



BOARD OF COUNTY COMMISSIONERS
Escambia County, Florida

AI-9879

Growth Management Report 9.3.

BCC Regular Meeting

Public Hearing

Meeting Date: 03/03/2016

Issue: 5:47 p.m. - A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan, Chapter 7, CPA-2015-08

From: Horace Jones, Director

Organization: Development Services

RECOMMENDATION:

5:47 p.m. - A Public Hearing Concerning the Review of an Ordinance Amending Comprehensive Plan Chapter 7, CPA-2015-08

That the Board of County Commissioners (BCC) review and adopt an Ordinance amending the Comprehensive Plan Chapter 7, "Future Land Use Element", Policy FLU 1.3.1. "Future Land Use Categories," CPA-2015-08, to remove the residential development limitation for lodging units in the Future Land Use category Mixed-Use Pensacola Beach (MU-PB).

This hearing serves as the second of two required public hearings before the BCC as set forth in Section 2-7.2(a) and F.S. 125.66(4)(b).

BACKGROUND:

This proposed change will remove a lodging unit cap imposed in error for the Mixed-Use Pensacola Beach (MU-PB) Future Land Use category. The current language in this policy reflects the existing dwelling unit cap, but also includes a lodging unit cap of 726 units. The 726 units number came from an ordinance adopted in 2007 (2007-38 Condotels), and was intended to limit future large room (greater than 850 sq. feet) units, not total lodging units.

BUDGETARY IMPACT:

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

LEGAL CONSIDERATIONS/SIGN-OFF:

The attached Ordinance has been reviewed and approved for legal sufficiency by Kerra Smith, Assistant County Attorney. Any recommended legal comments are attached herein.

PERSONNEL:

No additional personnel are required for implementation of this Ordinance.

POLICY/REQUIREMENT FOR BOARD ACTION:

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

IMPLEMENTATION/COORDINATION:

This Ordinance, amending the 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 Comprehensive Plan and distribution of a copy of the proposed 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

Clean Ordinance

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: CPA-2015-08 Pensacola Beach FLU error

Date: 10/12/15

Date requested back by: 10/14/15

Requested by: Andrew Holmer

Phone Number: 595-3466



(LEGAL USE ONLY)

Legal Review by Kenna A. Smith

Date Received: 10/12/15

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2016-_____

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, "FUTURE LAND USE ELEMENT", POLICY FLU 1.3.1, "FUTURE LAND USE CATEGORIES" TO REMOVE THE RESIDENTIAL DEVELOPMENT LIMITATION FOR LODGING UNITS IN THE FUTURE LAND USE CATEGORY MIXED-USE PENSACOLA BEACH (MU-PB); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the Escambia County Board of County Commissioners adopted the Escambia County Comprehensive Plan: 2030 (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

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

Section 1. Part II of the Escambia County Code of Ordinances, the Comprehensive Plan 2030, Chapter 7, "Future Land Use Element", Policy FLU 1.3.1 "Future Land Use Categories" is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

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 Pensacola Beach (MU-PB)

General Description:

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

1 **Section 2. Severability.**

2
3 If any section, sentence, clause or phrase of this ordinance is held to be invalid
4 or unconstitutional by a court of competent jurisdiction, the holding shall in no way affect
5 the validity of the remaining portions of this ordinance.
6

7 **Section 3. Inclusion in the code.**

8
9 The Board of County Commissioners intends that the provisions of this ordinance
10 will be codified as required by Section 125.68, Florida Statutes, and that the sections of
11 this ordinance may be renumbered or relettered and the word "ordinance" may be
12 changed to "section," "article," or such other appropriate word or phrase in order to
13 accomplish its intentions.
14

15 **Section 4. Effective date.**

16
17 Pursuant to Section 163.3184(3)(c)(4), Florida Statutes, this ordinance shall not
18 become effective until 31 days after the Department of Economic Opportunity notifies
19 Escambia County that the plan amendment package is complete. If timely challenged,
20 this ordinance shall not become effective until the Department of Economic Opportunity
21 or the Administration Commission enters a final order determining the ordinance to be in
22 compliance.
23

24 DONE AND ENACTED this ____ day of _____, 2016.

25
26 BOARD OF COUNTY COMMISSIONERS
27 ESCAMBIA COUNTY, FLORIDA
28

29
30 By: _____
31 Grover C. Robinson, IV, Chairman
32

33 ATTEST: Pam Childers
34 Clerk of the Circuit Court
35

36 By: _____ Date Executed: _____
37 Deputy Clerk
38

39 (SEAL)

40
41 ENACTED:

42
43 FILED WITH THE DEPARTMENT OF STATE:

44
45 EFFECTIVE DATE:

ORDINANCE NUMBER 2016-_____

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, “FUTURE LAND USE ELEMENT”, POLICY FLU 1.3.1, “FUTURE LAND USE CATEGORIES” TO REMOVE THE RESIDENTIAL DEVELOPMENT LIMITATION FOR LODGING UNITS IN THE FUTURE LAND USE CATEGORY MIXED-USE PENSACOLA BEACH (MU-PB); PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 163, Part II, Florida Statutes, the Escambia County Board of County Commissioners adopted the Escambia County Comprehensive Plan: 2030 (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

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

Section 1. Part II of the Escambia County Code of Ordinances, the Comprehensive Plan 2030, Chapter 7, “Future Land Use Element”, Policy FLU 1.3.1 “Future Land Use Categories” is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

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 Pensacola Beach (MU-PB)

General Description:

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

Section 2. Severability.

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

Section 3. Inclusion in the code.

The Board of County Commissioners intends that the provisions of this ordinance will be codified as required by Section 125.68, Florida Statutes, 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 its intentions.

Section 4. 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 _____, 2016.

BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

By: _____
Grover C. Robinson, IV, Chairman

ATTEST: Pam Childers
Clerk of the Circuit Court

By: _____ Date Executed: _____
Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE: