

Escambia County Land Development Code

DISCLAIMER:

This is for general information on the land use regulations within the unincorporated areas of Escambia County. Please note that Escambia County regularly amends its land use regulations and that recent amendments may not yet be shown on this website. Accordingly, when buying, selling, or developing land in Escambia County, please come in to our office & speak with a Front Counter Planner for assistance on the most current regulations affecting your property.

Article 12 COASTAL MANAGEMENT/CONSERVATION*

***Cross references:** Environment, pt. I, ch. 42.

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12.00.00. Introduction.

This article provides regulations, standards and devices necessary to protect coastal resources, reduce adverse impacts upon natural resources, protect lives and property, enhance property values, and provide for the health, safety and welfare of the citizens of Escambia County. This article is divided into two parts. Part I implements the goals, objectives and policies of the comprehensive plan relating to Coastal Management, and Part II contains conservation regulations, procedures and other relevant provisions.

(Ord. No. 97-51, § 1, 10-2-1997)

PART I. COASTAL MANAGEMENT

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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 areas 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 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;

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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.

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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)

12.02.00. Scope.

The scope of this section shall apply to the following types of construction within areas adjacent to the shoreline protection zone and areas of special flood hazard as defined in article 3 (the FIRM map):

A. New construction, and improvements to, major structures, minor structures and nonhabitable major structures.

1. *Major structure* means houses, mobile homes, apartment buildings, condominiums, motels, hotels, restaurants, towers, other types of residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.
2. *Minor structure* includes but is not limited to pile-supported, elevated, dune and beach walkover structures; boat houses; beach access ramps and walkways; stairways; pile-supported, elevated viewing platforms, gazebos, and boardwalks; lifeguard support stands; public and private bathhouses; sidewalks, driveways, parking areas, shuffleboards, tennis courts, handball courts, racquetball courts, and other uncovered, paved areas; earth retaining walls; and sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries, and other ornamental construction. It shall be a characteristic of minor structures that they are considered to be expendable under designed wind, wave, and storm forces.
3. *Nonhabitable major structure* means swimming pools; parking garages; pipelines; piers; canals; lakes; ditches; drainage structure, and other water retention structures; water and sewer treatment plants; electrical power plants, and all related structures or facilities, transmission lines, distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

B. For structures that are immediately adjacent to the shoreline protection zone, the requirements of this article shall apply to the entire structure.

12.02.01. Exempt structures. Structures or construction extending seaward of the mean high water line which are regulated by F.S. § 166.041 (i.e., groins, jetties, moles, breakwaters, seawalls, revetments, beach nourishment, inlet

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dredging, etc.), are exempt from the provisions of this article. In addition, this article does not apply to piers, pipelines or outfalls which are regulated pursuant to the provisions of F.S. § 161.053.

12.02.02. Existing structures. The requirements of this article shall not apply to existing structures, structures under construction, or structures for which a valid building permit was issued prior to adoption of this Code.

(Ord. No. 2005-56, § 1, 11-17-2005)

12.03.00. Public access.

The county shall continue to enforce the public access requirements of the Coastal Zone Protection Act of 1985. Where the public has a legally established prescriptive easement through private lands to lands waterward of the CCCL and/or seaward of mean high tide or waterline by prescription, or any other legal means, development or construction shall not interfere with such right of access unless a comparable alternative access way is provided. The developer or applicant shall have the right to improve, consolidate, or relocate such public access ways so long as they are:

- A. Of substantially similar quality and convenient to the public.
- B. Approved by the BOA.
- C. Consistent with the comprehensive plan.

12.04.00. Construction requirements.

Construction within the zones established and regulated pursuant to this article shall meet the requirements of this article together with the requirements set forth in article 10 of this Code. In the event that requirements contained in both articles apply to a parcel, the more stringent requirement governs.

A. *Design certification.* All major structures as defined in section 12.02.00 above located within the shoreline protection zone, coastal high hazard area, or areas of special flood hazard as defined in article 10, shall be designed so as to minimize damage to life, property and the natural environment. All major structures located within the zones designated by this article shall be designed by an architect or engineer, registered in the state, and such plans shall include a certification by the architect or engineer that the design, specifications and plans comply with all state and local laws as well as the requirements of this article.

B. *FEMA standards.* FEMA V-Zone construction standards shall apply to all major structures in any V-Zone within Escambia County, including Santa Rosa Island and Perdido Key.

12.04.01. Minimum elevation for underside of building support structure.

A. *Perdido Key.* The minimum first floor elevation shall be equal to or above the minimum elevations established by FEMA and as delineated on the flood insurance rate maps and article 10 of this Code.

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B. *Santa Rosa Island*. The minimum elevations for new and substantial improvement construction at Pensacola Beach are established in article 13, section 13.20.05.

C. *Mainland*. The minimum elevation for the underside of the building support structure (excluding foundation, piles and columns) shall be equal to or above the minimum elevations established by FEMA and as delineated on the flood insurance rate maps. In the case of areas of the county where flood elevations have not been determined by FEMA, the minimum elevation shall be determined by the design engineer in cooperation with the county engineer and the director. The county government specifically reserves the right to approve or disapprove any calculations submitted by the design engineer.

12.04.02. Wind velocity pressures. All major structures, except mobile homes, shall be designed to withstand 110 mile per hour wind speeds unless otherwise regulated by article 10. The Santa Rosa Island standard is for a 120 mile per hour wind load. Mobile homes shall conform to the requirements as defined in F.S. § 161.55(1)(b), (c). Horizontal wind velocity pressure design shall conform to the standards, specifications and criteria contained within the most recent edition of the Standard Building Code (SBCCI) adopted by the BCD.

(Ord. No. 97-51, § 1, 10-2-1997)

12.05.00. Sand and water protection.

12.05.01. Purpose; finding.

A. The purpose of this section is to maintain, preserve and protect the natural function and color of the fine to medium grained white sands of Perdido Key and that part of Santa Rosa Island under the jurisdiction of the Santa Rosa Island Authority and Escambia County. There shall be no distinction made regarding the applicability of this ordinance between Perdido Key and Santa Rosa Island soil material with the exception that the department may upon specific consideration, differentiate between the allowable soil material of the gulf front beach, gulf front dunes (primary), sound side beach, interior dunes (secondary) and forested ecosystems. Specifically, it is the intent of this section to prohibit the importation, use, and relocation of red clay and other prohibited materials that tend to discolor, darken or stain the natural white sands of Santa Rosa Island and Perdido Key, and to prevent the transportation of prohibited soils whether by wind or water by requiring containment and removal of red clay and other discoloring, darkening or staining materials. The Santa Rosa Island Authority Gulf Beach Dredging Program shall be exempt from this ordinance for a period of eight months from enactment by the board of county commissioners.

B. The board of county commissioners acknowledges that the white sands of Santa Rosa Island and Perdido Key promote tourism and enhance the quality of life of the residents of Santa Rosa Island, Perdido Key and the county. The permanent discoloration, darkening or staining of the white sands on Santa Rosa Island and Perdido Key would harm the public welfare making the enactment of this section necessary. The board of county commissioners hereby declares that red clay and other prohibited materials that are capable of staining the natural white sands of Santa Rosa Island and Perdido Key constitute a nuisance and irreversible harm to the people of Escambia County.

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12.05.02. Definitions. Unless the context clearly requires another meaning, the following words shall have the meanings provided herein:

Approved materials means mineralogical composition of white fine to medium grained quartz sand with a Munsell Color Chart value of 9.25 or whiter and a chroma of 0.5 or less on the 2.5, 5, 7.5 or 10YR scale when checked in an air dry condition. For road bed or foundation construction, oyster shell, limestone or white dolomite shall be reasonably the same color as approved sand after exposure to the sun and shall not contain clay or other discoloring staining or darkening material.

Department means the neighborhood and environmental services department of Escambia County, Florida.

