

5/4/2023 5:33pm PH

ORDINANCE NUMBER 2023-11

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING VOLUME I, CHAPTER 30, CODE ENFORCEMENT, ARTICLE VII, PERDIDO KEY HABITAT CONSERVATION, SECTION 30-305 OF THE ESCAMBIA COUNTY CODE OF ORDINANCES TO INCLUDE IN THE EXCLUSIONS A LIMITED ALLOWANCE FOR PROPERTY BOUNDARY SIGNAGE; PROVIDING FOR SEVERABILITY AND CONFLICTS; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Escambia County was issued an Incidental Take Permit ("ITP") associated with a Habitat Conservation Plan (HCP) in 2014; and

WHEREAS, the Incidental Take Permit governs the "take" of the Perdido Key Beach Mouse, Sea Turtles, and Piping Plovers Incidental to Private Development and Escambia County-Owned Lands and Infrastructure Improvements on Perdido Key, Florida; and

WHEREAS, Escambia County and its designated agents are authorized in the incidental take of covered species of activities authorized by Escambia County; and

WHEREAS, the purpose of Escambia County's HCP is to develop a framework for effectively conserving and improving the productivity of the Perdido Key beach mouse, sea turtle, and shorebird habitats on Perdido Key while providing County residents with a means for allowing "take" of, or impacts to, such species and associated habitats incidental to otherwise lawful activities; and

WHEREAS, implementation of the programs and policies contained in the HCP allow County residents to engage in such activities in a manner compatible with the protection of the Perdido Key beach mouse, sea turtle, and shorebirds, and associated habitats; and

WHEREAS, Escambia County is required under the ITP to employ planning and minimization measures to minimize and mitigate take of protected species; and

WHEREAS, Gulf-front projects are required to construct dune walkovers to manage and discourage human traffic from entering and impacting natural and restored dune habitat and the use of limited signage in this area is consistent with this objective; and

WHEREAS, the County seeks to allow for respect for individual liberty on private property while balancing those interests with the Perdido Key Habitat Conservation Plan and Incidental Take Permit; and

Date: 5/8/2023
Verified By: 

WHEREAS, the Board of County Commissioners has determined an exception for signage restricting size, place and manner of signage without restricting content is lawful; and

WHEREAS, the Board of County Commissioners finds both the HCP and the established guidelines hereby amended serve important public purposes and are in the best interest of the County, its citizens and the protection of its endangered species.

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

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.

Section 2. Amendment. Volume I, Chapter 30, Article VII, Sec 30-305 is hereby amended as follows:

Sec. 30-305. Exclusions.

(a) This article shall not apply to:

- (1) Personal property stacked or neatly arranged under or immediately adjacent to existing permanent structures and not placed on dunes or native vegetation.
- (2) Personal property used by persons engaged in protected species research under the authority of the United States Fish and Wildlife Service.
- (3) Personal property for which the county administrator or his/her designee has issued a permit as provided herein.
- (4) Beach Signage limited to one sign per shore-perpendicular boundary line and placed within ten feet of the seaward edge of the dune vegetation line. Sign dimensions shall not exceed 24"x24" with a maximum height of six (6) feet.
- (5) Wildlife resistant trash containers used exclusively for trash collection.
- (6) Nest markers placed by nest marking authorities and the placement and monitoring thereof.

(b) Until January 1, 2020, beach vendors shall be exempt from compliance with this Perdido Key Habitat Conservation Ordinance only as to compliance with conservation practices governing beach furniture placement as specified herein.

Section 3. 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 the holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 4. Conflict with Other Ordinances and Codes. If there is a conflict between County ordinances or parts of ordinances with the provisions of the Perdido Key Habitat Conservation Plan or its associated Incidental Take Permit, then the provisions of the Habitat Conservation Plan or Incidental Take Permit shall prevail.

Section 5. Inclusion in the Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall be codified as required by Section 125.68, Florida Statutes, and 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.

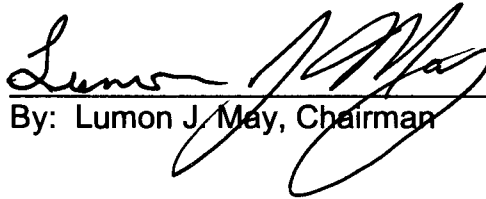
Section 6. Effective Date. This Ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED this 4th day of May, 2023.

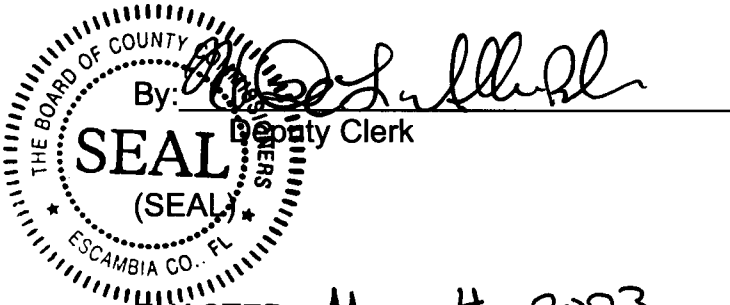
BOARD OF COUNTY COMMISSIONERS
ESCAMBIA COUNTY, FLORIDA

Date Executed

5/4/2023


By: Lumon J. May, Chairman

ATTEST: PAM CHILDERS
Clerk of the Circuit Court



ENACTED: May 4, 2023

FILED WITH DEPARTMENT OF STATE: May 8, 2023

EFFECTIVE: May 8, 2023

Approved as to form and legal sufficiency.

By: /s/ Christi J. Hankins

Title: Assistant County Attorney

Date: April 03, 2023



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

May 8, 2023

Honorable Pam Childers
Clerk of the Circuit Court and Comptroller
Escambia County
Suite 130
221 Palafox Place
Pensacola, FL 32502-5843

Attention: DeLana Allen-Busbee

Dear Pam Childers,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Escambia County No. 2023-11, which was filed in this office on May 8, 2023.
Sincerely,

Anya Owens
Director
Administrative Code and Register

ACO/wlh