

LEGAL REVIEW

(COUNTY DEPARTMENT USE ONLY)

Document: SRIA Setback ordinance for BCC 11/17(changes made at PB meeting)

Date: 11/04/2015

Date requested back by: 11/07/2015

Requested by: Allyson Cain

Phone Number: _____



(LEGAL USE ONLY)

Legal Review by KERRA SMITH

Date Received: 11/6/15

Approved as to form and legal sufficiency.

Not approved.

Make subject to legal signoff.

Additional comments:

ORDINANCE NUMBER 2015-_____

AN ORDINANCE OF ESCAMBIA COUNTY, FLORIDA, AMENDING PART III OF THE ESCAMBIA COUNTY CODE OF ORDINANCES, THE LAND DEVELOPMENT CODE OF ESCAMBIA COUNTY, FLORIDA, AS AMENDED; AMENDING CHAPTER 3, ARTICLE 5, "PENSACOLA BEACH DISTRICTS," SECTIONS 3-5.2 THRU 3-5.9, TO MODIFY SITE AND BUILDING REQUIREMENTS FOR SETBACKS IN THE LDR-PB, MDR-PB, MDR/C-PB, HDR-PB, HDR/C-PB, GR-PB, REC/R-PB, AND CH-PB DISTRICTS; MODIFYING PERMITTED USE FOR "TEMPORARY STRUCTURES" TO REQUIRE A LIMITED USE PERMIT IN THE GR-PB, REC/R-PB, AND CH-PB DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, through its Land Development Code, the Escambia County Board of County Commissioners authorizes site and building requirements for setbacks by applicable zoning districts on Pensacola Beach; and

WHEREAS, the Board of County Commissioners finds that clarifying site and building requirements for setback instructions and accompanying footnotes within the Pensacola Beach zoning districts promotes the efficient and equitable regulation of land use, and therefore serves the public interest.

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

Section 1. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 3, Article 5, Section 3-5.2, "Low density residential (LDR-PB)" hereby amended as follows (additions are underlined and deletions are ~~strikethrough~~):

Sec. 3-5.2 Low density residential (LDR-PB). Areas delineated as low density residential are restricted to the development of single family detached homes at densities up to and including four units per acre.

(1) Site and building requirements.

TABLE LDR-PB

Minimum Size Lot	<u>Building Height</u>	Building Setbacks ^{1,2} <u>1,2</u>	Parking	Special Requirements
Minimum lot size is 10,000 sq. ft.	<u>See Article 5, Sec. 3-5.1</u>	Front - 30 feet ^{3,4} 3,4 Side - 15 feet* ^{4,5} 4,5 Rear - 20 feet* ^{3,6,7} 3,6,7 *See list for existing	Minimum 2 spaces off street	Subdivision plat required. Landscaping requirements per Chapter 5

		subdivisions		
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- 1 *Notes:*
2 1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
3 2. Front is defined as side facing main street or access. If water front property, then side facing
4 water is rear.
5 3. If facing County Road 399 front or rear setback shall be 50 feet, for lots larger than 10,000 sq. ft.
6 4. If sound front lot, building front setback may be reduced to a minimum of 20 feet, only if
7 erosion on Soundside has placed rear platted lot line in the Sound.
8 5. Corner lot (street side) setbacks shall be 25 feet. For irregular shaped lots the sideline side
9 setback restrictions may be based on 10 percent of the average of the front and rear lines, but in
10 no case shall be less than 10 feet unless otherwise specified.
11 6. If Gulf front lot, rear building line shall be ~~the most restrictive of 50 feet landward of the crest of~~
12 ~~the primary dune line; or~~ the State of Florida 1975 Coastal Construction Control Line (CCCL). In
13 Lafitte Cove, as per recorded plat. In Villa Sabine, as per recorded plat.
14 7. If sound front lot, (Villa Primera and Villa Segunda subdivisions) building setbacks shall be
15 ~~established as~~ 30 feet upland of the mean high water line, for structures deemed in compliance
16 with current flood elevation requirements and whose shoreline has been stabilized; this relief is
17 for lots whose platted rear line is in the Sound. All other structures shall maintain a building
18 setback of 50 feet upland of the ~~vegetation~~ mean high water line.
19 ~~8. First floor level of lowest habitable floor must be in compliance with current flood insurance~~
20 ~~rate map issued by the National Flood Insurance Program, or this chapter, whichever is greater,~~
21 ~~Chapter 4, Section 4-3.1.~~
22 ~~9. Enclosures below established base flood level must be accomplished through "break away" wall~~
23 ~~construction, and such enclosures may not be used for habitable purposes. (Habitable includes~~
24 ~~working, sleeping, eating, cooking or recreation, or a combination thereof.)~~

26 **Setbacks.** Listed below are required setbacks for the existing single-family detached
27 subdivisions located on Pensacola Beach.

Name of Subdivision	Front	Side	Rear
Deluna Point	plat	plat	plat
LaCaribe	plat	plat	plat
Lafitte Cove	25 feet	10 feet	plat
Lafitte Cove Unit II	40 feet	plat	30 feet
Santa Rosa Villas	25 <u>23</u> feet	7.5 feet 5 <u>per lease</u>	10 feet 1,3,4 <u>per lease</u>
Santa Rosa Villas 1st Addition	30 feet ¹	15 feet ² ²	20 feet ³ ³

Santa Rosa Villas 2nd Addition	30 feet	15 feet ² 2	20 feet ⁴ -4-
Santa Rosa Villas Estates	plat	plat	plat
Seashore Village	plat	plat	plat
Tristan Villas	plat	plat	plat
Villa Primera	30 feet [±]	15 feet ² 2	20 feet ^{3,4} 3,4-
Villa Sabine	30 feet	15 feet	Plat ⁴ -4-
Villa Segunda	30 feet [±]	15 feet ² 2	20 feet ^{3,4} 3,4-
White Sands Cottages	30 feet	5 feet	20 feet

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2 **Section 2.** Part III of the Escambia County Code of Ordinances, the Land Development
 3 Code of Escambia County, Chapter 3, Article 5, Section 3-5.3, "Medium density
 4 residential (MDR-PB)," subsection (b), "Site and building requirements" is hereby
 5 amended as follows (additions are underlined and deletions are ~~struckthrough~~):

6 **Sec. 3-5.3 Medium density residential (MDR-PB)**

7 **(b) Site and building requirements.**

8

9

TABLE MDR-PB

Minimum Lot Size	Building Setbacks ^{1,2} 4,2	Parking	Special Requirements
5,000 sq. ft. per unit for first 3 units and 3,000 sq. ft. per unit for remaining units built; maximum density 20 units per net acre; maximum 25% for building only	Front 30 feet ^{2,3,6} 2,3 Side 15 feet ⁴ -4- Rear 30 feet ⁵ 5	See Chapter 5	Subdivision plat required. All multiple owner projects to have approved maintenance association. Landscaping requirements per Chapter 5.

10 *Notes:*

- 11 1. Setbacks to be measured to outside walls with maximum of three feet of overhang
 12 allowed.
 13 2. Front is defined as side facing main street or access. If water front property, then side
 14 facing water is rear.
 15 3. If facing County Road 399 front or rear setback shall be 50 feet, for lots larger than

1 10,000 sq ft.

2 4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions
3 may be based on ten percent of the average of the front and rear lines, but in no case
4 shall be less than 10 feet unless otherwise specified.

5 5. If gulf front lot, building line shall be the most restrictive 50 feet landward of the crest
6 of the primary dune line; or the State of Florida 1975 Coastal Construction Control
7 Line (CCCL).

8 ~~6. First floor level of lowest habitable floor must be in compliance with current flood
9 hazard map and flood insurance rate map issued by the National Flood Insurance
10 Program, or this chapter, whichever is greater.~~

11 ~~7. Enclosures below established base flood level must be accomplished through "break-
12 away" wall construction, and such enclosures may not be used for habitable
13 purposes. (Habitable includes working, sleeping, eating, cooking or recreation, or a
14 combination thereof.)~~

15 ~~8.6. If sound front, building front setback line shall be 50 feet upland of the vegetation
16 line, may be reduced to a minimum of 20 feet, only if erosion on the Soundside has
17 placed the rear platted lot line in the Sound.~~

18
19 **Section 3.** Part III of the Escambia County Code of Ordinances, the Land Development
20 Code of Escambia County, Chapter 3, Article 5, Section 3-5.4, "Medium density
21 residential/commercial (MDR/C-PB)," subsection (c), "Site and building requirements" is
22 hereby amended as follows (additions are underlined and deletions are ~~strikethrough~~):

23
24 **Sec. 3-5.4 Medium density residential/commercial (MDR/C-PB)**

25
26 **(c) Site and building requirements.**

27
28 TABLE MDR/C-PB

Minimum Lot Size	Building Setbacks	Project Access Points	Special Requirements
For residential, same as MDR-PB	For residential, same as MDR-PB	For residential, same as MDR-PB	For residential, same as MDR-PB
Tourist oriented, service oriented, & local service, commercial uses, & governmental uses.	<u>For commercial</u> Front 50 feet ² 2 Side 50 feet ³ Rear 40 feet ³ -4-	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county	1. Landscaped separate strips shall be provided and maintained along all property lines & streets. 2. Parking in accordance with Chapter 5

29 *Notes:*

30 1. Setbacks to be measured to outside walls with maximum of three feet of
31 overhang allowed.

32 2. Front is defined as side facing main street or access. If water front property, then

- 1 side facing water is rear.
- 2 ~~3. If facing County Road 399 setback shall be 50 feet.~~
- 3 ~~4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline~~
- 4 ~~restrictions may be based on ten percent of the average of the front and rear~~
- 5 ~~lines, but in no case shall be less than ten feet unless otherwise specified.~~
- 6 ~~5. 3. If Gulf front, building line shall be the most restrictive of 50 feet landward of~~
- 7 ~~the crest of the primary dune line; or the State of Florida 1975 Coastal~~
- 8 ~~Construction Control Line (CCCL).~~
- 9 ~~6. First floor level of lowest habitable floor must be in compliance with current~~
- 10 ~~flood hazard map and flood insurance rate map issued by the National Flood~~
- 11 ~~Insurance Program, or this chapter, whichever is greater.~~
- 12 ~~7. Enclosures below established base flood level must be accomplished through~~
- 13 ~~"break-away" wall construction, and such enclosures may not be used for~~
- 14 ~~habitable purposes. (Habitable includes working, sleeping, eating, cooking or~~
- 15 ~~recreation, or a combination thereof).~~
- 16 ~~8. If sound front, building setback line shall be 50 feet upland of the vegetation~~
- 17 ~~line.~~

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19 **Section 4.** Part III of the Escambia County Code of Ordinances, the Land Development

20 Code of Escambia County, Chapter 3, Article 5, Section 3-5.5, "High density residential

21 (HDR-PB)," subsection (b) "Site and building requirements," is hereby amended as

22 follows (additions are underlined and deletions are ~~strikethrough~~):

23

24 **3-5.5 High density residential (HDR-PB).**

25 **(b) Site and building requirements.**

26 TABLE HDR-PB

Minimum Building Setbacks ^{1, 2, 3} 1, 2, 3	Maximum Coverage*	Parking	Special Requirements 5
Front 60 feet ² Side ⁴ 4- Rear 60 feet	3 to 4 stories - 25% 5 to 7 stories - 23% 8 to 9 stories - 21% Over 9 stories - 19%	If maximum lot coverage is attained there will be a minimum of 1	1. Maximum 30 units per acre 2. Maximum floor area 500 s.f. per unit for 1 bedroom apts. For 2 bedroom a
	*Net building coverage maximum percent of land built over	parking space per unit inside building. See Chapter 5	minimum of 850 sf. per unit 3. All multiple owner projects to have appropriate maintenance associations 4. Landscaping requirements per Chapter 5

27 **Notes:**

- 28 1. Setbacks to be measured to outside walls with maximum of three feet of
- 29 overhang allowed.

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- 2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
- 3. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL). If sound front, building setback shall be established as 50 feet upland of the vegetation line.
- 4. Side setbacks to be determined on an individual basis.
- ~~5. First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or this chapter, whichever is greater. No floodproofing methods will be allowed in the Velocity ("V") Zone. All enclosures below base flood level must be of "break-away" type construction. Such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)~~
- ~~6. If sound front, building setback line shall be 50 feet upland of the vegetation line.~~

Section 5. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 3, Article 5, Section 3-5.6, "High density residential/commercial (HDR/C-PB)," subsection (c) "Site and building requirements" is hereby amended as follows (additions are underlined and deletions are ~~strikethrough~~):

Sec. 3-5.6 High density residential/commercial (HDR/C-PB).

(c) Site and building requirements.

TABLE HDR/C-PB

Minimum Building Setbacks ^{1,2,3 1, 2, 3}	Maximum Coverage*	Parking Project Access Points	Special Requirements 5
Types of Commercial Uses			

<p><u>For Commercial Tourist oriented, service oriented, & local service commercial uses, & governmental uses</u></p> <p><u>Front 50 feet² Side 50 feet Rear 40 feet³</u></p> <p>Front 60 feet Side 4- Rear 60 feet</p>	<p>3 to 4 stories - 25% 5 to 7 stories - 23% 8 to 9 stories - 21% Over 9 stories - 19% *Net building coverage maximum percent of land built over</p>	<p>If maximum lot coverage is attained there will be a minimum of 1 parking space per unit inside building. See Chapter 5. Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county.</p>	<p>1. Minimum floor area 500 sq.ft. per unit for 1 bedroom apts. For 2 bedroom a minimum of 850 sq.ft. per unit. 2. All multiple owner projects to have appropriate maintenance associations. 3. Landscaping requirements per Chapter 5</p>
<p>Tourist oriented, service oriented, & local service commercial uses, & governmental uses</p>	<p><u>For Commercial</u></p> <p>Front 50 feet 2 Side 50 feet 4- Rear 40 feet 3</p>		

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1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
 2. Front is defined as side facing main street or access. If water front property, the side facing water is rear.
 3. If gulf front, building line shall be the most restrictive of 50 feet landward of the crest of the primary dune line; or the State of Florida 1975 Coastal Construction Control Line (CCCL). If sound front, building setback shall be established as 50 feet upland of the vegetation line.
 4. ~~Side setbacks to be determined on an individual basis.~~
 5. ~~First floor level of lowest habitable floor must be in compliance with current flood hazard map and flood insurance rate map issued by the National Flood Insurance Program, or this chapter, whichever is greater. No floodproofing methods will be allowed in the velocity ("V") zone. All enclosures below base flood level must be of "break-away" type construction. Such enclosures may not be used for habitable purposes. (Habitable includes working, sleeping, eating, cooking, or recreation, or a combination thereof.)~~
 6. ~~If sound front, building setback line shall be 50 feet upland of the vegetation line~~

Section 6. Part III of the Escambia County Code of Ordinances, the Land Development Code of Escambia County, Chapter 3, Article 5, Section 3-5.7, "General retail (GR-PB)" is hereby amended as follows (additions are underlined and deletions are ~~strikethrough~~):

Sec. 3-5.7 General retail (GR-PB).

(a) Permitted uses. The following types of uses are permitted in GR-PB:

- (1) Motels and hotels.
- (2) Restaurants, indoor and drive-in.
- (3) Grocery stores.
- (4) Miscellaneous convenience goods stores.
- (5) Professional offices.
- (6) Realty and property rental offices.
- (7) Personal service establishments.
- (8) Convenience goods stores.
- (9) Professional offices.
- (10) Personal service establishments.
- (11) Realty and property rental offices.
- (12) Marinas.
- (13) Temporary structures with a limited use permit.

