

LDC Revisions Subcommittee Draft 2

Chapter 2 ADMINISTRATION

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Article 1 General Provisions

Sec. 2-1.1. Purpose ~~–the function~~ of this chapter.

The purpose of this chapter is to establish the authority and duties of the county officials, boards and committees necessary and desirable to effectively implement and enforce the LDC. The chapter defines the roles and responsibilities of each administrative entity in assuring compliance with LDC requirements. General direction is also given regarding noncounty entities that may influence land uses and development activities. The land use regulations of Chapter 4 and development standards of Chapter 5 are evaluated through the review and approval processes of Chapter 3 by the approving authorities described here. More specifically, this chapter is intended to:

- (1) Establish the authority and responsibilities of the Planning Official in the administration of the LDC.
- (2) Establish organizational structure and additional responsibilities for the Planning Board to review and make determinations regarding land use and development activity.
- (3) Establish ~~additional~~ and describe responsibilities for the Santa Rosa Island Authority to review ~~and make determinations regarding land use and~~ development activity on Pensacola Beach. **[changes regarding SRIA provisions pending Coastal subcommittee recommendations]**

- (4) Establish the authority, organizational structure, and responsibilities for a Board of Adjustment to review and make final determinations regarding special development circumstances.
- (5) Establish the authority, organizational structure and responsibilities for a Vested Rights Committee to review and make recommendations regarding equitable vesting of land use rights.
- (6) Define the roles and responsibilities of other county officials and boards in the review, approval, and other processes required by the LDC.
- (7) Identify the general areas of jurisdiction of noncounty entities that are known to influence land uses and development activities.
- (8) Establish provisions for enforcing land use regulations and reducing violations.

Sec. 2-1.2. Enforcement – assuring compliance with LDC provisions.

~~(a) Impartiality. In the administration of LDC provisions, no county public officer or employee shall grant or direct, cause or knowingly allow to be granted, any special consideration, treatment, or advantage to any person, group or organization beyond that which is available under the terms of the LDC to every other person, group or organization in the same or similar circumstances. Violations of this prohibition are subject to the penalties and sanctions established in the Escambia County Code of Ethics Policy. [county ethics policy]~~

(b) Means. The use or development of land and structures regulated by the LDC must comply with all applicable code requirements. Compliance with the LDC shall be fully enforced by any means provided, authorized or allowed by law or ordinance, including Florida Statutes and Chapter 30, *Code Enforcement*, Escambia County Code of Ordinances. [2.06.00, 7.15.14, Sec.2-84(1)] More particularly:

- (1) **Procedural remedies.** Failure to comply with LDC provisions may result in denial of an application, the delay of application approval, conditional application approval, voiding an application before or after approval, withholding a certificate of occupancy, multiplied application fees, or other penalties as may be prescribed by the LDC [10.01.05 and 13.20.06.E]
- (2) **Civil remedies.** The BCC, or any aggrieved party as defined by state law, may apply to the Circuit Court of Escambia County, Florida, to enjoin and restrain any person violating the provisions of the LDC. Upon proof of the violation the court shall have the duty to immediately issue all temporary and/or permanent injunctions necessary to remedy the violation. [2.06.01.A]
- (3) **Criminal remedies.** Any person, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of, any of the provisions of the LDC, shall be subject to a misdemeanor punishable by fine and/or imprisonment according to state law. Upon conviction the person shall additionally pay all expenses of the county in the case. Each day a violation exists shall constitute a separate offense. Nothing in the LDC shall prevent Escambia County from taking any other lawful action necessary to prevent or remedy any violation. [2.06.01.B]

Sec. 2-1.3. Noncounty entities – other influences on uses and activities. [2.02.02, 2.02.03, 12.12.00, 12.13.00, 12.15.00, 12.17.00]