Darkening, discoloring or staining means having the ability to permanently change the color or darken the natural white sands of Santa Rosa Island or Perdido Key or other approved material whenever coming into contact with such sands or materials.

Disturb means to loosen or move a material by digging or other similar operation without regard to whether such material is removed from the ditch or hole.

Fine to medium grained sand means quartz sand of which 75 percent of the sand sample by weight with grain size ranging within .43mm to .08m with the remaining 25 percent being coarser than .43mm but not larger than 1mm as described under the Unified Soil Classification System. This corresponds to the number 40-200 sieve sizes for gradation curve analysis.

Natural function means, but is not limited to, its function as soil material for vegetation, as material for natural protective barriers along the shorelines, as habitat for animals and as a recreational medium.

Perdido Key means the barrier island and coastal areas extending westward from Pensacola Pass to the Florida/Alabama state line.

Permanently change means to darken, discolor or stain the soils for a period of greater than six months.

Prohibited materials means any discoloring or staining materials, which includes material with a Munsell Color Chart value darker than 9.25 and a chroma greater than 0.5 on the 2.5, 5, 7.5, or 10YR scale when checked in a dry condition or any other material which, in whole or in part, is composed of or contains clay or any other substance that would darken, stain or discolor the natural white sands of Perdido Key or Santa Rosa Island and a grain size with over ten percent by weight of the sample outside the range stated under fine to medium grained sand.

Santa Rosa Island means that part of Santa Rosa Island under the jurisdiction of the Santa Rosa Island Authority and the board of county commissioners of Escambia County, Florida.

Supplier means the entity providing the sand from on- or off-site.

Transfer for use means to transport by any means, from parcel to parcel or within a parcel, in order to use the transported material.

Use when used as a verb means to utilize a material to provide fill, to provide support, to establish an even grade, to shape the contours of land, or any similar purpose.

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12.05.03. Importation, transfer, and use prohibited.

- A. No person may import or cause to be imported onto Santa Rosa Island or Perdido Key located in Escambia County, Florida any construction or landscaping material which is not an approved material.
- B. No person may use, or transfer for use, any prohibited material in connection with any paving, road surfacing, filling, landscaping, construction work or any other improvement to real property on Perdido Key or any part of Santa Rosa Island whether leased or not.
- C. No person may transfer from parcel to parcel any construction material which is not an approved material where such material is to be used in connection with any paving, road surfacing, filling, landscaping, construction work or any other improvement to real property on any part of Perdido Key or Santa Rosa Island whether leased or not.
- D. This section shall not be construed to prohibit the importation or use of sod or plants to be used for landscaping.
- E. The board of county commissioners may exempt the application of this section in particular projects or parts of projects upon determination by four-fifths' vote of the board of county commissioners that an emergency exists and that an immediate exemption is required to protect the public health, safety or welfare.

12.05.04. Removal of prohibited materials; exceptions; franchises.

- A. At such time as reconstruction, redevelopment, improvement or use of a site uncovers or exposes "prohibited materials," such materials must be immediately removed from the site and relocated off Santa Rosa Island or Perdido Key, as the case may be, using such safeguards as are promulgated by the department to prevent the release of such materials by wind, water, or otherwise within the parcel or onto adjacent parcels or waters. The removal of prohibited materials shall be required to a two-foot depth beneath the plane of land surface. If a sand dune is impacted from edge to edge, removal shall be required for the area of disturbed or exposed prohibited material to a depth of two feet beneath the plane of land surface at each edge. Any prohibited materials not required to be removed shall be contained in accordance with this section.
- B. The provisions of subsection A. will not apply to any reconstruction, redevelopment, or other project for which a written contract to perform such work was executed prior to January 25, 1996.
- C. At such time as any utility company, authority, or franchisee, which has acquired use of the county's rights-of-way, easements or other interest by permission, agreement or law in order to provide services to consumers, shall uncover or expose any prohibited material during the installation, maintenance, repair or removal of its system, such utility company, authority, or franchisee shall remove from Santa Rosa Island or Perdido Key, as the case may be, any prohibited material disturbed by the work and replace with approved materials. Prohibited materials shall be removed in such a manner as to avoid the release of such materials by wind, water, or otherwise onto adjacent lands or waters.
- D. The board of county commissioners may exempt the application of this section in particular projects or parts of projects upon determination by four-fifths' vote of the board of county commissioners that an emergency exists and that an immediate exemption is required to protect the public health, safety or welfare.