(b) Site and building requirements.

TABLE GR-PB

Minimum Lot Size	Building Setbacks ^{1, 2}	Project Access Points	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses.	Front 50 feet ² ² Side 50 feet 4 Rear 40 feet ³	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county	1. Landscaped separate strips shall be provided and maintained along all property lines & streets. 2. Parking requirements shall be in accordance with Chapter 5

Notes:

- 1. Setbacks to be measured to outside walls with maximum of three feet of overhang allowed.
- 2. Front is defined as side facing main street or access. If water front property, then side facing water is rear.
- ~~3. If facing County Road 399 setback shall be 50 feet.~~
- ~~4. Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions may be based on ten percent of the average of the front and rear lines, but in no case shall be less than ten feet unless otherwise specified.~~
- ~~5~~3. If gulf front, building line shall be the most restrictive of 50 feet landward of the

1 crest of the primary dune line; or the State of Florida 1975 Coastal Construction
2 Control Line (CCCL).

3 ~~6. First floor level of lowest habitable floor must be in compliance with current
4 flood hazard map and flood insurance rate map issued by the National Flood
5 Insurance Program, or this chapter, whichever is greater.~~

6 ~~7. Enclosures below established base flood level must be accomplished through
7 "break-away" wall construction, and such enclosures may not be used for
8 habitable purposes. (Habitable includes working, sleeping, eating, cooking or
9 recreation, or a combination thereof.)~~

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11 **Section 7.** Part III of the Escambia County Code of Ordinances, the Land Development
12 Code of Escambia County, Chapter 3, Article 5, Section 3-5.8, "Recreational retail
13 (Rec/R-PB)" is hereby amended as follows (additions are underlined and deletions are
14 ~~strikethrough~~):

15
16 **Sec. 3-5.8 Recreation retail (Rec/R-PB).**

17
18 **(a) Permitted uses.** The following types of uses are permitted in Rec/R-PB:

- 19 (1) Restaurants, indoor and drive-in.
20 (2) Convenience goods stores.
21 (3) Tourist related retail goods.
22 (4) Tourist related personal and professional services.
23 (5) Temporary structures with a limited use permit.

24
25 **(b) Site and building requirements.**

26 TABLE REC/R-PB

Minimum Lot Size	Building Setbacks 1, 2	Project Access Points	Special Requirements
Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet ² 2 Side 50 feet 3 Rear 40 feet -4-	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county	1. Landscaped separate strips shall be provided and maintained along all property lines & streets 2. Parking requirements shall be in accordance with Chapter 5.

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28 **Notes:**

- 29 1. Setbacks to be measured to outside walls with maximum of three feet of
30 overhang allowed.
31 2. Front is defined as side facing main street or access. If water front property,
32 then side facing water is rear.
33 ~~3. If facing County Road 399 setback shall be 50 feet.~~
34 4. ~~Corner lot setbacks shall be 25 feet. For irregular shaped lots the sideline restrictions~~

1 may be based on ten percent of the average of the front and rear lines, but in no
2 case shall be less than ten feet unless otherwise specified.

3 53. If gulf front, building line shall be the most restrictive of 50 feet landward of
4 the crest of the primary dune line; or the State of Florida 1975 Coastal
5 Construction Control Line (CCCL).