(a) Generally. ~~In addition to county officials, boards, and committees, there are noncounty entities that may regulate, govern, or otherwise influence the use or development of land. The requirement for notification, comment or approval of many of these entities is included in the review and approval processes of the LDC. The county will make all other reasonable efforts to direct applicants to agencies and organizations appropriate to the subject land use or development activity. However, ultimately it is the responsibility of each property owner, or their authorized agent, to determine those entities that have jurisdiction affecting their property, its use, or activities upon it, and to adequately communicate with them. The identification of some of those agencies and organizations here by their subjects of oversight is only intended to assist applicants. In identifying them the county assumes no responsibility or liability in any way for any owner's or agent's failure to adhere to any restrictions or requirements of these or other entities. [list of noncounty agencies to be provided elsewhere - in appendix and/or application checklist]~~

(b) Local entities.

(1) Utilities and services. ~~The Emerald Coast Utilities Authority (ECUA), Gulf Power Company, and other providers of utilities and services influence or control elements of the installation, construction, location, connection, and/or utilization of their facilities as authorized through franchise agreements and operation permits.~~

(2) Public schools. ~~The Escambia County School Board, as authorized through an interlocal agreement with the county, evaluates proposed new residential dwelling units for their corresponding demand of additional students on school facility capacity.~~

(3) City/county parcels. ~~The City of Pensacola may influence or control development on parcels split between the city and the county.~~

(4) Civil aviation. ~~The Pensacola Gulf Coast Regional Airport operated by the City of Pensacola influences surrounding land use and development activity principally, but not exclusively, as authorized through the Pensacola Gulf Coast Regional Airport Planning District (PNSPD). [11.01.02.B, 11.03.00]~~

(5) Private agreements. ~~Private groups may exert some jurisdiction over land use or development activity. These entities include homeowners associations, condominium associations, merchants associations, and neighborhood improvement groups. As identified in the applicability provisions of Chapter 1, private agreements may impose greater restrictions than the LDC, but the county is not responsible for monitoring or enforcing private agreements.~~

(c) Regional and state entities.

(1) Water management. ~~The Northwest Florida Water Management District implements provisions of Florida Statutes to protect and manage regional water resources. District permitting programs include surface water management, consumptive use of water supplies, stormwater management systems, and the construction, repair or abandonment of water wells.~~

(2) Environmental management. ~~The Florida Department of Environmental Protection (DEP) is responsible for protection and management of environmental resources within the state. Department authority includes Coastal Construction Control Line (CCCL) and state jurisdictional wetlands permitting.~~

~~(2) **Transportation.** The Florida Department of Transportation (DOT) is responsible for the state highway system. Department authority includes regulatory permitting for driveways, streets, turnouts, or other accesses to state highways; stormwater drainage connections for properties adjacent to state right-of-way; outdoor advertising along the state highway system; Installation of, or adjustments to utilities within state right-of-way; and alteration, removal or installation of vegetation within state right-of-way.~~

~~(3) **Health.** The Florida Department of Health is responsible for promoting, protecting and improving public health in the state. Department authority includes permitting for manufactured (mobile) home and recreational vehicle parks; septic tanks or other onsite sewage treatment and disposal systems; new public swimming pool construction; group care facilities; and petroleum storage tanks.~~

~~(4) **Growth management.** The Florida Department of Community Affairs (DCA) is responsible for land planning and community development within the state. Department authority includes review and approval of local comprehensive plan amendments.~~

~~(5) **Historical resources.** The Florida Department of State is responsible for promoting the historical, archaeological and folk culture resources in the state. The Department provides technical assistance to ensure compliance with state and federal laws regarding development's impacts on historic and archaeological properties. It also maintains an archive and database of all recorded historical structures and archaeological sites in Florida.~~

~~(d) **Federal entities.**~~

~~(1) **Wetlands and navigable waters.** The U.S. Army Corps of Engineers is responsible for protecting waters of the United States. Corps authority includes regulatory permitting for federal jurisdictional wetlands and navigable waters.~~

~~(2) **Floodplain management.** The Federal Emergency Management Agency (FEMA) influences development within special flood hazard areas through the requirements of the National Flood Insurance Program.~~