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12.05.05. Containment.

A. Prohibited materials required to be removed, shall be removed immediately. However, the time for removal may be extended consistent with the purpose and intent of this section. Specifically, prohibited materials may remain on-site for no more than 48 hours provided the prohibited materials are contained in such a way as to preclude the transfer of such materials, by wind, water, or otherwise within the parcel or onto adjacent parcels or waters. The department shall promulgate approved methods of containing and transporting prohibited materials required to be removed pursuant to section 12.05.04 above.

B. Prohibited materials not required to be removed pursuant to section 12.05.04A shall be contained on-site through the use of such reliable methods as are approved or prescribed by the department, including the employment of silt fencing.

12.05.06. Preapproval. All projects involving land disturbance, placement of sand or dune building on Santa Rosa Island or Perdido Key shall require preapproval of the sand material with the department prior to finalizing site design, applying for a permit or commencement of site work. The application shall be made by submittal of a land disturbance permit.

A. The applicant shall also provide the following:

1. Grain size distribution gradation curve;
2. Geologic description of the sample, including color standard to the Unified Soil Classification System and Munsell Color Charts;
3. Sample of sand material;
4. Schematic site design indicating area of placement of sand or dune.

B. The department staff shall consider characteristics of the site and its location including: topography and vegetation to determine suitability of the sand sample.

C. It shall be the responsibility of the sand supplier to provide assurance that their product meets the specifications of this Code. Rejected material shall be removed at the supplier's expense.

D. The department may provide visual inspection or sample analysis of each load of sand if necessary to ensure the integrity of the material.

E. The department shall approve or disapprove any application for material placement.

(Ord. No. 96-10, 4-25-1996; Ord. No. 2000-45, § 1, 10-5-2000)

12.06.00. Dune restoration.

Whenever construction is to be undertaken in the area between the coastal construction control line (CCCL) and the landward limit of the shoreline protection zone, and if said construction would alter any portion of the primary dune, the county shall require the implementation of a planning board (LPA) approved dune restoration program to mitigate any damage which would result from the construction. If said restoration is to occur at Pensacola Beach,

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the applicant shall obtain approval from SRIA; the restoration plan will then be submitted to the growth management department director and the neighborhood and environmental services department director for review, comment and approval. The dune restoration program may be forwarded to the department of environmental protection, office of beaches and coastal systems, for review and comment. Among other things, the planting of sea oats supplemented by other appropriate native vegetation to stabilize disturbed dunes shall be required. Dune establishment should include planting (sea oats or salt-resistant vegetation), sand fencing, walkovers, etc. Sand fencing shall be constructed in a manner and located to avoid forming barriers for sea turtles and hatchlings. NOTE: The posting of bonds or other sureties pursuant to section 4.03.00 will be required (comprehensive plan policy 11.A.4.4).

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2000-45, § 1, 10-5-2000)

12.07.00. Special PUD development.

Any proposed residential development of more than 20 dwelling units per acre on a coastal barrier island shall be required to complete the planned unit development process described in section 6.06.00. As part of such process, a specific set of findings of fact must be developed which, at a minimum, include consideration of coastal densities, health, life and safety of the general public and evacuation times. These findings of fact shall be analyzed by the department and considered by the LPA and BCC in the final consideration for permitting any such project.

(Ord. No. 98-53, § 1, 12-3-1998)

12.08.00. Hurricane evacuation.

The department, in cooperation with other operating departments, shall review projects and maintain information regarding the impact of projects on hurricane evacuation times established by comprehensive plan objective 11.A.7. The following standards and criteria shall govern, guide and direct the department's activities and responsibilities under this section:

A. *Individual project evaluation.* When a proposed development project demonstrates that it meets (or passes) the test for concurrency for transportation and or traffic impact (Ref. article 5), the instant review for impact on evacuation times is deemed to have been met.

B. *Annual evaluation.* Annually, the director shall review the cumulative development within the CHHA and along hurricane evacuation routes and, using the most recent data available, determine if the established evacuation times have been degraded or negatively impacted (and to what extent).

1. The annual evaluation and report shall be promulgated with the other evaluations and reports required by comprehensive plan section 14.06.
2. The annual evaluation shall include an analysis of the issues addressed in policy 11.A.6.3 and policies 11.A.7.2 through 11.A.7.11 and any other policies which may directly relate to the issue of hurricane evacuation.

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12.08.01. Group homes. Group homes, nursing homes, and other similar uses which have special evacuation requirements shall be prohibited from locating within the CHHA unless such group home or use includes, as a component of the project and as a condition of the continuing operation of the facility, a plan for evacuation of residents or tenants of the facility, methods and equipment for carrying out the evacuation and sufficient space (beds, d.u.s, etc.) for housing the evacuees at an approved location to be used by the evacuees.

12.08.02. Mobile homes and RV's. All new mobile homes or developments designed to accommodate mobile homes or recreational vehicles, by whatever name known, proposed for any lands within the CHHA shall be required to pay an impact fee (or in-lieu payment) to the county for off-site shelter provisions. The amount of fee shall be established from time to time by resolution of the BCC. Mobile homes are not permitted anywhere on Pensacola Beach unless specifically approved by the SRIA or BCC for a special condition.

(Ord. No. 97-51, § 1, 10-2-1997)

PART II. CONSERVATION

12.09.00. Mining and/or extraction of natural resources

12.09.01. Permit required. No commercial extraction of natural resources for sale shall be allowed unless and until the applicant for such extraction has first obtained a county resource extraction permit from the engineering department pursuant to the terms of the development order. Prior to issuance of a permit, the department shall receive authorization from the county engineer.

12.09.02. Permit requirements. Prior to issuing a resource extraction permit for a proposed resource extraction activity, the county engineer shall be assured that the following conditions have been met:

A. Any required federal or state permits have been obtained by the applicant. Existing and future resource extraction activities and lands used for such activities and any reclamation of any such lands shall be subject to all relevant rules and regulations including those established by F.A.C. chs. 16, 17, 18, and 39, the U.S. Clean Water Act, F.S. § 372.072, F.S. ch. 373, pt. IV, F.S. ch. 378, pt. IV, and F.S. ch. 403, local permit and development review requirements per the Escambia County Code of Ordinances, Part I, Chapter 42, Article VIII, and the Land Development Code, Article 7), among others. Before any existing resource extraction activity is permitted to expand and prior to approving any new resource extraction activities located within or adversely impacting environmentally sensitive areas, the application for expansion or establishment of a new extraction activity must be accompanied by a reclamation plan which meets all state environmental resource permit (ERP) requirements and reclamation standards required by F.A.C. ch. 62C-39, as well as comprehensive plan policies 11.A.1.5, 11.B.3.3 and 11.B.3.9 for the area once the extraction activity has been completed.

B. The resource extraction activity will not degrade or impact adjacent natural, cultural or historic resources including environmentally sensitive lands, wetlands, white sands as protected pursuant to section 12.05.00 et seq. of this article, and others.

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C. That the resource extraction activity is to be conducted more than 500 feet from any potable public water well or well field. The applicant for resource extraction must present information satisfactory to the CE wherein the locations of potable water wells or well fields are identified.

D. That the proposed resource extraction activity is compatible with adjacent land uses.

12.09.03. Regulated extraction activities. The following types of commercial resource extraction activities are regulated by this section. The listing is an example of the types of activities only, and is not to be construed as an all-inclusive list.

- A. Mining activities.
- B. Petroleum extraction.
- C. Borrow pits.
- D. Removal of white sand from beaches or other areas containing such white sand.
- E. Mineral extraction (not including water).
- F. Quarries.

