

**MID-WEST ESCAMBIA COUNTY SECTOR PLAN OPT-OUT APPLICATION AND FUTURE LAND
USE ASSIGNMENT
(Revised 6-30-2020)**

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 Application Checklist (attached herein) are received.

The Opt-Out application request and Future Land Use assignment is a concurrent two-step process: approval of the Opt-Out request will be required first; **the applicant will also request assignment of a Future Land Use category** to be consistent with the underlying zoning district for approval. Chapter 16, FLU 16.6.1.V of the Escambia County Comprehensive Plan provides guidelines for removing properties from an approved DSAP.

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: Application fees can be found on the Escambia County website: <https://myescambia.com/our-services/development-services/planning-zoning/rezoning/planning-board>

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.

MID-WEST ESCACAMBIA COUNTY SECTOR PLAN OPT-OUT APPLICATION AND FUTURE LAND USE ASSIGNMENT

APPLICATION

CHECKLIST

1. _____ Owner(s) Name, Home Address and Telephone Number. An email address is optional (see form herein).
2. _____ Letter of request, including desired future land use category
3. _____ Notarized Affidavit of Ownership and Authorization (form herein)
4. _____ Notarized Affidavit of Ownership and Limited Power of Attorney (form herein) if agent will act in owner's behalf
5. _____ Concurrency Determination Acknowledgement (form herein)
6. _____ 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. _____ Street Map depicting general property location
8. _____ Legal Description of exact property area proposed for opt-out and a future land use map assignment request , including:
 - _____ Street Address
 - _____ Property Reference Number(s)
 - _____ Boundary Survey
 - _____ Total parcel acreage
9. _____ Opt-Out application and Future Land Use Assignment fee

Staff must ensure that all of the information is complete and the required documents on the checklist are provided at the time of submittal. Do not accept incomplete or partial applications.

STAFF

**MID-WEST ESCAMBIA COUNTY SECTOR PLAN OPT-OUT APPLICATION AND
FUTURE LAND USE MAP ASSIGNMENT**

STAFF

(THIS SECTION FOR OFFICE USE ONLY):

Current DSAP Land Use: _____ Requested FLU: _____ Zoning: _____

Previous FLU: _____

Taken by: _____

Planning Board Public Hearing, date(s): _____

BCC Public Hearing, proposed date(s): _____

Fees Paid _____ Receipt # _____ Date: _____

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

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone: () _____

Email: _____

APPLICANT

DESCRIPTION OF PROPERTY:

Street address: _____

Proposed development (If any): _____

Subdivision: _____

Property reference number(s) _____

Requested FLU designation _____

Size of Property (acres) _____ Sewer ___ Septic Tank ___

AFFIDAVIT OF OWNERSHIP AND LIMITED POWER OF ATTORNEY

As owner of the property located at _____, Pensacola, Florida, Property Reference Number(s) _____, I hereby designate _____, 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 _____ day of _____, the year of _____, 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.

Signature of Property Owner Date Printed Name of Property Owner

Signature of Agent Date Printed Name of Agent

STATE OF _____ COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, year of _____, by means of physical presence or online notarization, this _____ day of _____, 2020, produced current as identification.

Signature of Notary Public Date Printed Name of Notary Public

Commission Number _____ My Commission Expires _____

(Notary seal must be affixed)

APPLICANT

**MID-WEST ESCAMBIA COUNTY SECTOR PLAN OPT-OUT AND FUTURE LAND USE MAP
ASSIGNMENT APPLICATION
CONCURRENCY DETERMINATION ACKNOWLEDGMENT**

Project name: _____

Property reference #: _____

Project Address: _____

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 _____ DAY OF _____, 20_____**

Owner's signature

Owner's name (print)

Agent's signature

Agent's name (print)

APPLICANT

DATA AND ANALYSIS REQUIREMENTS

As the approval of an Opt-Out request will trigger a Future Land Use assignment for the parcel, county staff will review the requested Future Land Use category by the applicant to ensure consistency with applicable regulations. The applicant's request for the Future Land Use category will be evaluated using the following criteria:

1. A comparative analysis of the impact of both the current and the proposed future land use categories. If a specific development is proposed, then **the applicant** must show that the infrastructure is available to support the most intense development allowed under the requested Future Land Use category
2. Proximity to and impact on the following:
 - A. Wellheads (indicate distance and location to nearest wellhead)
 - B. Historically significant sites available from the Florida Division of Historical Resources:
R. A. Gray Building, 500 S. Bronough Street, Room 425, Tallahassee, FL 32399-0250
sitefile@dos.myflorida.com Phone 850.245.6440
 - 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.

NOTE: Pages 111-162 of the adopted Escambia County Mid-West Sector Plan, Detailed Specific Area Plans (DSAP) contain a detailed analysis of public facilities produced using the DSAP land use plan and associated development program tables to calculate theoretical impacts. Included in this analysis were the full range of public facilities as defined by 163.3164, Florida Statutes, including transportation, potable water, sanitary sewer, solid waste, drainage, schools, and parks. Impacts were analyzed for both short-term (5-yr) and long-term (buildout) conditions

4. The parcel size in relation to the individual DSAP land use category and in relation to the overall Sector Plan, and the aggregate acreage of any granted opt-outs.
5. The existing transportation infrastructure and any effect the proposal may have on the capacity of that infrastructure.
6. The underlying existing zoning category and the compatibility with the surrounding DSAP land use designation.
7. The consistency of any requested FLU designation with underlying zoning.
8. The previous future land use designation.

During the processing of a Sector Plan opt-out request, to the extent possible, the staff analysis, the Planning Board and the Board shall consider whether the applicant lost development rights or was effectively down zoned as part of the Sector Plan adoption. The Board may take into consideration any other relevant factors in making its determination related to the request.