~~(3) **Aviation.** The Federal Aviation Administration (FAA) influences structure heights and other aspects of land use and development activity through its regulation and oversight of all aspects of civil aviation and its operation of a common system of air traffic control and navigation for both civil and military aircraft. Additionally, the U.S. Navy operates several military airfields within the county and influences surrounding land use and development activity principally through airfield influence planning districts (AIPDs).~~

Article 2 County Officials

Sec. 2-2.1. County Administrator. The County Administrator is appointed by the Board of County Commissioners (BCC) to serve as administrative head of the County. The Administrator's authority and duties, prescribed by the Escambia County Code of Ordinances, Part I, include development of an administrative plan and enforcement of all LDC provisions to assure they are faithfully executed their full implementation.

[Sec.2-81 - 84] [2.01.01, 2.06.00, 7.01.09, 7.15.14 & 15]

Sec. 2-2.2. Planning Official. The Planning Official, an appointee of the County Administrator as designated in the adopted county administrative plan, has the following authority and duties in the implementation of the LDC: [Sec.2-84(8)]

- (1) **Use determinations.** The Planning Official shall make determinations concerning uses and development of land where there is doubt as to whether a particular use or activity, or class of uses or activities, or characteristics of a use or activity not specifically identified in the LDC are of the same general character as those uses or activities listed as allowed or conditional. Such determinations shall be made according to LDC provisions upon request from an applicant for land use approval or from an administrative agency, or upon the official's own initiative. [new]
- (2) **Approvals and permits.** The Planning Official shall conduct reviews as required to grant, grant with conditions, or deny applications for use and development of land, and to issue land use certificates, development orders, certificates of concurrency, permits and other forms of county authorization when those uses and activities are shown to fully conform to the requirements of the LDC. [2.02.02, 2.13.01.A] ~~Where final application approval is prescribed by the LDC as a specific responsibility of another county authority, the Planning Official will withhold the issuance of any authorizations until the approving authority has made a final determination.~~
- (3) **LDC interpretation.** The Planning Official shall, consistent with the established rules of interpretation in Chapter 1, make both general and specific interpretations on the proper application of LDC provisions. Interpretation responsibilities established here are limited to the provisions of the LDC and do not override the responsibilities prescribed for other county officials, boards or committees. [2.07.02]
- (4) **Future land use and zoning maps.**
 - a. **Map maintenance.** The Planning Official shall maintain the official future land use and zoning maps of the county. The official shall ensure the integrity of the maps and preserve their accuracy by completion of amendment modifications to the maps within five business days after the legally effective date of each amendment. The maps shall be made available to the general public through the county website and offices of the Planning Official, and for purchase through those offices according to the fee schedule established by the BCC. [6.02.00, 2nd half]
 - b. **Boundary interpretation.** The Planning Official shall interpret the boundary of any future land use category or zoning district according to the provisions of the LDC if uncertainty exists regarding boundary location. [2.07.02.A.2 and 6.02.01]
- (5) **Review and approval procedures.** The Planning Official shall establish and maintain detailed procedures to implement the land use review and approval processes of the LDC. The procedures shall include the following elements as applicable and necessary to each review: [new]
 - a. Dates and deadlines for application submittal.
 - b. Timeline for review and approval.
 - c. Application forms and content checklists.