6 ~~6. First floor level of lowest habitable floor must be in compliance with current
7 flood hazard map and flood insurance rate map issued by the National Flood
8 Insurance Program, or this chapter, whichever is greater.~~

9 ~~7. Enclosures below established base flood level must be accomplished through
10 "break-away" wall construction, and such enclosures may not be used for
11 habitable purposes. (Habitable includes working, sleeping, eating, cooking or
12 recreation, or a combination thereof.)~~

13
14 **Section 8.** Part III of the Escambia County Code of Ordinances, the Land
15 Development Code of Escambia County, Chapter 3, Article 5, Section 3-5.9,
16 "Commercial hotel (CH-PB)" is hereby amended as follows (additions are underlined
17 and deletions are ~~strikethrough~~):

18
19 **Sec. 3-5.9 Commercial hotel (CH-PB).**
20

21 **(a) Permitted uses.** The following types of uses are permitted in CH-PB:

- 22 (1) Motels and hotels.
- 23 (2) Restaurants.
- 24 (3) Tourist related retail goods.
- 25 (4) Marinas, etc.
- 26 (5) Cocktail lounges and package stores.
- 27 (6) Miscellaneous convenience goods stores.
- 28 (7) Professional offices.
- 29 (8) Realty and property rental offices.
- 30 (9) Personal service establishments.
- 31 (10) Temporary structures with a limited use permit.

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33 **(b) Site and building requirements.**

34 TABLE CH-PB

Types of Commercial Uses	Minimum Building Setbacks 4	Project Access Points	Special Requirements
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Tourist oriented, service oriented, & local service commercial uses, & governmental uses	Front 50 feet ² 2 Side 50 feet ⁴ 4 Rear 40 feet ³ 3	Access points from service roads limited to 1 every 400 feet unless otherwise specifically approved by the county.	1. Landscaped separate strips shall be provided and maintained along all property lines & streets 2. Parking requirements shall be in accordance with Chapter 5
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1 Notes:

- 2 1. Setbacks to be measured to outside walls with maximum of three feet of
3 overhang allowed.
4 2. Front is defined as side facing main street or access. If water front property,
5 then side facing water is rear.
6 3. If gulf front, building line shall be the most restrictive of 50 feet landward of the
7 crest of the primary dune line; or the State of Florida 1975 Coastal Construction
8 Control Line (CCCL). If sound front, building setback shall be established as 50 feet
9 upland of the vegetation line.

- 10 ~~4. Side setbacks to be determined on an individual basis~~
11 ~~5. First floor level of lowest habitable floor must be in compliance with current flood hazard~~
12 ~~map and flood insurance rate map issued by the National Flood Insurance Program, or this~~
13 ~~chapter, whichever is greater. No floodproofing methods will be allowed in the velocity~~
14 ~~("V") zone. All enclosures below base flood level must be of "break away" type~~
15 ~~construction. Such enclosures may not be used for habitable purposes. (Habitable includes~~
16 ~~working, sleeping, eating, cooking, or recreation, or a combination thereof.~~

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18 **Section 9. Severability.**

19
20 If any section, sentence, clause or phrase of this Ordinance is held to be invalid or
21 unconstitutional by any Court of competent jurisdiction, then said holding shall in no way
22 affect the validity of the remaining portions of this Ordinance.

23
24 **Section 10. Inclusion in Code.**

25
26 It is the intention of the Board of County Commissioners that the provisions of this
27 Ordinance shall be codified as required by F.S. § 125.68 (2015); and that the sections,
28 subsections and other provisions of this Ordinance may be renumbered or re-lettered
29 and the word "ordinance" may be changed to "section," "article," or such other
30 appropriate word or phrase in order to accomplish such intentions.

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33
34 **INTENTIONALLY LEFT BLANK**

1 **Section 11. Effective Date.**

2
3 This Ordinance shall become effective upon filing with the Department of State.

4
5 **DONE AND ENACTED** this _____ day of _____, 2015.

6
7
8 **BOARD OF COUNTY COMMISSIONERS**
9 **OF ESCAMBIA COUNTY, FLORIDA**

10
11 By: _____
12 Grover C. Robinson, IV, Chairman

13
14 **ATTEST: PAM CHILDERS**
15 **Clerk of the Circuit Court**

16
17
18 By: _____
19 Deputy Clerk

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21 (SEAL)

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23 ENACTED:

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25 FILED WITH THE DEPARTMENT OF STATE:

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27 EFFECTIVE DATE:

