



**BOARD OF COUNTY COMMISSIONERS**  
Escambia County, Florida

AI-16719

Public Hearings 11.

**BCC Regular Meeting**

**Meeting Date:** 09/05/2019

**Issue:** 5:34 p.m. Public Hearing to Adopt an Ordinance Conserving and Preserving Properties on Santa Rosa Island

**From:** Robert Bender, District 4 Commissioner

**Organization:** Commissioner, District 4

**CAO Approval:**

*Lance P. Willey*

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**RECOMMENDATION:**

5:34 p.m. Public Hearing for Consideration of Adopting an Ordinance Conserving and Preserving Properties on Santa Rosa Island.

That the Board adopt, and authorize the Chairman to sign, the Ordinance Conserving and Preserving Properties on Santa Rosa Island.

**BACKGROUND:**

On August 5, 2019, the Board voted to schedule a Public Hearing for 5:34 p.m. on Thursday, September 5, 2019, for the Consideration of Adopting an Ordinance Conserving and Preserving Properties on Santa Rosa Island. The Santa Rosa Island Authority approved the proposed Ordinance at their August 14, 2019, meeting.

**BUDGETARY IMPACT:**

N/A

**LEGAL CONSIDERATIONS/SIGN-OFF:**

The County Attorney's Office prepared the Non-Binding Referendum question for the November 6, 2018, general election ballot along with the Ordinance that the Board is holding this Public Hearing on tonight.

**PERSONNEL:**

N/A

**POLICY/REQUIREMENT FOR BOARD ACTION:**

N/A

**IMPLEMENTATION/COORDINATION:**

Upon Board approval, the County Attorney's Office will work with the Clerk of the Circuit Court's Office to ensure that the Ordinance is filed with the State of Florida.

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**Attachments**

Santa Rosa Island Ordinance

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**ORDINANCE NUMBER 2019-\_\_\_\_\_**

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, CREATING CHAPTER 74, ARTICLE I, SECTION 74-13, PROVIDING FOR A UNANIMOUS VOTE BY THE SANTA ROSA ISLAND AUTHORITY BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA, TO REZONE ANY AREA CURRENTLY IN THE PRESERVATION (PR-PB) AND CONSERVATION/ RECREATION (CON/REC-PB) PENSACOLA BEACH ZONING DISTRICTS; ADOPTING A POLICY REAFFIRMING THE RESTRICTIONS OF THE 1947 DEED TO SANTA ROSA ISLAND FROM THE UNITED STATES OF AMERICA RECORDED IN DEED BOOK 248 AT PAGE 161 OF THE PUBLIC RECORDS OF ESCAMBIA COUNTY, FLORIDA; REAFFIRMING LAWS OF FLORIDA, CHAPTER 24500 AS AMENDED; PROVIDING FOR A UNANIMOUS VOTE BY THE SANTA ROSA ISLAND AUTHORITY BOARD AND THE BOARD OF COUNTY COMMISSIONERS OF ESCAMBIA COUNTY, FLORIDA TO INCREASE THE RESIDENTIAL BUILDING CAP OF 4128 UNITS ON PENSACOLA BEACH; PROHIBITING THE TRANSFER OF THE 4128 UNITS ON PENSACOLA BEACH FOR USE ON ANY OTHER PARCEL OTHER THAN THE PARCEL TO WHICH THE UNIT(S) IS/ARE DESIGNATED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, pursuant to Ordinance 2018-29, enacted by the Board of County Commissioners of Escambia County on August 2, 2018, the Supervisor of Elections placed on the ballot for the general election held on November 6, 2018 the following non-binding referendum question:

NONBINDING REFERENDUM ON ESCAMBIA COUNTY  
POLICY FOR PRESERVATION OF SANTA ROSA ISLAND

ON JUNE 21, 2018, THE ESCAMBIA COUNTY BOARD OF COUNTY COMMISSIONERS ADOPTED A POLICY TO PROHIBIT ANY PRIVATIZATION THROUGH SALE OR LEASE OF CURRENTLY UNLEASED PROPERTIES, ESPECIALLY CONSERVATION AND PRESERVATION PROPERTIES ON SANTA ROSA ISLAND. ESCAMBIA COUNTY REAFFIRMS THE CONGRESSIONAL RESTRICTIONS OF THE 1947 DEED. DO YOU SUPPORT

THESE ESCAMBIA COUNTY POLICIES?;

and

**WHEREAS**, in the November 6, 2018 election, the electorate voted in support of the referendum with 95,564 affirmative votes (80.2% of the voters); and

**WHEREAS**, Escambia County desires to place restrictions on rezoning of any areas currently in the Preservation (PR-PB) and Conservation/Recreation (CON/REC-PB) Pensacola Beach zoning districts; and

**WHEREAS**, The Board of County Commissioners desires to adopt a policy to reaffirm the restrictions in the 1947 deed from the United States of America recorded in Deed Book 248 at page 161 of the public records of Escambia County, Florida and to reaffirm Laws of Florida 24500 as amended; and

**WHEREAS**, the 1947 deed from the United States of America recorded in Deed Book 248 at page 161 of the public records of Escambia County, Florida, states that the lands on Santa Rosa Island deeded to Escambia County shall

be used by it for such purposes as it shall deem to be in the public interest or be leased by it from time to time in whole or in part or parts to such persons and for such purposes as it shall deem to be in the public interest and upon such terms and conditions as it shall fix and always be subject to regulation by said county whether leased or not leased but never to be otherwise disposed of or conveyed by it...;

and

**WHEREAS**, there is a residential building unit cap on Pensacola Beach limited to 4128 units; and

**WHEREAS**, Escambia County desires to place restrictions on increasing and/or transferring the 4128 units;

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

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

**Section 2.** Chapter 74, Article I, Section 74-13 is hereby created as follows:

Section 74-13. Policy on Santa Rosa Island

- (1) Any rezoning of the areas currently in the Preservation (PR-PB) and Conservation/Recreation (CON/REC-PB) Pensacola Beach zoning districts, as generally shown on the attached Geographic Information Systems (GIS) map and more particularly described in the official zoning map for Escambia County, requires the unanimous vote of the Santa Rosa Island Authority Board and the Board of County Commissioners of Escambia County, Florida.
- (2) The Board of County Commissioners hereby adopts a policy to reaffirm the restrictions in the 1947 deed from the United States of America recorded in Deed Book 248 at page 161 of the public records of Escambia County, Florida and to reaffirm Laws of Florida 24500 as amended.
- (3) Any increase in the residential building unit cap on Pensacola Beach of 4128 units requires the unanimous vote of the Santa Rosa Island Authority Board and the Board of County Commissioners of Escambia County, Florida.
- (4) The transfer of any of the 4128 units under the residential building unit cap on Pensacola Beach for use on any other parcel other than the parcel to which the unit was designated is prohibited.

**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. 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 5. Effective Date.** This ordinance shall become effective upon filing with the Department of State.

DONE AND ENACTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

BOARD OF COUNTY COMMISSIONERS  
ESCAMBIA COUNTY, FLORIDA

\_\_\_\_\_  
By: Lumon J. May, Chairman

ATTEST: PAM CHILDERS  
Clerk of the Circuit Court

By: \_\_\_\_\_  
Deputy Clerk

(SEAL)

ENACTED: \_\_\_\_\_

FILED WITH DEPARTMENT OF STATE: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

