



Development Services Department

Escambia County, Florida

CONDITIONAL USE CRITERIA

Per Section 2.05.03 of the Land Development Code, the BOA is authorized to hear, decide, and grant Conditional Uses in appropriate cases with safeguards, but only as specifically authorized by the Code. Before any Conditional Use is approved or approved with conditions, the BOA shall make written findings, based on competent substantial evidence, certifying compliance with specific rules governing such individual conditional uses, and that satisfactory provisions and/or arrangements have been made concerning the following, where applicable:

1. On-site circulation. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe.
2. Nuisance. Any adverse impact such as noise, glare, smoke, odor or other harmful effects (electrical interference, hazardous materials, etc.) of the conditional use on adjoining properties and properties generally in the District.
3. Solid Waste. Refuse and service areas with particular reference to concurrency requirements and items 1 and 2 above.
4. Utilities. Utilities with reference to concurrency requirements, location, availability and compatibility with surrounding land uses.
5. Buffers. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan are fulfilled.
6. Signs. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the District.
7. Environmental impact. Impacts to protected trees, wetlands, water bodies, stormwater management or other natural features of the subject parcel.
8. Neighborhood impact. General compatibility with adjacent properties and other property in the immediate area.
9. Other requirements of Code. The proposed conditional use is consistent with all other relevant provisions of this Code.

Note: Section 6.08.00 of the Land Development Code applies additional standards for certain conditional uses. Please ask staff for the additional criteria if you are applying for any one of the following:

Administrative Offices; Child Care Services; Civic or Cultural Activities; Clubs; Educational Institutions (includes dorms, and fraternity and sorority houses); Golf Courses, Tennis Centers, and Public Swimming Pools; Guest Houses and Transient Quarters; Nursing, Retirement, and Convalescent Homes, and Assisted Living Facilities; Places of Worship; Public Recreation, Parks, and Riding Stables; Public Facilities, Utilities, and Service Structures; Marinas; Radio Broadcasting Stations (includes studios and offices with antennas and satellite dishes); and Borrow Pits and Debris Disposal Sites.

ALL OF THE ABOVE REFERENCED CRITERIA MUST BE ADDRESSED IN THE APPLICANT'S LETTER OF REQUEST.



Development Services Bureau

Escambia County, Florida

CONDITIONAL USE CRITERIA

Sale of Alcoholic Beverages for On-premise Consumption

The Board of Adjustment (BOA) may approve a conditional use for the sale of alcohol within 1,000 feet radial spacing of a place of worship if it finds that all of the following required applicable conditions exist. Also, for purposes of this section only, a child care or day care facility shall not be treated as an educational facility and the BOA may approve a conditional use the sale of alcoholic beverages for on-premise consumption within 1,000 feet radial spacing of the child care or day care facility if the BOA finds all the following conditions apply:

1. The applicant will suffer undue hardship by the literal application of the Code.
2. The authorization of the conditional use will not impair the adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, or general welfare of the inhabitants of Escambia County.
3. The conditional use will not, in any manner, alter other provisions of this Code or the Comprehensive Plan, except this Code and the plan may be amended in the manner prescribed by law.
4. The subject property is oriented to have the minimum impact on the surrounding properties.
5. Adequate ingress and egress to the subject property and proposed or existing structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, on-site parking and loading, and access in case of fire or catastrophe is addressed. The buffer may be a landscaped natural barrier, a natural barrier or a landscaped or natural barrier supplemented with fencing or other man-made barriers, so long as the function of the buffer and the intent of Policy FLU 1.1.9 of the Comprehensive Plan are fulfilled.
6. Any adverse impact such as noise, glare, smoke, odor, or other harmful effects of the proposed establishment on the adjoining properties and properties generally in the district is adequately addressed.
7. The proposed establishment's general compatibility with adjacent properties and other property in the immediate area is adequately addressed.
8. The proposed use is consistent with all other relevant provisions of this Code.
9. The establishment meets the requirements to qualify as a responsible vendor as outlined in F.S. § 561.705, as amended
10. For establishments seeking a conditional use to sell alcohol for off-premises consumption, the establishment meets the requirements for a 3PS (beer, wine, and liquor) license as described in F.S. § 565.02(1)(a), as amended.
11. For establishments seeking a conditional use to sell alcohol for on-premises consumption, the establishment meets the requirements for a state issued alcohol license for on-premises consumption.
12. Before any conditional use is approved or approved with conditions, the BOA shall make written findings, based on competent and substantial evidence, certifying compliance with specific rules governing such individual conditional uses, and stating that satisfactory provisions and/or arrangements have been made concerning the applicable criteria above.

ALL OF THE ABOVE REFERENCED CRITERIA MUST BE ADDRESSED IN THE APPLICANT'S LETTER OF REQUEST.