- d. Public notice requirements.
 - e. Completeness check.
 - f. Compliance review.
 - g. Form and preparation of recommendations.
 - h. Notification of final determination and conditions.
- (6) Concurrency management.** The Planning Official shall implement the county's concurrency management system for those public facilities that have adopted level of service standards in the Comprehensive Plan. Specifically, the Planning Official shall:
- a. **Facility inventory.** Establish and maintain a current inventory of existing facilities, including available capacities. Capacity data shall be updated on an annual basis consistent with reports required by the Comprehensive Plan. [\[5.10.01.A\]](#)
 - b. **Annual reports.** Obtain annual reports from the directors of county transportation and traffic operations, county solid waste management, county parks and recreation, and Escambia County Area Transit (ECAT) to document the available capacities of the respective public facilities in the current year and make this data available through the annual Comprehensive Plan implementation report. [\[5.10.01.F, G & H\]](#)
 - c. **Status reports.** Report the status of facilities to the Planning Board and the BCC, recommending a schedule of improvements for those facilities with existing deficiencies. This shall be part of the integrated capital improvements plan (CIP) submitted for budget consideration and approval. [\[5.10.01.B\]](#)
 - d. **Projected deficiencies.** At least semi-annually advise the Planning Board of any projected or predicted deficiencies which should be addressed to avoid degrading levels of service below established standards on any facility. This advisory shall include all roadway segments whose current capacity has reached at least 75 percent of available capacity [\[5.10.01.C\]](#)
 - e. **System implementation.** Provide guidance to applicants, county staff, and other affected parties in the implementation of concurrency provisions, making the following information available: [\[5.10.01.D & E\]](#)
 - 1. Capacity of facilities, including available roadway capacity by segment.
 - 2. Existing and adopted levels of service for all facilities, including roadway segments.
 - 3. Improvements to facilities scheduled to commence construction within three years as reflected in the capital improvement plans or programs of the entities responsible for the facilities. These improvements include those scheduled for construction in the first three years of the annual Five Year Work Program of the Florida Department of Transportation (FDOT).
- (7) Floodplain administration.** The Planning Official shall act as floodplain administrator, implementing and enforcing LDC regulations for all areas of special flood hazard identified by the current FEMA flood insurance study for unincorporated Escambia County, excluding Pensacola Beach. [\[10.02.01, 13.20.06.C\]](#) In addition to other responsibilities that may be identified within the LDC, the floodplain administrator shall:

- a. **Interpret FIRMs.** Interpret the exact location of boundaries of special flood hazard areas depicted on Flood Insurance Rate Maps (FIRM). [10.02.03.J, 13.20.07.B.8]
 - b. **Acquire data.** Obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source to administer the flood hazard reduction requirements when base flood elevation data or floodway data have not been otherwise provided. [10.02.03.K, 10.03.06.B]
 - c. **Maintain records.** Maintain all records pertaining to the flood hazard reduction provisions of the LDC, including the flood insurance study and FIRM, all variance actions, and any other documents required by the floodplain provisions of the LDC. All records shall be made available for public inspection and the FIRM shall be available through the county's website. [10.02.03.B & L, 13.20.07.B.2] [44CFR 60.3(b)(5) and 60.6(a)(5) & (6)]
 - d. **Comment and recommend.** Review and evaluate proposed amendments to the floodplain management provisions of the LDC or any requested variances to them, and provide comments and recommendations for hearings and other related proceedings. [13.20.07.B.10]
 - e. **Coordinate requests.** Coordinate all requested revisions or amendments to the Flood Insurance Study and/or FIRM with the applicant, state, and FEMA. [13.20.07.B.11]
 - f. **Submit data.** Within six months after the necessary technical or scientific data regarding base flood elevation changes becomes available, the floodplain administrator shall notify FEMA of the changes by submitting the data. [13.20.07.B.12]
- (8) **Findings and recommendations.** The Planning Official shall review rezoning, variance, conditional use, text amendment, and other land use applications that proceed to the Board of Adjustment, Planning Board, and BCC. Based on his reviews the official shall provide findings and/or recommendations to these boards according to the provisions of the LDC.
- (9) **Board records.** The Planning Official shall maintain the minutes and other records of all proceedings and official actions of the Planning Board, Board of Adjustment, and Vested Rights Committee.
- (10) **Vesting determinations.** [2.11.06.A.1] ~~The Planning Official shall verify the status of statutorily vested statutory vesting of lands under the conditions of previous county approvals. Additionally, the Planning Official shall assist in determinations of equitable vesting through chairmanship of the vested rights committee as provided in this chapter~~ review and evaluate applications for equitable vested land use and development rights, make findings of fact with respect to the vested rights criteria of the LDC, and grant, grant with conditions, or deny applications based on those criteria. [added as replacement to vested rights committee, 2.11.00]
- (11) **Other duties.** The Planning Official shall perform other duties that may be designated by the County Administrator ~~but not specifically listed here.~~

