses existing within this category at time of adoption of this plan  
6 will be considered "conforming" and consistent with the intents and purposes of this  
7 policy.

## 8 9 **Section 5. Severability**

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

## 14 15 **Section 6. Inclusion in the Code**

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17 It is the intention of the Board of County Commissioners that the provisions of this  
18 Ordinance shall be codified as required by Section 125.68, Florida Statutes (2007); and  
19 that the sections, subsections and other provisions of this Ordinance may be  
20 renumbered or relettered and the word "ordinance" may be changed to "section,"  
21 "article," or such other appropriate word or phrase in order to accomplish such  
22 intentions.

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24 **(Intentionally Left Blank)**  
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1 **Section 7. Effective Date**

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3 The effective date of this plan amendment shall be the date a final order is issued by the  
4 DCA or Administration Commission finding the amendment in compliance in  
5 accordance with Section 163.3184(1)(b), Florida Statutes (2007), whichever is  
6 applicable. No development orders, development permits, or land uses dependent on  
7 this amendment may be issued or commence before it has become effective. If a final  
8 order of noncompliance is issued by the Administration Commission, this amendment  
9 may nevertheless be made effective by adoption of a resolution affirming its effective  
10 status, a copy of which resolution shall be sent to the Florida Department of Community  
11 Affairs, Division of Community Planning, Plan Processing Team.  
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13  
14 **DONE AND ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

15  
16 BOARD OF COUNTY COMMISSIONERS  
17 OF ESCAMBIA COUNTY, FLORIDA  
18

19  
20 By: \_\_\_\_\_  
21 Gene M. Valentino, Chairman

22  
23 ATTEST: ERNIE LEE MAGAHA  
24 CLERK OF THE CIRCUIT COURT  
25

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

30  
31 (SEAL)  
32

33  
34 ENACTED:

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36 FILED WITH THE DEPARTMENT OF STATE:

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38 EFFECTIVE DATE:  
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