Development Services Department

Escambia County, Florida

APPLICATION INSTRUCTIONS

Prior to Application Submittal

Please contact the Development Services Department located at 3363 West Park Place (595-3475) to make an appointment for a pre-application meeting with a Planner to personally discuss your site and prospective plans for it, to review the application forms and criteria with you, to answer any questions you may have, and/or any possible alternatives.

Application Submittal

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). In order for the application request to proceed in a timely manner, all items on the application forms and checklist (attached herein) must be completed and submitted prior to the deadline, scheduling a pre-application meeting with a Planner is recommended. Any incomplete application or application submitted after the deadline will not be accepted by staff.

The owner and/or agent acting in his/her behalf, must sign the certification(s) where indicated on the application. If an agent is handling the request, the owner must submit an Affidavit of Ownership & Limited Power of Attorney (attached herein) authorizing said agent to act in his/her behalf. Signatures must be properly notarized and dated no more than sixty (60) days prior to application submittal.

No guarantee is made for the approval of any petition. Fees are non-refundable regardless of the decision.

Public Hearing(s)

It is the Applicant's burden to show consistency with all applicable criteria. **NOTE:** The applicant, or his/her agent, must be present at the Board of Adjustment or Planning Board meeting. For rezoning requests, it is also highly recommended that he or she be present at the subsequent Board of County Commissioners meeting.

Public Notice

Per the Land Development Code Article 2: A legal notice/advertisement will be published in the Pensacola News Journal and a sign(s) will be posted on the property by Development Services Department (DSD) prior to the hearing. Current property owners near the subject property will be notified of the proposed request via postcard by DSD at least fifteen (15) days prior to the hearing (see table below). Staff will obtain the list of mailing addresses from the Escambia County Property Appraiser's Office website (escpa.org).

Application Type:	Who will receive a postcard? Property owners:
Rezoning	within 500 foot radius of the subject property
Conditional Use	
Administrative Appeal	
Conditional Use – Sale of Alcohol	within 500 foot radius of the subject property and any places of worship and/or day care facility within 1,000 feet
Variance	directly abutting the subject property (excluding properties across the street)

Fees

Payment must be submitted prior to 3pm of the closing date for acceptance of application. Please make checks payable to Escambia County. Development Services Department accepts MasterCard and Visa.

Board of Adjustment (BOA)	Planning Board – Rezoning
\$1,050 - Conditional Use	\$1,050 for a rezoning request of one parcel
\$350 - Variance	\$1,750 for a rezoning request of two contiguous parcels
\$560 - Administrative Appeal	\$1,750 plus \$70 for each additional parcel for more than two contiguous parcels
\$175 - Development Order Extension	

Lots separated by a street or roadway or by other lots/parcels are not considered contiguous. All lots must be owned by the same applicant in order to receive the discounted fee.

APPLICATION

Please check application type:

- | | |
|--|---|
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Conditional Use Request for: _____ |
| <input type="checkbox"/> Development Order Extension | <input type="checkbox"/> Variance Request for: _____ |
| | <input type="checkbox"/> Rezoning Request from: _____ to: _____ |

Name & address of current owner(s) as shown on public records of Escambia County, FL

Owner(s) Name: _____ Phone: _____

Address: _____ Email: _____

Check here if the property owner(s) is authorizing an agent as the applicant and complete the Affidavit of Owner and Limited Power of Attorney form attached herein.

Property Address: _____

Property Reference Number(s)/Legal Description: _____

By my signature, I hereby certify that:

- 1) I am duly qualified as owner(s) 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 that there are no guarantees as to the outcome of this request, and that the application fee is non-refundable; and
- 4) I authorize County staff to enter upon the property referenced herein at any reasonable time for purposes of site inspection and authorize placement of a public notice sign(s) on the property referenced herein at a location(s) to be determined by County staff; and
- 5) I am aware that Public Hearing notices (legal ad and/or postcards) for the request shall be provided by the Development Services Bureau.

Signature of Owner/Agent

Printed Name Owner/Agent

Date

Signature of Owner

Printed Name of Owner

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20 _____,
by _____.

Personally Known OR Produced Identification . Type of Identification Produced: _____

Signature of Notary
(notary seal must be affixed)

Printed Name of Notary

FOR OFFICE USE ONLY

CASE NUMBER: _____

Meeting Date(s): _____ Accepted/Verified by: _____ Date: _____

Fees Paid: \$ _____ Receipt #: _____ Permit #: _____

CONCURRENCY DETERMINATION ACKNOWLEDGMENT

For Rezoning Requests Only

Property Reference Number(s): _____

Property Address: _____

I/We acknowledge and agree that no future development for which concurrency of required facilities and services must be certified shall be approved for the subject parcel(s) without the issuance of a certificate of concurrency for the development based on the actual densities and intensities proposed in the future development's permit application.