Sec. 2-2.3. Building Official. The Building Official is appointed by the BCC to serve as the building code administrator for the county. The official's authority and duties are prescribed by the Escambia County Code of Ordinances, Part I, and include enforcing the provision of the ~~county~~ Florida Building Code, making interpretations of that code, and adopting policies and procedures to clarify the application of its provisions. [Sec. 14-34]

Article 3 County Boards and Committees

Sec. 2-3.1. Board of County Commissioners. The Board of County Commissioners is the legislative and governing body of Escambia County with authority and duties prescribed by Florida Statutes. Within the scope of the LDC, the authority and duty of the BCC includes the following: [2.08.02.E, 2.09.00, 2.11.04 & 05] [Bay Co.]

- (1) **Comprehensive Plan and LDC.** Adopt the Comprehensive Plan and LDC, and later amend their provisions as may be necessary ~~from time to time~~, after review and recommendation by the Planning Board.
- (2) **Zoning map.** Adopt the zoning district map of the county, and later amend it as may be necessary ~~from time to time~~, after review and recommendation by the Planning Board.
- (3) **Boards.** Establish by ordinance the qualifications, terms of office, and additional duties and responsibilities of Planning Board and Board of Adjustment members.
- (4) **Subdivision.** Grant or deny final approval of subdivisions and subdivision plats according to Florida Statutes.
- (5) **Public ways.** Grant or deny final approval of the vacation, abandonment or acceptance of dedicated public ways, including rights-of way and easements.
- (6) **Development applications.** Review and approve, approve with conditions, or deny certain development applications, including development agreements, planned unit developments, and vested rights.
- (7) **SRIA actions.** Upon appeal or the BCC's own initiative, review and consider certain SRIA board actions for veto. ~~Review SRIA Board actions and veto certain actions upon appeal or the BCC's own initiative.~~ [13.18.02]
- (8) **Fee schedule.** Establish ~~Approve~~ a schedule of fees for county services required by the LDC. [How are SRIA fees established?]
- (9) **Other duties.** Perform other actions not assigned to other administrative officials or bodies which may be necessary or desirable to implement the LDC.

Sec. 2-3.2. Planning Board. [2.07.01, 2.08.00, 2.12.00]

(a) **Authority and duties.** The Planning Board is authorized by the Comprehensive Plan to be the local planning agency (LPA) of Escambia County for the purposes established by Florida Statutes and as additionally prescribed in the LDC. It is the continuing duty of the Planning Board to be informed and knowledgeable of the current conditions and development of the county. Board members must also be familiar with county land development regulations, contemporary planning practices, and the rules of quasi-judicial proceedings. The Planning Board shall make studies and recommendations relating to county growth management, as may be initiated by the board itself, the County Administrator, or the BCC. The board will take action on

all matters according to the requirements of the LDC and all other applicable county ordinances and state regulations. The Planning Board has the authority and duty to: [FS 163.3174, CP Sec 2.01(2)] [2.12.01]

- (1) **Comprehensive planning.** Prepare the Escambia County Comprehensive Plan or plan amendments, hold public hearings on the proposals, and make recommendations to the BCC regarding adoption or amendment. [2.12.07.A]
- (2) **Monitoring and assessment.** Monitor and oversee the status and effectiveness of Comprehensive Plan implementation, including preparation of evaluation and appraisal reports required by Florida Statutes to assess implementation progress. The Planning Board may recommend to the BCC any changes in the plan as may at times be required [2.12.07.A]
- (3) **Land development regulation.** Review and hold public hearings on any proposed text amendments to the LDC and make recommendations to the BCC as to their consistency with the Comprehensive Plan. [CP Sec 2.01(2)d]
- (4) **Land use applications.** Review and hold public hearings on proposed zoning map amendments (rezoning) and planned unit developments, and make recommendations to the BCC regarding their approval, particularly as to their consistency with the Comprehensive Plan and LDC. [2.12.07.C]
- (5) **Interpretations.** Interpret provisions of the LDC for clarification or determination of meaning and intent as may be requested by the Planning Official. Interpretations already made by the Planning Official are not under the jurisdiction of the Planning Board. [2.07.01, 2.12.07.C]

(b) Membership.

- (1) **Appointment.** Each of the five County Commissioners shall appoint one member from among the residents of their respective districts, and the BCC as a whole shall appoint two “at large” members. All seven will be voting members and must be approved by a majority vote of the BCC. The Escambia County School Board shall appoint one *ex officio* member and the commanding officers of NAS Pensacola and NAS Whiting Field shall jointly appoint a second *ex officio* member. These two nonvoting members will provide the school district and military installations with the representation prescribed by Florida Statutes and interlocal agreement. [2.12.02]
- (2) **Qualification.** All appointees of the BCC must reside within Escambia County and none shall be a paid or elected employee of the county. All persons seeking appointment shall furnish a resume or *curriculum vitae* to the County Administrator and BCC demonstrating their qualifications to serve. [2.12.02]
- (3) **Terms of service.** Each member appointed by an individual commissioner shall serve a four-year term concurrent with their appointing commissioner, and the two at large members shall serve two-year staggered terms. All voting members are limited to eight years of service. The school board and Navy representatives shall serve until their replacement as prescribed by interlocal agreements with the county. [2.12.03.A]
- (4) **Removal and replacement.** Any member appointed by an individual commissioner may be removed from office during his term by that commissioner, and any at large member may be removed by a majority vote of the BCC. Any voting member absent from four or more meetings within a 12-month period shall

be removed by the BCC unless the absences are reported by the Planning Board chair as beyond the control of the absentee. The school board and Navy may replace their appointed representatives at any time and for any reason they determine appropriate. Any vacancy occurring during an unexpired term of a member shall be filled for the balance of the term according to the appointment and qualifications provisions applicable to that member. [2.12.03.B]

(5) Officers. The voting members shall elect a chair and vice-chair from among themselves. Terms of the offices shall be for two years, with eligibility for reelection. [2.12.04.A]

(c) Meetings.

(1) Generally. The board shall hold regular meetings for the consideration of business. Special meetings may also be held as the members may determine necessary, or at the call of the chair or Planning Official. All meetings shall be public and adhere to Florida Sunshine Law requirements. [2.12.05.A]

(2) Quorum and vote. At least four of the seven voting members must be present to hold a meeting, and a majority vote of those present is required for any official action to be taken at the meeting. [2.12.06]

(3) Procedure. The Planning Board shall follow its adopted rules of procedure for the transaction of its business consistent with the application review processes of the LDC and any other applicable county or state requirements. [2.12.05.A] Any questions of order or procedure not covered by these rules shall be decided according to the latest edition of Robert's Rules of Order, as applicable.

(4) Records. Minutes shall be kept of all proceedings, showing the vote of each member on each question considered, or the fact of their absence or failure to vote. Minutes and other records of official actions shall be maintained in the offices of the Planning Official.

(d) Staffing and assistance. County planning staff shall assist in the work of the Planning Board by preparing agendas, publishing notices, posting signs, arranging meetings, distributing meeting minutes, and similar operational support. With the approval of the County Administrator the Planning Board may call upon any county offices for information and advice that it believes will aid its work. It shall be the duty of the offices to furnish such information and advice promptly. A reasonable amount of expenses for the board, such as professional services and legal advertisements, shall be paid by the county upon the approval of the County Administrator. However, no services may be contracted for without prior approval of the BCC. The County Attorney's Office shall provide legal assistance to the Planning Board. [2.12.04.B]

~~Sec. 2-3-3. Santa Rosa Island Authority.~~ [The content of these provisions will be proposed based on the work and conclusions of the Coastal subcommittee.]

~~(a) Authority and duties.~~ A special act of the 1947 Florida Legislature authorized the BCC to use that portion of Santa Rosa Island owned by Escambia County for purposes the BCC determined to be in the public interest. Additionally, the legislative act authorized and required the BCC to delegate to and vest certain of its powers and authority in a separate board, the Santa Rosa Island Authority (SRIA). The SRIA is charged with the general stewardship of Pensacola Beach, protecting the public interest in resources unique to the county, state, and nation. More

specifically, and within the scope of the LDC, the SRIA's authority and duties include the following: ~~[2.02.00, 13.00.00, 13.00.05, 13.01.00]~~

- ~~(1) **Land leasing.** The SRIA is authorized to lease the island, in whole or parts, but in doing so it shall assure that all leases executed or renegotiated for the property under its authority are consistent with the Comprehensive Plan and LDC. ~~[13.00.03]~~~~
- ~~(2) **Land use and development activity review.** As the initial development approval authority for all lands under its jurisdiction, the SRIA must approve all residential and commercial building plans, all plans for construction, alteration, repair, demolition, fencing, swimming pools, docks, piers, marinas, etc., and all subdivision or resubdivision of land. The coordinating role of the SRIA with Escambia County in the review and approval of the use and development of Pensacola Beach lands is prescribed in Chapter 3 of the LDC. ~~[13.01.00]~~~~
- ~~(3) **Quasi-judicial hearings.** The SRIA is authorized to hold quasi-judicial public hearings for the consideration of amendments to the adopted Pensacola Beach zoning district map (rezonings), and to consider appeals of administrative decisions of SRIA officials exercising authority under the LDC.~~
- ~~(4) **Floodplain administration.** The general manager of the SRIA is the authorized floodplain administrator to implement and enforce LDC regulations for Pensacola Beach areas of special flood hazard identified by the current FEMA flood insurance study. The specific floodplain administration responsibilities for the SRIA general manager are the same as those identified in this article for the Planning Official, but they additionally include coordinating any changes to the Pensacola Beach – Santa Rosa Island Authority jurisdictional limits with the state and FEMA. ~~[13.20.06.C, 13.20.07.B.10]~~~~

Sec. 2-3.4. Board of Adjustment. ~~[2.03.00]~~

(a) Authority and duties. The Board of Adjustment (BOA) is authorized to conduct quasi-judicial public hearings as required to grant, grant with conditions, or deny applications for variances, conditional uses, temporary use of a manufactured (mobile) home due to medical hardship, and appeals of administrative decisions. It is the continuing duty of the BOA to be informed and knowledgeable of county land development regulations and the rules of quasi-judicial proceedings. The BOA will take action on all matters in accordance with the requirements of the LDC and all other applicable county ordinances and state regulations. ~~[2.03.01]~~

(b) Membership.

- (1) Appointment.** Each of the five County Commissioners shall appoint one member ~~from among the residents of their respective districts~~, and the BCC as a whole shall appoint two "at large" members. All members must be approved by a majority vote of the BCC. ~~[2.03.02]~~
- (2) Qualification.** All appointees must reside within Escambia County and none shall be a paid or elected employee of the county. All persons seeking appointment shall furnish a resume or *curriculum vitae* to the County Administrator and BCC demonstrating their qualifications to serve. ~~[2.03.02]~~
- (3) Terms of service.** Each member appointed by an individual commissioner shall serve a four-year term concurrent with their appointing commissioner, and the

two at large members shall serve two-year staggered terms. [2.03.03.A] All voting members shall be limited to eight years of service. [new]

(4) Removal and replacement. Any member appointed by an individual commissioner may be removed from office during his term by that commissioner, and any at large member may be removed by a majority vote of the BCC. Any member absent from four or more meetings within a 12-month period shall be removed by the BCC unless the absences are reported by the BOA chair as beyond the control of the absentee [due to excusable neglect]. Any vacancy occurring during an unexpired term of a member shall be filled for the balance of the term according to the appointment and qualifications provisions applicable to that member. [2.03.03.B]

(5) Officers. The voting members shall elect a chair and vice-chair from among themselves. Terms of the offices shall be for two years, with eligibility for reelection. [2.03.04.A]

(c) Meetings.

(1) Generally. The board shall hold regular meetings for the consideration of business. Special meetings may also be held as the members may determine necessary, or at the call of the chair or Planning Official. All meetings shall be public and adhere to Florida Sunshine Law requirements. [2.03.05.A]

(2) Quorum and vote. At least four of the seven members must be present to hold a meeting, and a majority vote of those present is required for any official action to be taken at the meeting. [2.03.06]

(3) Records. Minutes will be kept of all proceedings to provide a written record, including the meeting time, date and location, confirmation of public notification, participants, and official actions taken by the board. Minutes will record the vote of each member on each question considered, or the fact of their absence or failure to vote. Minutes and other records of official actions shall be maintained in the offices of the Planning Official. [2.03.05.B]

(4) Procedure. The BOA shall follow its adopted rules of procedure for quasi-judicial hearings consistent with the application review processes of the LDC and any other applicable county or state requirements. [2.03.05.A]

(d) Staffing and assistance. County planning staff shall assist in the work of the BOA by preparing agendas, publishing notices, posting signs, arranging meetings, distributing meeting minutes, and similar operational support. The office of the County Attorney shall act as legal advisor to the BOA. Additionally, the BOA is authorized to acquire from any county offices information and advice that it believes will aid its work. However, such requests shall be made through the County Administrator's office to ensure the proper allocation of resources and a timely response. [2.12.04.B][PF]

Sec. 2-3.5. Vested Rights Committee. [2.11.00] [These responsibilities given to the Planning Official]

(a) Authority and duties. The Vested Rights Committee is authorized to conduct quasi-judicial public hearings as required to review and evaluate applications for equitable vested land use and development rights, to make findings of fact with respect to the vested rights criteria of the LDC, and to forward recommendations to

the BCC regarding the granting, granting with conditions, or denying of applications based on those criteria. It is the duty of the committee to take action on all matters in accordance with the requirements of the LDC and all other applicable county ordinances and state regulations. ~~[2.11.03]~~

(b) Membership. ~~The Vested Rights Committee is composed of the Planning Official as chair, the County Engineer, and an attorney from the office of the County Attorney not otherwise representing the Board of County Commissioners. [2.11.02 & 03]~~

(c) Meetings.

(1) Generally. ~~The committee shall hold meetings for the consideration of equitable vested rights at the request of the Planning Official following his confirmation of any complete application for such rights. All meetings shall be public and adhere to Florida Sunshine Law requirements. [2.11.02]~~

(2) Quorum. ~~All three members must be present to hold a meeting and for any official action to be taken. [new]~~

(3) Records. ~~In addition to final written findings of fact, notes will be kept of all proceedings to provide a written record, including the meeting time, date and location, confirmation of public notification, participants, and official actions taken by the committee. Records of the committee shall be maintained in the offices of the Planning Official. [new]~~

(4) Procedure. ~~The committee may adopt rules of procedure for the transaction of its business consistent with the application review processes of the LDC and any other applicable county or state requirements. [2.11.03]~~

(d) Staffing and assistance. ~~County planning staff will assist in the work of the Vested Rights Committee by preparing agendas, publishing notices, posting signs, arranging meetings, and similar operational support. The office of the County Attorney shall act as legal advisor to the committee. Additionally, the committee is authorized to acquire from any county offices information and advice that it believes will aid its work. However, such requests shall be made through the County Administrator's office to ensure the proper allocation of resources and a timely response.~~