

Article 1 LEGAL

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1.00.00. Reserved.

1.01.00. Legal.

Whereas, the Florida Legislature has enacted the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. ch. 163, pt. II) which mandates the preparation of comprehensive plans and unified land development codes for all units of local government; and

Whereas, the board of county commissioners of Escambia County, Florida has determined that the Comprehensive Plan: 2000, Ordinance 93-20, is compatible with and furthers the state comprehensive plan and the West Florida Comprehensive Regional Policy Plan; and

Whereas, on May 10, 1994, the Governor and Cabinet, sitting as the administration commission, entered a final order finding the adopted comprehensive plan, Ordinance 93-20, in compliance with all relevant rules and regulations; and

Whereas, the adoption of a unified land development code is required to implement the comprehensive plan and toward this end the Escambia County Planning Board (sitting as the local planning agency (LPA)) has prepared this land development code on behalf of the board of county commissioners consistent with the comprehensive plan; and

Whereas, F.S. § 163.3194(1)(b) requires that land development regulations be consistent with the comprehensive plan and F.S. § 163.3202 details the minimum requirements for content of the county's land development code (LDC); and

Whereas, the board of county commissioners of Escambia County finds that this land development code, and the provisions and regulations contained herein, is consistent with and implements the adopted comprehensive plan (Ordinance 93-20); and

Whereas, the board of county commissioners of Escambia County finds that the regulations contained within this Code are necessary to protect the public health, safety, general welfare, natural environment and economic vitality of the county; now

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Therefore be it ordained by the board of county commissioners of Escambia County, Florida that this ordinance [Ordinance No. 96-3] is hereby adopted in conformance with F.S. ch. 163 and provides an effective date and repeals all provisions of ordinances or resolutions in conflict herewith.

1.02.00. Title.

This ordinance shall be known as the "Escambia County Land Development Code" and also may be known as Ordinance No. 96-3.

1.03.00. Jurisdiction.

The lands subject to this ordinance include all unincorporated areas of Escambia County.

1.04.00. Intent.

It is the intent of this ordinance to provide orderly growth management rules and regulations for those areas of Escambia County identified hereinabove. This ordinance is not intended to terminate growth but rather to provide mechanisms for growth management in order to serve the citizens of Escambia County and, toward that end, this ordinance is to be construed broadly to accomplish its intents and purposes.

1.05.00. Abrogation.

This ordinance is not intended to repeal, abrogate or interfere with any existing easements, covenants, existing lease agreements or deed restrictions duly recorded in the public records of the county.

(Ord. No. 97-51, § 1, 10-2-1997)

1.06.00. Severability.

If any provision of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such provision and such holdings shall not affect the validity of any other provision and to that end the provisions of this ordinance are declared to be severable.

1.07.00. Effective date.

The effective date of this ordinance shall be the date of receipt, by Escambia County, of notice from the Florida Department of State that this ordinance has been received and duly filed. [Ord. No. 96-3 was filed by the secretary of state on February 23, 1996.]

1.08.00. Ordinances repealed and replaced.

This ordinance repeals and replaces the provisions of any and all land development and land use ordinances, policies and regulations including, but not limited to, ordinances 87-2, 89-27, 89-32, 90-21, 92-2; 74-2, 84-11, 85-31, 73-7,

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85-28 (Chapter 1-8); 87-2, 89-20 (Chapter 1-13, Article II); 90-21, 90-24 (Chapter 1-13, Article VI); 91-25 (Chapter 1-13.7, Article III); 88-16, 89-3 (Chapter 1-24, Article VII); 74-5, 79-29, 85-38, 85-62 (Chapter 1-24, Article II); 88-18, 89-26, 94-3 (Chapter 1-28.5); 73-6, 78-3, 91-5 (Chapter 1-2, Article II); 74-6, 84-10, 85-32 (Chapter 1-13, Article IV); 89-4 (Chapter 1-32.5); 89-3, 89-6, 89-17, 89-21, 92-2, 92-38, 92-47, 93-25 (Title I of Appendix C of the Code of Ordinances of Escambia County); 86-7, 87-7, 88-7, 88-16, 89-3, 92-2, 92-11, 92-38, 93-25 (Title II of Appendix C of the Code of Ordinances of Escambia County); 88-16, 89-3, 89-27, 90-1, 90-2, 90-7, 92-38, 94-2, 91-6, 92-2, 93-25, 91-4 (Title III of Appendix C of the Code of Ordinances of Escambia County); 89-13 (Title IV of Appendix C of the Code of Ordinances of Escambia County). In the event of a conflict between the provisions of this ordinance and any previously adopted ordinance or resolution governing matters addressed herein, the provisions of this ordinance shall prevail.

(Ord. No. 97-51, § 1, 10-2-1997)

1.09.00. Applicability.

Provisions of this Code apply to all applications for development approval, building or construction permits, subdivision plans and plats, planned unit developments, site plans and any other permits or approvals from Escambia County, the application for which has been made after the effective date of this Code. Valid development orders issued on or before the effective date shall continue to be valid and the activities contemplated by the existing permit or approval may continue in good faith to completion pursuant to the rules and regulations governing the contemplated activity at the time of issuance of the existing valid permit or approval.

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