I/We also acknowledge and agree that approval of a zoning district amendment (rezoning) or Future Land Use Map amendment does not certify, vest, or otherwise guarantee that concurrency of required facilities and services is, or will be, available for any future development of the subject parcels.

I/We further acknowledge and agree that no development for which concurrency must be certified shall be approved unless at least one of the following minimum conditions of the Comprehensive Plan will be met for each facility and service of the County's concurrency management system prior to development approval:

- a. The necessary facilities or services are in place at the time a development permit is issued.
- b. A development permit is issued subject to the condition that the necessary facilities and services will be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- c. For parks and recreation facilities and roads, the necessary facilities are under construction at the time the development permit is issued.
- d. For parks and recreation facilities, the necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time the development permit is issued and the agreement requires that facility construction must commence within one year of the issuance of the development permit.
- e. 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 163.3220, F.S., or as amended, or an agreement or development order issued pursuant to Chapter 380, F.S., or as amended. For transportation facilities, all in-kind improvements detailed in a proportionate fair share agreement must be completed in compliance with the requirements of Section 5.13.00 of the LDC. For wastewater, solid waste, potable water, and stormwater facilities, any such agreement will guarantee the necessary facilities and services to be in place and available to serve the new development at the time of the issuance of a certificate of occupancy.
- f. For roads, the necessary facilities needed to serve the development are included in the first three years of the applicable Five-Year Florida Department of Transportation (FDOT) Work Program or are in place or under actual construction no more than three years after the issuance of a County development order or permit.

I HEREBY ACKNOWLEDGE THAT I HAVE READ, UNDERSTAND AND AGREE WITH THE ABOVE STATEMENT ON THIS _____ DAY OF _____, YEAR OF _____.

Signature of Property Owner

Printed Name of Property Owner

Date

Signature of Property Owner

Printed Name of Property Owner

Date

AFFIDAVIT OF OWNER AND LIMITED POWER OF ATTORNEY

As owner of the property located at _____,
Florida, property reference number(s) _____

I hereby designate _____ for the sole purpose
of completing this application and making a presentation to the:

- Planning Board and the Board of County Commissioners to request a rezoning on the above
referenced property.
- Board of Adjustment to request a(n) _____ on the above referenced property.

This Limited Power of Attorney is granted on this _____ day of _____ the year of,
_____, and is effective until the Board of County Commissioners or the Board of Adjustment 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 Development
Services Bureau.

Agent Name: _____ Email: _____

Address: _____ Phone: _____

Signature of Property Owner

Printed Name of Property Owner

Date

Signature of Property Owner

Printed Name of Property Owner

Date

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____ 20 _____,
by _____.

Personally Known OR Produced Identification . Type of Identification Produced: _____

Signature of Notary

Printed Name of Notary

(Notary Seal)

**APPLICATION
ATTACHMENTS CHECKLIST**

- _____ 1. For BOA, original letter of request, typed or written in blue ink & **must** include the reason for the request and address all criteria for the request as outlined in LDC Article 2.05 (dated, signed & notarized – notarization is only necessary if an agent will be used).
- _____ 2. Application/Owner Certification Form - Notarized Original (page 1) (signatures of ALL legal owners or authorized agent are required)
- _____ 3. Concurrency Determination Acknowledgment form - Original (if applicable) (page 2)
- _____ 4. Affidavit of Owner & Limited Power of Attorney form - Notarized Original (if applicable) (page 3) (signatures of ALL legal owners are required)
- _____ 5. Legal Proof of Ownership (e.g. copy of Tax Notice or Warranty Deed). Include Corporation/LLC documentation or a copy of Contract for Sale if applicable.
- _____ 6. Legal Description of Property Street Address / Property Reference Number
- _____ 7.
 - a. Rezoning: Boundary Survey of subject property to include total acreage, all easements, and signed & sealed by a surveyor registered in the state of Florida.
 - b. BOA: Site Plan drawn to scale.
- _____ 8. For Rezoning requests: If the subject parcel does not meet the roadway requirements of Locational Criteria (Comprehensive Plan 1.1.10 & LDC 7.20.00.), a compatibility analysis to request a waiver or an exemption to the roadway requirements will need to be submitted as part of the application.
- _____ 9. Pre-Application Summary Form, Referral Form, Zoning Verification Request Form and/or copy of citation from Code Enforcement Department if applicable.
- _____ 10. Application fees. (See Instructions page for amounts) Payment cannot be accepted after **3:00pm**.

Please note: Forms with signatures dated more than sixty (60) days prior to application submittal will not be accepted as complete.

Please make the following three appointments with the Coordinator.

Appointment for pre-application meeting: _____

Appointment to turn in application: _____

Appointment to receive findings-of-fact: _____