12.09.04. Activities exempt. The following activities are exempt from the regulations of this section:

- A. Routine agriculture.
- B. Routine silviculture.
- C. Incidental excavation conducted pursuant to valid permits issued by Escambia County for construction or development activities.
- D. Emergency activities necessary to protect lives and property.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2005-23, § 7, 7-7-2005)

12.10.00. Conservation of cultural/historical resources.

This section is intended to provide protection for cultural, historic or archeological resources which may exist within Escambia County. The county shall use any available resources of the office of the secretary of state, division of historical resources, in the identification of historic structures within the county. The county will utilize guidance, direction and technical assistance received from the agency so as to insure protection of identified historic structures, sites and areas within the coastal area (and elsewhere). In addition, the county will utilize assistance from the agency together with other agencies (i.e., University of West Florida) in identifying newly discovered historic or archeological resources. The identification will include an analysis to determine the significance of the resource (also, see comprehensive plan objectives 7.A.4, 9.A.4 and 11.A.10).

12.10.01. Protected sites. All historic/archeological sites listed on the Florida Master Site File (in the office of secretary of state, division of historical resources, State of Florida) are covered by the regulations herein. In addition, any historical or archeological artifacts discovered during any phase of construction shall be deemed covered by these regulations until such time as the artifact has been protected or proven insignificant. The determination of

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whether or not the artifacts are of significant importance and are afforded protection pursuant to federal or state regulation shall be concluded no later than ten working days after discovery and notification to the county.

12.10.02. Determination of significance. The determination of the significance of any artifact or historical or archeological evidence found on any construction site or on any site listed on the Florida Master Site File shall be made by those persons, firms or corporations approved to make such determination by the office of secretary of state, division of historical resources.

12.10.03. Cessation of activities.

A. Any time historical or archeological artifacts or resources are discovered during the process of construction or development activities, such activities impacting the artifact or resource shall be immediately ceased until such time as determination of significance has been rendered. If the location of the artifact or resource is such that the area can be protected while construction or development activities go on elsewhere on the site, such protection shall be allowed. However, if the location or nature of the artifact or resource is such that any site disturbing activities would impact the artifact or resource, then activities on the entire site shall cease.

B. In the event that the cessation of development or construction activities goes beyond the time limits established by development orders, certificates of development, building permits or any other permits issued pursuant to this section, then the time frame for completion of such activities shall be administratively extended so as to allow for the successful completion of the construction or development project.

12.11.00. Water-saving devices required.

All structures constructed or permitted pursuant to this Code shall include within such structures water-saving devices. The following regulations shall be followed when issuing plumbing permits and conducting final inspections for plumbing fixtures:

- A. No tank-type water closet shall be installed having a tank capacity in excess of 3 1/2 gallons of water.
- B. Any tank-type water closet with a tank capacity in excess of 3 1/2 gallons shall only be permitted if such water closets are equipped with a device which reduces the average water consumption to no more than 3 1/2 gallons per flush.
- C. No shower head or faucet shall be installed which allows a flow of more than an average of three gallons per minute at 60 pounds of pressure per square inch.

12.11.01. Exceptions. The director may grant an exception to the provisions of this section if:

- A. The configuration of an existing building water or sanitary sewer system requires a quantity of water greater than 3 1/2 gallons of water to adequately flush the system.
- B. The cost of an addition or renovation does not exceed 50 percent of the value of the existing building and compliance with the requirements of this section will not require substantial modification of the existing plumbing system. (Reference F.S. ch. 553.)

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12.12.00. Area of water resources concern.

Any time an area of water resources concern is declared by the Northwest Florida Water Management District, development must comply with the relevant portions of F.A.C. 40A-2.801 et seq. F.A.C. 40A-2.801 et seq. is incorporated herein by reference.

12.13.00. Natural resources protection.

The protection of valuable natural resources is an important function of government. Prior to the review by the county of any application for development which adversely impacts an important natural resource defined by a local, state or federal agency, the applicant shall submit to the county appropriate local, state and federal applications, permits, or letters of exemption.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2001-40, § 3, 8-2-2001; Ord. No. 2003-9, § 4, 3-20-2003)

12.14.00. Disaster mitigation.

To minimize the effects of natural disasters in the coastal area, the county shall:

- A. Comply with building code requirements of F.S. § 161.55 and section 12.04.00 of this Code.
- B. Participate in the National Flood Insurance Program in conformance with the Federal Disaster Relief Act of 1974.
- C. Determine the feasibility of eliminating, relocating or structurally modifying public infrastructure which has suffered natural disaster damage and to implement appropriate cost-effective measures to mitigate future damage.
- D. Maintain the same capacity of any public infrastructure that is relocated, modified, or replaced, unless the capacity is expanded as part of an approved post disaster hazard mitigation plan in accordance with PL 93-288.

12.15.00. Air quality.

12.15.01. Purpose. The purpose of this section is to continually protect the quality of air in Escambia County by regulating, or requiring compliance with the regulations governing land uses and/or activities which have, or may have point source emissions (also, see article 7).

12.15.02. Permits required. Any development or land use activity including, but not limited to, industrial and manufacturing activities, incineration and other activities which create or discharge emissions into the air shall be required to obtain all requisite state and/or federal permits for such activity. To obtain a burn permit the applicant must call the Florida Department of Forestry, Munson, Florida, (904) 957-4590, either prior to the scheduled burn or the actual day of the proposed burn. No land development or activity permit shall be issued by Escambia County to any applicant whose proposed or existing activity discharges point source emissions into the air until the applicant

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has obtained the permits herein required. Development activities approved by appropriate state or federal regulatory agencies shall be deemed to comply with the county's air quality provisions and standards.

12.15.03. Continuing obligation. All existing and future activities discharging emissions into the air have a continuing obligation to obtain and abide by all state and federal permits regarding treatment of emissions. In the event information comes available to any county official, such official shall notify the department. The inspections department shall immediately notify the operator of the facility and the owner of the real property, if not the operator, containing the facility, which is believed to be degrading air quality within the county and notify the appropriate regulatory agency of the alleged violation.

12.16.00. Environmentally sensitive lands.

Certain properties and lands within Escambia County provide important environmental and aesthetic functions and values and are, therefore, environmentally sensitive. It is the intent of this Code that degradation and development of environmentally sensitive lands, as defined by a local, federal or state agency, shall be avoided to the maximum extent possible. Submittal of the applicable state and federal environmentally sensitive land applications, permits, or letters of exemption shall be required prior to final county approval of an application to impact environmentally sensitive lands.

12.16.01. Protection required of environmentally sensitive lands. All land use certificate/development permit applications are reviewed to determine if the subject property is an environmentally sensitive land, as defined. Pursuant to section 4.06.03.G., the CE or director may require additional information regarding protection of any of the resources listed in sections 12.13.00, 12.16.00 or 3.00.00 above. The CE or the director shall require applicants to obtain certifications from appropriate regulatory agencies, recognized scientific experts, or other similar documentation such as natural resources quality testing results, prior to approving site plans impacting environmentally sensitive lands. The county engineer or director may require a buffer (section 7.13.03.N) to protect the quality of environmentally sensitive lands and minimize adverse impacts. Nothing in this section shall preclude the county from obtaining independent verification of documentation.

(Ord. No. 97-51, § 1, 10-2-1997; Ord. No. 2001-40, § 3, 8-2-2001; Ord. No. 2003-9, § 4, 3-20-2003)

12.17.00. Bay protection interlocal agreement.

Any development project which is located in the CHHA or exceeds the DRI threshold (in the Pensacola Bay watershed) shall be reviewed to determine if it exceeds the DRI thresholds specified in the 1995 Interlocal Agreement on Pensacola Bay Protection. If a threshold is exceeded, the Cities of Pensacola and Gulf Breeze, plus Santa Rosa County shall be afforded an opportunity to comment on the project. This interlocal agreement is included as an appendix to this Code.

(Ord. No. 97-51, § 1, 10-2-1997)

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