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Santa Rosa County Board of Commissioners  
6495 Caroline Street, Suite M  
Milton, Florida 32583

Dan Schebler  
Santa Rosa County Administrator  
6495 Caroline Street, Suite D  
Milton, Florida 32583

RE: LAND DEVELOPMENT CODE REWRITE AND UPDATE

Gentlemen:

The Navarre Area Board of Realtors represents Realtor and Affiliate Members and is a leading force for local professionals in the real estate industry. The real estate industry accounted for over 22% of the State of Florida gross economic product in 2019 and construction, financial activities, and professional and business services related to real estate industry account for more than 24% of employment by industry in Santa Rosa County. The real estate industry as a whole is clearly a major stakeholder in the future of Santa Rosa County being shaped by the proposed Land Development Code Rewrite. The Navarre Area Board of Realtors (“NABOR”) urges the Santa Rosa County Board of County Commissioners and the County Administrator to suspend the current schedule for review and adoption of the proposed Land Development Code Rewrite and Update (“LDC Rewrite”) and to instead implement a reasonable schedule and process for the collaborative review of the proposed changes by and between Santa Rosa County and the real estate industry stakeholders who have a direct impact on the future economy and growth of Santa Rosa County.

The suspension of the current schedule for review and adoption of the proposed Land Development Code Rewrite and Update is necessary to fully consider the substantive changes in the rules and regulations affecting private property rights and to disclose the unknown costs of the changes in the LDC Rewrite for the real estate industry and for the citizens of Santa Rosa County. The provisions of the LDC Rewrite resulting in such substantive changes and in increased costs of development may expose the County to claims for compensation under the Burt J. Harris, Jr., Private Property Rights Protection Act for which the County appears to have no budget determined to defend against such claims or to satisfy the losses of the private

property owners adversely affected. The Land Development Code Comparison White Paper released less than three weeks prior to the first scheduled Public workshop on July 9, 2020, does little more than to provide a reference for comparing sections of the previous LDC with the LDC Rewrite and does not explain substantive changes or express the costs of any of the new rules and regulations.

The substantive changes in the LDC Rewrite include surprising new restrictions on previously permitted and customary uses of lots for homeowners such as: (1) Section 2.05.04(D) Side Yard Modifications – Air Conditioning units and/or generators: “Whenever an air conditioning unit and/or generator is placed in the side yard, the air conditioning unit and/or generator must meet the established side setbacks for that lot.”; and, (2) the elimination of existing LDR Section 2.10.02(C): Encroachment of Porch or Terrace: “An open, unenclosed and uncovered paved terrace or a covered porch may project into the front yard and rear yard for a distance of not more than ten (10) feet.” Under these changes homeowners may now find their house plans must be redesigned for air conditioning units to be located in the back yard and the front porch removed from the house altogether. **NABOR urges the County to require that the LDC Rewrite adoption process include neither the addition of new regulations limiting the use of property to solve problems already governed by existing ordinances nor the removal of existing property rights and privileges reflecting customary uses by homeowners in the LDC Rewrite.**

The LDC Rewrite includes provisions that sometimes duplicate existing State and Federal Regulations affecting private property rights and often result in substantive changes due to vague or ambiguous definitions such as: (1) Section 3.03.03(D) Development Rights in Wetlands: “New lots in residential or non-residential subdivisions shall not be created or platted that do not contain sufficient buildable upland areas in order to provide a reasonable use for the lot under the requirements of the Land Development Code and Comprehensive Plan.”; and, (2) 3.04.09(E) Erosion and Sedimentation Control - Single Family Dwelling and Duplex Development: Stormwater Pollution Prevention Plan (SWPPP) shall be submitted with each application for construction plan submittal (subdivisions, site plans, single/multi-family construction and land clearing activities); and, (3) Section 11.02.01(A) Submittal requirements for All Applications: “Submittal requirements necessarily contemplate a wide variety of circumstances and it is understood that some information may be unnecessarily burdensome to produce.” What is a “reasonable use” of a lot and what constitutes “sufficient buildable upland area” for property affected by wetlands? Who determines what submittal requirements are “unnecessarily burdensome to produce” and how does an applicant make the request for such a determination? Why duplicate existing Federal and State requirements governing the use of wetlands and stormwater pollution prevention? **NABOR urges the County to require that the LDC Rewrite adoption process include the careful review and determination of all submittal requirements to delete any unnecessary and burdensome submittal requirements; or, to provide a defined process to request the waiver of any submittal requirement that is unnecessarily burdensome to produce. NABOR opposes any duplicative or unnecessary rules or regulations adversely affecting private property rights in the LDC Rewrite.**

The uncertain and unknown costs resulting from the provisions of the LDC Rewrite directly threatens the real estate industry and the future of Santa Rosa County economic growth and quality of life. The LDC Rewrite provisions are estimated to increase the costs for each new single family residence by more than \$21,000! Under the LDC Rewrite each new single family residence will require prior to construction (1) a land clearing permit including a plot plan, a topographic survey, a tree survey with perpetual easements around all heritage trees, an erosion control plan including easements for any stormwater discharge, a wetlands boundary survey, zoning maps for adjacent parcels, and an Inspection by the County; and, after construction, a certified as-built survey prior to issuance of a certificate of occupancy for every single-family home built in Santa Rosa County. Vague language in many provisions of the LDC Rewrite make it difficult to even estimate the true costs of the substantive changes and surprising new restrictions buried in the fine print of its provisions. With the cost of housing increasing due to new impact fees for schools and for infrastructure, the proposed changes of the LDC Rewrite threaten already limited resources for affordable housing in Santa Rosa County. **NABOR urges the County to require that the LDC Rewrite adoption process include the determination and disclosure of the true costs of the proposed changes under the LDC Rewrite and an economic impact analysis fully disclosing to the people of Santa Rosa County the costs to the taxpayers, the costs to the real estate industry, and the costs for defending the County against claims brought under the Burt J. Harris, Jr., Private Property Rights Protection Act and compensating landowners for their lost rights of use of their property.**

The Navarre Area Board of Realtors, its members and affiliates, are uniquely situated as real estate professionals to understand the economic conditions and human considerations that drive growth and quality of life decisions of families and businesses in Santa Rosa County. NABOR understands and appreciates the concerns of many citizens that may have resulted in some of the proposed changes in the LDC Rewrite. NABOR also understands that the quality of life in Santa Rosa County matters. An LDC Rewrite process that does not provide full disclosure of the costs and restrictions on private property rights and that does not give due consideration for the input of real estate industry stakeholders impacting more than 24% of the County's economy jeopardizes that quality of life and community that binds us. NABOR urges the Santa Rosa County Board of County Commissioners and the County Administrator to suspend the current review and adoption process for the LDC Rewrite and to develop a new and reasonable review and adoption process with the input of the real estate industry stakeholders.

We thank you for your consideration of our requests for changes in the process for review and adoption of the LDC Rewrite.

Very truly yours,

NAVARRE AREA BOARD OF REALTORS, INC.

Amy C. Mullins, President  
For the Board