

ORDINANCE NUMBER 2013-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES (1999), THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING ARTICLE 12, SECTION 12.01.00., TO REMOVE THE SHORELINE PROTECTION ZONE 1 DESIGNATION ALONG SANTA ROSA SOUND ON PENSACOLA BEACH; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, this ordinance is to amend Article 12, Section 12.01.00., to remove the Shoreline Protection Zone 1 designation along Santa Rosa Sound on Pensacola Beach; provide for severability; provide for inclusion in the code and provide for an effective date; and

WHEREAS, the 50 foot setback from Santa Rosa Sound required by the Shoreline Protection Zone 1 regulation has not been uniformly applied to development activities on Pensacola Beach; and

WHEREAS, an underlying 30 foot setback from Santa Rosa Sound is also in effect and consistent with other coastline setbacks within Escambia County.

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

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Article 12, "Coastal Management," Section 12.01.00., is hereby amended as follows (words underlined are additions and words ~~stricken~~ are deletions):

12.01.00. Shoreline protection zones.

Shoreline protection zones means the area that commences at the mean high water line and runs to and includes the 1975 Coastal Construction Control Line (CCCL) as recorded in Plat Book 9 Page 72 A-P. The shoreline protection zones in Escambia County are also known as the "beach preservation zone."

A. *Zone 1.* The following area along the Gulf of Mexico and ~~Santa Rosa Sound~~ shall be considered within Shoreline Protection Zone 1:

1. The waterward line shall run along the line of mean high water.
2. The landward line shall run along the 1975 CCCL.

~~3. For sound side properties the shoreline protection zone shall be the mean high tide line of Santa Rosa Sound.~~

B. *Zone 2.* Zone 2 is the shoreline protection zone on Escambia Bay, Pensacola Bay, Perdido Bay, Old River, Big Lagoon, Santa Rosa Sound and the basins and bayous and shall be measured from the mean high water line to a point five feet landward of the mean high water line.

C. *Prohibitions.* The following activities, unless specifically excepted, shall be prohibited within the shoreline protection zones:

1. Construction of major structures, minor structures, and nonhabitable major structures (see section 12.02.00 for definitions); and
2. Removal of vegetation in Zone 1; and
3. Planting of new vegetation in Zone 1 except for native, indigenous salt-resistant vegetation suitable for beach and dune or area stabilization.
4. No variances shall be granted to authorize development activities within Shoreline Protection Zone 1.

D. *Dune enhancement.* All persons constructing elevated boardwalks or other accessory structures on property located in the shoreline protection zone shall include in their plans, provisions to enhance and revegetate the dune system, if any, on their property.

E. *Exemptions.* Exemptions from this section are beach and dune restoration, water dependant and water related uses and other structures which are intended to prevent erosion or protect other structures from wave and hydrodynamic forces.

12.01.01. *Design standards in areas adjacent to shoreline protection zone.* In areas adjacent to the shoreline protection zone, the following shall apply:

A. *Setbacks.*

1. *Zone 1.* All major structures, minor structures, and nonhabitable major structures shall be setback greater than or equal to the landward boundary of the 1975 CCCL along the Gulf of Mexico, ~~or 50 feet from the landward boundary of the shoreline protection zone of Santa Rosa Sound;~~

2. *Zone 2.* All major structures shall be setback 25 feet from the landward boundary of the shoreline protection zone in Zone 2.

3. *Exemptions.*

- a. For properties fronting the Gulf of Mexico, pile-supported, elevated dune and beach walkover structures are permissible.

- b. Pensacola Beach gulf-front properties may construct sundecks, patios, walkways, etc. on a case by case basis consistent with the SRIA board policy manual.
- c. In order to prevent takings, Pensacola Beach gulf-front properties that have an insufficient building area to rebuild or redevelop may request a variance to allow construction of a similar structure provided that intrusion into Shoreline Protection Zone 1 is reduced to the maximum extent possible.
- d. Rebuilding/repair of decks and nonhabitable major structures within Shoreline Protection Zone 1 is permissible provided the associated major structure has not been substantially damaged.

B. *Impervious area.* Total impervious surface, including but not limited to buildings, houses, parking lots, garages, accessory buildings, driveways, pools and walkways is limited to that which is required to serve the proposed development but in no case shall exceed 75 percent of the land area of the entire site.

C. *Vegetation.* The development shall leave a minimum of ten percent of the site as trees, shrubs, or other natural vegetation, or replace existing trees at a minimum ratio of 1.1.

D. *Discharges.* Point source and non-point-source discharges are prohibited, except for stormwater, which may be discharged only if it meets the following minimum standards:

- 1. Stormwater discharges shall provide off-line retention or off-line detention with filtration of the first one-half inch of runoff.

E. *Erosion control.* Siltation and erosion control measures shall be applied to stabilize barren areas and other unvegetated areas during and after construction. Sediment settling ponds shall be installed for stormwater runoff prior to the creation of any impervious surfaces. For lots or parcels that are cleared, silt screens shall be placed between the construction site and the water body to prevent erosion and siltation.

F. *Channels.* Any channels constructed shall meet all relevant state and or federal standards. The direct discharge of stormwater through channelization to adjacent water bodies is prohibited.

G. *Dredging.* Any dredging shall be conducted at times of minimum biological activity to avoid fish migration and spawning, and other cycles and activities of wildlife.

H. *Spoil disposal.* Any spoil that results from dredging shall be disposed of at upland sites and stabilized within 30 days, unless the spoil is causing turbidity or other problems, in which case the developer must stabilize the spoil immediately.

I. *Littoral drift.* If dredging changes the littoral drift processes and causes adjacent shores to erode, the developer shall periodically replenish these shores with the appropriate quantity and quality of aggregate (sand) in accordance with section 12.05.01.

J. *Buffer.* Buffers shall conform to the requirements of section 7.15.06I.

[K. *Reserved.*]

L. *Discoloration.* Material used for fill shall not discolor the natural white sands of Santa Rosa Island or Perdido Key. White sand, oyster shell, limestone and white dolomite are among materials approved for fill or masonry mixes for new development or redevelopment projects on Santa Rosa Island or Perdido Key; reference section 12.05.02.

(Ord. No. 2000-45, § 1, 10-5-2000; Ord. No. 2005-56, § 1, 11-17-2005)

Section 2. Severability.

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

Section 3. Inclusion in Code.

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

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Section 4. Effective Date.

This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED this _____ day of _____, 2013.

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

By: _____

Gene M. Valentino, Chairman

**ATTEST: PAM CHILDERS
Clerk of the Circuit Court**

By: _____

Deputy Clerk

(SEAL)

ENACTED:

FILED WITH THE DEPARTMENT OF STATE:

EFFECTIVE DATE: