BOARD OF COUNTY COMMISSIONERS
GULF COUNTY, FLORIDA
PLANNING DEPARTMENT
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Memorandum

To: Board of County Commissioners

Date: 6/17/2013

Subject: LDR Revision and Grant

At the Public Hearing held by the PDRB on Monday, June 17, 2013 at 8:45 am, the PDRB voted to recommend adoption of the proposed revised LDR. The version provide to each of you is the revised LDR with all strikethrough and underline changes removed which would be the final product when adopted. The version placed in the Information packet is a strikethrough and underline version for anyone to review and is a required document for completing the grants Task 2 submittal.

In order to receive the balance of grant funds, the LDR must be adopted by June 30, 2013. Therefore, adoption of LDR on Monday 24, 2013 is critical and necessary. Please take time to review one or both of the versions and I will be more than happy to discuss any questions you may towards adoption.

Sincerely,

David Richardson
Planner/Floodplain Administrator

FILED FOR RECORD
REBECCA L. HARRIS
CLERK OF CIRCUIT COURT
GULF COUNTY, FLORIDA
2013 JUN 19 PM 1:07

COMPLETE LDR REVISIONS ON COUNTY WEBSITE FOR REVIEW

supplemental Agenda
6/24/13 LL

ARTICLE I

GENERAL PROVISIONS

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Revisions for Stipulated Settlement Agreement

Language contained in the Land Development Regulations was also revised to be consistent with and include the Stipulated Settlement Agreement language for the Comprehensive Plan. Coastal densities and setbacks were revised in Article III, Land Use Districts. Restrictions on the use of vertical seawalls, and development and septic tank setbacks from wetlands and water bodies were specified in Article IV - Resources Protection.

GENERAL PROVISIONS

1.00.00 TITLE

This ~~code~~ document shall be entitled the Gulf County~~/City of Wewahitchka~~ "Land Development Regulations ~~Code~~" and may be referred to herein as the "~~Code~~ LDR".

1.01.00 AUTHORITY

~~This~~ These Land Development ~~Code~~ Regulations ~~is~~ are enacted pursuant to the requirements and authority of 163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulations Act,) the Gulf County Charter effective June 6, 1925, ~~and the City of Wewahitchka Charter effective June 20, 1959,~~ and the general powers in Chapter ~~166~~/125, Florida Statutes.

1.02.00 APPLICABILITY

1.02.01 General Applicability

Except as specifically provided below, the provisions of this LDR ~~Code~~ shall apply to all development in Gulf County ~~and the City of Wewahitchka~~, and no development shall be undertaken without prior authorization pursuant to this LDR ~~Code~~.

1.02.02 Exceptions

A. Effective Development Permit

The provisions of this LDR ~~Code~~ and any amendments thereto shall not affect the validity if any lawfully issued and effective development order ~~permit~~ if:

1. The development activity authorized by a development order ~~the permit~~ has commenced prior to effective date of this LDR ~~Code~~ or any amendment thereto, or will be commenced after the effective date of this LDR ~~Code~~ but within six (6) months of issuance of the building permit or extensions thereof; and,

2. The development activity continues in good faith (except because of war or natural disaster) until the development is complete, If the development order ~~permit~~ expires, any further development on that site shall occur only in conformance with the requirements of this LDR ~~Code~~ or amendment thereto.

B. Previously Approved Development Orders

Projects with development orders that have not expired at the time this LDR ~~Code~~ or an amendment thereto is adopted, and on which development activity has commenced or does

commence and proceeds according to the time limits in the regulations under which the development was originally approved or applicable permit time extensions, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or otherwise invalidated any further development on that site shall occur only in conformance with the requirements of this LDR ~~Code~~ or amendment thereto.

C. Consistency with Plan

Nothing in this Section shall be construed to authorize development that is inconsistent with the adopted Comprehensive Plan ~~the respective local government~~.

1.03.00 GUIDE FOR USERS

1.03.01 The Integration of Land Development Regulations (LDR)

The integrated Land Development Regulation (LDR) ~~Code~~ was enacted to replace and land development regulations that had been adopted over the years. It established a single set of site design criteria and development review procedures resulting in a streamlined and effective land development regulatory system.

1.03.02 Definitions

DEVELOPMENT OR DEVELOPMENT ACTIVITY: - Includes any of the following activities:

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining, and/or other similar activities.

2. Building, installing, enlarging, replacing and/or substantially restoring a structure, impervious surface, and/or water management system, and/or including the long-term storage of materials.

3. Subdividing land into three ~~ten~~ or more parcels (except for minor replats in accordance with Section 2.03.00 - Procedures For Obtaining A Minor Replat).

4. Erection of a permanent sign unless expressly exempted by Article VI-SIGNS.

5. Alteration of an historic property for which authorization is required under this Regulation ~~Code~~.

6. Changing the use of a site so that the need for parking is increased.

7. Construction, elimination or alteration of a driveway onto a public street.

GROSS FLOOR AREA: The sum of the gross horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area Ratio (FAR): The maximum allowed total square footage of a structure and is computed as (FAR x total lot acreage = maximum square footage). Example: .7 FAR x 10,280 sq ft = 7,196 sq ft.

MAJOR DEVELOPMENT: A development shall be designated as a major development if it satisfies one or more of the following criteria:

1. The development is a residential project of ~~three (3)~~ ten (10) or more dwelling units or lots.

2. The development involves five thousand (5,000) square feet or more of non-residential floor space.

3. Any development that the Building or Planning Department ~~Inspector~~ designates as a major development. ~~Considerations for designation as a major development may include:~~

~~a. The proposed development is part of a larger parcel for which additional development is anticipated that when aggregated with the project in questions exceeds the limits of 1 or 2 above; or~~

~~b. The proposed development should be more thoroughly and publicly reviewed because of its complexity, hazardousness, or location.~~

All major development proposals require review by the technical Advisory Committee (TAC). ~~The TAC may approve major development proposals classified as Level 1. TAC action on Level 1. development proposals is forwarded to the Building Inspector for permit issuance or denial. Major developments having significant community impacts, or those which the TAC believes should be publicly reviewed, shall be classified as a Level 2 major development~~ and must be sent to the PDRB for review and approval. ~~All other major development shall be classified as a Level 1 major development.~~

MINOR DEVELOPMENT: A development shall be designated as a minor development if it satisfies one or more of the following criteria:

1. The development is a residential project ~~up to~~ from three (3) to nine (9) ~~two (2)~~ dwelling units or lots.

2. The development involves less than five thousand (5,000) square feet of non-residential floor space.

A minor development proposal requires the same review ~~and permit~~ approval ~~by the Building Inspector; however, the Building Inspector may designate a minor development proposal as a major development proposal. Criteria for designation~~ as a major development ~~are contained in the definition of Major Development~~.

PLANNING AND DEVELOPMENT REVIEW BOARD (PDRB): The Board is composed of private citizens having comprehensive planning and/or land development knowledge. Members are appointed by the Board of County Commissioners ~~and/or City Council~~ as established in Article VIII: Administration and Boards. The PDRB is designated as the local planning agency and performs the functions and duties described in the Local Government Comprehensive Planning and Development Regulation Act of 1985. The PDRB must approve all ~~Level 2~~ major development proposals as forwarded by the TAC for those development proposals having significant community impacts or those which the TAC believes should be publicly reviewed.

TECHNICAL ADVISORY COMMITTEE (TAC): This Committee is composed of County ~~and/or City~~ staff primarily the Building and Planning Department and may include the ~~Building Inspector~~, Public Works Director, ~~Planner,~~ ~~County~~ Administrative Personnel ~~Assistant/City Clerk~~, and any others deemed appropriate. The TAC reviews all major development proposals and may forward projects to the PDRB if further review is warranted.

103.03 Description of Development Review Process

The development review process is that process by which the proposed development is reviewed by the County ~~respective local government, Building Inspector, Technical Advisory Committee (TAC), and/or the Planning and Development Review Board (PDRB)~~ to determine whether the development complies with the requirements of the Regulation ~~Code~~. Any development ~~ing~~ requiring amendment to the Comprehensive Plan must be in compliance with Chapter 163, Florida Statue and be reviewed by the PDRB and approved by the Board of County Commissioners (BOCC). ~~local governing body.~~

Minor development activity (by definition is a residential project of two or less dwelling units or involves less than five thousand square feet of non-residential gross floor area) requires review and permit approval by the Building or Planning Department ~~Inspector~~. The Departments ~~Building Inspector~~ may designate any development activity as a major development. Considerations for such designation may include whether the proposed development is part of a larger parcel for which additional development is anticipated to aggregate to major development status; or whether the proposed development should be more thoroughly and publicly reviewed because of its complexity, hazardousness, or location.

~~Level 1~~ Minor ~~major~~ development activity requires review and approval~~ed~~ by the Technical Advisory Committee (TAC). ~~The TAC action is forwarded to the Building Inspector for permit issuance or denial. Modifications may be required prior to permit issuance~~. ~~Level 2~~ M~~m~~ajor developments, ~~having significant community impacts~~ or those which the TAC believes should be

publicly reviewed, must be sent to the PDRB for review, and their recommendation sent to the BOCC. ~~The PDRB action is forwarded to the Building Inspector for permit issuance or denial.~~

1.04.00 INTENT

1.04.01 General Intent

With regard to this Land Development ~~Code~~ Regulation in general, it's provisions shall be construed and implemented to achieve the following intentions and purposed of the Gulf County Board of County Commissioners ~~and the City of Wewahitchka City Council~~.

1. To establish the regulations, procedures and standards for review and approved of all proposed development in Gulf County ~~and the City of Wewahitchka~~.

2. To foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of Gulf County while respecting land owner property rights ~~and the City of Wewahitchka~~ in accordance with the ~~respective~~ Comprehensive Plan.

3. To adopt a development review process that is:

a. Effective, in terms of time;

b. Effective, in terms of addressing the natural resource and public facility implications of proposed development; and

c. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of Gulf County ~~and the City of Wewahitchka~~.

4. To implement the respective Comprehensive Plan~~(s)~~ as required by the "Local Government Comprehensive Planning and Land Development Regulation Act of 1985 and revised in 2011."

5. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet the adopted level of service standards (concurrency).

1.04.02 Specific Intent Relating To The Various Subject Areas Of This ~~Code~~ LDR

The provisions of this ~~Code~~ LDR dealing with the following specific subject areas shall be construed and implemented to achieve the following intentions and purposed of the local governing body.

A. Administration

1. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this ~~Code~~ LDR, the respective Comprehensive Plan~~(s),~~ and other local government regulations.

2. To promote efficiency, predictability and citizen participation.

B. Sign Regulation

1. To create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising and communication.

2. To permit signs that are:

a. Compatible with their surroundings;

b. Designed, constructed, located, installed and maintained in a manner which does not endanger public safety or unduly distract motorists;

c. Appropriate to the type of activity to which they pertain;

d. Sized to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property without being obtrusive; and

e. Located so as not to conflict or interfere with regulatory or public informational, control, or directional signage.

3. To promote the economic health of the community through increased tourism and property values.

C. On-site Traffic Flow and Parking

To assure that all developments provide for adequate and safe storage and movement of vehicles in a manner consistent with community standards and good engineering and site design principles. (fix numbering) and then a, b, c)

1. To promote safe and efficient use of off-street parking facilities and other vehicular use areas by:

a. Clearly delineating and buffering the bounds of vehicular use areas, particularly where they

abut public rights of way, so that movement, noise, and glare in one area do not adversely distract activity in another area;

b. Limiting physical site access to established points of ingress and egress; and

c. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations.

D. Stormwater Management

1. To protect and maintain the chemical, physical and biological integrity of ground and surface waters.

2. To prevent activities which adversely affect ground and surface waters

3. To encourage the construction of stormwater management systems that aesthetically and functionally approximate natural systems.

4. To protect natural drainage systems by giving preference to development which utilize such systems.

5. To minimize runoff pollution to ground and surface waters.

6. To maintain recharge areas and restore groundwater levels.

7. To protect and maintain natural salinity levels in estuarine areas.

8. To minimize erosion and sedimentation.

9. To prevent damage to wetlands.

10. To protect, maintain, and restore the habitat of fish and wildlife.

Purpose: The purpose of this chapter is to provide standards that will reduce and/or prevent flood damage, protect surface waters from contamination caused by stormwater runoff, provide criteria for adequate drainage and stormwater management, and promote established policies of the State relative to stormwater management and flood damage prevention.

State Requirements: In addition to meeting the requirements of this chapter all development projects must comply with the provisions of "Stormwater Discharge" and "Drainage Connections" as found in the Florida Administrative Code (FAC).No final Development Order may be issued until such time as all applicable state permits have been pulled.

Federal Requirements: In addition to meeting the requirements of this chapter all development projects which result in land disturbance of equal to or greater than one acre must comply with the provisions of the National Pollutant Discharge Elimination Systems from the Environmental Protection Agency as found in 40 CFR Parts 122 and 123.

Exemptions: A development may be exempt from the requirements of this chapter if the development qualifies under the following exemptions. NOTE: In no instances shall any development be exempt from provisions titled "Obstruction of Drainage-ways" and "Uncontrolled Stormwater Runoff".

1. Construction of a single family, duplex, triplex, or quadraplex residential dwelling when such dwellings are not part of a larger, common plan of development.

2. Construction of structures that are accessory to dwelling units listed above that are creating 500 square feet or less of impervious surface.

3. Development that discharges directly into a regional facility that included sufficient reserve for quality and quantity capacity for the new development as part of the original regional development plan.

4. Development that discharges directly into gulf or bay waters or estuaries will not require flood attenuation; however, compliance with water quality standards and siltation controls shall be required.

5. Performance of maintenance work on existing drainage, utility ditches, mosquito control canals or transportation systems, provided that such maintenance work does not alter the original purpose and intent of the drainage system as constructed.

6. Agriculture activities, including forestry, when best management practices are used.

7. Emergencies requiring immediate action to prevent substantial harm and danger to the public or environment. A report of any emergency action shall be made to the County as soon as possible.

Obstruction of Drainage-ways: To the extent practicable, all development shall conform to the natural contours of the land with natural or man-made drainage-ways left unobstructed. The obstruction of natural or man-made drainage-ways is strictly prohibited.

Uncontrolled Stormwater Runoff: Except for historical drainage it shall be unlawful to discharge undirected or uncontrolled stormwater runoff caused by buildings, parking lots, roof overhangs or other means from one property to another across any property line unless such discharge is part of an approved stormwater management or drainage system.

Drainage and Stormwater Management Plan: All development projects shall provide for adequate drainage and stormwater management. The term "adequate drainage and stormwater management" means the design and construction of drainage systems that will not cause flood damage to the property involved or the surrounding properties. Specifically, drainage and stormwater management systems shall provide for maintenance of surface water quality and flood attenuation.

Drainage and Stormwater Plan Submittal: Owners or developers shall submit a proposed drainage and stormwater management plan signed and sealed by a Professional Engineer registered in the State of Florida. The plan shall consist of engineering drawings , calculations etc., as necessary to provide the following information.
Name, address and telephone number of applicant.

Location map and /or aerial photo of the development site which clearly outlines project boundaries.

Boundary and topographic survey, including the location of all easements, rights of way along with any applicable flood zone information or Coastal Construction Control lines as appropriate.

A description of pre-development hydrologic and environmental conditions.

Proposed stormwater management system features including the locations of inlets, swales, ponds, conveyance systems and interconnection of wetlands and water flow to include the necessary elevations etc.

Projected post-development stormwater runoff direction, volume, flow rate and before and after charts reflecting the volume and flow rate.

Design storm frequency/intensity calculations. Calculations shall consider the effects of tailwater and seasonal high ground water elevation. The calculations shall provide a narrative on the determination of each.

Water Quality Protection Standards: The discharge of untreated stormwater can reasonably be expected to create a source of pollution to waters of the state and is therefore subject to state regulations. All non-exempt development projects must be permitted as follows.

Stormwater Management Protection Standards: Stormwater management systems which directly discharge surface waters within Ecosystem Management Areas or Outstanding Florida Waters(OFW) shall include an additional 50% of treatment criteria per FAC/OFW standards.

All drainage and stormwater management systems shall comply with the requirements set forth in Chapter 62-25,FAC

Flood Attenuation Protection Standards: The potential for flood damage caused by development shall be attenuated as follows: All drainage and stormwater management systems shall provide facilities to attenuate a 25-year frequency storm event of a critical duration so that the post development stormwater peak discharge rate shall not be greater than the predevelopment discharge rate for the critical duration event. The critical duration shall be defined as the storm event that when routed the proposed facility, results in the greatest post-development discharge. The FDOT 1,2,4,8 and 24 hour rainfall distribution shall be used to determine the critical duration.

Plan Adherence and Maintenance: Once approved, an applicant shall adhere to the drainage and stormwater management plan. Any amendments to the plan must be approved by the County.

Certification: After completion of the project, the Florida Registered Engineer acting as an agent of the developer shall certify that control measures which make up the developments drainage and stormwater management system plan meet the water quality, flood attenuation and erosion and siltation standards outlined in the plan prior to issuance of Certificate of Completion by the County. If the project requires a FDEP permit, a completion certificate must also be provided.

Maintenance: The stormwater system shall be maintained by the owner or entity having legal right to ensure that the drainage system performs so that the recovery rates and discharge rates and quality standards remain the same as designed.

E. Floodplain Protection

1. To protect human life and health.

2. To minimize expenditure of public money for costly flood control projects.

3. To minimize the need for rescue and relief efforts associated with flooding, generally undertaken at public expense.

4. To minimize prolonged business interruptions and damage to public facilities and utilities caused by flooding.

5. To maintain a stable tax base by providing for the sound development of flood-prone areas.

6. To make available information to potential purchasers of land regarding property in flood-prone areas.

7. To assure that uses and facilities vulnerable to floods are designed and constructed to resist flood damage.

8. To preserve natural floodplains, stream channels, and natural protective barriers to accommodate flood waters.

9. To limit filling, grading, dredging and other development which may increase erosion, sedimentation, or flood damage.

10. To prevent unnatural diversion of flood water to lands that are normally flood free.

11. To maintain the normal movement of surface waters, the optimum storage capacity of watersheds, desirable groundwater levels, water quality, and the natural hydrological and ecological functions of wetlands and other flood prone lands.

12. To avoid the need for costly and environmentally disruptive flood management structures.

13. To make all areas of ~~the City of Wewaahitchka and~~ Gulf County eligible for participation in the National Flood Insurance Program.

14. To incorporate the FEMA mandated "Flood Protection Ordinance" into the LDR to insure provisions of the ordinance are enforced to maintain compliance with NFIP and CRS obligations.

F. Protection Of Environmentally Sensitive Lands

1. To protect environmentally sensitive lands and their beneficial functions while also protecting the rights of property owners.

2. To protect and maintain the integrity of ground and surface waters and natural habitats.

3. To prevent activities which adversely affect ground and surface waters, natural habitats, and native flora and fauna.

4. To maintain recharge for groundwater aquifers.

5. To prohibit certain uses that are detrimental to environmentally sensitive areas.

6. To protect the recreation opportunities of environmentally sensitive lands for hunting, fishing, boating, hiking, nature observation, photography, camping and other uses.

7. To protect the public's rights to navigable waters.

8. To protect aesthetics of the area and property values.

G. Land Use Regulation

1. To regulate the use of land and water

2. To ensure the compatibility of adjacent uses and provide for open space.

3. To provide appropriate buffer zones between adjacent land uses and impose stricter buffer requirements on proposed uses of higher intensity.

4. To abate nuisances such as noise, light, glare, heat, air pollution and stormwater runoff.

5. To mitigate conflicts between adjoining land uses.

6. To recognize the values and benefits of existing native trees and vegetation.

7. To ensure compliance with the Comprehensive Plan density requirements, permitting shall be limited to one (1) habitable structure per parcel.

H. Regulation Of The Subdivision Of Land

1. To aid in the coordination of land development in Gulf County ~~and the City of Wewahitchka~~ in accordance with orderly physical patterns, to maintain and protect the local economy and natural resources, and to discourage haphazard, uneconomic, or scattered land development.

2. To insure safe and convenient traffic control and to encourage development and maintenance of economically stable and healthful communities.

3. To prevent periodic and seasonal flooding by providing protective flood control and drainage facilities; to provide public open spaces for recreation; and to assure land subdivision with the installation of adequate and necessary physical improvements.

4. To assure that the citizens and taxpayers of the County will not have to bear the costs resulting from haphazard subdivision of land and to require installation by the developer of certain minimum improvements.

I. Protection of Historic Sites And Structures

1. To give preference to the sensitive re-use of historic sites and structures when issuing permits.

2. To minimize destruction by development activity of known sites of historical or archeological significance.

1.05.00 RELATIONSHIP TO COMPREHENSIVE PLAN

The adoption of this unified Land Development Regulation ~~Code~~ is intended to implement the goals, objectives, and policies of the Gulf County ~~respective local government~~ Comprehensive Plan.

1.06.00 INCORPORATION BY REFERENCE

1.06.01 Technical Construction Standards

The latest editions of the following technical construction standards are hereby incorporated into this LDR ~~Code~~ by reference:

Gulf County (Building Department needs to update these entry)
~~Standard Building Code~~
~~Council of American Building Officials,~~
~~One and Two Family Dwelling Cod~~
~~Standard Plumbing Code~~
~~Standard Mechanical Code~~
National Electrical Code
Florida Building Code and all the individual Trade Codes (Heat/Air, Plumbing, etc.)
International Building Code
All standards, etc., referenced in the Florida Building Code
~~**The City of Wewahitchka**~~
~~Standard Building Code~~
~~Sanitary Code of the State of Florida~~
~~National Board of Fire Prevention Code~~

1.06.02 Maps

The Future Land Use Maps for Gulf County ~~and the City of Wewahitchka~~ are hereby incorporated into this LDR ~~Code~~ by reference. Additionally, ~~U. S. Geological Survey 7.5 Minute Quadrangle Maps~~ National Wetland Inventory (NWI) depicting wetland areas and the Federal Emergency Management Agency Flood Insurance Rate Maps depicting velocity zones and flood prone areas are hereby incorporated into this LDR ~~Code~~ by reference.

1.07.00 RULES OF INTERPRETATION

1.07.01 Generally

In the interpretation and application of this LDR ~~Code~~, all provisions shall be liberally construed in favor of the objectives and purposes of Gulf County ~~and the City of Wewahitchka~~, and deemed neither to limit nor repeal any other powers granted under state statutes.

1.07.02 Responsibility for Interpretation

In the event that any questions arises concerning the application of regulations, performance standards, definitions development criteria, or any other provision of this LDR ~~Code~~, the ~~Building Inspector~~ County personnel shall be responsible for interpretation and shall look to the relevant local government adopted Comprehensive Plan or applicable regulations for guidance. Responsibility for interpretation by ~~the~~ County personnel ~~Building Inspector~~ shall be limited to

standards, regulations and requirements of this LDR ~~Code~~, ~~but shall not be construed to include interpretation of any technical codes adopted by reference in this LDR Code,~~ nor be construed as overriding the responsibilities given to any commission, council board or official named in other sections or articles of this LDR ~~Code~~.

1.07.03 Computation of Time

The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

1.07.04 Delegation of Authority

Whenever a provision appears requiring the head of a department or some other ~~City~~/County officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

1.07.05 Gender

Words importing the masculine gender shall be construed to include the feminine and neuter.

1.07.06 Number

Words in the singular shall include the plural and words in the plural shall include the singular.

1.07.07 Shall, May

The word "shall" is mandatory; "may" is permissive.

1.07.08 Written Or In Writing

The term "written" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

1.07.09 Year

the word "year" Shall mean a calendar year, unless otherwise indicated.

1.07.10 Day

The word "day" shall mean a working day, unless a calendar day is indicated.

1.07.11 Boundaries

Interpretations regarding boundaries of land use districts shall be made in accordance with the following:

1. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.

2. Boundaries shown as following or approximately following any platted lot line of other property line shall be construed as following such line.

3. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

4. Boundaries shown as following or approximately following natural features shall be construed as following such features.

1.07.12 Relationship Of Specific To General Provisions

More specific provisions of this LDR ~~Code~~ shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

1.08.00 REPEAL OF PRIOR PROVISIONS

Any existing Gulf County ~~or City of Wewahitchka~~ ordinances duplicating or in conflict with the requirements of this LDR ~~Code~~ are hereby repealed.

1.09.00 ABROGATION

This Land Development Regulation ~~Code~~ is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of Gulf County ~~or the City of Wewahitchka.~~

1.10.00 SEVERABILITY

If any section, paragraph, sentence, clause, or phrase of this Regulation ~~Code~~ is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this Regulation ~~Code~~ shall continue in full force and effect.

1.11.00 EFFECTIVE DATE

These regulations shall be effective in Gulf County upon adoption on ~~February 23, 1993,~~ June 25, 2013 ~~and in the City of Wewahitchka upon adoption on February 23, 1993.~~

ARTICLE II

DEVELOPMENT REVIEW

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ARTICLE II
DEVELOPMENT REVIEW

2.00.00 GENERALLY

2.00.01 Purpose

This Article sets forth the application and review procedures required for obtaining development orders, and certain types of permits.

2.00.02 Withdrawal of Applications

An application for development review may be withdrawn at any time by written request ~~so long as notice has been given that the application will be reviewed at a public hearing~~.

2.00.03 Definitions

DEVELOPER: Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

DEVELOPMENT ORDER: An order granting, denying, or granting with conditions an application for approval of a development activity. A distinction is made between a development order and a building permit. A development order is the County authorization of a proposed development project and may be verified by written document or by the vote of the Board of County Commissioners. Such authorization must be granted by the County prior to issuance of a building permit by the County as defined for purposes of these regulations. (The development order authorizes the project, whereas, the building permit authorizes specific components of the project, such as building construction, sign installation, and the like.) For purposes of these regulations, the development plan approval or preliminary plat approval is the development order.

DEVELOPMENT PERMIT: For purposes of this ~~Code~~ LDR a development permit is that official ~~City/~~County document which authorizes the commencement of construction of land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, mechanical, and so forth, in addition to the building permit itself), septic tank permits, sign permits, demolition permits, etc.

LOT OF RECORD: A designated parcel, tract or area of land established in the County's Official Record Books, Miscellaneous Map File Book, by recorded plat, by unrecorded plat on file in the Gulf County HRS Public Health Unit, or as otherwise allowed by law.

MINOR REPLAT: The subdivision of a single lot or parcel of land into two (2) ~~five (5) to nine (9)~~ lots or parcels by the owner of the property deed, ~~or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements~~ or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of

adjacent lots or parcels of land and where the resultant lots comply with the standards of this ~~Code~~LDR. ~~An~~ The approval for minor replats is the responsibility for the Planning~~/Building~~ Director ~~of~~ r Designee.

OWNER: A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, and authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

PARCEL or LOT: A unit of land within legal established property lines.

2.00.01 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY.

2.01.01 Generally

No development activity may be undertaken unless the activity is authorized by a development permit or is specifically exempted by Section 2.01.03.

2.01.02 Prerequisites To Issuance Of Development Permit

Except as provided in Section 2.01.03 below, a development permit may not be issued unless the proposed development activity.

A. Is authorized by a Development Order issued pursuant to this ~~Code~~LDR; and

B. Conforms to the Technical Construction Standards adopted by reference Article I of this ~~Code~~LDR.

2.01.03 Exemptions To Requirement Of A Development Order

A development permit may be issued for the following development activities in the absence of a development order issued pursuant to this ~~Code~~LDR. Unless otherwise specifically provided, the development activity shall conform to this ~~Code~~LDR, Federal and State permits, and applicable building codes ~~and the Technical Construction Standards~~.

A. Development activity necessary to implement a valid site plan or development plan on which the start of construction took place prior to the adoption of this ~~Code~~LDR and has continued in good faith. (Nothing in this Section shall be construed as to exempt future development phases).

B. The construction or alteration of a one or two family dwelling on a lot of record prior to the adoption of this ~~Code~~LDR, provided development complies with the minimum requirements of other permitting agencies.

C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.

D. The re-surfacing of a vehicle use area that conforms to all requirements of this ~~Code~~LDR.

E. A Minor Replat granted pursuant to the procedures in Section 2.03.00 of this Article.

2.01.03 Exemptions To Requirement Of A Development Order

A development permit may be issued for the following development activities in the absence of development order issued pursuant to this Code. Unless otherwise specifically provided, the development activity shall conform to this Code and the Technical Construction Standards.

22. Development activity necessary to implement a valid site plan or development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. (Nothing in this Section shall be construed as to exempt future development phases).

23. The construction or alteration of a one or two family dwelling on a lot of record prior to the adoption of this Code, provided development complies with the minimum requirements of other permitting agencies.

24. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.

25. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.

26. A Minor Replat granted pursuant to the procedures in Section 2.03.00 of this Article.

27. Accessory use permits, such as those for erection of signs, construction of tennis courts, swimming pools, and similar uses.

2.01.04 Post-Permit Changes

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original development order or permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the Building Inspector's Office.

2.02.00 PROCEDURE FOR REVIEW OF DEVELOPMENT PLANS

2.02.01 Pre-Application Conference

Prior to filing for a development ~~plan review~~ order or permit, the developer shall meet with the Building ~~Inspector~~ and/or Planning Department personnel to discuss the development review process, to be informed of which staff members to confer with about the application, and to discuss the general concept of the proposed development. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

~~2.02.02 Designation Of Plans As Minor Or Major Developments~~

~~A. Generally~~

~~For purposes of these review procedures, all development plans shall be designated by the Building Inspector as either Minor Development or Major Development according to the following criteria. Before submitting a development plan for review, the developer shall provide the Building Inspector with sufficient information to make this determination.~~

~~B. Major Development~~

~~A development plan shall be designated as a Major Development if it satisfies one or more of the following criteria:~~

~~2. The development is a residential project of three (3) ten (10) or more dwelling units.~~

~~3. The development involves five thousand (5,000) square feet or more of non-residential gross floor area.~~

~~4. Any development that the Building Inspector designates as a Major Development Project because:~~

~~1. The proposed development is part of a larger parcel for which additional development is anticipated that when aggregated with the project in question exceeds the limits of 1 or 2 above; or~~

~~2. The proposed development should be more thoroughly and publicly reviewed because of its complexity, hazardous, or location.~~

~~28. Minor Development~~

~~A major development plan shall be designated as a Minor Development if it is neither a Major Development nor a development exempt under Section 2.01.03 of this Article from the requirement of a development order.~~

~~2.02.03 Review Of Development Plans For Minor Developments~~

~~29. General Procedures~~

~~5. The developer of a proposed Minor Development shall submit a Development Plan and appropriate application fees to the Building Inspector.~~

~~3. Minor Development Application Fees shall be a minimum of $25.00 $1,250.00.~~

~~6. Within five (5) working days of receipt of a Plan, the Building Inspector shall:~~

~~4. Determine that the Plan is complete and proceed with the procedures below; or~~

~~5. Determine that the information is incomplete and inform the developer of the deficiencies. The developer may submit an amended Plan within (30) working days without payment of reapplication fee, but, if more than thirty (30) days have elapsed, must thereafter re-initiate the review process and pay an additional fee.~~

~~7. Within twenty (20) working days of the determination that the Plan is complete, the Building Inspector shall:~~

~~6. Issue a Development Order complying with Section 2.02.06 below; or~~

~~7. Refuse to issue a Development Order based on it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.~~

~~8. The developer of any adversely affected person may appeal any decision of the Building Inspector by filing an appeal with the County Administrative Assistant Chief Administrator. The Administrative Assistant Chief Administrator shall place the appeal on the next available agenda of the Planning and Development Review Board. The PDRB shall make the final decision regarding any appeals to a minor development.~~

~~**2.02.04 Review of Development Plans for Major Developments**~~

~~30. Determination of Level of Proposed Major Development~~

~~The Technical Advisory Committee (TAC) shall review all submittals related to a major development proposal and shall determine whether the proposal is a Level 1 or Level 2 major development, based on overall size, anticipated impacts, and the complexity, location, or potential for hazardousness. All proposed developments which involve the subdivision of land shall be considered Level 2 major developments. If the proposal is determined to be a Level 1 major development the Technical Advisory Committee shall be the approval authority, i.e., the entity with responsibility for approving or denying the development plan, as outlined in (B) below. If the development is a Level 2 major development, the review of the preliminary development plan shall be completed by the Technical Advisory Committee, and findings presented to the Board of County Commissioners for review. Approval of the development plan shall be the responsibility of the Board of County Commissioners, as outlined in (C) below.~~

~~31. Review of Level 1 Major Development Plans~~

~~9. The developer shall submit a Development Plan and appropriate application fees to the Building Inspector.~~

~~8. Level 1, Major Development Review Fees shall be a minimum of $50.00 $1,250.00.~~

~~10. Within ten (10) working days of receipt of Development Plan, the Building Inspector shall:~~

~~9. Determine that the information is complete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within thirty (30) days without payment of an additional fee, but, if more than thirty (30) days have elapsed, must thereafter initiate a new application and pay a new fee; or~~

~~10. Determine that the plan is complete and proceed with the following procedures.~~

~~11. The Building Inspector shall send a copy of the Development Plan to each member of the Technical Advisory Committee and set a meeting date that allows for an adequate review and sufficient time for discussion.~~

~~12. The Technical Advisory Committee shall:~~

~~11. Issue a Development Order complying with Section 2.02.06 below, or~~

~~12. Refuse to issue a Development Order based on it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.~~

~~32. Review of Development Plans for Level 2 Major Development~~

~~13. The developer shall submit a Development Plan and appropriate application fees to the Building Inspector.~~

~~13. Level 2, Major Development Review Fees shall be minimum of $100.00 $2,000.00.~~

~~14. Within ten (10) working days of receipt of a Development Plan, the Building Inspector shall:~~

~~14. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended plan within thirty (30) days one hundred eighty (180) days without payment of an additional fee, but, if more than thirty (30) days one hundred eighty (180) days have elapsed, must thereafter initiate a new application and pay a new fee; or (Changed to 180 days August 24, 1993 by GCBOCC).~~

~~15. Determine that the plan is complete and proceed with the following procedures.~~

~~15. The Technical Advisory Committee shall review the Development Plan and recommend to the Board of County Commissioners that they:~~

~~16. Issue a Development Order complying with Section 2.02.06 below; or~~

~~17. Refuse to issue a Development Order based on it being impossible for the proposed development, even with reasonable modifications, to meet the requirements of this Code.~~

~~18. For proposed subdivisions, the Technical Advisory Committee shall refer the proposed development plan to the Planning and Development Review Board for review and recommendation to the Board of County Commissioners.~~

~~16. Upon review by the T.A.C. (and PDRB if applicable), the Building Inspector shall place the proposed development plan on the agenda of the next Board of County Commissioners meeting that allows for adequate public notice.~~

~~17. If the proposed development includes the subdivision land, issuance of a development order by the Board of County Commissioners shall constitute preliminary plat approval.~~

2.02.~~05~~02 Project Phasing

A Master Plan for the entire development site must be approved for any Major Development that is to be developed in phases. The Master Plan shall be submitted simultaneously with an application for review of the Development Plan for the first phase of the development and must be approved as a condition of approval for the Development Plan for the first phase. A Development Plan must be approved for each phase of the development ~~under the procedures for development review prescribed above~~. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

2.02.06 Required and Optional Contents Of Development Orders

A. Required Contents

A Development Order shall contain the following:

1. A specific time period during which the development order is valid and during which time development shall commence. A Development Order shall remain valid only if development commences and continues in good faith to the terms and conditions of approval.

2. Notice that a final concurrency determination will be required prior to the issuance of a Building Permit.

3. A commitment by the ~~City/~~County to the following:

   a. The necessary facilities shall not be deferred or deleted from the Capital Improvements Element or the adopted one-year capital budget unless the subject development order expires or is rescinded prior to the issuance of a Certificate of Occupancy.

   b. Contracts shall provide that construction of necessary facilities must proceed to completion with no unreasonable delay or interruption.

B. Option Contents

A Development Order may contain:

1. A schedule of construction phasing consistent with availability of capacity of one or more services and/or facilities.

2. A schedule of services or facilities to be provided or contracted for construction by the applicant prior to the issuance of any certificate or within specified time periods.

3. An alternate service impact mitigation measure to which the applicant has committed in a recordable written instrument.

4. Sureties and guarantees as well as agreements related to maintenance of public facilities, as required by Section 2.02.10, Guarantees and Sureties.

5. Such other conditions as may be required to ensure compliance with the concurrency requirement.

2.02.07 Submittals

A. Application

Applications for development review shall be available from the Building Inspector. A completed application shall be signed by all owners or their agent, of the property subject to the proposal and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation and embossed with the corporate seal.

B. General Development Plan Requirements

All Development Plans submitted pursuant to this Code shall conform to the following standards:

1. All site plans shall be drawn to "Engineer scale" with a scale of one (1) inch equals one hundred (100) feet preferred unless the Building or Planning Department(s) ~~Inspector~~ determines that a different scale is sufficient or necessary for proper review of the proposal.

2. The trim line sheet size shall be twenty-four (24) inches by thirty-six (36) inches. A three-quarter (3/4) inch margin shall be provided on all sides except for the left binding side where a two (2) inch margin shall be provided.

3. If multiple sheets are used, the sheet number and total number of sheets must be

clearly indicated on each sheet.

4. The front cover sheet of each plan shall include;

   a. A general vicinity and/or location map showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.

   b. A complete legal description of the property including tax reference number.

   c. The name, address and telephone number of the owner(s) of the property, the name and address of the president of the entity shall be shown.

   d. The name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).

   e. Each sheet shall contain a title block with the name of the development, a states and graphic scale, a north arrow and date.

   f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter section or subdivision name and lot number(s).

5. The following number of copies shall be submitted based on the required level of review.

   Three (3) sets for any proposed minor development activity (to be reviewed by the Building Inspector).

   Five (5) sets of any proposed Level 1 major development activity (to be reviewed by the Technical Advisory Committee (TAC).

   Seven (7) sets for any proposed Level 2 major development activity (to be reviewed by the Board of County Commissioners).

6. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

C. Development Plan

In addition to the general development plan requirements, a Development Plan shall include or provide the following information where determined applicable by Building <u>or</u> <u>Planning Departments</u> ~~Inspector~~.

1. Existing Conditions

a. A recent aerial photograph encompassing the project area and identifying the project areas and total land area. The scale shall be no smaller than one inch equals 800 feet.

b. A soils map of the site (existing US Soil Conservation service maps are acceptable).

c. A generalized map of vegetative cover including the location, height, and identity by common name of all trees. Groups of trees may be designated as "clusters" with the estimated total number height and identity noted.

d. A topographic map of the site clearly showing the location, identification, and elevation of bench marks, including at least one bench mark for each major water control structure.

e. Existing surface water bodies, wetlands, streams and canals within the proposed development site.

f. A detailed overall project area map showing existing hydrology and runoff patterns, to include drainage basins and/or watershed boundaries.

g. A depiction of the site, and all land within two hundred (200) feet of any property line of the site, showing the locations of Protected Environmentally Sensitive Zones and Wellhead Protection Zones.

h. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.

i. Locations, names, widths of existing and proposed streets, highways, easements, building lines, alleys, parks, and other public spaces and similar facts regarding adjacent property.

j. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year floodplain for all parts of the proposed development.

2. Proposed Development Activities and Design

a. Generally

1) Area and percentage of total site area to be covered by an impervious surface.
2) Grading plans specifically including perimeter grading.
3) Construction phase lines.

b. Building and Other Structures

1) Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
2) Front, rear and side architectural elevations of all buildings.
3) Building, setback distances from property lines, setbacks from abutting right-of-way, and all adjacent buildings and structures.
4) Minimum floor elevations of buildings within any 100-year floodplain.
5) The location, dimensions, type, composition, and intended use of all other structures.

c. Potable Water and Wastewater Systems

1) Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
2) The boundaries of proposed utility easements.
3) Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
4) Exact locations of on-site and nearby existing and proposed fire hydrants.

d. Streets, Parking and Loading

1) All street-related submittal requirements listed in Article VIII, Subdivision Regulations.
2) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on-site traffic flow.
3) For developments which would generate 500 or more new trips per day, a traffic impact study which includes, at a minimum, the area of impact, the projected demand (based on Trip Generation, ~~5~~8th Edition, Institute of Transportation Engineers), and the distribution of trips onto the impacted roadways.

e. Vegetated Buffer Zones

1) Location and dimensions of proposed buffer zones and vegetated areas.
2) Description of plan materials existing and to be planted in buffer zones.

f. Stormwater Management

1) An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will

be put into place or used, and maintenance provisions.

2) A description of the proposed stormwater management system, including:

   a) Channel, direction, flow rate and volume of stormwater that will be conveyed from the site with a comparison to natural or existing conditions.
   b) Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.
   c) Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.
   d) Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.
   e) Linkages with existing or planned stormwater management systems.
   f) On and off-site right-of-ways and easements for the system including locations and a statement of the nature of the reservation for all areas to be reserved as part of the Stormwater Management System.
   g) The entity or agency responsible for the operation and maintenance of the Stormwater Management System.

3) The location of off-site water resource facilities such as works, surface water management systems, wells or well fields, that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.

4) Runoff calculations shall be in accord with standard engineering practices.

g. Environmentally Sensitive Lands

1) The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities, including estimated quantities of excavation or fill materials computed from cross sections, proposed within a Protected Environmentally Sensitive Zone.

2) Detailed statement or other materials showing the following:

   a) The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.
   b) The distances between development activities and the boundaries of the Protected Environmentally Sensitive Zones.

3) The manner in which habitats of endangered threatened species are protected.

h. Signs

1) For regulated ground signs, a plan, sketch, blueprint, blue print line or similar presentation drawn to scale which indicates clearly the location of the sign relative to property lines, right of way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.

2) For regulated building signs, a plan, sketch, blueprint, blue print line or similar presentation drawn to scale which indicates clearly:

a) The location of the sign relative to property lines, rights of way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.
b) The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of the business units.

i. Subdivision

Proposed number, minimum area and location of lots, if development involves a subdivision of land. Additional submittals related to subdivisions are contained in Article VIII, Subdivision Regulations.

j. Land Use and Dedications

1) Location of all land to be dedicated or reserved for all public and private uses including right-of-way, easements, special reservations, and the like.
2) The total number, type, and density of residential units.

k. Wellfield Protection

Location of on-site wells, and wells within two hundred (200) feet of any property line, supplying water for public consumption.

1. Historic And Archaeological Sites

D. Master Plan

A Master Plan is required for a Major Development which is developed in phases. A Master Plan shall provide the following information for the entire development:

1. A Concept Plan for the entire Master Plan area.

2. A development Plan for the first phase or phases for which approval is sought.

3. A development phasing schedule including the sequence for each phase, approximate size of the area in each phase, and proposed phasing of construction of public recreation and common open space areas and facilities.

4. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.

5. Number, height and type of residential units.

6. Floor area, height and types of office, commercial, industrial and other proposed uses.

7. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.

8. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.

9. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.

10. A vicinity map of the area within one thousand (1000) feet surrounding the site showing:

    a. Land use designation and boundaries.
    b. Traffic circulation systems.
    c. Major public facilities.
    d. Municipal boundary lines.

11. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the Building Inspector.

    (NOTE: A Master Plan is required whenever a Major Development is to be implemented in phases. The required information allows the Building Department, the Technical Advisory Committee, the Planning and Development Review Board and interested citizens to

review each phase independently and in the context of an overall development plan. The purpose is to assure that adequate consideration is made of all effects of the component parts on each other, the completed project and the affected community.)

2.02.09 Guarantees and Sureties

A. Applicability

1. The provisions of this section apply to all proposed developments in the ~~City/~~County involving public improvements and/or common ownership and maintenance of facilities.

2. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in Article VII of this ~~Code~~ LDR.

3. This section does not modify existing agreements between a developer and the ~~City/~~County for subdivision platted and final development orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

B. Improvements Agreement Required

The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines, shall be satisfactorily constructed according to the approved development plan. The following information shall be provided.

1. Agreement that all improvements, whether required by this ~~Code~~LDR or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.

2. The term of the agreement indicating that all required improvements shall be satisfactorily ~~constructed within the period stipulated~~ completed with as built drawings before a building permit can be issued. ~~The term shall not exceed five (5) years from the recording of the plat or thirty percent (30%) occupancy of the development, whichever comes first~~.

3. The projected total cost for each improvement. Cost for construction shall be determined by either of the following:

   a. Estimate prepared and provided by the applicant's engineer.
   b. A copy of the executed construction contract provided.

4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.

5. Agreement that upon failure of the applicant to make required improvements (or to cause them to be made) according to the schedule for making improvements, the ~~City/~~County shall utilize the security provided in connection with the agreement.

6. Provision of the amount and type of security provided to ensure performance.

7. Provision of the amount and type of security may be reduced periodically, subsequent to the completion, inspection and acceptance of improvements by the ~~City/~~County.

C. Amount And Type Of Security

1. The amount of the security listed in the improvement agreement shall be approved as adequate by the Building Inspector.

2. Security requirements may be met by, but are not limited to, the following:

   a. Cashiers check
   b. Certified check
   c. Developer/Lender/City/County Agreement
   d. Interest Bearing Certificate of Deposit
   e. Irrevocable Letters of Credit
   f. Surety Bond

3. The amount and type of security shall be established by the Board of County Commissioners. The amount of security may be reduced commensurate with the completion and final acceptance of required improvements.

D. Completion of Improvements

1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by ~~City/~~County Staff. A recommendation for final acceptance shall be made upon receipt of a certification of project and one (1) copy of all test results.

2. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with the requirement in Section 2.02.10.C.3 above.

E. Maintenance of Improvements

1. A maintenance agreement and security shall be provided to assure the ~~City/~~County that all required improvements shall be maintained by the developer according to the following requirements:

   a. The period of maintenance shall be specified in the development order.

b. The maintenance period shall begin with the acceptance by the ~~City/~~County of the construction of the improvements.
c. The security amount shall be established by the Board of County Commissioners.
d. The original agreement shall be maintained by the Building Inspector.

2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the ~~City/~~County, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

   a. When the proposed development is to be organized as a condominium under the provisions of Ch. 718, Florida Statues, common facilities and property shall be conveyed to the condominium's association pursuant to the law.

   b. When no condominium is to be organized, an owners association shall be created, and all common facilities and property shall be conveyed to that association.

   c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the ~~City/~~County Attorney.

3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to ~~City/~~County shall be created by covenants running with the land.

2.03.00 PROCEDURE FOR OBTAINING A MINOR REPLAT

2.03.01 Review by Building Inspector

A. Generally

The ~~Building Inspector~~ Planning Department Staff may approve a Minor Replat that conforms to the requirements of this part. The intent is to allow a developer to create two parcels out of one. The staff reserves the right to defer any application to the PDRB that appears to be out of the realm of this policy.

B. Submittals

The ~~Building Inspector~~ Planning Department staff shall consider a proposed Minor Replat upon the submittal of the following materials:

1. An application form ~~provided by the Building Inspector~~ obtained from the Planning Department.

~~2. Two (2) paper copies of the proposed Minor Replat~~; Complete the application along with the required documentation and payment of the current application fee.

~~3. A statement indicating whether water and/or sanitary sewer service is available to the property; and~~

~~4. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the State of Florida. In the event a lot contains any principal or accessory structures, a survey showing the structures on the lot shall accompany the application.~~

C. Review Procedure

If the proposed Minor Replat meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the ~~Building Inspector~~ the Planning Department staff shall approve the Minor Replat by signing the application form.

D. Recordation

Upon approval of the Minor Replat, the ~~Building Inspector~~ developer shall record the replat in the Official County Records (ORB) ~~on the appropriate maps and documents, and shall~~, at the developer's expense, and provide a

recorded copy with parcel ID numbers to the Planning Department. ~~record the replat in the Official County records.~~

2.03.02 Standards and Restrictions

A. Standards

All Minor Replats shall conform to the following standards:

1. That owner is entitled to divide a parent parcel into two parcels only once. Each proposed lot must conform to the requirements of this ~~Code~~LDR.

~~2.~~ ~~Each lot shall abut a public or private street (except as hereinafter provided).~~

~~3~~2. If any lot abuts a street right-of-way that does not conform to the design specifications provided in this Code, the owner may be required to dedicate one-half the right-of-way width necessary to meet the minimum design requirements.

~~4~~3. If roadways within the confines of the minor replat fail to meet the minimum county requirements for Gulf County roadways, a statement must be placed on face of the minor replat and on each and an individual deeds that Gulf County will not accept ownership of roadways or maintain roadways until said roads conform to the latest county regulations for secondary roadways.

B. Restriction

1. No further division of an approved Minor Replat under applicant name is permitted under this section, unless a development plan (subdivision) is prepared and submitted in accordance with ~~this Article~~ current subdivision regulations.

2. The staff reserves the right to defer any minor replat application to the Planning and Development (PDRB) and/or Board of County Commissioners (BOCC) that appears to be out of the realm of this policy.

3. That no additional dividing of the original parent parcel or parcels thereof can be related to an applicant except as subdivision.

4. If applicant is a family member, partner or investor, etc., of a previous minor replat, recorded deeds must be submitted with minor replat application indicating an applicant with no legal ownership in a previous contiguous minor replat.

2.04.00 PROCEDURE FOR OBTAINING DEVELOPMENT PERMITS

2.04.01 Application

Application for a Development Permit shall be made to the office of the Building Inspector in a form provided by the Building Inspector and may be acted upon by the Building Inspector without public hearing or notice.

2.04.02 Review and Issuance by Department

The Building Inspector shall review all applications for development permits and shall issue such permits upon a determination of conformance with adopted Technical Construction Standards and any other applicable codes, and upon final concurrency determination as described in the Concurrency Management Procedures Manual.

2.05.00 DUTIES OF VARIOUS INDIVIDUAL, BOARDS AND AGENCIES ADMINISTRATION OF LAND DEVELOPMENT REGULATIONS

2.05.01 Building ~~Inspector~~ Official

The Building ~~Inspector~~ Official or his designee shall be responsible for receiving requests for concurrency determination, informing applicants of required information, and issuing a concurrency certificate.

The Building ~~Inspector~~ Official and County Planner shall act as Co-Chairman's of the Technical Advisory Committee, setting meetings and distributing applications for development proposals to committee members for review.

The Building ~~Inspector~~ Official may approve exemptions from the requirements of these regulations as deemed appropriate in emergency situations, as provided for in Section 2.05.10.

2.05.02 Planning/Building Department

The Planning/Building Department's shall be responsible for administration and application of land development regulations as set forth herein. Responsibilities include the following:

- Determine whether a proposed development activity is consistent with the Future Land Use Map contained in the adopted Comprehensive Plan.
- Receive applications for development approval and determine whether the development activity is a minor or major development.
- Review applications for minor development and approve permit issuance.
- Refer applications, which require review by the Planning and Development Review Board for review and action.
- Receive requests for special exceptions and variances and refer these to the Planning

and Development Review Board.

- Receive requests for amendments to the land development regulations or the Comprehensive Plan and refer these to the Planning and Development Review Board.
- Upon determination of compliance with the Land Development Regulations, the Building Inspector shall authorize the issuance of a building permit.
- Decisions of the Planning/Building Department may be appealed to the Planning and Development Review Board as provided for in Section 2.06.08 of this Article. The Board of County Commissioners has no authority to overrule the decisions of the Planning and Development Review Board regarding development permit or development order decisions, except indirectly through regulatory changes.

2.05.03 Technical Advisory Committee

The Technical Advisory Committee is composed of County staff knowledgeable in areas of land development, building, zoning, public works and/or planning, and is appointed by the Building Inspector. The Building ~~Inspector~~ Official and County Planner shall act as Co-Chairman's of the Technical Review Committee.

The Technical Advisory Committee (TAC) is responsible for development review and development order approval for all level 1 major development activity Development order approval is issued based upon a determination by the TAC that the proposed development activity conforms to the requirements of these land development regulations.

The Technical Advisory Committee acts in an advisory role for development activity which requires review by the Planning and Development Review Board and approval by the Board of County Commissioners and may be called upon to confer with the Planning and Development Review Board regarding requests for special exceptions and variances.

All minutes of the Technical Review Committee shall be filed with the Building Department.

2.05.04 Planning and Development Review Board

A. Establishment and Procedures:

A Planning and Development Review Board (PDRB) ~~shall be~~ was established ~~within 45 days of the effective date of this Ordinance~~ by motion of the Board of County Commissioners on April 13, 1993. The PDRB shall consist of five (5) members to be appointed by the Board of County Commissioners~~, each for staggered terms of two (2) four (4) years~~ and term of service shall be based on the will of the BOCC.

Members of the Planning and Development Review Board may be removed from office by the County Commission regular board action. Vacancies shall be filled by the County Commission for the unexpired term of the member affected.

33. Proceedings of the Planning and Development Review Board:

The Planning and Development Review Board shall adopt rules necessary to conduct its affairs and in keeping with the provisions of these regulations. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. A majority of the membership for the PDRB shall constitute a quorum.

The Planning and Development Review Board shall keep minutes of its proceedings showing the vote of each member upon each questions, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record and be ~~immediately~~ filed in the office of the ~~Administrative Assistant~~ Building and Planning Department.

34. Powers and Duties of the Planning and Development Review Board.

The Planning and Development Review Board shall have the following powers and duties:

18. Administrative Review: To hear and decide where it is alleged there is error in any order, requirements, decision or determination made by any board, department or committee in the administration and application of these regulations. Decisions rendered by Board of County Commissioners shall not be appealed to the Planning and Development Review Board.

19. **Special exceptions:** To hear and decide only such special exceptions as the Planning and Development Review Board is specifically authorized to consider by the terms of these regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under these regulations or to deny special exceptions when not in harmony with the purpose and intent of these regulations.

20. Variances: To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

21. Powers of Planning/Building Department on Appeals: In exercising the above mentioned powers, the Planning and Development Review Board may, so long as such an action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify

the order, requirements, decision or determination appealed from and may make such order, requirement, decision or determinations as ought to be made, and to that end shall have the power of the Planning/Building Department from whom the appeal is taken.

The concurring vote of a majority of the Planning and Development Review Board shall be necessary to reverse any order, requirement decisions, or determination of the Planning/Building Department, Technical Advisory Committee, or other administrative official; or to decide in favor of the applicant on any matters upon which it is required to decide in the application of these regulations.

22. Review and recommend preliminary and final subdivision plats over nine (9) units for approval by the Board of County Commissioners.

23. Review and recommend ~~level 2~~ major development for approval by the Board of County Commissioners.

24. Review and recommend updating and amendment of the comprehensive plan and land development regulations. All plan amendments and revised regulations shall require Planning and Development Review Board review and recommendation prior to approval by the Board of County Commissioners.

All subdivision plats with 10 units or more shall require review and recommendations by the Gulf County Planning and Development Review Board prior to action by the County Commission.

2.05.05 Board of County Commissioners

For the purpose of these land development regulations, the Board of County Commissioners of Gulf County is responsible for review and approval of preliminary and final subdivision plats, and for review and approval of all level 2 major development proposals.

2.05.06 SPECIAL EXCEPTIONS - Requirements and Procedures:

A special exception shall not be granted by the Planning and Development Review Board unless and until the following requirements and procedures are met:

35. A written for a special exception is submitted indicating the section of these regulations under which the special exception is sought and stating the grounds on which it is required.

36. Notice shall be given at least 15 days in advance of the public hearing. The owner of the property for which special exception is sought or his agent and the owners of abutting spot on the property for which special exception is sought or his agent and the owners of abutting spot on the property for which special exception is sought, at the Gulf County Courthouse and in one other public place at least fifteen (15) days prior to the public hearing. Required fees set forth in Section 2.05.10 of the Article shall be deposited with the County Clerk to cover the cost of posting notices and notification by mail.

37. The public hearing shall be held. Any party may appear in person, or by agent or attorney.

38. The Planning and Development Review Board shall make a finding that it is empowered under the section of these regulations described in the application to grant the special exception, and provided that the granting of the special exception will not adversely affect the public interest. The Planning and Development Review Board shall confer with appropriate representatives of boards and/or committee having development review responsibility or specific knowledge regarding the special exception.

39. Before any special exception shall be issued, the Planning and Development Review Board shall make written findings certifying the compliance with the specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following where applicable.

    25. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and to convenience, traffic flow and control, and access in case of fire or catastrophe.

    26. Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district;

    27. Refuse and service areas, with particular reference to the items in (1) and (2) above:

    28. Utilities, with reference to location, availability and compatibility.

    29. Screening and buffering with reference to type, dimensions, and character:

    30. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect and compatibility and harmony with properties in the district;

    31. Required yards and other open space;

32. General compatibility with adjacent properties and other property in the district.

40. Any restrictions imposed as a condition of granting the special exception, such as limitations on size or square footage, including future expansions, shall be specified at the time the special exception is granted.

2.05.07 VARIANCES - Requirements and Procedures:

A variance from the terms of these regulations shall not be granted by the Planning and Development Review Board unless and until the following requirements or procedures are met:

41. A written application for a variance (hardship relief) is submitted to the Planning/Building Department demonstrating that a hardship exists based on one of the following conditions:
    1. The special conditions and circumstances exist which are peculiar to the land, structure or buildings involved and which are not applicable to other lands, structures or buildings in the same district.
    2. The literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations;
    3. That the special conditions and circumstances do not result from the actions of the applicant; or
    4. That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures or buildings in the same district.

    No non-conforming use of neighboring lands, structures or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

42. Notice of public hearing shall be given in accordance with the provisions specified under "Special Exceptions" and a public hearing shall be held. Any party may appear in person, or by agent or by attorney.

43. The Planning and Development Review Board shall make a finding that the requirements regarding hardship relief have been met by the applicant for a variance, that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

44. The Planning and Development Review Board shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

45. In granting any variance, the Planning and Development Review Board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of these regulations and punishable under Section 2.05.09.

46. The Planning and Development Review Board shall prescribe a reasonable time limit within the action for which the variance is required shall be begun or completed, or both. Failure to begin or complete such action within the prescribed time limit shall render the variance null and void.

47. Under no circumstances shall the Planning and Development Review Board grant a variance to allow a use not permissible under the terms of these regulations in the district involved, or any use expressly or by implication prohibited by the terms of these regulations in said district; however, as provided for in these regulations, The Planning and Development Review Board may make a "substantially similar use" determination upon request by the development approval authority.

2.06.08 APPEALS - Appeals to Planning and Development Review Board

48. Appeals to the Planning and Development Review Board concerning the interpretation or administration of these regulations may be taken by any person aggrieved or by any officer or bureau of the governing body of Gulf County affected by any decision of the Building Department, Technical Advisory Committee, or any administrative official or board. (Decisions rendered by County Commission shall not be appealed to the Planning and Development Review Board). Appeals shall be taken within a reasonable time period, not to exceed 30 days, by filing with the Building Department a notice of appeal specifying the grounds thereof. The Building Department shall forthwith transmit to the Planning and Development Review Board and the Board of County Commissioners all papers constituting the record upon which the action appealed from was taken.

    The Planning and Development Review Board shall fix a time, not to exceed 30 days from the date the appeal was filed, for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and render their decision at the hearing. At the hearing, any party may appear in person or by agent or attorney.

    An appeal stays all proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken, certifies to the Planning and Development Review Board, after notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. Such case proceedings shall not be stayed other than by restraining order which may be granted by the Planning and Development Review Board or by injunction granted by the circuit court on notice to the official from whom the appeal is taken and on due cause shown.

49. Judicial Review of Decisions

33. Any taxpayer, or any officer, department, board or bureau of the governing body, or any person or persons, jointly or severally, having standing to do so, may seek review of a final quasi-judicial decision of the Planning and Development Review Board by Petition for Writ of Common-law Certiorari to the Circuit Court in and for Gulf County, pursuant to Florida law.

34. Any taxpayer, or any officer, department, board or bureau of the governing body, or any person or persons, jointly or severally, having standing to do so, may seek review of a final quasi-judicial decision of the County Commission by Petition for Writ of Common-law Certiorari to the Circuit Court in and for Gulf County, pursuant to Florida law.

2.06.09 ENFORCEMENT AND PENALTIES - Administration and Enforcement

The Code Enforcement Officer of Gulf County shall enforce these regulations. If he finds that any of the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violation, indicating the nature of violating and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violation of its provisions.

Expiration of Permit

If the work described in any building permit has not begun within six months from the date of issuance thereof, said permit shall expire, and written notice thereof shall be given to the persons affected. Request for extensions shall be acted upon by the Building Inspector.

Construction and Use to be as provided in Applications, Plans, Permits

Building permits issued on the basis of plans and applications approved by the development approval authority authorize only the use, arrangement and construction set forth in such approved plans and applications, and not other use, arrangement and construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of these regulations, and shall be punishable as provided below.

Code Enforcement Board

The Code Enforcement Board of Gulf County functions to hear alleged Code violations, issue findings of fact, based on evidence of record and conclusions of law, and issue orders affording proper relief. The Board is authorized to impose fines for non-compliance with these regulations and to impose liens against real property.

Penalties

In case any building or structure is erected, constructed, reconstructed, altered, repaired or maintained, or any building, structure, land or water issued in violation of these regulations or any ordinance, the property local authorities in Gulf County, in addition to other remedies, may institute any appropriate action or proceeding in civil action in the Circuit Court to prevent

such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, and to restrain, correct, or abate such violation, to prevent the occupancy of said building, land, structure, or water, and to prevent any illegal act, conduct or business, or use in and about such premises.

Any violation of these regulations is declared to be unlawful and whenever these regulations require the doing of any act, failure to do the act is declared to be unlawful. Violations shall be punishable by a fine not exceeding $500, or imprisonment for a term not exceeding six (6) months or by both such fine and imprisonment. Each day any violation of any provision of these regulations shall continue shall constitute a separate offense.

2.06.10 EMERGENCY EXEMPTIONS

These regulations shall not be construed to prevent any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of life or property.

A report of any such emergency action shall be made to the Building Inspector or Administrative Assistant by the owner or person in control of the property upon which the emergency action was taken as soon as practicable, but no later than ten days following such action. Remedial action may be required by the Building Inspector subject to appeal to the County Commission in the event of dispute.

2.06.11 PROJECTS REQUIRING AN AMENDMENT TO THE ~~CITY'S~~ COUNTY,S COMPREHENSIVE PLAN

Applications for Development Approval (ADA) may only be considered if the proposed development is consistent with the adopted comprehensive plan. There is a presumption of general consistency with the comprehensive a plan if the requirements of these regulations are met.

Upon receipt of ADA, the Planning/Building Department shall make a determination of consistency of the proposed development activity with the adopted Future Land Use Map of the Comprehensive Plan. Applicants for the proposed development which are not consistent with the adopted Plan may apply to the County ~~Administrative Assistant~~ Chief Administrator to consider a proposed plan amendment, which if approved must be reviewed by the Florida Department of Community Affairs in accordance with 163.3187 F.S.

2.06.12 SCHEDULE OF FEES, CHARGES AND EXPENSES

The County Commission shall establish by resolution of a schedule of fees, charges and expenses for development review, review of technical construction plans, issuance of building permits, appeals, variances, special exceptions, and other matters pertaining to these regulations. The schedule of fees shall be posted in the office of the Building Department, and may be altered or amended only by resolution adopted by the County Commission. Until all

applicable fees, charges and expenses have been paid in full, no action shall be taken on application or appeal. A collection procedure shall be established by the Building Department.

2.06.00 GULF COUNTY COMPREHENSIVE PLAN GUIDELINES FOR VESTING DETERMINATIONS

The Comprehensive Plan was officially adopted on July 10, 1990. As of that date, densities and land uses were regulated for the first time in Gulf County. From that date forward, all subdivisions of land, including through metes and bounds, are required to be consistent with the densities established in the Comprehensive Plan (i.e., number of units allowed per acre).

Although certain emergency actions were taken by Gulf County to repeal the Plan for a period of time, such action has since been revoked, and is assumed to have no effect on the issue of vesting in Gulf County. In the event that a question arises regarding this issue, it is recommended that County Staff seek a legal opinion from the County Attorney.

Enforceable means of determining whether a property is "vested" at a density not consistent with the adopted plan, is be verifying through the County's Official Records Books; plats recorded in the property appraiser' office; or metes and bounds plats on file with the HRS Gulf County Public Health Unit, that a lot, parcel or subdivision of specific dimensions existed as of a given date prior to July 10, 1990. The County Building Official will determine such vesting. In the event that such lot or parcel is established as vested, such lot or parcel would be considered non-conforming as to lot size. It is not necessary to obtain a Comprehensive Plan Amendment for a vested development which is non-conforming as to land use density. It should be noted that although a non-conforming lot size is vested, all other Comprehensive Plan requirements must be met.

It is recognizable that prior to Comprehensive Plan Adoption in 1990, land development in Gulf County often occurred without plats being officially recorded. Because of this, a procedure by which a landowner can appeal a vesting determination by the Building Official is recommended. The appeal should be heard by the Board of County Commissioners, who should consider and act upon the appeal based on evidence submitted by the landowner pursuant to Florida Statutes regarding common law vesting. For example, the landowner must establish that a plan of development was in effect for this subject property and proceeded in good faith prior to Comprehensive Plan adoption. It is recommended that the Board of County Commissioners obtain a legal opinion regarding such appeals.

It should be noted that specific vesting provisions were included in the Stipulated Settlement Agreement with the Department of Community Affairs, regarding densities and setbacks in the coastal area. Coastal area densities from July 10, 1990, to January 14, 1992, are required to conform to the Plan as adopted in July, 1990. Any issues related to previously noted emergency repeal of the Comprehensive Plan should be referred for a legal opinion. Densities and setbacks approved after January 14, 1992, must conform to the Settlement Agreement Provisions. Again, the Building Official will rely on evidence contained in the Official Record Books, property appraisers recorded plat maps, and the HRS Public Health Unit records regarding subdivisions of land to make a vesting determination. Appeals should be addressed to the Board of County Commissioners, with evidence submitted and legal opinion provided as previously discussed.

50. Concurrency

The Comprehensive Plan was developed and all data and analyses reflect that no properties in Gulf County are vested for purposes of concurrency. In other words, prior to issuing a development order or building permit for any proposed development, an evaluation must be conducted to determine that adequate public facilities will be available at the time of development impact, to serve the development without degrading levels of service below adopted standards. Specific comprehensive plan requirements must be met for the evaluation, as indicated in the Concurrency Management Procedures Manual. The concurrency requirement must be met regardless of whether a property is vested for consistency with the Future Land Use Map. (See Article VII, Land Development Regulations).

ARTICLE III
LAND USE: TYPE, DENSITY, INTENSITY

3.00.00 PURPOSE

3.01.00 LAND USE DISTRICTS
3.01.01 Generally
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3.02.00 USES ALLOWED IN LAND USE DISTRICTS
3.02.01 Generally
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3.02.03 Allowable Uses Within Each Land Use District
3.02.04 Allowable Density And Dwelling Unit Types for Residential Use

ARTICLE III

LAND USE; TYPE, DENSITY, INTENSITY

3.00.00 PURPOSE

The purpose of this Article is to describe the specific uses and restrictions that apply to land use districts contained in the Future Land Use Element of the local government Comprehensive Plan. These regulations are intended to allow development and use of property only in compliance with the adopted goals, objectives, and policies of Gulf County ~~and the City of Wewahitchka~~ as expressed in ~~their respective~~ the Comprehensive Plans.

3.01.00 LAND USE DISTRICTS

3.01.00 Generally

Land use districts for Gulf County ~~and the City of Wewahitchka~~ are established in the ~~respective local government~~ Comprehensive Plan and Future Land Use Map. The land use districts (or categories) defined in the Future Land Use Element of the ~~respective~~ Comprehensive Plan and delineated on the Future Land Use Map shall be the determinants of permissible activities on any parcel in the jurisdiction. Refer to the goals, objectives and policies of the Future Land Use Element of the respective Comprehensive Plan for the definitions of each land use category. Allowable uses are described in Section 3.02.03 to correlate individual land use activities with land use districts.

3.01.02 Definitions

ACCESSORY USE ~~OR STRUCTURE~~: A use of land ~~or structure~~ or portion thereof customarily incidental and subordinate to the principal use of the land ~~or structure and located on the same parcel with the principal use~~.

ACCESSORY STRUCURE: A structure not greater than 3,000 square feet (279m^2) in floor area, and not over two stories in height, the use of which is customarily accessory to and incidental to that of the dwelling(s) and which is located on the same lot.

AIRPARK: A type of residential development wherein an airstrip adjoins adjacent residential lots with lot owners having direct access and use of the air strip by virtue of common ownership or agreement. Lot owners are allowed to build hangars, either free standing or as a component of their home and to house an aircraft therein.

DENSITY OR GROSS DENSITY: The total number of dwelling units divided by the total site area.

DWELLING UNIT: A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation. This includes mobile homes, RVs, campers and park models.

Accessory structures such as portable buildings that are not designed as dwellings are not considered dwelling units.

~~**HOME OCCUPATION:** Any use that is conducted entirely within a residential dwelling unit or accessory structure and is operated by an occupant thereof that is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.~~

MANUFACTURED HOUSING: Manufactured housing has the following features or characteristics:

(1) Mass produced in a factory;
(2) Designed and constructed for transportation to a site for installation and use when connected to required utilities;
(3) Either an independent, individual building or a module for combination with other elements to form a building on the site.
(4) Certified by HUD.

MODULAR HOMES: *insert FBC definition*

MULTI-FAMILY DWELLING: Any residential structure containing three (3) or more dwelling units.

PASSIVE RECREATION: Recreational opportunities most likely to occur in largely undeveloped or unaltered environments and primarily includes unstructured recreational activities such as hiking, canoeing, fishing, bird watching, picnicking, etc.

RECREATION VEHICLE: A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

SINGLE FAMILY DWELLING: A residential structure containing one dwelling unit, or two attached dwelling units (duplex).

3.01.03 Specific Districts

The following list of land districts pertain to Gulf County and ~~the City of Wewahtichka and~~ are further defined in the Future Land Use Element of the respective Comprehensive Plan:

RESIDENTIAL
- LOW DENSITY
- MEDIUM DENSITY
- HIGH DENSITY

COMMERCIAL

MIXED COMMERCIAL/RESIDENTIAL
AGRICULTURAL
~~MIXED AGRICULTURAL/RESIDENTIAL (Wewahitchka Only)~~
MIXED USE AGRICULTURAL
PUBLIC
RECREATION
CONSERVATION
INDUSTRIAL

3.02.00 USES ALLOWED IN LAND USE DISTRICTS

3.02.01 Generally

This part defines and prescribes the specific uses allowed within each land use district described in the Comprehensive Plan and this ~~Code~~ LDR.

3.02.02 Types of Uses

A. Residential

~~1.~~ The category of residential uses includes single-family dwellings, accessory apartments, multi-family dwellings in a variety of housing types, modular and manufactured housing, mobile homes, and recreational vehicles (RV) subdivisions. ~~Permanent parking of an RV outside of an RV subdivision must be approved through variance procedures.~~

2. While a district may be designated for residential use, it does not follow that any housing type (single-family, apartment, townhouse, etc.) is allowed. Certain areas may be limited to one or more housing types in order to preserve the established character of the area. Under Article I: General Provisions, the abrogation rules provides that deed restrictions may impose more restrictive covenants than those imposed by this ~~Code~~ LDR. For example, deed restrictions may prohibit residential uses, such as multi-family housing and mobile homes, in single-family subdivisions.

B. Institutional

This type of use includes educational facilities (public or private), pre-school and child care facilities (public or private), churches, cemeteries without funeral homes, residential care facilities, nursing home facilities, and all other similar institutional uses.

C. Outdoor Recreational

These uses include areas for outdoor recreational activities such a picnicking, jogging, cycling, hiking, golf courses, play grounds, ball fields, outdoor ball courts, stables, outdoor swimming pools, camping tents or RV's ~~(including recreational vehicles not used as primary residences)~~, and water-related or water dependent uses such as boat ramps, fishing docks and piers, and all similar outdoor recreational uses, whether public or private. Specifically excluded from this group of uses are firing ranges, marinas, miniature golf courses, race tracks, and similar recreational or quasi-recreational activities inconsistent with the allowable outdoor recreational uses described.

D. Professional Service and Office

This group includes business and professional offices, medical offices or clinics, government offices, financial institutions without drive-up facilities, and personal service businesses where the service is performed on an individual to individual basis as opposed to services which are performed on objects or personal property. Examples of personal service businesses are barber shops, beauty shops, or photography studios. This group of uses may include a dispatching or communications or office center for the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.

E. General Commercial

A wide variety of general commercial, commercial recreational, entertainment, and related activities is included in this group of uses. Examples include the following specific uses, and all substantially similar types of uses:

1. Arcades, billiards/pool parlors, bowling alleys, indoor recreation centers, gymnasiums, spas, and health clubs.

2. Community centers and fraternal lodges.

3. Commercial or trade schools, such as dance and martial arts studios.

4. Department stores and other retail sales stores, such as shoe stores, clothing stores, pharmacies, florists, and book stores.

5. Financial institutions without drive-up facilities.

6. Funeral homes, cemeteries, mortuaries, and crematories,

7. Farm and garden supply, building supply, and vehicle parts and accessories (including vehicle sales, service, and repair).

8. Grocery stores, supermarkets, and specialty food stores, such as meat markets and bakeries.

9. Hospitals.

10. Hotels or motels.

11. Service businesses such as blueprint, printing, reproduction, catering, tailoring, travel agencies, upholstery shops, laundries, dry cleaners, and light mechanical and electronic repair stores (including camera, TV, bicycle repair shops).

12. Restaurants (standard sit-down and high turnover sit-down, but excluding all restaurants with drive-up facilities), including open-air cafes.

13. Shopping centers, excluding regional malls or centers.

14. Theaters and auditoriums.

15. Marinas.

16. Miniature golf and golf driving ranges.

17. Plant nurseries.

18. Veterinary offices and animal hospitals, provided the facility has no outside kennels.

F. High Intensity Commercial

The uses in this group include those activities which require outdoor storage, have higher trip generation rates than the general commercial uses listed above, or have the potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation. Location of these uses shall be limited to those parcels located within districts allowing this use, having roadway frontage on collectors or arterials (as classified in the Traffic Circulation Element of the Comprehensive Plan), and located a distance of greater than 75 feet from existing residential development. This distance shall be measured from the proposed high intensity commercial development to the residential property line. High intensity commercial uses include the following list of specific uses and all substantially similar activities based upon similarity of characteristics:

1. Vehicle sales, rental, service, and repair, including truck stops, body shops, road services, car wash facilities, and the sales, rental, repair and service of new or used automobiles, boats, buses, motorcycles,

trucks, recreational vehicles, and mobile homes.

2. Gasoline sales and service, combination sales and food marts, and similar facilities.

3. Taverns, bars, lounges, night clubs, and dance halls.

4. Financial institutions with ~~drive-up~~ drive through facilities.

5. Restaurants with ~~drive-up~~ drive through facilities.

6. Roadside produce stands, both temporary and permanent.

7. Veterinary offices and animal hospitals with outside kennels.

For the following high intensity commercial uses, the requirements for having frontage on an arterial or collector will not apply. However, it is not the intent of this ~~Code~~ LDR to allow these uses in established residential neighborhoods. The 75 foot high intensity development setback from the property line of an existing residential structure will still apply.

8. Outdoor arenas, rodeo grounds, livestock auction facilities, race tracks and similar activities.

9. Storage yards for equipment, machinery, and supplies for building and trades contractors and garbage haulers.

10. Flea markets or similar outdoor or indoor/outdoor sales complexes.

G. Public Service/Utility

This group of activities includes both low intensity and high intensity uses which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare, or appearance. Government offices or government agency offices are specifically not included in this group of uses.

Low intensity public service/utility uses include those uses providing essential or important public services, but not requiring intense land development, such as potable water well-fields, sanitary sewer lift stations, power distribution facilities less 230 KV, and minor support facilities for other public facilities and/or utilities.

High intensity public service/utility uses include those uses providing essential or important public services or utilities requiring intense land development. These uses shall be located a distance greater than 75 feet from existing residential development. This distance shall be measured from the proposed

high intensity public service/utility development to the existing residential property line. High intensity public service/utility uses include the following list of specific uses and all substantially similar activities based upon similarity of characteristics:

1. Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue.

2. Correctional and mental health institutions, including work camps and prisons.

3. Broadcasting stations and transmission towers.

4. Land intensive or major utility facilities, such as water plants, wastewater treatment plants, electricity substations service 230 KV or greater.

5. Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.

6. LP gas storage and/or distribution facilities up to one thousand (1,000) gallons. This shall not be construed to prevent retail sales of LP gas in canisters or similar pre-filled containers.

7. Airports, airfields, and truck or bus terminals.

H. Agricultural

Agricultural uses include croplands, pastures, forestry (silviculture), aquaculture, feed lots, apiculture or bee keeping, and buildings and facilities which are an accessory to agricultural uses. Residential uses may be allowed as provided for in the adopted Comprehensive Plan (s) ; refer to the table of residential densities (Section 3.02.04).

I. Mixed Use Agricultural

The same as Agricultural except Commercial and Industrial uses are allowed to exceed a formulated acreage.

~~I~~J. Industrial

This type of use includes those wholesale and retail businesses used for manufacturing, processing, storing, or distributing goods. Included in this category are uses which require primarily outdoor storage or the industrial activity itself is conducted outdoors. Such uses include, LP gas storage and/or distribution exceeding 1,000 gallons, junkyards or salvage yards, recycling centers, landfills, hazardous waste collection and handling centers, and industrial activity associated with fisheries, agriculture, and paper production, such as manufacturing, processing, and distribution. These uses shall be located a distance of greater than 100 feet from existing residential

development and shall be measured from the proposed industrial development to the residential property line.

~~J~~K. Mining, Borrow Pits, or non-residential Fish Ponds

The types of uses in this group include surface mining, rock quarries, strip mining, and any extraction activities. Buildings and businesses for the refinement, processing, packaging, and transportation of materials extracted from mining operations are included in this group of uses. These uses shall be located a distance of greater than 100 feet from existing residential development and shall be measured from the proposed mining activity to the residential property line.

~~K~~L. Preservation

An undeveloped area set aside for the preservation of natural resources.

3.02.03 Allowable Uses Within Each Land Use District

A. Residential ~~- Low Density~~

The following uses are allowed in the ~~Low Density~~ Residential land use district. All others are prohibited:

Gulf County

1. Residential
2. Institutional
3. Outdoor Recreational
4. Public Service/Utility (Low intensity only)
5. Preservation
6. Agricultural activities including apiculture/bee keeping only when limited to personal use. Personal apiculture/bee keeping hives must not be closer than 100' to the adjacent properties. All commercial agricultural is prohibited except in the area know as Gulf County Farms.

~~**Wewahitchka**~~

~~1. Residential~~
~~2. Public Service/Utility (Low intensity only)~~
~~3. Preservation~~

~~B. Residential - Medium Density~~

~~The following uses are allowed in the Medium Density Residential land use district. All others are prohibited.~~

~~19. Residential~~
~~20. Public Service/Utility (low intensity only)~~
~~21. Institutional~~
~~22. Outdoor Recreational~~
~~23. Preservation~~

~~22. Residential – High Density~~

~~The following uses are allowed in the High Density Residential land use district. All others are prohibited:~~

~~24. Residential~~
~~25. Institutional~~
~~26. Outdoor Recreational~~
~~27. Professional Service and Office~~
~~28. Public Service/Utility (low intensity only)~~
~~29. Preservation~~

~~D~~B. Commercial

The following uses are allowed in the Commercial land use district. All others are prohibited:

1. General Commercial
2. High Intensity Commercial
3. Professional Service and Office
4. Outdoor Recreational
5. Institutional
6. Public Service/Utility (low intensity only)
7. Residential (only in conjunction with a primary commercial use located on the same parcel).

~~E~~C. Mixed Commercial/Residential

The following uses are allowed in the Mixed Commercial/Residential land use districts. All others are prohibited.

1. Residential (including Airparks)
2. General Commercial
3. High Intensity Commercial
4. Institutional
5. Outdoor Recreational
6. Professional Service and Office
7. Public Service/Utility (low intensity only)
8. Preservation
9. Agricultural activities including apiculture/bee keeping only when limited to personal use. Personal apiculture/bee keeping hives must not be closer than 100' to the adjacent properties. All commercial agricultural is prohibited except in the area know as Gulf County Farms.

~~F~~D. Agricultural

The following uses are allowed in the Agricultural land use districts. All others are prohibited.

1. Residential (including recreational vehicles as permanent residences)
2. Agricultural
3. Institutional * (minimum distance of ½ mile to Residential Land Use District)
4. Outdoor Recreational
5. Public Service/Utility
6. Preservation
7. General Commercial * ** ***
8. High Intensity Commercial (must be located within one mile of an existing developed area) (limited to arterials and collectors) (must be located minimum of 500 feet from existing residential development.
9. Industrial (industrial uses specifically related to aquaculture, silviculture, and agriculture only) ****
   *****

(*General Commercial: Only those uses compatible with the District, such as veterinary services, neighborhood grocery, feed stores, tack shops, firing ranges, farm supply and equipment sales, and substantially similar uses.)

* Only allowed in Non-Flood prone Areas
** Limited to parcels fronting on arterials or collectors
*** Maximum size of building are 10,000 square feet
**** Limited to parcels fronting on arterials or collectors
***** Minimum distance to residential use shall be 300 feet.

~~G. Mixed Agricultural/Residential (Wewahitchka)~~

~~The following uses are allowed in the Mixed Agricultural/Residential land use district:~~

~~1. Residential~~
~~2. Agricultural~~
~~3. Institutional~~
~~4. Outdoor Recreational~~
~~5. Public Service/Utility~~
~~6. Preservation~~
~~7. General Commercial*~~
~~(*General Commercial: Only those uses compatible with the District, such as veterinary services, neighborhood grocery, feed stores, tack shops, and substantially similar uses.)~~

E. Mixed Use Agricultural

1. Residential (including recreational vehicles as permanent residences)
2. Agricultural
3. Institutional *
4. Outdoor Recreational
5. Public Service/Utility
6. Preservation
7. General Commercial

8. High Intensity Commercial
9. Industrial
* Only allowed in Non-Flood prone Areas

~~H~~F. Public

The following uses are allowed in the Public land use district. All others are prohibited:

1. Institutional
2. Outdoor Recreational
3. Public Service/Utility
4. Preservation

~~I~~G. Recreational

The following uses are allowed in the Recreational land use district. All others are prohibited:

1. Outdoor Recreational
2. General Commercial (marinas, miniature golf, golf driving ranges, community centers, health clubs, and gyms and substantially similar uses only)
3. Public Service/Utility (low intensity only)
4. Preservation

~~J~~H. Conservation

The following uses are allowed in the Conservation land use district. All others are prohibited.

1. Outdoor Recreational (passive uses only)
2. Public Service/Utility (low intensity only)
3. Agricultural (silviculture and native range land only)
4. Preservation

~~K~~I. Industrial

The following land uses are allowed in the Industrial land use district. All others are prohibited.

1. Public Service/Utility
2. Industrial
3. Mining
4. Agricultural

3.02.04 Allowable Density And Dwelling Unit Types For Residential Use

The following table outlines the allowable densities and dwelling unit types for residential activity by district. Gross density is described in terms of dwelling units per acre. Dwelling unit types include single-family, multi-family, and manufactured housing. Single-family structures include site-built homes and modular homes manufactured under the Florida Manufactured Building Act and certified by the Florida Department of Community Affairs as complying with the structural requirements of the ~~Standard~~ Florida Building Code. Multi-family structures include any residential structure containing three (3) or more dwelling units and are considered commercial in nature. Manufactured housing includes those manufactured homes ~~not meeting the standards of the Florida Manufactured Building Act, but~~ meeting the construction and safety standards of the U. S. Department of Housing and Urban Development (HUD). Although RV units were traditionally not designed to be used as a full time residence, new trends in RV development and design have greatly changed the functionality of RV units. These changes have created a new social culture and has generated a new micro economy in Gulf County. In an effort to recognize and protect the property rights of all owners, the following regulations will apply to RV units within unrestricted residential areas:

1. Unless located in a permitted RV Park/Subdivision, owner of the RV must be same as the owner of an ID parcel or be a renter of a ID parcel.
2. RV units with no stabilizers deployed or no water or sewer connections and on a parcel with the owners/renters primary structure shall be deemed in storage.
3. RV may be permitted unless prohibited by deed or by a covenant or restriction clause.
4. Unless located in a permitted RV Park/Subdivision, only one RV shall be allowed per parcel.
5. RV unit must remain supported on its wheels and stabilizers.
6. Unless in storage, RV units must meet all setback requirements, sanitary waste (sewer or septic as permitted), potable water and electrical power.
7. RV units located in flood hazard areas are subject to Section 305 of the 2012 Flood Protection Ordinance which states:
   305.1 Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
   1. Be on the site for fewer than 180 consecutive days; or
   2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

   305.2 Permanent placement. Recreational vehicles and park trailers that do not meet the limitations in Section 305.1 of this ordinance for temporary placement shall meet the requirements of Section 304 of this ordinance for manufactured homes.
8. In addition to the 305.1 clause, any RV within a VE Flood Zone must not be left unattended for more than 72 hours.

TABLE OF DENSITY AND DWELLING UNIT TYPES FOR RESIDENTIAL USE

LAND USE/DISTRICT	GROSS DISTRICT	HOUSING TYPES SF	MF	MH~~/RV~~
RESIDENTIAL and MIXED COMMERCIAL/RESIDENTIAL				
Gulf County				
Low Density(1)	1-4 DU/acre	A	A	A
Medium Density	5-~~7~~8 DU/acre	A	A	A
High Density	9-20 DU/acre	A	A	A

Note: Density units (DU) are limited to one (1) unit per ~~lot/~~parcel, including RV's unless located in a RV Park/Subdivision.

~~**City of Wewahitchka**~~

~~Low Density~~	~~4 DU/acre~~	~~A~~	~~A~~	~~A~~		
~~Medium Density~~	~~7 DU/acre~~	~~A~~	~~A~~	~~A~~	~~*~~	~~**~~
~~High Density~~	~~20 DU/acre~~	~~A~~	~~A~~	~~A~~		

(1) Dwelling units supported by septic and well service must be .5 acres or more and 100 feet wide measured parallel to the road.

* Gulf side of all County Roads or State Roads Utilizing the number 30, IE: 30A, 30~~D~~B, 30E,
S30 - Max 3 units per acre

** Bayside or lagoon side of any roadway numbered 30 - maximum 2 units per acre

~~TABLE OF DENSITY AND DWELLING UNIT TYPES FOR RESIDENTIAL USE~~

LAND USE/DISTRICT	GROSS DENSITY	HOUSING TYPES SF	MF	MH/RV
~~**MIXED COMMERCIAL/ RESIDENTIAL**~~				
Gulf County				
~~Low Density~~	~~4 DU/acre~~	~~A~~	~~A~~	~~A~~ * **
~~Medium Density~~	~~7 DU/acre~~	~~A~~	~~A~~	~~A~~
~~High Density~~	~~20 DU/acre~~	~~A~~	~~A~~	~~A~~
~~Low Density~~	~~4 DU/acre~~	~~A~~	~~A~~	~~A~~
~~Medium Density~~	~~7 DU/acre~~	~~A~~	~~A~~	~~A~~
~~High Density~~	~~20 DU/acre~~	~~A~~	~~A~~	~~A~~
AGRICULTURAL and MIXED USE AGRICULTURAL				
***Gulf County**				
Low Density	1 DU/40 acre	A	A	A
Medium Density	1 DU/15 acre	A	A	A
High Density	1 DU/2.5 acre	A	A	A
Note: Density units (DU) are limited to one (1) unit per parcel, including RV's unless located in a RV Park/Subdivision.				
~~****City of Wewahitchka**~~				
~~Low Density~~	~~1 DU/40 acre~~	~~A~~	~~A~~	~~A~~
~~Medium Density~~	~~1 DU/15 acre~~	~~A~~	~~A~~	~~A~~
~~**MIXED AGRICULTURAL/RESIDENTIAL**~~				
~~****Wewahitchka**~~				
~~Low Density~~	~~1 DU/40 acre~~	~~A~~	~~A~~	~~A~~
~~High Density~~	~~1 DU/1 acre~~	~~A~~	~~A~~	~~A~~

* Gulf side of all county roads on State Roads utilizing the number 30, i.e., 30A, 30D, 30E, S30 - maximum 3 units per acre

** Bayside or lagoon side of any roadway numbered 30 - maximum 2 units per acre

LEGEND	DU=Dwelling Unit	A=Allowed
	SF=Single Family	P=Prohibited
	MF=Multi-Family	RV=Recreational Vehicle
	MH=Manufacture Housing	

NOTE:* The following parameters will guide the location of agricultural densities in unincorporated Gulf County:

(1) High Density ~~residential~~ agricultural development will be permitted within one mile of any residential, mixed, or industrial land use category as identified on the Future Land Use Map.

(2) Medium Density will be allowed in any area except those areas set aside for low density development, as described in Item 3 below.

(3) A ~~Florida Department of Environmental Protection (DEP)~~ wetland jurisdictional determination must be undertaken prior to development approvals in areas identified as wetlands on the ~~USGS 7.5 Minute Quadrangle Maps~~ National Wetland Inventory (NWI) maps. Where ~~FDEP~~ jurisdiction wetland is determined, development will be limited to low density.

~~** The following parameters will guide the location of agricultural densities in Wewahitchka:~~

~~(1) High density residential development will be permitted within the Mixed Agriculture/Residential land use category except those areas set aside for low density development as described in Item "3" BELOW.~~

~~(2) Medium Density will be allowed in any area except those set aside for low density development.~~

~~(3) A Florida DEP wetland jurisdictional determination must be undertaken prior to development approvals in areas identified as wetlands on the USGS 7.5 Minute Quadrangle Maps National Wetland Inventory (NWI) maps. Where FDER wetland jurisdiction is determined are identified, development will be limited to one unit per 40 acres.~~

COASTAL AREA DENSITIES

A maximum density of 2 dwelling units per acre will be allowed within the Bayside coastal area depicted on the revised Future Land Use Map.

A maximum density of 3 dwelling units per acre will be allowed within the Gulfside coastal area depicted on the revised Future Land Use Map.

When a transfer of density from wetlands to upland portions of a site occurs within the Bayside, Gulfside, or Indian Lagoon coastal areas, as depicted on the revised Future Land Use Map, such transfer shall be at a density of 1 unit per five acres of wetlands <u>or 20% of wetland area</u>. (Residential or Mixed Use)

Lots and parcels of record which existed prior to January 4, 1992, which are non-conforming with the respect to the Bayside, Gulfside or Indian Lagoon coastal densities, can be developed for one single family residential dwelling unit.

ARTICLE IV

RESOURCE PROTECTION STANDARDS

4.00.00 PURPOSE

The purpose of this Article is to establish those resources or areas of a development site that must be protected from harmful effects of development. A developer should apply the provisions of this Article to a proposed development site before any other development design work is done. Application of the provisions of this Article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

4.01.00 ENVIRONMENTALLY SENSITIVE LANDS

4.01.01 General Provisions

A. Relationship To Other Requirements Relating To The Protection Of Environmentally Sensitive Lands.

In addition to meeting the following protection of environmentally sensitive lands requirements, development plans shall comply with applicable federal, state, and water management district regulations relating to environmentally sensitive lands. In all cases, the strictest of the applicable standards shall apply.

B. Compliance When Subdividing Land.

Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of these regulations protecting environmentally sensitive lands.

4.01.02 Definitions

ACCESSORY USE: A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

ADJACENT TO A PROTECTED ENVIRONMENTALLY SENSITIVE AREA: Any location immediately abutting the boundary of any Protected Environmentally Sensitive Area, whether the location is on or off the development site.

ADVERSE EFFECTS: Any modifications, alterations, or effects on waters, associated wetlands, or shorelines, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may be potentially harmful or injurious to human health, welfare safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

CLEARING: The removal of trees and brush from the land, not including the ordinary mowing of grass.

POLLUTANT: Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air, soil, or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

PROTECTED ENVIRONMENTALLY SENSITIVE AREA: An environmentally sensitive area designated for protection in the respective local government Comprehensive Plan.

WATER OR WATERS: Includes, but is not limited to, water on or beneath the surface of the ground, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffuse surface water and water percolating, standing, or flowing beneath the surface of the ground.

WATER BODY: Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline which ordinarily or intermittently contains waters.

WATERCOURSE: Any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, banks, or their discernible boundary.

WATER'S EDGE AND WETLAND'S EDGE: The water's or wetland's edge shall be determined by whichever of the following indices yields the most landward extent of waters or ~~wetlands:~~

1. The boundary established by the annual mean high water (MHW) mark, or

2. The landwards boundary of wetland vegetation as established by a Florida Department of Environmental Protection (FDEP), Northwest Florida Water Management District or US Army Corps of Engineers (COE) jurisdictional determination.

WETLAND: Land that has a predominance of hydric soil; is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and under normal circumstances supports a prevalence of that vegetation that through a determination study meets the jurisdictional requirements of the Florida Department of Environmental Protection (FDEP), Northwest Florida Water Management District or US Army Corps of Engineers (COE).

1. High Quality Wetlands: Jurisdictional wetlands that have not been disturbed by development activity.

2. Low Quality Wetlands: Jurisdictional wetlands that:

- do not contain existing habitat for listed wildlife and plan life,
- have been disturbed by development activities such as ditches, manmade canals and borrow pits,
- containing existing timber roads, utility right-of-way, and existing trails and any said development activity after April 11, 2006 cannot be used as means to reclassify wetlands from high quality to low quality,
- are isolated or cutoff by existing upland development or lots with wetlands within a subdivision platted before January, 1993

4.01.03 Creation of Protected Environmentally Sensitive Zones

A. Wetland Protection Zone

1. There is hereby created a "Wetland Protection Zone" in which special restrictions on development apply.

2. The boundaries of this zone shall be the most landward extent of the following:

a. Areas within the dredge and fill jurisdiction of the Department of Environmental Protection as authorized by Section 403 of the Florida Statutes.

b. Areas within the jurisdiction of the US Army Corps of Engineers as authorized by Section 404, Clean Water Act, or Section 10, Rivers and Harbor Act.

c. Areas which extends fifty (50) feet landward of the high quality wetland's edge. * Lots of record that existed before 1992 and cannot meet the 50' buffer will be allowed a lesser wetland buffer. Modification of parcel boundary lines will be allowed if density is not increased and impacts to environmental protection is minimum or protection is enhanced.

B. Floodplain Protection Zone

1. There is hereby created the "Floodplain Protection Zone" in which special restrictions on development apply in addition to 4.02.00, FLOODPLAIN MANAGEMENT.

2. The Floodplain Protection Zone includes those land areas identified as "A" Zones, "AE" Zones and "VE" Zones on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM) for Gulf County ~~and the City of Wewahietheka~~.

C. St. Joseph Bay Shoreline Protection Zone

1. There is hereby created the "St. Joseph's Bay Shoreline Protection Zone" in which special restrictions on development apply.

2. This protection zone extends from St. Joseph's Bay mean high water (MHW) ~~lein~~ line to a

point fifty (50) feet landward. Lots of record that existed before 1992 and cannot meet the 50' buffer will be allowed a lesser wetland buffer. A connection to the public sewer system shall qualify as a protective measure in mitigating a buffer setback. Modification of parcel boundary lines will be allowed if density is not increased and impacts to environmental protection is minimum or protection is enhanced.

~~* Only applies to those parcels contiguous with the St. Joseph bay Aquatic Preserve~~

D. ~~Request for~~ Determination Of Boundaries

~~A developer may obtain a determination for the boundaries of a Protected Environmentally Sensitive Zone by submitting to the local Building Department, by certified mail or hand delivery, a Request for Determination of Boundaries. The request must, at a minimum, set forth an adequate description of the land the developer wishes to develop, the nature of the developer's right to ownership or control of the land, and other information needed to make the determination. In the case of wetlands, only a preliminary wetland protection zone determination can be made by the Building Department utilizing the 7.5 Minute US Geological Survey Quadrangle Maps which identify general wetland boundaries. The Department shall make the determination within ten (10) working days of receiving the needed information from the developer.~~ It is the responsibility for the developer to have a ~~final~~ wetland and habitat determination conforming to the regulatory requirements applicable to the Florida Department of Environmental Protection (DEP), Northwest Florida Water Management District (NWFWMD), and /or the US Army Corps of Engineers (USACOE) for wetlands and US Fish and Wildlife Service (FWS) and/or Florida Fish and Wildlife Conservation Commission (FWCC) for habitat protection before any form of construction is authorized.

4.01.04 Development Activities Within Protected Environmentally Sensitive Zones

A. Generally

Except as expressly provided herein, no development activity shall be undertaken in wetland or shoreline protection zones. The exception shall be any development seaward of the Department of Environmental Protection (DEP) Coastal Construction Control Line (CCCL) will default to the environmental evaluation expertise and permitting authority of DEP .

B. Minor Accessory Structures And Activities To Have An Insignificant Adverse Effect On Protected Environmentally Sensitive Zones.

1. Certain activities are presumed to have an insignificant adverse effect on the beneficial functions of Protected Environmentally Sensitive Zones. Notwithstanding the prohibition of

SECTION 4.01.04-A above, these activities may be undertaken unless it is shown by competent and substantial evidence that the specific activity would have a significant adverse effect on the Protected Environmentally Sensitive Area.

2. The following uses and activities are presumed to have an insignificant adverse effect on a Wetland Protection Zone:

a. Scenic, historic, wildlife, or scientific preserves;

b. Minor maintenance or emergency repair to existing structures or improved areas;

c. Cleared walking trails having no structural components;

d. Catwalks and docks four (4) feet or less in width;

e. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds;

f. Cultivating agricultural, silvicultural, horti-cultural, or aqaucultural resources that occur naturally on the site;

g. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence;

h. Developing an area that no longer functions as a wetland. The developer must demonstrate that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydro-periodicity necessary to sustain wetland structure and function; and,

i. Developing a "Wetlands Storm Water Discharge Facility" or "Treatment Wetland" in accordance with state permits received under Chapters 17-35, and 17-6, Florida Administrative Code;

3. The following uses and activities are presumed to have an insignificant adverse effect on the St. Joseph's Bay Shoreline Protection Zone:

a. Scenic, historic, wildlife, or scientific preserves;

b. Minor maintenance or emergency repair to existing structures or improved areas;

c. Clearing of shoreline vegetation waterward of the water's edge, so as to provide a corridor not to exceed fifteen (15) feet in the width, of sufficient length from the shore to allow access for a boat or swimmer to reach open water, and landward of the water's edge so as to provide an open area not to exceed twenty-five (25) feet in width. (One additional such corridor may be cleared for every full one hundred (100) feet of frontage along the water's edge above and

beyond the first one hundred (100) feet;

d. Clearing of shoreline vegetation to create walking trails having no structural components, not to exceed four (4) feet in width;

e. Catwalks, docks and trail bridges that are less than or equal to four (4) feet wide which have been permitted by DEP.

f. Cultivating agricultural, silvicultural, horti-cultural, or aquacultural resources that occur naturally on the site;

g. Commercial or recreational fishing, hunting or trapping, and creation and maintenance of temporary blinds as permitted by law.

h. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of this fence; and;

i. Developing a "Wetlands Storm Water Discharge Facility" or Treatment Wetland" in accordance with state permits received under Chapters 17-25 and 17-6, Florida Administrative Code;

4. Development activities must be consistent with allowable uses in each land use district and must comply with the requirements contained in Floodplain Management Regulations.

B. Special Uses

1. Water Dependent Activities

a. Generally designated water dependent activities that are otherwise prohibited within Wetland and Shoreline Protection Zones may be allowed if the developer shows:

(1) The public benefits of the activity substantially outweigh the adverse environmental effects on a wetland area; and

(2) No practical alternative to placement in the Protected Environmentally Sensitive Zone exists.

b. Permittable Water Dependent Activities

The following are types of Permittable water dependent activities:

(1) Dredge/fill projects, i.e., those including material places in or removed from the watercourses, water bodies or wetlands, as permittable by regulatory agencies;

(2) Dockage or marinas where dock length does not impede navigation and as otherwise permittable by state and federal regulatory agencies.

(3) New riprap or similar shoreline stabilization techniques minimize shoreline erosion. New construction of vertical seawalls in coastal areas will be prohibited, exempting bridge construction, port-related development, and commercial and industrial water dependent uses.

(4) Installation of buoys, aids to navigation signs, and fences.

(5) Performance of maintenance dredging for ten (10) years from the date of the original permit. Thereafter, performance of maintenance dredging as permittable by regulatory agencies.

(6) Installation of subaqueous transmission and distribution lines for water, wastewater, electricity, communication cables, oil or gas. Lines may be entrenched in, laid on, or embedded in bottom waters, as permittable by regulatory agencies.

(7) Construction of foot bridges and vehicular bridges.

(8) Replacement of widening of bridges on pilings or trestles where the effects of pollutants discharged into open waters are minimized.

(9) Construction of artificial reefs.

c. Minimization Of Impacts

The water dependent activity shall be designed, constructed, maintained and undertaken in a way that minimizes the adverse impacts on the beneficial functions of the affected protected Environmentally Sensitive Zone.

D. Development Of Parcels Containing Environmentally Sensitive Lands

1. The acreage within a Protected Environmentally Sensitive Zone may be used to determine the total allowable units or square footage of development that will be allowed on a site containing all or part of such a zone. In such situations, the clustering of development may occur in non-sensitive areas, such as the upland portions of the site.

2. Within Protected Environmentally Sensitive Zones and adjacent areas where hydrology may be adversely impacted, the following protective measures may be necessary to prevent significant adverse effects on environmentally sensitive lands. The factual basis of the decision to require any such measure shall be stated as a finding in the written record, protective measures may include, but are not limited to the following:

   a. Wherever possible, natural buffers shall be retained between all development and Protected Environmentally Sensitive Zones.

b. Maintaining natural drainage patterns through such measures as culverting roadways and driveways.

c. Limiting the removal of vegetation to the minimum necessary to carry out the development activity.

d. Expeditiously replanting denuded areas.

e. Stabilizing banks and other unvegetated areas by siltation and erosion-control.

f. Minimizing the amount of fill used in the development activity.

g. Disposing of dredged spoil at specified locations in a manner causing minimal environmental damage.

h. Constructing channels at the minimum depth and width necessary to achieve their intended purposes, and designing them to prevent slumping and erosion and to allow revegetation of banks.

i. Dredging wetlands at times of minimum biological activity to avoid periods of fish migration and spawning, and other cycles and activities of wildlife.

j. Designing, locating, constructing, and maintaining all development in a manner that minimizes environmental damage.

k. Using deed restrictions and legal mechanisms to require the developer and successor to protect the environmentally sensitive areas and maintain the development in compliance with the protective measures.

E. Septic Tank Setbacks

Conventional septic tank systems shall be prohibited within 150 feet from coastal waters and wetlands (including saltmarsh areas) within the Bayside area depicted on the revised Future Land Use Map, and shall be prohibited within 75 feet of coastal waters and wetlands (including saltmarsh areas) within the Gulf side area depicted in the revised Future Land Use Map.

Lots or parcels of record which existed prior to January 14, 1992, which cannot be developed without placement of the septic tank within the 150 setback, may be exempted from the 150 foot setback requirement, but the septic tank shall be placed as far landward as possible.

The minimum setback distance for buffering other Gulf County wetlands and other surface water bodies from septic tank systems shall be seventy-five (75') feet as required by Florida Statutes 381.031.

4.042.00 FLOODPLAINS MANAGEMENT

4.02.01 Findings Of Fact, Purpose And Intent, Objectives

STATUTORY AUTHORIZATION

The Legislature of the State of Florida has in State Statutes authorized and delegated in Chapter 125, the responsibility of local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. The Federal Government has authorized the Federal Emergency Management Agency (FEMA) through the National Flood Insurance Program (NFIP) and Community Rating System (CRS) to regulate building within identified floodplains. Therefore, the Board of County Commissioners of Gulf County, Florida does ~~ordain as follows~~ hereby enforce the following floodplain management regulations in 4.02.02 as adopted in the most current Floodplain Management Ordinance.

A. FINDINGS OF FACT

(1) The flood hazard areas of Gulf County are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

B. STATEMENT OF PURPOSE

It is the purpose of this ordinance to save lives, promote the public health, safety and general welfare, and minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to life, health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights and velocities;

(2) Require that uses vulnerable to floods including facilities which serve such uses be protected against flood damage throughout their intended life span;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

C. OBJECTIVES

The objectives of this ordinance are to:

(1) Protect human life, health and to eliminate or minimize property damage;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, roadways, and bridges and culverts located in floodplains;

(6) Maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and

(7) Ensure that potential homebuyers are notified that property is in a flood hazard area.

4.02.02 ~~DEFINITIONS~~ FLOODPLAIN MANAGEMENT ORDINANCE

~~Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.~~

~~**ADDITION (TO AN EXISTING BUILDING):** means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fore wall. Any walled and roofed addition which is connected by a fire or is separated by independent perimeter load bearing walls is new construction.~~

~~**Accessory structure** (Appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for~~

~~human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.~~

~~**Appeal** means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.~~

~~**Area of shallow flooding** means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~**Area of special flood hazard** is the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This term is synonymous with the phrase "special flood hazard area."~~

~~**Base flood** means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100 year flood" and the "regulatory flood"). Base flood is the term used throughout this ordinance.~~

~~**Base Flood Elevation** means the water-surface elevation associated with the base flood.~~

~~**Basement** means any portion of a building having its floor sub-grade (below ground level) on all sides.~~

~~**Breakaway wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.~~

~~**Building** means any structure built for support, shelter, or enclosure for any occupancy or storage. see **Structure**.~~

~~**Coastal high hazard area** means an area subject to high velocity waters caused by, but not limited to, hurricane wave wash of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE, or V.~~

~~**Datum** A reference surface used to ensure that all elevation records are properly related. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.~~

~~**Development** means any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.~~

~~**Elevated building** means a non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, columns, pilings, shear walls, or breakaway walls.~~

~~**Encroachment** means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.~~

~~**Existing Construction** means, for the purposes of floodplain management, structures for which "the start of construction" commenced before June 15, 1983. Existing construction, means for the purposes of determining rates structures for which the "start of construction" commenced before June 15, 1983. This term may also be referred to as "existing structures".~~

~~**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before June 15, 1983.~~

~~**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).~~

~~**Flood or flooding** means:~~

~~(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:~~

~~(1) The overflow of inland or tidal waters.~~

~~(2) The unusual and rapid accumulation or runoff of surface waters from any source.~~

~~(3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a) (2) of this definition and are akin to a river of liquid and flowing mud on the surface of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.~~

~~(b) The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water,~~

~~accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.~~

~~**Flood Boundary and Floodway Map (FBFM)** means the official map of the community on which the Federal Emergency Management Agency (FEMA) has delineated the areas of special flood hazard and regulatory floodways.~~

~~**Flood Hazard Boundary Map (FHBM)** means an official map of the community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A only Approximate Zone A.~~

~~**Flood Insurance Rate Map (FIRM)** means an official map of the community, on which the federal FEMA has, which delineated both the areas of special flood hazard and the risk premium zones applicable to the community.~~

~~**Flood Insurance Study (FIS)** means the official hydrology and hydraulics report provided by FEMA. The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.~~

~~**Floodplain** means any land area susceptible to being inundated by water from any source (see definition of "flooding").~~

~~**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.~~

~~**Floodplain Administrator** is the individual appointed to administer and enforce the floodplain management regulations of the community.~~

~~**Floodplain management regulations** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power which control development in flood prone areas. This term describes Federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.~~

~~**Floodproofing** means any combination of structural and non structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

~~**Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.~~

~~**Floodway fringe** means that area of the one-percent (base or 100-year) floodplain on either side of the regulatory floodway.~~

~~**Freeboard** means the additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions.~~

~~**Free of Obstruction** means any type of lower area enclosure or other construction element will not obstruct the flow of velocity water and wave action beneath the lowest horizontal structural member of the lowest floor of an elevated building during a base flood event. This requirement applies to the structures in velocity zones (V Zones).~~

~~**Functionally dependent use** means a use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.~~

~~**Hardship** as related to variances from this ordinance means the exceptional difficulty associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.~~

~~**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a building structure.~~

~~**Historic Structure** means any structure that is:~~

~~a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:~~

~~b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic or a district preliminarily determined by the Secretary to qualify as a registered historic district:~~

~~c) Individually listed on the Florida inventory of historic places, which has been approved by the Secretary of the Interior; or~~

~~d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:~~

~~1. By the approved Florida program as determined by the Secretary of the Interior, or~~

~~2. Directly by the Secretary of the Interior.~~

~~**Lowest adjacent grade** means the lowest elevation, after the completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.~~

~~**Lowest floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design standards of this ordinance.~~

~~**Mangrove Stand** means an assemblage of mangrove trees which are mostly low trees noted for a copious development of interlacing adventitious roots above ground and which contain one or more of the following species: Black mangrove (Avicennia Nitida); red mangrove (Rhizophora mangle); white mangrove (Languncularia Racemosa); and buttonwood (Conocarpus Erecta).~~

~~**Manufactured home** means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.~~

~~**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.~~

~~**Market value** means the building value, which is the property value excluding the land value and that of the detached accessory structures and other improvements on site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent certified appraisal (other than a limited or curbside appraisal, or one based on income approach), Actual Cash Value (replacement cost depreciated for age and quality of construction of building), or adjusted tax assessed values.~~

~~**Mean Sea Level** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929, or North American Vertical Datum (NAVD) of 1988.~~

~~**National Geodetic Vertical Datum (NGVD)** of 1929 means a vertical control used as a reference for establishing varying elevations within the floodplain.~~

~~**New Construction** means, for floodplain management purposes, any structure for which the "start of construction" commenced on or after June 15, 1983. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after June 15, 1983, and includes any subsequent improvements to such structures.~~

~~**New manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management code, ordinance or standard.~~

~~**North American Vertical Datum** (NAVD) of 1988 means a vertical control used as a reference for establishing varying elevations within the floodplain.~~

~~**Primary frontal dune** means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.~~

~~**Principally above ground** means that at least 51 percent of the actual cash value of the structure is above ground.~~

~~**Program deficiency** means a defect in the community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the standards required by the National Flood Insurance Program.~~

~~**Public safety and nuisance** means anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.~~

~~**Reasonably safe from flooding** means base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.~~

~~**Recreational vehicle** means a vehicle that is:~~

~~a) Built on a single chassis;~~

~~b) 400 square feet or less when measured at the largest horizontal projection;~~

~~c) Designed to be self-propelled or permanently towable by a light duty truck; and~~

~~d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

~~**Regulatory floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.~~

~~**Remedy a deficiency or violation** means to bring the regulation, procedure, structure or other development into compliance with State of Florida, Federal, or local floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.~~

~~**Riverine** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.~~

~~**Sand dune** means naturally occurring accumulations of sand in ridges or mounds landward of the beach.~~

~~**Shallow flooding** – see **area of shallow flooding**.~~

~~**Special flood hazard area** – see **area of special flood hazard**.~~
~~**Start of construction** means, for other than new construction and substantial improvements under the Coastal Barrier Resources Act P. L. 97-348, includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.~~

~~**Storm cellar** means a place below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornadoes or similar windstorm activity.~~

~~**Structure** means, for floodplain management purposes, a walled and roofed building, including gas or liquid storage tank that is principally above ground, as well as a manufactured home.~~

~~**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term also includes "repetitive loss" structures as defined herein.~~

~~**Substantial improvement** means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage" regardless of the actual repair work performed. This term does not, however, include any repair or improvement of a structure to correct existing violations of State of Florida or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official prior to the application for permit for improvement, and which are the minimum necessary to assure safe living conditions. This term does not include any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

~~**Substantially improved existing manufactured home parks or subdivisions** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.~~

~~**Variance** is a grant of relief from the requirements of this ordinance.~~

~~**Violation** means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.~~

~~**Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.~~

~~**Water surface elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.~~

~~ARTICLE 3. GENERAL PROVISIONS~~

~~**SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES**~~

~~This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Board of County Commissioners of Gulf County, Florida.~~

~~**SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**~~

~~The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) for the Gulf County, Florida, dated April 9, 2009, with the accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study and Flood Insurance Rate Map are on file at Robert M. Moore Administration Building.~~

~~**SECTION C. DESIGNATION OF FLOODPLAIN ADMINISTRATOR**~~

~~The Board of County Commissioners of Gulf County, Florida hereby appoints the Gulf County Planning and Building Departments to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.~~

~~**SECTION D. ESTABLISHMENT OF DEVELOPMENT PERMIT**~~

~~A development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.~~

~~**SECTION E. COMPLIANCE**~~

~~No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.~~

~~**SECTION F. ABROGATION AND GREATER RESTRICTIONS**~~

~~This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.~~

~~**SECTION G. INTERPRETATION**~~

~~In the interpretation and application of this ordinance all provisions shall be:~~

~~(1) Considered as minimum requirements;~~

~~(2) Liberally construed in favor of the governing body; and~~

~~(3) Deemed neither to limit nor repeal any other powers granted under State of Florida statutes.~~

~~**SECTION H. WARNING AND DISCLAIMER OF LIABILITY**~~

~~The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Board of County Commissioners of Gulf County, Florida or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.~~

~~**SECTION I. PENALTIES FOR VIOLATION**~~

~~Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall be punishable for a non-criminal violation. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined not more than $500, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as are necessary to prevent or remedy any violation.~~

~~**ARTICLE 4. ADMINISTRATION**~~

~~**SECTION A. PERMIT PROCEDURES**~~

~~Application for a Development Permit shall be made to the Floodplain Administrators on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing and proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required:~~

~~(1) **Application Stage:**~~

~~a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;~~

~~b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;~~

~~c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Article 4, Section A (2) and Article 5, Section B (2);~~

~~d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and~~

~~e) Elevation in relation to mean sea level of the bottom of the lowest horizontal structural member of the lowest floor and provide a certification from a registered engineer or architect indicating that they have developed and/or reviewed the structural designs, specifications and plans of the construction and certified that are in accordance with accepted standards of practice in Coastal High Hazard Areas.~~

~~(2) **Construction Stage:**~~

~~Upon placement of the lowest floor, or flood proofing by whatever construction means, or bottom of the lowest horizontal structural member it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD or NAVD elevation of the lowest floor or flood proofed elevation, or bottom of the lowest horizontal structural member of the lowest floor as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. The permit holder immediately and prior to further progressive work being permitted to proceed shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.~~

~~SECTION B. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR~~

~~**Duties of the Administrator shall include, but are not be limited to:**~~

~~(1) Review permits to assure sites are reasonably safe from flooding;~~

~~(2) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;~~

~~(3) Require copies of additional Federal, State of Florida, or local permits, especially as they relate to Chapters 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065; and 553, Part IV, Florida Statutes, be submitted along with the development permit application and maintain such permits on file with the development permit;~~

~~(4) Notify adjacent communities, the Florida Department of Community Affairs – Division of Emergency Management – NFIP Coordinating Office, Northwest Florida Water Management District, the Federal Emergency Management Agency, and other Federal and/or State of Florida agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;~~

~~(5) Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;~~

~~(6) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) or bottom of the lowest horizontal structural member of the lowest floor (V-Zones) of all new and substantially improved buildings, in accordance with Article 5, Section B (1) and (2) and Section E (2), respectively;~~

~~(7) Verify and record the actual elevation (in relation to mean sea level) to which the new and substantially improved buildings have been flood proofed, in accordance with Article 5, Section B (2);~~

~~(8) Review certified plans and specifications for compliance. When flood proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building, together with attendant utilities and sanitary facilities, below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy in compliance with Article 5, Section B (2) of this ordinance. In Coastal High Hazard Areas, certification shall be obtained from a registered professional engineer or architect that the building is designed and securely anchored to pilings or columns in order to withstand velocity waters and hurricane wave wash. Additionally in Coastal High Hazard Areas, if the area below the lowest horizontal structural member of the lowest floor is enclosed, it may be done so with open wood lattice and insect screening or with non-supporting breakaway walls that meet the standards of Article 5, Section E (6) of this ordinance;~~

~~(9) Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Article;~~

~~(10) When base flood elevation data and floodway data have not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of Article 5;~~

~~(11) Coordinate all change requests to the FIS, FIRM and FBFM with the requester, State of Florida, and FEMA, and~~

~~(12) Where Base Flood Elevation is utilized, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements in accordance with Article 5, Sections B (1) and (2), respectively.~~

~~ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION~~

~~SECTION A. GENERAL STANDARDS~~

~~In all areas of special flood hazard, all development sites including new construction and substantial improvements shall be reasonably safe from flooding, and meet the following provisions:~~

~~(1) New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;~~

~~(2) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;~~

~~(3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;~~

~~(4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;~~

~~(5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be located one foot above BFE so as to prevent water from entering or accumulating within the components during conditions of flooding;~~

~~(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems;~~

~~(7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;~~

~~(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;~~

~~(9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance;~~

~~(10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced;~~

~~(11) All applicable additional Federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator along with the application for development permit. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to, the following:~~

~~(a) Northwest Florida Water Management District: in accordance with Chapter 373.036 Florida Statutes, Section (2) (a) – Flood Protection and Floodplain Management;~~

~~(b) Department of Community Affairs: in accordance with Chapter 380.05 F.S. Areas of Critical State Concern, and Chapter 553, Part IV F.S., Florida Building Code;~~

~~(c) Department of Health: in accordance with Chapter 381.0065 F.S. Onsite Sewage Treatment and Disposal Systems; and~~

~~(d) Department of Environmental Protection, Coastal Construction Control Line: in accordance with Chapter 161.053 F.S. Coastal Construction and Excavation.~~

~~(12) Standards for Subdivision Proposals and other new Proposed Development (including manufactured homes):~~

~~(a) Such proposals shall be consistent with the need to minimize flood damage;~~

~~(b) Such shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage; and~~
~~(c) Such proposals shall have adequate drainage provided to reduce exposure to flood hazards.~~

~~(13) When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction.~~

~~(14) When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.~~

~~SECTION B. SPECIFIC STANDARDS.~~

~~In all A-Zones where base flood elevation data have been provided (Zones AE, A1–30, A (with base flood elevation), and AH), as set forth in Article 3, Section B, the following provisions, in addition to those set forth in Article 5, Section A, shall apply:~~

~~(1) *Residential Construction.* All new construction and substantial improvement of any residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, there must be a minimum of two openings on different sides of each enclosed area sufficient to facilitate automatic equalization of flood hydrostatic forces in accordance with standards of Article 5, Section B (3).~~

~~(2) *Non-Residential Construction.* All new construction and substantial improvement of any commercial, industrial, or non-residential building (including manufactured home) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. All buildings located in A Zones may be flood-proofed, in lieu of being elevated, provided that all areas of the building components, together with attendant utilities and sanitary facilities, below the base flood elevation plus one foot are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Floodplain Administrator.~~

~~(3) *Enclosures below the Lowest Floor.* New construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.~~

~~(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet or exceed the following minimum criteria:~~

~~(i) Provide a minimum of two openings on different sides of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;~~

~~(ii) The bottom of all openings shall be no higher than one foot above adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and~~

~~(iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.~~

~~(b) Fully enclosed areas below the lowest floor shall solely be used for parking of vehicles, storage, and building access. Access to the enclosed area shall be minimum necessary to allow for parking of vehicles (garage door), limited storage of maintenance equipment used in connection with the premises (standard exterior door), or entry to the living area (stairway or elevator); and~~

~~(c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.~~

~~(d) All construction materials must be approved by the Floodplain Administrator.~~

~~(4) Standards for Manufactured Homes and Recreational Vehicles~~

~~(a) All manufactured homes that are placed, or substantially improved within Zones A1-30, AH, and AE, on sites (i) outside of an existing manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, the lowest floor be elevated on a permanent foundation to no lower than one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

~~(b) All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision that are not subject to the provisions of paragraph 4 (a) of this Section, must be elevated so that either:~~

~~(i) The lowest floor of the manufactured home is elevated to no lower than one foot above the base flood elevation, or~~

~~(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are no less than 36 inches in height above the grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.~~

~~c) All recreational vehicles must either:~~

~~(i) Be on the site for fewer than 180 consecutive days,~~

~~(ii) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions), or~~

~~(iii) Meet all the requirements for new construction, including anchoring and elevation standards in accordance with Article 5, Section B (4) (a) and (b).~~

~~(5) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures within Zone AH.~~

~~(6) Standards for waterways with established Base Flood Elevations, but without Regulatory Floodways.~~

~~Located within the areas of special flood hazard established in Article 3, Section B, where streams exist for which base flood elevation data has been provided by the Federal Emergency Management Agency without the delineation of the regulatory floodway (Zones AE and A1-30), the following provisions, in addition to those set forth in Article 5, Section B (1) through (5), shall apply:~~

~~(a) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.~~

~~(b) Development activities which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the developer or applicant first applies – with the community's endorsement – for a conditional FIRM revision, and receives the approval of the Federal Emergency Management Agency (FEMA).~~

~~(7) Standards for waterways with established Base Flood Elevations and Floodways.~~

~~Located within areas of special flood hazard established in Article 3, Section B, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the high velocity of flood waters which carry debris, potential projectiles and have significant erosion potential, the following provisions, in addition to those set forth in Article 5, Section B (1) through (6), shall apply:~~

~~(a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional engineer is provided through hydrologic and hydraulic analyses performed in accordance with standard engineering practice demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.~~

~~(b) Development activities including new construction and substantial improvements within the regulatory floodway that increase the base flood elevation may be allowed, provided that the developer or applicant first applies – with the community's endorsement – for a conditional FIRM revision, and receives the approval of FEMA.~~

~~(c) When fill is proposed, in accordance with the permit issued by the Florida Department of Health, within the regulatory floodway, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood in accordance with Article 5, Section B (7) (a).~~

~~(8) For all structures located seaward of the Coastal Construction Control Line (CCCL), the lowest floor of all new construction and substantial improvements shall be elevated to no lower than the 100-year flood elevation established by the Florida Department of Environmental~~

~~Protection or by FEMA in accordance with Article 3, Section B, whichever is higher. All non-elevation design requirements of Article 5, Section B shall apply.~~

~~SECTION C. SPECIFIC STANDARDS FOR A-ZONES WITHOUT BASE FLOOD ELEVATIONS AND REGULATORY FLOODWAYS.~~

~~Located within the areas of special flood hazard established in Article 3, Section B, where there exist A-Zones for which no base flood elevation data and regulatory floodway have been provided or designated by the Federal Emergency Management Agency, the following provisions shall apply:~~

~~(1) Require standards of Article 5, Section A.~~

~~(2) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data. Standards set forth in Article 5, Section B shall apply.~~

~~(3) The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State of Florida, or any other source, in order to administer the provisions of this ordinance. When such data is utilized, provisions of Article 5, Section B shall apply. The Floodplain Administrator shall:~~

~~(a) Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,~~

~~(b) Obtain, if the structure has been floodproofed in accordance with the requirements of Article 5, Section B (2), the elevation in relation to the mean sea level to which the structure has been floodproofed, and~~
~~(c) Maintain a record of all such information.~~

~~(4) Notify, in riverine situations, adjacent communities, the Florida Department of Community Affairs – NFIP Coordinating Office, and the Northwest Florida water Management District prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA.~~

~~(5) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.~~

~~(6) Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.~~

~~(7) When the data is not available from any source, in accordance with standard set forth in Article 5, Section C (2) of this Section, the lowest floor of the structure shall be elevated to no lower than three feet above the highest adjacent grade. Standards set forth in Article 5, Section B shall apply.~~

~~SECTION D. STANDARDS FOR AO ZONES~~

~~Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet, where a clearly defined channel does not exist and the path of flooding is unpredictable and indeterminate; therefore, the following provisions, in addition to Article 5, Section A, apply:~~

~~(1) All new construction and substantial improvements of residential structures in all AO Zones shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map plus one foot. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to no less than three feet above the highest adjacent grade.~~

~~(2) All new construction and substantial improvements of non-residential structures shall:~~

~~(a) Have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the Flood Insurance Rate Map. If no flood depth number is specified, the lowest floor, including basement, shall be elevated to at least three feet above the highest adjacent grade, or~~

~~(b) Together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Article 5, Section D (2) (a).~~

~~(3) Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.~~

~~(4) Fully enclosed areas below the lowest floor that are subject to flooding shall meet the non-elevation design requirements of Article 5, Section B.~~

~~SECTION E. STANDARDS FOR COASTAL HIGH HAZARD AREAS (V-ZONES)~~

~~Located within areas of special flood hazard established in Article 3, Section B are Coastal High Hazard Areas, designated as Zones V1-30, VE, or V (with BFE). The following provisions shall apply:~~

~~(1) Meet the standards of Article 4, Section A, and Article 5, Sections A, B (except B (7)), C, and D.~~

~~(2) All new construction and substantial improvements in Zones V1–V30, VE, and V (with BFE) shall be elevated on pilings or columns so that:~~

~~(a) The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to no lower than one foot above the base flood elevation whether or not the structure contains a basement; and~~

~~(b) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading will be those values associated with the base flood. Wind loading values will be those required by applicable State of Florida or local, if more stringent than those of the State of Florida, building standards.~~

~~(c) For all structures located seaward of the Coastal Construction Control Line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the 100-year flood elevation established by the Florida Department of Environmental Protection or the base flood elevation, whichever is the higher.~~

~~(3) A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this Section.~~

~~(4) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures. The Floodplain Administrator shall maintain a record of all such information.~~

~~(5) All new construction and substantial improvements shall be located landward of the reach of mean high tide.~~

~~(6) Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by State of Florida or local codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:~~

~~(a) Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and~~

~~(b) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). The water loading shall be those values associated with the base flood. The wind loading values shall be those required by applicable Florida or local, if more stringent than those of the State of Florida, building standards.~~

~~(c) Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be finished, partitioned into multiple rooms, or temperature-controlled and shall not exceed 100 square feet total. An elevator may be exempt from the 100 square feet total if exempted by the Floodplain Administrator.~~

~~(7) Prohibit the use of fill for structural support. No development permit shall be issued for development involving fill in coastal high hazard areas unless it has been demonstrated through appropriate engineering analyses that the subject fill does not cause any adverse impacts to the structure on site or other properties.~~

~~(8) Prohibit man-made alteration of sand dunes and mangrove stands that would increase potential flood damage.~~

~~(9) Standards for Manufactured Homes~~

~~(a) All manufactured homes to be placed or substantially improved on sites: (i) Outside a manufactured home park or subdivision, (ii) In a new manufactured home park or subdivision, (iii) In an expansion to an existing manufactured home park or subdivision, or, (iv) In an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as the result of a flood, must meet the standards of Article 5, Section E (2) though (8), or~~
~~(b) All manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision shall meet the requirements of Article 5, Section B (4) (b).~~

~~(10) Recreational vehicles placed on sites within Zones VE, V1-V30, V (with base flood elevation) on the FIRM either~~

~~(a) Be on the site for fewer than 180 consecutive days,~~

~~(b) Be fully licensed and ready for highway use (on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions); or~~

~~(c) Meet the requirements of Article 5, Section E (2) through (8).~~

~~(11) For all structures located seaward of the Coastal Construction Control Line (CCCL), the bottom of the lowest horizontal structural member of the lowest floor of all new construction and substantial improvements shall be elevated to the flood elevation established by the Florida Department of Environmental Protection or the base flood elevation plus one foot, whichever is higher. All non-elevation design requirements Article 5, Section E (2) through (10) shall apply.~~

~~(12) When fill is proposed, in accordance with the permit issued by the Florida Department of Health, in coastal high hazard area, the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood nor cause any adverse impacts to the structure on site or other properties by wave ramping or deflection.~~

~~ARTICLE 6. VARIANCE PROCEDURES.~~

~~SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD.~~

~~The Planning and Development Review Board (PDRB) as established by the Board of County Commissioners (BOCC) of Gulf County, Florida shall hear and decide appeals and requests for variances from the requirements of this ordinance and make recommendation to the Board of County Commissioners who will have the final vote of approval.~~

~~SECTION B. DUTIES OF VARIANCE AND APPEALS BOARD.~~

~~The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Management Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Circuit Court.~~

~~SECTION C. VARIANCE PROCEDURES.~~

~~In acting upon such applications, the PDRB and BOCC shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:~~

~~(1) The danger that materials may be swept onto other lands to the injury of others;~~

~~(2) The danger of life and property due to flooding or erosion damage;~~

~~(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

~~(4) The importance of the services provided by the proposed facility to the community;~~

~~(5) The necessity to the facility of a waterfront location, where applicable;~~

~~(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~

~~(7) The compatibility of the proposed use with existing and anticipated development;~~

~~(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~

~~(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~(10) The expected heights, velocity, duration, rate of rise, and sediment of transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~

~~(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.~~

~~SECTION D. CONDITIONS FOR VARIANCES.~~

~~(1) Variances shall only be issued when there is:~~

~~(a) A showing of good and sufficient cause;~~

~~(b) A determination that failure to grant the variance would result in exceptional hardship; and~~

~~(c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~

~~(2) Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of this ordinance.~~

~~(3) The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community's NFIP Biennial Report or upon request to FEMA and the State of Florida, Department of Community Affairs, NFIP Coordinating Office.~~

~~SECTION E. VARIANCE NOTIFICATION.~~

~~Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:~~

~~(1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and~~

~~(2) Such construction below the base flood level increases risks to life and property.~~

~~A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.~~

~~SECTION F. HISTORIC STRUCTURES.~~

~~Variances may be issued for the repair or rehabilitation of "historic" structures – meeting the definition in this ordinance – upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic" structure.~~

~~SECTION G. STRUCTURES IN REGULATORY FLOODWAY.~~

~~Variances shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.~~

~~ARTICLE 7. SEVERABILITY.~~

~~If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.~~

~~PASSED AND DULY ADOPTED~~ ~~with a quorum present and voting, by the Board of County Commissioners of Gulf County, Florida, this 14 day of April, 2009.~~

~~ATTEST:~~ **~~BOARD OF COUNTY COMMISSIONERS~~**

~~GULF COUNTY, FLORIDA~~

~~Rebecca L. Norris, Clerk~~ **~~Nathan Peters, Jr., Chairman~~**

ARTICLE V

DEVELOPMENT STANDARDS

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ARTICLE V
DEVELOPMENT STANDARDS

5.00.00 GENERAL PROVISIONS

5.00.01 Purpose

The purpose of this Article is to provide development standards applicable to all development activity within Gulf County. ~~and the City of Wewahitchka~~.

5.00.02 Responsibility For Improvements

All improvements required by this Article shall be designed, installed and paid for by the Developer.

5.00.03 Principles Of Development Design

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article IV of this LDR ~~Code~~. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

5.01.00 LOT AREA, LOT COVERAGE, SETBACKS AND BUILDING HEIGHT

5.01.01 Minimum Lot Area Requirements

A. Requirements for all Developments

All developments shall have a total land area sufficient to meet all development standards in this LDR ~~Code~~, including, but not limited to, land required to provide setbacks from abutting rights-of-way, buffers, stormwater management, off-street parking and circulation, protection of environmentally sensitive lands, and any other provisions which may require land area to be set aside.

B. Specific Requirements for Residential Development

There is no minimum lot area for individual lots within a residential development that will be served by both a central water and central sewer system, provided that all of the following requirements are met:

1. The land area for the total project is sufficient to meet standards of this LDR ~~Code~~ as stated in paragraph A of this Section.

2. Gross density of the area shall not exceed that specified in Article III Section 3.02.04.

3. Land, exclusive of individual lots to be conveyed in fee simple ownership, shall be controlled and maintained through a condominium association, property owner's association or their similar provision or may be conveyed to governmental or not-for-profit organizations. Recordable instruments providing for these common-ownership lands shall be submitted for review with the application for development plan review.

C. Specific Requirements for Areas without Central Utilities

All proposed development in areas that will not be served by central sewer shall comply with the minimum lot area, setback and separation requirements of the permitting agencies, such as the Department of Environmental Protection ~~Regulation,~~ Department of Health ~~and Rehabilitative~~ Environmental Services and the Northwest Florida Water Management District.

5.01.02 Impervious Surface Coverage And Stormwater Management

A. General

Impervious surface refers to a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally impervious surface area of a development shall not exceed the ratios established in the table in paragraph E of this Section.

B. Ratio Calculation

The impervious surface ratio is calculated by dividing the total impervious surface (including building footprints, roads, parking lots, swimming pools, and similar structures/surfaces) by the gross site area less than the area of existing proposed water bodies. Water bodies are excluded from the impervious surface ratio calculation, but will be considered as impervious surface in the stormwater runoff calculations that must be prepared to obtain required stormwater discharge permits from the Florida Department of Environmental Protection in accordance with Chapter 17-25, F.A.C.

C. Treatment of Cluster Development

Cluster development or other site design alternatives may result in individual lots within a development project exceeding the impervious surface ratio, while other lots may be devoted entirely to open space in order to meet overall site impervious surface requirements. The development approval authority must require, as a condition of approval, deed restrictions or covenants that guarantee the maintenance of such open space in perpetuity.

D. Alternative Paving Materials

If porous paving materials are used in accord with acceptable engineering practices, then the area covered with porous paving materials shall not be counted as impervious surface.

E. Table of impervious Surface Ratios

Land Use	Lot Coverage Maximum ~~Impervious Surface Ratio (ISR)~~
Residential	
Low Density	0.30
Medium Density	0.~~40~~50
High Density	0.50
Institutional	0.70
Outdoor Recreation	0.~~50~~.20
Professional Service & Office	0.60
General Commercial	0.70
High-Intensity Commercial	0.70
Public Service/Utility	0.60
Agricultural	N/A
Industrial	0.70 or permitting
Mining	0.30
Preservation	~~N/A~~.1

The maximum impervious surface ratio is given for each type of use proposed and allowable pursuant to Article III.

F. Stormwater Permitting Requirements

Prior to the approval of a development order, all proposed developments shall receive appropriate stormwater discharge permits from the Florida Department of Environmental Protection and the Northwest Florida Water Management District in accordance with Chapter 17-25, FAC, except for those developments specifically exempted by the rule.

5.01.03 Building Setback Requirements

22. Minimum Setbacks in Front Yards

The minimum setbacks required for front yards (those sides of a lot which abut a right-of-way) are dependent upon the type of land use and the functional classification of the roadway. All front yard setback distances are in feet, as measured from the edge of the right-of-way. The following table presents the required front yard setbacks for all types of uses and roadway classifications:

ABUTTING ROADWAY

LAND USE TYPE	ARTERIAL	COLLECTOR	LOCAL
Residential	30/20**	25/20**	20
DEP CCCL permitting	10 foot or greater when required by DEP.		
Institutional	30	30	30
Outdoor Recreation	30	25	20
Professional Service & Office	30	25	20
General Commercial	30	25	20
High Intensity Commercial	40	30	30
Public Service/Utility*	10	10	5
Agricultural	N/A	N/A	N/A
Industrial	50	50	50
Mining	50	50	50
Preservation	N/A	N/A	N/A

*Appropriate exceptions, such as overhead and underground utilities located within or adjacent to the public right-of-way, shall be made.

**20 foot setbacks will be allowed when posted speed limit is 45 mph or less.

Setbacks from ally's will be the same as adjacent property setbacks (7.5' or 9.5').

B. Minimum Setback On Side and Rear Yards

Side and rear yard setbacks for land uses other than single family residential are established by the buffer requirements contained in Section 5.02.00. ~~Nothing in this LDR Code shall be construed to allow side and rear yard setbacks in any land use class to be less than the minimum requirements specified in this section.~~

The minimum setbacks required for side and rear yards (those sides of a lot which do not abut a right-of-way) are as follows:

* 1. For a building less than twenty-five (25) feet in height (as measured from finished grade), the distance from the exterior wall or structural support to the property line must be at least seven and one-half (7.5) feet, unless the applicant shows evidence a maintenance easement granted by the adjacent property owner(s), which provides for the balance of the required setback. The maintenance easement must state that the grantee will not construct any structure within the maintenance easement area that would preclude the adjacent property owner from maintaining his structure. Said easement shall be recorded in the Gulf County Clerk's Office.

* 2. For a building twenty-five (25) feet or greater in height (as measured from finished grade), the distance from the exterior wall or structural support to the property line must be at least nine and one half (9.5) feet, unless the applicant shows evidence of maintenance easement granted by the adjacent property owner(s), which provides for the balance of the setback. The maintenance easement agreement must stipulate that the granting property owner will allow access and will not construct any structure within the maintenance easement area that would preclude the adjacent property owner from maintaining his structure.

3. A structure may be built on the property line provided the Owner shall obtain an attachment easement from the adjacent property owner(s). Where an attachment easement has been granted, future structures must either 1) attach to the adjacent structure, or 2) provide the minimum required setbacks specified in Section "C" below. (An attachment easement is an easement granted to allow an adjacent property owner to erect or construct a building on the grantor's property line.

* Any structure ~~Grade level decks~~ 30 inches or less from grade may encroach into the required setback if maintenance of structure and fire fighting abilities are not compromised.

C. Minimum Setbacks Between Buildings

Minimum setbacks between adjacent buildings other than single family residences are established by buffer requirements contained in Section 5.02.00. Nothing in this LDR ~~Code~~ shall be construed to allow for setbacks between buildings in any land use category to be less than those specified in this Section.

Minimum distance between adjacent buildings shall be the sum of the required side or rear yard setbacks except as follows:

Where an adjacent structure exists and is not in conformity with side or rear yard requirements, the following shall apply:

1. The minimum distance between adjacent buildings shall be ten (10) feet.

2. If either building exceeds twenty-five (25) feet in height, the minimum distance between adjacent buildings shall be twelve (12) feet.

3. Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, open deck, or an accessory use, and shall not include roof overhang (eave).

For specific development types such as patio home, cottages, townhouses, etc., requiring exceptions to the side and rear yard setback requirements of this Section, such projects shall be reviewed as Planned Unit Developments as provided for in Section 5.05.00.

5.01.04 Building Height Limitation

Building height shall not exceed three (3) habitable stories or fifty (50) feet above grade. This limitation shall ~~not~~ apply to church spires, belfries, cupolas, and domes not intended for human occupancy; water towers, chimneys, flag poles, radio and television antennas and similar structures unless within the Eglin protection zone.

5.01.05 Floor Area Ratio (FAR)

Floor Area Ratio (FAR): The maximum allowed total square footage of a structure and is computed as (FAR x total lot acreage = maximum square footage). Example: .7 FAR x 10,280 sq ft = 7,196 sq ft.

5.02.00 BUFFERING STANDARDS/OPEN SPACE BEACHFRONT LIGHTING

5.02.01 General

Requirements for the provision of buffers between adjacent land uses are contained in this Section. Buffering is intended to eliminate or minimize potential nuisances such as dirt, litter, noise, light, glare, unsightly buildings, signs, and/or parking areas. Buffers also reduce danger from fires or explosions, provide visual relief, and enhance community appearances.

5.02.02 Buffer Zones

1. A buffer zone is a vegetated strip along parcel boundaries that serves as a buffer between incompatible lands uses and land use districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

2. The width and degree of vegetation required depends on the nature of the adjoining uses. The standards of Subsections 3 and 4 below prescribe the required width and planting material of all buffer zones. In some situations, the use of fencing and vegetation may used in combination to minimize potential nuisances. Any level of development approval authority may modify these requirements because of unusual levels of noise or other impacts, or because of special circumstances. Any decision related to special buffering requirements may be appealed to the next highest authority. Fencing of some uses may be required to provide additional screening and/or for safety purposes. Fencing of existing and proposed catfish ponds, swimming

pools, and similar facilities to prevent inadvertent access by unattended children shall be mandatory.

3. The standards for buffer zones are set out in the illustrations contained in Appendix V-1 which specify the number of plants required per one hundred (100) linear feet. To determine the total number of plants required, the length of each side of the property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustration. The plants shall be spread reasonably evenly along the length of the buffer.

4. The standards outlined in Appendix V-1 shall be applied between abutting parcels as follows:

5. Buffering for mixed-use developments shall be based on the more intense use in the building or cluster of buildings.

6. The minimum size of vegetation required to be planted in the buffer zones shall be as follows:

Canopy Trees:	8-feet in height 2.5 - inch caliper (as measured 4-ft. from ground level)
Understory:	4-feet in height 1.5-inch caliper (as measured 2-ft. from ground level)
Shrubs:	2-feet in height (or 3-gallon container)

A partial list of acceptable species for each type of vegetation is included in Appendix V-2. The Building/Planning Department ~~Inspector~~ shall have the authority to approve or reject species not appearing in Appendix V-2.

7. The use of existing native vegetation in buffer zones is preferred. If a developer proposed to landscape a buffer zone with existing native vegetation, a waiver from the strict planting requirements of this section may be granted, subject to review and approval by the Building/Planning Department ~~Inspector~~. Consideration by the Building/Planning Department ~~Inspector~~ will include whether:

   a. the waiver is necessary to prevent harm to the existing native vegetation; and

   b. the buffering and/or aesthetic purposes of the buffer zone are substantially fulfilled ~~despite the variance~~.

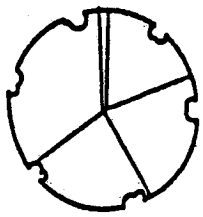
GULF COUNTY

BUFFER WORKSHEET

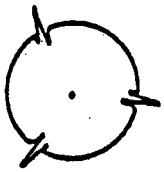
PROPOSED USE: / ADJACENT USE:	SINGLE-FAMILY RESIDENTIAL	MULTI-FAMILY RESIDENTIAL	INSTITUTIONAL	OUTDOOR RECREATIONAL	PROFESSIONAL SERVICE/OFFICE	GENERAL COMMERCIAL	HIGH INTENSITY COMMERCIAL	PUBLIC SERVICE/UTILITY (L/H) ▪	PRESERVATION	AGRICULTURAL	INDUSTRIAL	MINING	IF VACANT, BUFFER BY DISTRICT:	RESIDENTIAL DISTRICT-LOW DENSITY	RESIDENTIAL DISTRICT-MEDIUM DENSI	RESIDENTIAL DISTRICT-HIGH DENSITY	COMMERCIAL DISTRICT	MIXED COMM/RES DISTRICT	AGRICULTURAL DISTRICT	MIXED AGR/RES DISTRICT (WEWA ONLY	PUBLIC DISTRICT	RECREATIONAL DISTRICT	CONSERVATION DISTRICT	INDUSTRIAL DISTRICT
SINGLE-FAMILY RESIDENTIAL	N	N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N
MULTI-FAMILY RESIDENTIAL (≤10 / >10 UNITS)	A/B	A/B	A/B	A/B	A/B	A/B	A/B	A/B	A/B	A/B	A/B	A/B		A/B	A/B	A/B	A/B	A/B	A/B	A/B	A/B	A/B	A/B	A/B
INSTITUTIONAL	B	A	A	A	A	A	A	A/B	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A
OUTDOOR RECREATIONAL	B	B	A	N	A	A	A	A	A	N	B	B		A	A	A	A	A	A	A	A	A	A	A
PROFESSIONAL SERVICE/OFFICE	B	B	A	A	A	A	A	A/B	A	A	B	B		B	B	B	B	B	B	B	B	B	B	B
GENERAL COMMERCIAL	B	B	B	A	A	A	A	A	A	A	B	B		B	B	B	B	B	B	B	B	B	B	B
HIGH INTENSITY COMMERCIAL	C	C	C	B	B	B	B	B	B	B	B	B		C	C	C	C	C	C	C	C	C	C	C
PUBLIC SERVICE/UTILITY (L/H) ▪	B/C	B/C	B/C	A/B	A/B	A/B	A	A	A/B	A/B	A	A		B/C	B/C	B/C	A/B	B/C	B/C	B/C	A/B	A/B	A/B	A
PRESERVATION	N	N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N
AGRICULTURAL	N	N	N	N	N	N	N	N	N	N	N	N		N	N	N	N	N	N	N	N	N	N	N
INDUSTRIAL	D	D	D	C	C	C	C	C	D	C	C	C		D	D	D	C	D	D	D	C	C	D	C
MINING	D	D	D	C	C	C	C	C	D	C	C	C		D	D	D	C	D	D	D	C	C	D	C

▪ L: LOW INTENSITY PUBLIC SERVICE/UTILITY USE AS DEFINED IN 3.02.02 G.
H: HIGH INTENSITY PUBLIC SERVICE/UTILITY USE AS DEFINED IN 3.02.02 G.

PLANT KEY



CANOPY



UNDERSTORY

SHRUBS

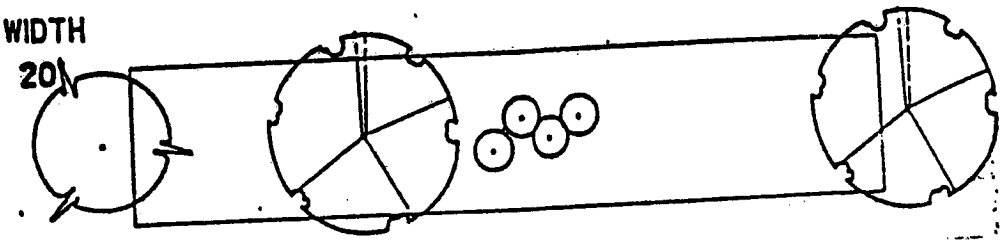
BUFFER STANDARD "A"

PLANT MATERIAL/100'

WIDTH

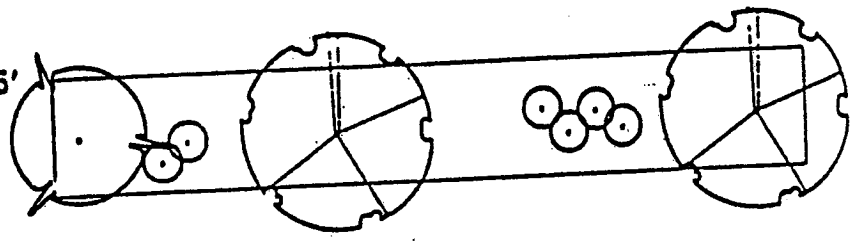
20'

1.2 CANOPY
.4 UNDERSTORY
4 SHRUBS



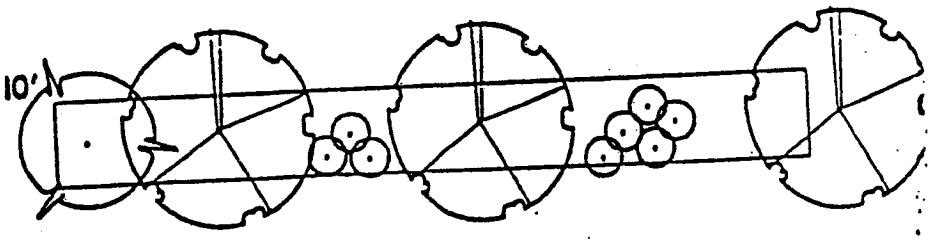
15'

1.8 CANOPY
.6 UNDERSTORY
6 SHRUBS



10'

2.4 CANOPY
.8 UNDERSTORY
8 SHRUBS



NOTE:

EXISTING NATIVE VEGETATION MAY BE UTILIZED IN LIEU OF STRICT ADHERANCE TO THE BUFFER PLANTING REQUIREMENTS PROVIDED ABOVE; HOWEVER, BUFFER WIDTHS MUST BE MAINTAINED AND SHOULD CONSIDER THE TYPE AND DENSITY OF EXISTING VEGETATION.

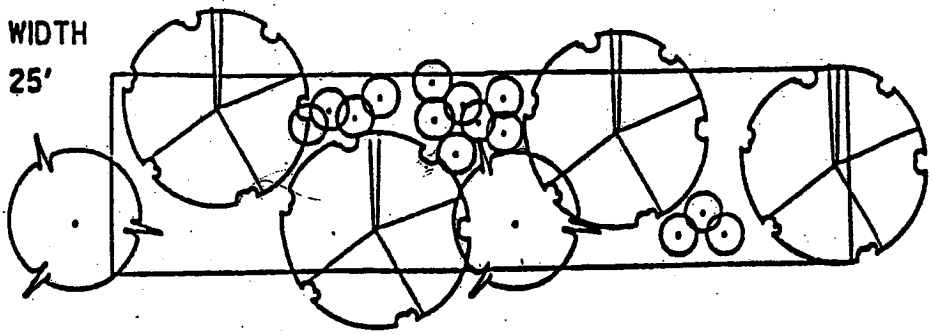
BUFFER STANDARD "B"

PLANT MATERIAL/100'

WIDTH

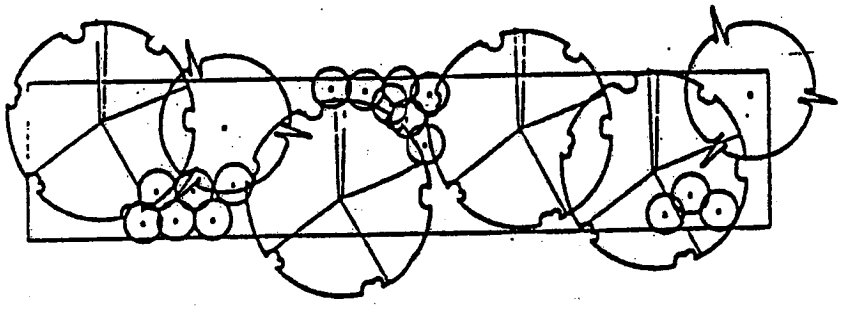
3.5 CANOPY
1.4 UNDERSTORY
14 SHRUBS

25'



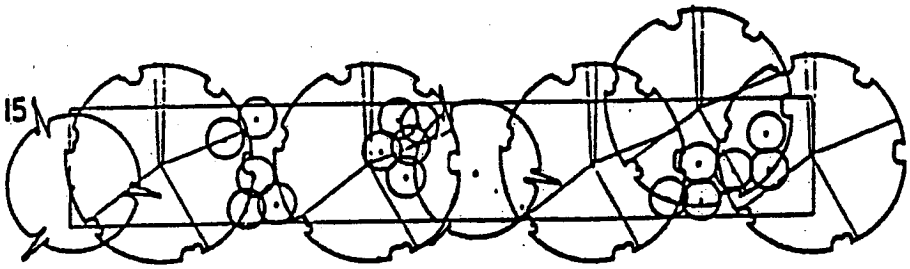
4 CANOPY
1.6 UNDERSTORY
16 SHRUBS

20'



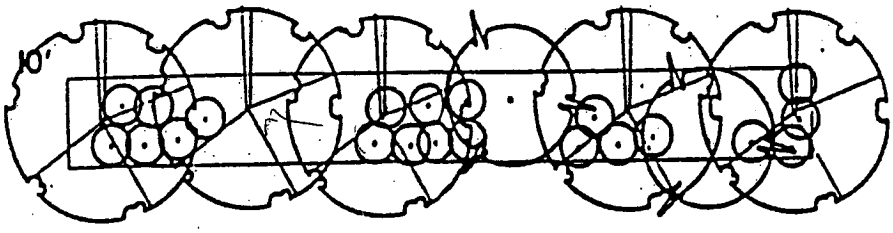
4.5 CANOPY
1.8 UNDERSTORY
18 SHRUBS

15



5 CANOPY
2 UNDERSTORY
20 SHRUBS

10'



NOTE:

EXISTING NATIVE VEGETATION MAY BE UTILIZED IN LIEU OF STRICT ADHERANCE TO THE BUFFER PLANTING REQUIREMENTS PROVIDED ABOVE; HOWEVER, BUFFER WIDTHS MUST BE MAINTAINED AND SHOULD CONSIDER THE TYPE AND DENSITY OF EXISTING VEGETATION.

8. **Buffer Zones in Coastal Area:** The retention of native, salt tolerant vegetation within buffer zones in the beach areas of Gulf County (seaward of U. S. 98 and County Road 30-A, including St. Joe Beach, St. Joseph's Spit, Cape San Blas, and Indian Peninsula) shall be required in lieu of the canopy/shrub/understory mix specified on the buffer standard. Any landscaping within this area is subjected to HCP permitting. ~~minimum of 50% and a maximum of 75% of the native vegetation on the previous surface area of the site shall be required to be retained. The impervious surface area may not exceed the ratios established in Section 5.01.02 E. The specific amount of vegetation to be retained shall be determined by the Building Inspector on a case-by-case basis. Consideration will be given to allow for the clearing of vegetation for installation of septic systems in accordance with Florida Department of HRS Standards. The clearing nuisance vegetation is also permissible. Additionally, in order to protect native dune vegetation and under structure, all public and private Gulf front recreational development shall be required to provide beach access and dune protection through the construction and use of elevated dune walkover structures.~~

9. A vegetated 50 foot buffer zone must separate development activity from surface water bodies. Additionally, agriculture and silviculture activities shall be required to use Best Management Practices (BMP's) to protect surface water resources from sedimentation.

10. Responsibility of Buffer Zones:

    a. The desired width of a buffer zone between two parcels is the sum of the required buffer zones of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, an inadequate buffer zone will be tolerated, except as provided below, until the non-conforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this LDR ~~Code~~. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development.

    ~~b. Where a multi-family residential use is proposed next to an existing non-residential use, or a non-residential use is proposed next to an existing residential use, and the existing use does not have a conforming buffer zone abutting the property proposed for development, the proposed use shall provide eighty percent (80%) of the combined required buffer zones if the provision of such lesser amount will create a buffer zone meeting one hundred percent (100%) the combined required buffer zone of the two uses. The building Inspector, Technical Advisory Committee, or the Planning and Development Review Board shall determine which areas may be counted as buffer zone of the existing use based on the buffering qualities of the areas.~~

11. Responsibility for Maintenance of Buffer Zones

It shall be the responsibility of the landowner and/or developer to maintain vegetation in the buffer zones, including the replacement of any dead vegetation as necessary.

5.02.03 Use of Required Areas

No accessory structures, garbage or trash collection points or receptacles, parking, or any other functional use contrary to the intent and purpose of this LDR ~~Code~~ shall be permitted in a required buffer area. This does not prohibit the combining of compatible functions such as buffering and drainage facilities.

5.02.04 Open Space Requirements

In general, buffer zones serve as open space and all development activity, whether public or private, must comply with the buffering requirements of Section 5.02.02. Due to the lack of buffer requirements within single-family residential areas, subdivisions of greater than forty (40) acres shall be set aside a minimum of five percent (5%) of the total site area as open space. The development approval authority may require adequate provisions to be made for parks or common areas.

5.02.05 Coastal Lighting Requirements

Any and all lighting fixtures shall be designed and positioned so that they do not cause direct illumination:

1. Seaward of the primary dune line of Gulf front development, and

2. Areas within and seaward of the St. Joseph Bay Shoreline Protection Zone.

5.03.01 OFF STREET PARKING, LOADING AND TRAFFIC CIRCULATION

5.03.01 Generally

Off street parking facilities shall be required for all developments within Gulf County ~~and the City of Wewahitchka~~ pursuant to the requirements of this LDR ~~Code~~. The facilities shall be maintained as long as the use exists that the facilities were designed to serve. Nothing in this section shall be construed to require paving of parking areas except as provided for handicapped parking areas in Section 5.03.02 (E).

5.03.02 Required Parking Spaces

A. **Number**

The following list specifies the required number of off-street automobile parking spaces for various types of developments. When determination of the number of

off-street spaces required by this LDR ~~Code~~ results in fractional space, the fraction of less than one half (1/2) may be disregarded, and a fraction of one-half (1/2) or greater shall be counted as one parking space.

Residential (Single Family or Duplex): Two spaces per dwelling unit.

Residential (Multi-Family): Two and one-half spaces per dwelling unit.

Schools (Elementary and Middle Schools): Two spaces for each classroom, plus one space for each employee.

Schools (High Schools): Five spaces for each classroom, plus one space for each employee.

Libraries and Community Centers: One space for each 500 square feet of gross floor area, plus one space for each two employees.

Hospitals: One space for each three beds, plus one space for each staff doctor, plus two spaces for each three employees.

Convalescent and Nursing Homes: One space for each ten beds, plus one space for each employee.

Child Care Facilities: One space for each staff member, plus one space for each ten children, located to allow for the safe and convenient loading and unloading of children.

Office Buildings: One space for each 300 square feet of gross floor area.

Theaters, and Restaurants without Drive-Up Facilities: One space for every 25 square feet of gross floor area, plus two spaces for each three employees.

Churches and Funeral Parlors: One space for each five seats in the auditorium.

Restaurants with Drive-Up Facilities: One space for every 25 square feet of gross floor area, plus two spaces for each three employees.

Marina: One and one-half spaces for each boat slip.

Motels and Hotels: One space per unit, plus two spaces for each three employees.

Mini-Warehouse Facilities: One space for each ten warehouse units, plus two spaces for each three employees.

Auto Repair Garages and Filling Stations: Two spaces for each three employees, plus one space for each service bay.

Laundries: One space for each three washing machines.

Barber Shops and Beauty Parlors: One space for each chair, plus one space for each employee.

Veterinary Clinics and Hospitals: One space for each 300 square feet of gross floor area, plus two spaces for each three employees.

Health Clubs: One space for each 150 square feet of gross floor area.

Banks: One space for each 300 square feet of gross floor area.

Vehicle Sales: One space for each 400 square feet of gross floor area devoted to sales.

Retail and Commercial Uses (Other than those specifically cited):

> **Buildings up to 2,000 square feet:** One space for each 200 square feet of gross floor area.
>
> **Buildings of 2,001 - 4,000 square feet:** One space for each 300 square feet of gross floor area.
>
> **Buildings of 4,001 - 10,000 square feet:** One space for each 400 square feet of gross floor area.
>
> **Buildings greater than 10,000 square feet:** One space for each 500 square feet of gross floor area, with a minimum of 25 spaces required.

Manufacturing Facilities and Warehouses: One space for each employee on the largest shift, plus one space for each company vehicle operating from the premises.

Junkyards and Salvage Yards: One space for each employee, plus one space for five acres.

Golf Course: Three spaces for each hole, in addition to the required spaces for restaurant and other related in-site uses.

Tennis Courts: Two spaces for each court.

Swimming Pools: One space per 200 square feet of pool surface, plus one for each 200 square feet of building area in excess of 1,000 square feet.

B. Uses not Specifically Listed in Matrix

The number of parking spaces required for uses not specifically listed in the matrix shall be determined by the development approval authority, which shall consider the requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this LDR ~~Code~~.

C. Treatment of Mixed Uses

Where a combination of uses is developed, parking shall be provided for each use as prescribed by Section 5.03.02 A.

D. Size of Parking Spaces

All parking spaces shall be a minimum of nine (9) feet in width and eighteen (18) feet in length, with the exception of handicapped parking spaces, which are discussed in the following subsection.

E. Handicapped Parking Spaces

Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, size and location of these spaces shall be consistent with the requirements of Section 316.1955, 316,1956, Florida Statutes, or succeeding provisions. Parking spaces required for the handicapped shall not be counted as a parking space in determining compliance with Section 5.03.02 A of this Section. All parking spaces for the handicapped shall be paved.

F. Parking for Non-Motorized Vehicles (Bicycles)

All new development, exempting single-family residences, ~~shall~~ are encouraged to provide an appropriate amount of parking area for non-motorized vehicles. The development approval authority shall have discretion in determining the required amount of parking area.

5.03.03 Off-Street Loading

A. Generally

Spaces to accommodate off-street loading or business vehicles shall be provided as required below.

B. Spaces Required

1. Schools, nursing homes and other similar institutional uses shall provide one (1) loading space for the first one hundred thousand (100,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,000) square feet or fraction thereof.

2. Auditoriums, gymnasiums, stadiums, theaters, convention center and other buildings for public assembly shall provide one (1) space for each additional one hundred thousand (100,000) square feet or fraction thereof.

3. Offices and financial institutions shall provide one (1) space for the first seventy-five thousand (75,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional twenty-five thousand (25,000) square feet.

4. Retail commercial, service, road service and commercial entertainment uses shall provide one (1) space for the first ten thousand (10,000) square feet of gross floor area, and one (1) space for each additional twenty-thousand (20,000) square feet.

5. Industrial uses shall provide one (1) space for every ten thousand (10,000) square feet of gross floor area.

C. Adjustments to Requirements

The development approval authority may adjust the requirements for the number of loading spaces needed for a proposed use when it appears that the characteristics of the proposed use require a greater or lesser number of loading spaces than that required by this LDR ~~Code~~ or proposed by the Developer.

D. Size of Loading Spaces

The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.

5.03.04 ~~Alteration of Conforming Development~~

~~A. Decreased Demand for Parking or Loading~~

~~The number of off-street parking or loading spaces may be reduced if the Building Inspector or development approval authority finds that a diminution in floor area, seating capacity, or other factor controlling the number of parking or loading spaces~~

~~would permit the site to remain in conformity with this LDR Code after the reduction.~~

B. Increase Demand for Parking or Loading

The number of off-street parking or loading spaces must be increased to meet the requirements of this LDR ~~Code~~ if the ~~Building Inspector or~~ development approval authority finds that an increase in floor area, seating capacity, or other factor controlling the number of parking or loading spaces required by this LDR ~~Code~~ causes the site not to conform with this LDR ~~Code~~.

5.03.05 On-Site Traffic Circulation

The following guidelines shall control the design of on-site traffic circulation facilities. These guidelines shall not apply to single-family and duplex residential developments.

1. Pedestrian circulation facilities, roadways, driveways and off-street parking and loading areas shall be designed to be safe and convenient.

2. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space areas shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.

3. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.

4. Off-street parking areas shall be physically separated (i.e. by curbing and/or landscaping) from adjacent roadway(s), except for the access point(s) as approved by the development approval authority in accordance with Florida Department of Transportation Rule 14-96 (FAC) for parking areas with access to a State roadway.

5. Gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas and adjacent buildings.

6. Each off-street parking space shall open directly onto an aisle or driveway that is not a public street.

7. Aisles and driveways shall not be used for parking vehicles.

8. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces.

9. Parking spaces shall be designed to permit entry and exit without moving any other motor vehicle.

10. No parking space shall be located so as to block access by emergency vehicles.

5.04.00 ACCESS MANAGEMENT

5.04.01 Generally

This section guidelines for the location and number of allowable access points to public roadways.

5.04.02 Access Management Guidelines

All proposed development shall conform to the following guidelines for vehicular access to the greatest extent possible, without denying reasonable access to any proposed development. Nothing in this section shall be construed to prohibit access to a public right-of-way.

A. Access to Roadways on the State Highway System

Proposed developments requesting direct access to an arterial or collector roadway on the State Highway System must apply for a driveway permit form the Florida Department of Transportation in accordance with Rule 14-96 (FAC), State Highway System Connection Permits. Conceptual approval for the driveway must be granted by the FDOT prior to final approval of the development

Sections B through E below shall regulate access to roadways which are not on the State Highway System, but are functionally classified in the Traffic Circulation Element of the respective local government Comprehensive Plan.

B. Location of Access Point

1. Driveways shall be located at a point along the frontage of the property that will provide acceptable sight distance, grade and alignment conditions for motorists using the proposed driveway and the street, and will avoid any unreasonable interference with the free and safe movement of traffic.

2. Existing or proposed highway features such as adjacent existing of future land uses, other driveways, median openings, turn lanes, intersections, drainage, determining the location of driveways.

3. In the interest of public safety, maintenance of level of service and convenience, the placement of a driveway may be restricted to a particular location along the frontage.

C. Separation of Access Points

1. The separation between access points onto collector roadways which are not on the

State Highway System, or between an access point and an intersection of such a collector roadway with another road, shall at least 40 feet.

2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

D. Number of Access Points

All development projects shall have access to a public right-of way. The minimum number of driveways should be allowed that will adequately serve the need for the abutting property, and yet not seriously impact the function and capacity for the roadway. The following guidelines shall determine the number of driveways to be allowed, unless the development approval authority determines that unmitigated conditions exist:

1. Property frontage of 150 feet or less along collector streets shall be limited to one (1) driveway.

2. No more than two (2) driveways shall be allowed for any single property unless the property frontage exceeds 660 feet, and the total access volumes exceed 5,000 vehicles per day.

3. Additional driveways may be authorized when an approved traffic engineering study indicates additional driveways are needed.

E. Joint Driveways

Adjacent uses may share a common driveway provided that appropriate access easements are granted between or among the property owners. The use of joint driveways may be required by the development approval authority when feasible and when necessary to meet the provisions of Section 5.04.03 (C).

5.05.00 PLANNED DEVELOPMENT PROJECTS

5.05.01 Generally

Applicants for development approval may seek approval of proposed projects as a Planned Development Project (PDP). Planned development projects are relatively large scale and high quality requiring land use, density, and/or site design flexibility.

5.05.02 Planned Development Project Review Process

All PDP's shall be classified as a major development and shall undergo rigorous development review by the Planning and Development Review Board (PDRB). It is the intent of this section that the applicant for development approval will show evidence of increase public amenities or

public benefit and/or evidence of mitigative measures in site design, in return for land use, density, or site design flexibility afforded under the Planned Development Project approval.

Sections B through E shall regulate access to roadways which are not on the State Highway System, but are functionally classified in the Traffic Circulation Element of the respective local government Comprehensive Plan.

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2. Existing or proposed highway features such as adjacent or existing or future land uses, other highways, median openings, turn lanes, intersections, drainage, traffic signals, pedestrian traffic, and utilities shall be considered in determining the location of driveways.

3. In the interest of public safety, maintenance of level of service and convenience, the placement of a driveway may be restricted to a particular location along the frontage .

C. Separation of Access Points

1. The separation between access points onto collector roadways which are not on the State Highway System, or between an access point and an intersection of such a collector roadway with another road, shall be at least 40 feet.

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All development projects shall have a access to a public right-of-way. The minimum number of driveways should be allowed that will adequately service the need for the abutting property, and yet not seriously impact the function and capacity of the roadway. The following guidelines shall determine the number of driveways to be allowed, unless the development approval authority determines that unmitigated conditions exist:

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5.05.00 PLANNED DEVELOPMENT PROJECTS

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All PDP's shall be classified as a major development and shall undergo rigorous development review by the Planning and Development Review Board (PDRB). It is the intent of this section that the applicant for development approval will show evidence of increase public amenities or public benefit and/or evidence if mitigative measures in site design, in return for the land use, density, or site design flexibility afforded under the Planned Development Project approval.

The overriding consideration of the PDRB in approval of PDP's shall be the project's compatibility with adjacent and surrounding uses, sensitivity to natural resource protection, and overall community benefit. The applicant must demonstrate how the project meets the above criteria, and how the project s consistent with the intent of the land development regulations.

5.05.03 Planned Development Project Types

PDP's may be classifies as either Residential, Commercial, Mixed Use, or Industrial PDP's Districts in which PDP's may be approved are listed below:

TYPE PDP	DISTRICTS IN WHICH PERMITTED
Residential	Residential, Mixed Commercial/Residential, Agricultural, Mixed Agricultural/Residential
Commercial	Commercial, Mixed Commercial/Residential, Agricultural, Mixed Agricultural/Residential

Mixed Use	Commercial, Mixed Commercial/Residential, Agricultural, Mixed Agricultural/Residential
Industrial	Industrial, Agricultural

ARTICLE VI

SIGNS

6.00.00 PURPOSE AND INTENT
6.00.01 ~~Definitions~~ Ordinance 2012-04

~~6.01.00 GENERAL REGULATIONS~~
~~6.01.01 Permit Required~~
~~6.01.02 Exemptions~~
~~6.01.03 Signs Not to Constitute A Traffic Hazard~~
~~6.01.04 Special Exceptions~~
~~6.01.05 Prohibited Signs~~
~~6.01.06 Height Of Signs~~
~~6.01.07 Illuminated, Rotating, or Flashing Signs~~

~~6.02.00 REGULATION BY LAND USE DISTRICTS~~
~~6.02.01 Residential~~
~~6.02.02 Mixed Commercial/Residential, Agricultural, and Mixed Agricultural/Residential Districts~~
~~6.02.03 Commercial and Industrial Districts~~

SIGNS

6.00.00 PURPOSE AND INTENT

The purpose of this Article and Sign Ordinance is to regulate the location, erection, maintenance and use of signs in all land use districts, regardless of type or size, and to insure that no sign shall constitute a safety hazard.

The intent of this Article and Sign Ordinance is to create a balanced system of sign, control that accommodates both the needs for a well-maintained, safe and attractive community, and the need for effective business advertising, identification, and communication. This balance will assist in promoting the economic health of the community through increase tourism and property values. It is, furthermore, the intent of this Article to permit signs that are:

A. Compatible with their surroundings;

B. Designed, constructed, located, installed and maintained in a manner which does not endanger public safety or unduly distract motorists;

C. Appropriate to the type of activity to which they pertain;

D. Sized to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property without being obtrusive; and,

E. Located so as to not conflict or interfere with regulatory or public informational, control, or directional signage.

6.00.01 ~~Definitions~~ Ordinance 2012-04

~~**ANIMATED SIGN:** A sign with action or motion, with moving characters, changing colors or blinking lights, which require electrical energy, but not including wind actuated elements, such as flags or banners. This definition does not include public service signs, such as time and temperature signs.~~

~~**AREA OF SIGN:** The area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is being placed. For projecting or double faced signs, only one display face shall be measured in computing sign area where the sign faces are back to back or where the interior angle formed by the faces is sixty (60) degrees or less. If the two faces of a double face sign are of unequal area, the area of the sign shall be the area of the larger face. For painted or affixed signs on walls,~~

~~the area shall be limited to twenty five (25) percent of each wall in one (1) continuous area on each wall of the business.~~

~~**BUSINESS SIGN:** A sign which directs attention to a business, profession, product, service, activity or entertainment conducted, sold, or offered on the premises upon which the sign is located.~~

~~**FLASHING SIGN:** A sign, the illuminate of which is not kept constant in intensity at all times when in use and which exhibits sudden marked changes in lighting effects. Illuminated signs which indicate the time, temperature, date or other public service information shall not be considered flashing signs.~~

~~**FREE STANDING SIGN:** A sign which is supported by one or more columns, uprights, or braces in or upon the ground and is not attached to a building.~~

~~**GENERAL ADVERTISING SIGN:** A sign which directs attention to a business, product, service, activity or entertainment not conducted, sold or offered on the premises upon which the sign is located.~~

~~**IDENTIFICATION SIGN:** Any sign which indicates the name of a use, owner, activity, business or enterprise, but which does not advertise products, commodities or services offered, and which is located on the same property which is identified.~~

~~**PROJECTING SIGN:** A sign which is attached to the building wall and which extends more than eighteen (18) inches from the face of such wall.~~

~~**SIGN:** Any name, identification, description, display, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, activity, person, institution or business.~~

~~**WALL SIGN:** A sign which is in any manner affixed to or painted on any exterior wall of a building or structure and which projects not more than eighteen (18) inches from the building or structure wall.~~

~~**6.01.00 GENERAL REGULATIONS**~~

~~All signs erected, replaced, reconstructed, expanded or relocated on any property within unincorporated Gulf County shall conform to the provisions of this Article and with the Southern Building Code. It shall be the responsibility of the developer/owner to repair and maintain all signs.~~

~~**6.01.01 Permit Required**~~

~~No sign shall be erected, replaced, reconstructed, expanded or relocated, except as provided for in 6.01.02, without securing a permit from the Building Inspector.~~

~~**6.01.02 Exemptions**~~

~~No building permit will be required for the following signs:~~

~~A. A sign indicating the name or number of the owner and/or premises or the accessory use of a dwelling for a home occupation or for professional purposes, provided that such sign shall not exceed two (2) square feet in sign area.~~

~~B. Signs that are not designed or located so as to be visible from any street or adjoining property.~~

~~C. Traffic or other governmental signs, legal notices and official instruments, railroad crossing signs, danger or such temporary, emergency or non-advertising signs, as may be approved by the Building Inspector.~~

~~D. Display signs not exceeding thirty-five (35) square feet in sign area and used in connection with political campaigns or with civic non-commercial health, safety and welfare campaigns, provided that all such signs shall exhibit the date of the conclusion of the campaign and shall be removed within fifteen (15) days following the conclusion of the campaign.~~

~~E. Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials.~~

~~F. Temporary construction signs placed upon work under construction, alteration, or removal and not exceeding twenty-five (25) square feet in sign area.~~

~~G. One (1) unlighted business sign advertising the sale, rental or lease of the premises or property upon which said sign is located. Such sign shall not exceed six (6) square feet in sign area, and shall be removed within seven (7) days after the property has been sold, rented, or leased.~~
~~H. One (1) unlighted business sign advertising the sale, rental or lease of a subdivision. No such sign shall not exceed one hundred (100) square feet in sign area. Such sign shall be removed within seven (7) days after the final parcel has been sold, rented, or leased.~~

~~I. Seasonal or holiday lights and decorations.~~

~~J. Church directional signs, not exceeding five (5) square feet and not exceeding three (3) signs per church.~~

~~K. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.~~

~~L. Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.~~

~~M. Wall signs.~~

~~6.01.04 Special Exceptions~~

~~A. A shopping center is permitted only (1) free standing sign per street frontage.~~

~~B. A wall sign may be erected without constituting an encroachment into a required yard(s) or street property line.~~

~~C. Non-flashing, portable signs may be placed in such a location so as not to create a safety hazard.~~

~~6.01.05 Prohibited Signs~~

~~Twirling, sidewalk or curb signs and balloons or other air or gas filled figures shall only be permitted for a new business in a commercial, mixed residential/commercial, or industrial district for a period of not more than thirty (30) days after the opening of such new business. At no other time shall such devices be permitted.~~

~~6.01.06 Height of Signs~~

~~No free standing sign shall exceed thirty-five (35) feet above grade.~~

~~6.01.07 Illuminated, Rotating, or Flashing Signs~~

~~Illuminated, rotating, or flashing signs shall be focused, directed, and so arranged as to prevent glare and/or direct illumination of residential structures, or other hazardous or nuisance effects/~~

~~6.02.00 REGULATION BY LAND USE DISTRICT~~

~~The following sections outline the types of signs permitted in the land use districts of Gulf County.~~

~~6.02.01 Residential Districts~~

~~The following signs are permitted in low, medium and high density residential districts:~~
~~A. Identification signs that are non-animated and not larger than two (2) square feet in sign area.~~

~~B. Business signs, for sale or rent of the property on which the sign is located, not to exceed six (6) square feet.~~

~~C. Churches, as allowed by use in residential districts (refer to Article III), may erect one (1) identification sign not to exceed a total of sixty-four (64) square feet. The height shall not exceed twenty (20) feet. Said signs shall be constructed so as not to constitute a safety hazard and shall conform with other requirements of the sign ordinance not in conflict herewith. Special exceptions may be granted on a case by case basis by the Building Inspector.~~

~~D. Apartment house projects and multi-family dwelling projects may erect one identification sign, non-animated, not to exceed thirty-two (32) square feet in area or fifteen (15) feet in height, and is located on property. Said signs shall be constructed so as not to constitute a safety hazard and shall conform with other requirements of the sign ordinance not in conflict herewith.~~

~~E. Residential subdivision identification signs, not to exceed 160 square feet in area.~~

~~6.02.02 Mixed Commercial/Residential, Agricultural, and Mixed Agricultural/Residential Districts~~

~~The following signs are permitted as noted:~~

~~A. Identification signs that are non-animated and are not larger than two (2) square feet in sign area.~~

~~B. Business signs are not exceeding 160 square feet in sign area, and thirty five (35) in height above grade may be located at the property line but no portion of any sign, except wall signs, may extend over the property line and further provided that a clear height of nine (9) feet from grade to bottom of the sign be maintained in areas of pedestrian traffic and sixteen (16) feet clearance be maintained where vehicular traffic is permitted. The number of separate signs permitted per business shall be limited to the number of streets or roadways the building affronts.~~

~~C. Churches, as allowed by use in residential districts (refer to Article III) may erect one (1) identifications sign not to exceed a total of sixty-four (64) square feet. The height shall not exceed twenty (20) feet. Said signs shall be constructed so as not to constitute a safety hazard and shall conform with other requirements of the sign ordinance not in conflict herewith. Special exceptions to the number and size of the signs allowed may be granted on a case by case basis.~~

~~D. Apartment house projects and multiple family dwelling projects may erect one identification sign, non-animated, not to exceed thirty two (32) square feet in area or fifteen (15) feet in height, and is located on property. Said signs shall be constructed so as not to constitute a safety hazard and shall conform with other requirements of the sign ordinance not in conflict herewith.~~

ORDINANCE #2012-04

AN ORDINANCE OF GULF COUNTY, FLORIDA; WHEREBY AMENDING GULF COUNTY SIGN ORDINANCE NO. 88-3 TITLED "AN ORDINANCE REGULATING OUTDOOR ADVERTISING SIGNS; PROVIDING FOR THE PROHIBITION OF SAID SIGNS ON COUNTY RIGHTS OF WAY; PROVIDING FOR AN EFFECTIVE DATE" AND HEREIN REPLACING IT BY ADOPTION OF "GULF COUNTY SIGN ORDINANCE" AND PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Board of County Commissioners of Gulf Couty, Florida (hereinafter "Commissioners"), find and determine that the Gulf County (hereinafter "County") Land Development Regulations and its signage regulations were intended to maintain and improve the quality of life for all citizens of the County; and

WHEREAS, the Commissioners desire to delete sections, subsections, paragraphs, subparagraphs, divisions, subdivisions, clauses, sentences, phrases, words, and provisions of any and all existing sign ordinances which are obsolete or superfluous, and/or which have not been enforced, and/or which are not enforceable, and/or which would be severable by a court of competent jurisdiction; and

WHEREAS, the Commissioners find and determine that the County has adopted Land Development Regulations in order to implement its Comprehensive Plan (last reviewed and revised 11/2010), and to comply with the requirements of the laws of State of Florida, including the regulation of sign structures in conjunction with the development of land; and

WHEREAS, in order to carry out the purposes of the Florida Statutes and the purposes of the County's Land Development Regulations, the Commissioners find and determine that the County's Land Development Regulations should regulate signs, including by designating prohibited sign-types that are inconsistent with one or more of the purposes of the Land Development Regulations, and by prescribing the height, size (area), setback, spacing, location, and number of other sign-types that are not inconsistent with the Land Development Regulations provided that they conform to appropriate dimensional and other content-neutral criteria for their placement on land within the County, taking into account the nature of the land use and the function served by the sign-type; and

WHEREAS, the Commissioners have determined the need to update and revise the County's Land Development Regulations relative to signs, and wishes to ensure that the County's Land Development Regulations as they relate to signs are in compliance with all constitutional and other legal requirements; and

WHEREAS, the predominant concern in establishing sign regulations for the development and use of land is with adverse secondary effects, and not with the content of speech or viewpoint expressed; and

WHEREAS, the Commissioners wish to prohibit certain sign types, including off-premises commercial billboards; and

WHEREAS, the Commissioners find and determine that a prohibition on the erection of off-site outdoor advertising signs will limit the number of driver distractions and the number of aesthetic eyesores along the roadways and highways of the County [*see, e.g., E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1154 (5th Cir. 1970), *cert. denied*, 400 U.S. 878 (1970)]; and

WHEREAS, the Commissioners find that some signs, particularly large signs, detract from the aesthetic beauty of the landscape, and wishes to preserve the aesthetic and natural beauty of the County; and

WHEREAS, the regulation of signs for purposes of aesthetics has long been recognized as advancing the public welfare; and as far back as 1954 the United States Supreme Court recognized that "the concept of the public welfare is broad and inclusive," that the values it represents are "spiritual as well as physical, aesthetic as well as monetary," and that it is within the power of the legislature "to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled" [Justice Douglas in *Berman v. Parker*, 348 U.S. 26, 33 (1954)]; and

WHEREAS, the Commissioners find and determine that aesthetics is a valid basis for zoning, and the regulation of the size of signs and the prohibition of certain types of signs can be based upon aesthetic grounds alone as promoting the general welfare [*Merritt v. Peters*, 65 So. 2d 861 (Fla. 1953); *Dade County v. Gould*, 99 So. 2d 236 (Fla. 1957); *E.B. Elliott Advertising Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970)]; and

WHEREAS, the Commissioners find and determine that this ordinance will enhance the attractiveness and economic well-being of the County as a place in which to live, visit, and conduct business; and

WHEREAS, the Commissioners agrees with the American Society of Landscape Architects' determination that billboards tend to deface nearby scenery, whether natural or built, rural or urban, and that this characteristic is inconsistent with the land use categories and actual land uses within the County; and

WHEREAS, the courts have recognized that outdoor advertising signs tend to interrupt what would otherwise be the natural landscape as seen from the highway, whether the view is untouched or ravished by man, and that it would be unreasonable and illogical to conclude that an area is too unattractive to justify aesthetic improvement [*see E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141 (5th Cir. 1970), *cert. dismissed*, 400 U.S. 878 (1970); *John Donnelly & Sons, Inc. v. Outdoor Advertising Bd.*, 339 N.E.2d 709, 720 (Mass. 1975)]; and

WHEREAS, states such as Vermont, Alaska, Maine, and Hawaii have prohibited the construction of billboards in their states and are now billboard-free in an effort to promote aesthetics and scenic beauty; and

WHEREAS, the Commissioners find and determine that the size, height, and other characteristics of signs can magnify their adverse impacts on both traffic safety and aesthetics, and find and determine that this ordinance will lessen hazardous situations, as well as confusion and visual clutter otherwise caused by the proliferation, improper placement, excessive height, excessive size, and distracting characteristics of signs which compete for the attention of pedestrian and vehicular traffic; and

WHEREAS, the Commissioners recognize that billboards are a form of advertisement designed to be seen without the exercise of choice or volition on the part of the observer, unlike other forms of advertising that are ordinarily seen as a matter of choice on the part of the observer [*see Packer v. Utah*, 285 U.S. 105 (1932); and *General Outdoor Advertising Co. v. Department of Public Works*, 289 Mass. 149, 193 N.E. 799 (1935)], and the Commissioners acknowledge that the United States Supreme Court and many federal courts have accepted legislative judgments and determinations that the prohibition of billboards promotes traffic safety and the aesthetics of the surrounding area [*see Metromedia, Inc. v. City of San Diego*, 453 U.S. 490, 509-510 (1981); *National Advertising Co. v. City & Town of Denver*, 912 F.2d 405, 409 (10th Cir. 1990), and *Outdoor Systems, Inc. v. City of Lenexa*, 67 F. Supp. 1231, 1239 (D. Kan. 1999)]; and

WHEREAS, the Commissioners find and determine that the prohibition of portable signs reasonably advances the governmental goal of protecting the aesthetic environment of the County [*see Harnish v. Manatee Town*, 783 F.2d 1535 (11th Cir. 1986) and *Don's Porta Signs, Inc. v. City of Clearwater*, 298 F.2d 1051 (11th Cir. 1987), *cert. denied* 485 U.S. 98 (1988)]; and

WHEREAS, the Commissioners find that certain types of signs, particularly large signs, create a safety hazard by distracting motorists, pedestrians, and others, and wishes to protect the safety of motorists, pedestrians, and others from distraction caused by signs; and

WHEREAS, the Commissioners find and determine that off-premises billboards attract the attention of drivers passing by the billboards, thereby adversely affecting traffic safety and constituting a public nuisance and a noxious use of the land on which the billboards are erected; and

WHEREAS, the Commissioners find and determine that commercial billboard signs are public nuisances given their adverse impact on both traffic safety and aesthetics; and

WHEREAS, the Commissioners find and determine that billboards are a traffic hazard and impair the beauty of the surrounding area, and the prohibition of the construction of billboards will reduce these harms [*see Outdoor Systems, Inc. v. City of Lenexa*, 67 F.Supp.2d 1231, 1239 (D. Kan. 1999); *Naser Jewelers, Inc. v. City of Concord*, 513 F.3d 27 (1st Cir. 2008)]; and

WHEREAS, the Commissioners find and determine that the prohibition of billboards as set forth herein will preserve the beauty of the County, will maintain the aesthetic and visual appearance of the County, will preserve and keep open areas for beautification on public property adjoining the public roadways, will keep such signage from interfering with the visibility, readability and/or effectiveness of on-site signs by reducing and/or diminishing the visual clutter of off-site signs, will enhance the County as an attractive place to live and/or work, will reduce blighting influences, and will benefit traffic safety by reducing driver distractions; and

WHEREAS, the Commissioners recognize that under current jurisprudence the County's sign regulations may be under-inclusive in their reach to serve the County's interests in aesthetics and traffic safety, while at the same time balancing the interests protected by the First Amendment [*see, e.g.*, *Members of City Council v. Taxpayers for Vincent*, 466 U.S. 789 (1984); Cordes, Sign Regulation After Ladue: Examining the Evolving Limits of First Amendment Protection, 74 Neb. L. Rev. 36 (1995)], and the Commissioners may from time to time modify the sign regulations herein so as to provide additional limitations to further serve the County's interests in aesthetics and/or traffic safety; and

WHEREAS, the Commissioners find and determine that the County's sign regulations are concerned with the secondary effects of speech, including but not limited to aesthetics and traffic safety, and are not intended to regulate viewpoints or censor speech, and for those and other reasons that the foregoing provisions are not subject to, or would not fail, a "prior restraint" analysis; and

WHEREAS, the Commissioners find and determine that in order to reconfirm that its sign regulations meet constitutional scrutiny, it is appropriate to amend the County's Land Development Regulations to emphasize the fact that noncommercial messages may be placed wherever commercial messages appear, that commercial speech is not favored over noncommercial speech, and that any on-site or off-site sign permitted or allowed by law is allowed to contain noncommercial speech in lieu of commercial speech; and

WHEREAS, the Commissioners find and determine that the County has allowed noncommercial speech to appear wherever commercial speech appears; and the Commissioners desire to codify that practice through the specific inclusion of a substitution clause that expressly allows noncommercial messages to be substituted for commercial messages; and

WHEREAS, the Commissioners find and determine that through its sign regulations, the County does not seek to prohibit constitutionally protected rights to assemble and protest in a traditional public forum and desire to specifically exempt from the scope of Article 6 the display of temporary signage in a judicially recognized traditional pubic forum for a noncommercial purpose and that are reactive to a local happening or that express a view on a controversial issue; and

WHEREAS, the Commissioners have adopted and continue to review and update the Gulf County Comprehensive Plan last revised, 11/2010; and

WHEREAS, the Commissioners find and determine that the Land Use Element of the Gulf County Comprehensive Plan notes the County goals to manage land development in such a way that the health, safety, social, and economic well-being of the citizens of Gulf County is ensured; and

WHEREAS, the Commissioners find and determine that the Gulf County Comprehensive Plan intent and goal is to seek a well planned community that can attract and retain the kinds of residence, business and industry that it desires and can avoid blight and deterioration that cause depreciation of property values; and

WHEREAS, the Commissioners find and determine that the Gulf County Comprehensive Plan Objective 1.3 is to reduce the extent of land uses that are incompatible with the Comprehensive Plan by implementing Land Development Regulations consistent with the stated policies; and

WHEREAS, the Commissioners find and determine that its adopted Comprehensive Plan includes Policy 1.3.3 which requires permits for construction of signs shall be issued by the County only for those signs in conformance with the Land Development Regulations and Gulf County Sign Ordinance; and

WHEREAS, the Commissioners find and determine that the a major deterrent to a decline is a healthy civic pride, and further note the importance of an interest in maintaining and beautifying residences to maintain a civic pride; and

WHEREAS, the Commissioners find and determine that the County staff, its sign ordinance committee, code enforcement officials, Planning Development and Review Board, and the county planner have devoted considerable time to developing, adapting and recommending an ordinance that would attempt to implement the County Comprehensive Plan and stated goals of the Commissioners; and

WHEREAS, the Commissioners find and determine that the import of the Sign Ordinance permitted under the Land Development Regulations for local governments, even small ones such as Gulf County, have an important role to play in rescuing and preserving the natural environment and beauty of the region; and

WHEREAS, the Commissioners find and determine that the Land Development Regulations in Article 6 established maximum square footage of surface areas and height limitations for freestanding signs in Gulf County's various residential and commercial districts in recognition of the character of the land uses allowed in the County ; and

WHEREAS, the Commissioners have studied or is otherwise aware of recent revisions to the signage regulations of the City of Port St. Joe which is bordered on all sides by the County; and

WHEREAS, the Commissioners desire that the provisions within Article 6 of its Land Development Regulations be revised to complement where feasible, the signage provisions of the

two cities (Port St. Joe and Wewahitchka) within Gulf County, where appropriate, including the provision prohibiting commercial offsite advertising signs commonly known as billboards; and

WHEREAS, the Commissioners recognize that on-site business signs are considered to be part of the business itself, as distinguished from off-site outdoor advertising signs, and find and determine that it is well-recognized that the unique nature of outdoor advertising and the nuisances fostered by commercial billboard signs justify the separate classification of such structures for the purposes of governmental regulation and restrictions [*E. B. Elliott Adv. Co. v. Metropolitan Dade County*, 425 F.2d 1141, 1153 (5th Cir. 1970), *cert. denied*, 400 U.S. 878, 91 S.C. 12, 27 L. Ed. 2d 35 (1970)]; and

WHEREAS, allowing certain signage without permits based upon the function served by the sign (*e.g.*, warning signs, construction signs, real estate signs, and other sign types described herein), is preferred to requiring permits for all such signs or alternatively, banning all such signs, and the Commissioners find and determine that the dimensional criteria, including but not limited to size (area) and height, established for certain signs and sign-types as set forth in the Land Development Regulations are not based upon any arbitrary determination but are based upon the function served by the sign and sign-type involved, and serve a legitimate governmental interest of balancing aesthetics and safety with the need for signage that serves a necessary purpose; and

WHEREAS, under current jurisprudence [*see, e.g., Linmark Associates v. Town of Willingboro*, 431 U.S. 85 (1977)], on-site real estate signs, such as "for sale" signs, should be allowed given the important role and unique function that real estate signs, such as "for sale" signs, perform on the premises where they are located; and

WHEREAS, under current jurisprudence [*see, e.g., Ladue v. Gilleo*, 512 U.S. 43 (1994)], signs that allow property owners, especially residential homeowners, to freely express a particular point of view on their own property should be reasonably accommodated and may be uniquely valuable, and the Commissioners wish to codify current practices that have allowed residential property owners to freely express their point of view on their own property consistent with current jurisprudence set forth in *Ladue v. Gilleo*, 512 U.S. 43 (1994); and

WHEREAS, under current jurisprudence, election signs are generally accorded a higher level of protection under the First Amendment than any other classification or type of speech; and

WHEREAS, durational limitations on election signs, sometimes referred to as political signs, are frequently problematic when the limitations affect the posting of election signs *prior* to the election concerning the candidate or ballot issue to which they pertain, but durational limits requiring the removal of election signs *following* such election are generally permissible [*see, e.g.*, Election Signs and Time Limits, Evolving Voices in Land Use Law, 3 Wash. U.J.L. & Pol'y 379 (2000)]; and

WHEREAS, free expression signs are sufficient to allow for political speech unrelated to particular candidates or ballot issues; and

WHEREAS, the Commissioners intend to expressly provide that property owners may display at least one sign for free expression at all times, a codification of longstanding actual practice, and to expressly provide that property owners may maintain signs displaying their support or opposition to political candidates and ballot issues before the election to which they pertain; and

WHEREAS, the exceptions and/or exemptions for real estate signs, free expression signs, political signs, and certain other sign types are not intended to diminish or lessen the County's interests in aesthetics or traffic safety, but the same are adopted in recognition of the useful functions and practical needs served by such signage in the County's commerce and/or in the political freedom that must be accorded its citizens to freely express their points of view and political desire; and

WHEREAS, various signs serve and function as signage for particular land uses in recognition of the differing or special functions served by those land uses, but not based upon any intent to favor any particular viewpoint or control the subject matter of public discourse; and

WHEREAS, the limitations on the height, size (area), number, location, spacing, and setback of signage, adopted herein, are based upon the sign types and sign functions, and the Commissioners find and determine that the dimensional criteria specified in the sign regulations for different sign-types are reasonable and do not impair the free flow of protected speech; and

WHEREAS, sign types described herein are related in other ways to the functions they serve and the properties to which they relate (*e.g.*, temporary subdivision entrance signs are allowed at subdivision entrances, real estate signs are directly related to the property on which they are posted or, in the case of directional signs, are limited to a certain distance from the property to which they relate and exceptions to temporary political signs, for sale signs, and the like are founded upon rational and reasonable bases clearly justifying the difference of treatment; and

WHEREAS, the Commissioners find and determine that in order to preserve, protect and promote the safety and general welfare of the residents of the County, it is necessary to regulate off-site advertising signs, commonly known as billboard signs or billboards or commercial billboards, so as to restrict the construction of billboards in all districts, and to provide that the foregoing provisions shall be severable; and

WHEREAS, the Commissioners find and determine that the County has consistently adopted and enacted severability provisions in connection with its Ordinance provisions, and the Commissioners wishes to ensure that severability provisions apply to its land development regulations, including its sign regulations; and

WHEREAS, the Commissioners are aware that there have been several judicial decisions where courts have not given full effect to severability clauses that applied to sign regulations and where the courts have expressed uncertainty over whether the legislative body intended that severability would apply to certain factual situations despite the presumption that would ordinarily flow from the presence of a severability clause; and

WHEREAS, the Commissioners desire that there be an ample record of its intention that the presence of a severability clause in connection with the County's sign regulations be applied to the maximum extent possible, even if less speech would result from a determination that any exceptions, limitations, variances or other provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the Commissioners desire that there be an ample record that it intends that each prohibited sign-type continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the County's sign regulations, other ordinance provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the Commissioners desire that the prohibition on billboards continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the County's sign regulations, other Ordinance provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the Commissioners desire that there be an ample record that it intends that the height, size (area), spacing, setback and number limitations on free-standing signs continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the County's sign regulations, other ordinance provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the Commissioners desire to make it clear that billboards are not a compatible land use within the County and that there can be no good faith reliance by any prospective billboard developer under Florida law in connection with the prospective erection or construction of new or additional billboards within the jurisdictional limits of the County; and

WHEREAS, the state of Florida has adopted Chapter 479 of the Florida Statutes, and Chapter 14-10 of the Florida Administrative Code, as well as implementing the Outdoor Advertising Control Program, which do not preempt local regulation or prohibition of billboard signs and permits local government to determine where the balance should be struck between the interests involved with outdoor signs, primarily the competing interests of preserving and enhancing the natural scenic beauty and aesthetic features of the highways and adjacent areas while facilitating the flow of speech and expression of which providing messages through the medium of roadside signs and outdoor advertising is an important part; and

WHEREAS, the Commissioners find and determine that the sign regulations adopted hereby allow and leave open adequate alternative means of communications, such as newspaper advertising, internet advertising and communications, advertising in shoppers and pamphlets, advertising in telephone books, advertising on cable television, advertising on UHF and/or VHF television, advertising on AM and/or FM radio, advertising on satellite tv & radio, advertising on internet radio, advertising via direct mail, and other avenues of communication available in the County;; and

WHEREAS, the Commissioners recognize that the government speech doctrine was recently reaffirmed by the U.S. Supreme Court in *Pleasant Grove City, Utah v. Summum*, 129

S.Ct. 1125, (2009) WL 454299, and a government entity is not subject to scrutiny under the Free Speech Clause, although government speech must still comport with the Establishment Clause, and the Commissioners desire that there be flexibility for Gulf County to display temporary and other signage that falls within the protection of the government speech doctrine on public property for traditional temporary special event signage associated with events sponsored in whole or in part by the County, as well as providing opportunities on public property for the posting of messages of public interest on structures such as a bulletin board or message board subject to whatever criteria the County finds to be reasonable; and

WHEREAS, the Commissioners find and determine that the following amendments are consistent with all applicable policies of the County, including its Comprehensive Plan and Land Development Regulations, and are not in conflict with the public interest, and will not result in incompatible land uses; and

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Gulf County Florida, as follows:

Section 1. Definitions, Amended. The Gulf County Land Development Regulations, relating to Definitions, is hereby amended to include the following terms.:

Abandoned or discontinued sign or sign structure means a sign or sign structure whose owner has failed to operate or maintain said sign or sign structure for a period of six months or longer. The following conditions shall be considered as the failure to operate or maintain a sign or sign structure: (a) a sign displaying advertising for a product or service which is no longer available or displaying advertising for a business which is no longer licensed, or (b) a sign which is blank.

Advertising means sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, entertainment, or real or personal property.

Agricultural produce sign means a sign whose function is exclusively for advertising for the normal, incidental and customary sale of products, produce or livestock grown or raised on the premises.

Animated sign means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in a form and manner as to provide aesthetic enjoyment for the viewer rather than to specifically convey the name of the business or a commercial message about the products or services offered on the property upon which the artwork is displayed.

Awning sign. See *Canopy sign.*

Bandit sign. See *Snipe sign.*

Banner means any sign or string of one or more signs, usually made of cloth or other lightweight material, including but not limited to balloons and pennants, which is or are used to attract attention, whether or not imprinted with words or characters. Flags shall not be considered banners.

Beacon means a stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention, except, however, this term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration or other similar agency. This definition does apply to any similar type of lighting device contained entirely within a structure and which does not project light to the exterior of the structure.

Billboard means a sign structure and/or sign utilized for advertising an establishment, an activity, a product, service or entertainment, which is sold, produced, manufactured, available or furnished at a place other than on the property on which said sign structure and/or sign is located.

Building frontage, for the purposes of the sign regulations set forth in Article 6 of this Ordinance only, means the length of the single face of a building or that portion of a building occupied by a single office, business or enterprise, commonly referred to as "store-front," which is abutting a street, parking area, or other means of customer access such as an arcade, a mall or a walkway. The building frontage for a side façade shall be the length of the single face of a side of a building or that portion of a side of a building occupied by a single office, business or enterprise.

Canopy sign means any sign that is a part of or attached to an awning or canopy, *i.e.*, a fabric, plastic, or structural protective cover constructed over a door, entrance, window, or outdoor service area that is constructed as an integral part of a building.

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity.

Construction sign means a temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, containing sign copy that is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the site.

Copy means the linguistic or graphic content of a sign.

Directional sign means a noncommercial on-site sign providing direction or information to pedestrian or vehicular traffic that is related or reasonably necessary to the movement of pedestrian or vehicular traffic on the premises (*e.g.*, "entrance," "exit," "caution," "no parking," "one way only," "no trespassing," and the like), and not displaying a commercial message.

Double-faced sign means a single sign with copy on both sides of the sign and mounted as a single structure.

Election sign means a temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate, or stating a position regarding an issue upon which the voters of the County shall vote.

Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish; but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

Facade means the side of a building that faces a public or private street.

Flag means any fabric or bunting containing distinct colors, patterns or symbols, used as an ornamental flag or as a symbol of government, political subdivision, corporation, business or other entity. (See also *Ornamental flag.*)

Flagpole shall mean a pole on which to raise a flag.

Flashing sign means a sign which permits light to be turned on or off intermittently more frequently than once per minute, or any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign.

Free expression sign means a sign, not in excess of four (4) square feet in size (area) per side and whose top is not more than three (3) feet off the ground, communicating information or views on matters of public policy or public concern, or containing any other noncommercial message that is otherwise lawful.

Freestanding sign means a sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure.

Frontage means the length of the property line of a parcel of land, which runs parallel with and along a road right-of-way or street, exclusive of alleyways.

Future development sign means a sign that functions to advertise the future or proposed development of the premises upon which the sign is erected.

Garage or yard sale sign (garage-yard sale sign) means any on-site temporary sign pertaining to the sale of personal property in, at or upon any residentially-zoned property located in the County. Garage or yard sales shall include but not be limited to all such sales, and shall include the advertising of the holding of any such sale, or the offering to make any sale, whether made under any name such as garage sale, lawn sale, yard sale, front yard sale, back yard sale, home sale, attic sale, rummage sale, patio sale, flea market sale, or any similar designation.

Holiday and seasonal decorations mean decorations that pertain to legally or otherwise recognized holidays or to a season of the year.

Illuminated sign means any sign or portion thereof, which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light, whether or not the source of light is directly affixed as part of the sign.

Incidental sign means a sign not exceeding one square foot in size attached to a freestanding sign or affixed to a wall that either (a) identifies credit cards accepted by the owner, tenant, or occupant of the parcel where the incidental sign is located, or (b) provides an official notice of services required by law or trade affiliation.

Illegal sign means any sign which was unlawfully erected or which has been determined to be in violation of any provision of Article 6 of the Gulf County Land Development Regulations.

Intermittent sign means a sign which permits light to be turned on or off intermittently more frequently than once every twelve hours or which is operated in a way whereby light is turned on or off intermittently or which varies in intensity or color more frequently than once every twelve hours, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including but not limited to an LED (light emitting diode) or digital sign.

Nameplate sign or *occupant identification sign* means a sign indicating the name and/or profession or address of a person or persons residing on the premises or legally occupying the premises.

Noncommercial message means any message that is not a commercial message.

Nonconforming sign means a sign that was lawfully erected but no longer conforms to the regulations provided in Article 6 of the Gulf County Land Development Regulations.

Off-premises sign or *off-site sign* means any sign relating in its subject matter to commodities, accommodations, services or activities on a premises other than the premises on which the sign is located.

On-premises sign or *on-site sign* means any sign relating in its subject matter to the commodities, accommodations, service or activities on the premises on which the sign is located.

Ornamental flag means any fabric or similar material containing patterns, drawings or symbols used for decorative purposes and designed to be flown as a flag.

Parapet means a false front or wall extension above the roofline of a building.

Pennant means any series of small flag-like or streamer-like pieces of cloth, plastic, paper or similar material attached in a row to any staff, cord, building, or at only one or two edges, the remainder hanging loosely.

Permanent sign means any sign which, when installed, is intended for permanent use. For the purposes of this section any sign with an intended use in excess of twelve (12) months from the date of installation shall be deemed a permanent sign.

Portable sign means any sign, banner, or poster that is not permanently attached to the ground or to a structure. For purposes of this section, an inflatable sign shall be considered a portable sign.

Projecting sign means any sign affixed perpendicularly to a building or wall in such a manner that its leading edge extends more than twelve inches beyond the surface of such building or wall.

Real estate sign means a sign advertising the sale, rental or lease of the premises or part of the premises on which the sign is displayed temporarily.

Revolving sign or *rotating sign* means any sign that revolves or rotates.

Roof sign means any sign erected and constructed wholly on or over the roof of a building, which is supported by the roof structure, or any sign that extends in whole or in part above the roofline of a building. For purposes of this definition, *roofline* shall mean the highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal eave or the highest line common to one or more principal eaves of a roof. On a flat roof, the roofline is the highest continuous line of a roof or parapet, whichever is higher.

Safety sign. See *Warning sign*.

Sandwich board sign means a temporary portable double-faced, freestanding sign.

Sight triangle means a triangular shaped portion of land established at street intersections or street and driveway intersections in which nothing is erected or allowed to grow in such a manner as to limit or obstruct the sight distance of

motorists entering or leaving the intersection. In the absence of any other applicable standard: (a) for street intersections, this triangle is created by establishing points thirty (30) feet from the point of intersection of each of two intersecting right-of-way lines and connecting these two points with a straight line to form a triangle; and (b) for driveway intersections, this triangle is created by establishing points ten (10) feet from the point of intersection of a right-of-way line and the line established by a driveway edge and connecting those two points with a straight line to form a triangle.

Sign means any device, fixture, placard or structure which uses color, form, graphics, illumination, architectural style or design with text, or writing to advertise, attract attention, announce the purpose of or identify the purpose of any person or entity, or to communicate information of any kind to the public. The term "sign" includes sign structure. The following shall not be considered signs subject to the regulations of this section: artwork, holiday or seasonal decorations, cemetery markers, machinery or equipment signs, memorial signs or tablets.

Sign area means the total area, as measured in square feet, of a sign surface, including all parts thereof devoted to the background, computed by bounding the exterior of the sign structure or surface with a series of straight or curved lines tangent thereto. The area of a sign painted directly on a wall or awning and signs with letters attached directly to walls or awnings shall be calculated by constructing an imaginary series of straight lines or lines formed, bounded or characterized by curves around the outside of all elements of the sign.

Sign face means the part of the sign that is or can be used to identify, display, advertise, communicate information, or for visual representation, which attracts or intends to attract the attention of the public for any purpose.

Sign height shall mean the vertical distance measured from ground level nearest the base of the sign to the highest point on the sign.

Sign maintenance means the replacing, repairing or repainting of a portion of a sign structure, or periodically changing changeable copy or renewing copy, which has been made unusable by ordinary wear.

Sign structure means any structure which is designed specifically for the purpose of supporting a sign, which has supports or which is capable of supporting a sign. The definition shall include any decorative covers, braces, wires, supports, or other components attached to or placed around the sign structure.

Snipe sign (bandit sign) means any sign tacked, nailed, posted, pasted, glued or otherwise attached to trees, rocks, or other natural features, or poles, stakes, or fences, with the message appearing thereon not applicable to the present use of the

premises upon which the sign is located. This shall not include *warning signs* such as no trespassing signs or no hunting signs.

Special event sign means a sign, regardless of its content, providing notice of, or direction to, an event, gathering, assembly or meeting that is open to the public at large. Special event sign shall not mean a sign bearing a commercial message.

Statutory sign means a sign required by any statute or regulation of the State of Florida or the United States.

Street address sign means any sign denoting the street address of the premises on which it is located or to which it is attached.

Substantially damaged or destroyed, as it pertains to a nonconforming sign, means that (a) fifty percent (50%) or more of the upright supports of a sign structure are physically damaged such that normal repair practices of the sign industry would call for, in the case of wooden structures, replacement of the broken supports and, in the case of a metal sign structure, replacement of at least twenty-five (25%) of the length above ground of each broken, bent, or twisted support, or (b) that more than fifty percent (50%) of a wall or attached sign is physically damaged such that normal repair practices of the sign industry would call for the same to be replaced or repaired.

Temporary sign means a sign intended for a use not permanent in nature. For the purposes of this section, a sign with an intended use of one year or less shall be deemed a temporary sign.

Traffic control device sign means any sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) and approved by the Federal Highway Administrator as the National Standard. T*raffic control device sign* include those signs that are classified and defined by their function as regulatory signs (that give notice of traffic laws or regulations), warning signs (that give notice of a situation that might not readily be apparent), and guide signs (that show route designations, directions, distances, services, points of interest, and other geographical, recreational, or cultural information).

Vehicle sign means any sign or signs where the total sign area covers more than ten square feet of the vehicle.

Wall sign means a sign used for advertising, which is painted on, fastened to, or erected against the wall of a building with its face in a parallel plane with the plane of the building facade or wall, that does not extend above the height of the vertical wall or eaves.

Warning sign or *safety sign* means a sign that functions to provide a warning of a dangerous condition or situation that might not be readily apparent or that poses a

threat of serious injury (*e.g.*, gas line, high voltage, condemned building, etc.) or that functions to provide a warning of a violation of law (*e.g.*, no trespassing, no hunting allowed, etc.).

Window sign means any sign mounted in any fashion on the interior or exterior of the surface of a window.

Wind sign means a sign, which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include banners, pennants, ribbons, spinners, streamers or captive balloons; however, the term *wind sign* shall not include *flags*.

Section 2. Article 6, Signs, Repealed and Replaced. Current Article 6 of the County 's Land Development Regulations, relating to Signs, is hereby repealed in its entirety and replaced with NEW Article 6, relating to Signs, which shall provide as follows:

Article 6. Signs

6.01. Short Title. This article shall be known as the "Sign Ordinance of Gulf County, Florida".

6.02. Purpose, Intent and Scope. It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this Article are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the secondary effects of speech, and especially insofar as those secondary effects may adversely affect aesthetics and traffic and pedestrian safety. In order to preserve and enhance the County as a desirable community in which to live and do business, a pleasing, visually attractive environment is of foremost importance. The regulation of signs within the County is a highly contributive means by which to achieve this desired end. These sign regulations have been prepared with the intent of enhancing the visual environment of the County and promoting its continued well-being, and are intended to:

6.02-1 Encourage the effective use of signs as a means of communication in the County;

6.02-2 Maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth;

6.02-3 Improve pedestrian and traffic safety;

6.02-4 Minimize the possible adverse affect of signs on nearby public and private property;

6.02-5 Foster the integration of signage with architectural and landscape designs;

6.02-6 Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;

6.02-7 Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;

6.02-8 Encourage and allow signs that are appropriate to the district in which they are located and consistent with the category of use and function to which they pertain;

6.02-9 Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such residential or business location;

6.02-10 Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;

6.02-11 Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;

6.02-12 Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;

6.02-13 Regulate signs in a manner so as to not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians;

6.02-14 Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;

6.02-15 Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the County;

6.02-16 Allow for traffic control devices, consistent with national standards, to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and to notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;

6.02-17 Protect property values by precluding to the maximum extent possible sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;

6.02-18 Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;

6.02-19 Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the County and that complements the natural surroundings in recognition of the County's reliance on its natural surroundings and beautification efforts in retaining economic advantage for the community;

6.02-20 Preserve and enhance the rural and historic character of the County; and

6.02-21 Enable the fair and consistent enforcement of these sign regulations.

6.03 Prohibited signs. The following signs and sign-types are prohibited within the County and shall not be erected. Any lawfully existing permanent sign or sign-type that is among the prohibited signs and sign-types listed below shall be deemed a nonconforming sign subject to the provisions of Article 6.

6.03-1 Billboards (see Section 6.05-7 below)

6.03-2 Revolving signs.

6.03-3 Flashing signs.

6.03-4 Animated signs.

6.03-5 Wind signs.

6.03-6 Portable signs.

6.03-7 Roof signs.

6.03-8 Abandoned and discontinued signs.

6.03-9 Snipe signs; bandit signs.

6.03-10 Projecting signs, except as expressly allowed.

6.03-11 Bus bench advertising signs; bus shelter advertising signs.

6.03-12 Signs that emit smoke, visible vapor or smoke, sound, odor, or visible particles or gaseous matter.

6.03-13 Signs that have unshielded illuminating devices and/or that do not fully conform with the lighting restrictions contained within this

Article 6 and/or that will not comply with the lighting standards set forth in Section 6.07, as may be amended or codified.

6.03-14 Signs that obstruct, conceal, hide or otherwise obscure from view any official traffic or governmental sign, signal or device.

6.03-15 Wall signs and or freestanding signs that exceed one hundred twenty eight (128) square feet in surface area. The foregoing maximum sign area limitations, which apply under all circumstances, do not preclude the more restrictive sign area limitations that apply herein by district.

6.03-16 Freestanding signs that are higher than twenty five (25) feet. The foregoing maximum height limitation for a freestanding sign, which applies under all circumstances, does not preclude the more restrictive height limitations as set forth herein by district.

6.03-17 Signs within a sight triangle.

6.03-18 Signs in the public right-of-way, other than Traffic Control Device Signs, warning signs or safety signs.

6.03-19 Signs other than a Traffic Control Device Sign that use the words "stop" or "danger," or present or imply the need or requirement of stopping or the existence of danger, or which copy or imitate an official traffic control device sign, and which are adjacent to the right-of-way of any road, street, or highway.

6.03-20 Signs prohibited by state or federal law.

6.03-21 Vehicle sign or signs which have a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle is not "regularly used in the conduct of the business or activity" advertised on the vehicle, and (a) is visible from a street right-of-way within one hundred (100) feet of the vehicle, and (b) is parked for more than five (5) consecutive hours within one hundred (100) feet of any street right of way. A vehicle shall not be considered "regularly used in the conduct of the business or activity" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising, or (iii) for the purpose of providing transportation for owners or employees of the business or activity advertised on the vehicle.

6.03-22 Signs located on real property without the permission of the property owner.

6.03-23 Beacon signs, except as required by state or federal law.

6.03-24 Intermittent signs.

6.03-25 Sandwich board signs, except as expressly allowed.

6.03-26 Signs located, painted or affixed on a water tower, storage tower, or cell tower that are visible from a public street or roadway.

6.04. Nonconforming signs. A nonconforming sign that was lawfully erected may continue to be maintained until the nonconforming sign is substantially damaged or destroyed. At such time that the nonconforming sign is substantially damaged or destroyed, the nonconforming sign must either (a) be removed or (b) be brought into conformity with this Article and with any other applicable law or regulation.

6.05 Exemptions. This Article does not pertain to the following:

6.05-1 A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.

6.05-2 A sign on a car, other than a prohibited vehicle sign or signs.

6.05-3 A statutory sign.

6.05-4 A traffic control device sign.

6.05-5 Any sign not visible from a public street, sidewalk or right-of-way; except that the foregoing does not exempt a sign for a commercial use that is visible from an abutting residential use.

6.05-6 Any temporary sign or temporary device utilized to express a noncommercial message that is reactive to a local happening or that expresses a view on a controversial issue, and that is displayed on public property that is a traditional public forum such as a public sidewalk or a public park, provided that the temporary display does not block, or otherwise interfere with, pedestrian or vehicular traffic.

6.05-7 *Permanent freestanding or wall-mounted signs.* Permanent freestanding or wall mounted signs are allowed as follows:

6.05-7.01 *Number.* One permanent freestanding or wall-mounted sign is permitted for each parcel containing a permitted use.

6.05-7.02 *Height of permanent freestanding sign.* The height of a permanent freestanding sign shall not exceed twenty five (25) feet in height.

6.05-7.03 *Size.* The maximum sign surface area of a permanent freestanding or wall-mounted sign shall not exceed one hundred twenty eight (128) square feet in size.

6.05-7.04 *Setbacks for permanent freestanding signs.* The following setbacks for permanent freestanding signs shall apply:

6.05-7.04-1 A permanent freestanding sign shall be setback at least fifteen (15) feet from the right of way line.

6.05-7.04-2 A permanent freestanding development sign shall comply with any additional setback requirements in this Code.

6.05-7.04-2 If and when a permanent freestanding sign shall exceed thirty two (32) square feet; said sign shall be engineered by design professional and required construction of a metal frame and or base

6.05-8 *Temporary agricultural produce signs.* For an allowed agricultural use, one temporary agricultural produce sign may be displayed. A temporary agricultural produce sign shall not exceed four (4) square feet in sign area. A temporary agricultural produce sign shall not exceed six (6) feet in height.

6.05-9 *Incidental signs.* Up to two (2) incidental signs are permitted to be attached (i) to a freestanding sign structure or (ii) to a building wall, but not perpendicular to the wall. An incidental sign shall not exceed one square foot in size.

6.05-10 *Permanent Business or Retail Establishment Signs within a Development.* Each permitted business or retail establishment within a development shall be entitled to the following signs:

6.05-10.01 *Permanent Window Sign.* The window surface of any retail establishment within a development may have one or more permanent window signs affixed to the window surface provided that the aggregate sign area on the window surface does not exceed Twenty percent (20%) of the total window surface area of the window.

6.05-10.02 *Permanent wall-mounted sign.* One permanent wall-mounted sign (other than a permanent window sign) that does not exceed Thirty percent (30%) of surface area and does not project more than 6 inches.

6.06. Permits.

6.06-1 Building Permits. It shall be unlawful for any person or business or the person in charge of the business to erect, construct, or alter a permanent sign structure whose construction is subject to the Florida Uniform Construction Code, without first obtaining such building permit from the County as may be required by the Florida Uniform Construction Code. Permit fees, if any, shall be paid in accordance with the applicable fee schedules. The requirement of a building permit under the Florida Uniform Construction Code is separate and independent of the requirement for a sign permit under this article.

6.06-2 Sign Permits.

6.06-2.01 Allowed temporary signs, except for special event signs, of the type described in section 6.12 of this article shall be exempt from sign permitting hereunder. Temporary special event signs shall require a permit.

6.06-2.02 Allowed permanent signs of the type described in section 6.05 of this article shall be exempt from sign permitting hereunder.

6.06-2.03 No sign permit shall be issued for the erection of a prohibited sign.

6.06-2.04 Unless exempt from permitting as provided in section 6.05 of this article, no permanent sign shall be erected, altered, relocated, maintained or displayed until a sign permit is obtained from and the appropriate fee, if any, is paid to the County.

6.06-2.05 A sign lawfully erected under permit may be repainted or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without a new sign permit; however, if such sign is to be structurally altered in any manner, a new sign permit shall be required and the altered sign must meet all requirements of this article and these Ordinances.

6.06-3 Sign Permit Application and Issuance of Sign Permit.

6.06-3.01 A sign permit application shall be made upon a form provided by the County. The sign permit application is in addition to any building permit application required by the Florida Uniform Construction Code. The sign permit application shall be accompanied by plans and specifications drawn to scale, together with any site plan required by this section or this Ordinance. The

applicant shall furnish the following information on or with the sign permit application form:

6.06-3.01-1 The block, lot and street address of the real property where the sign is proposed to be located.

6.06-3.01-2 The zoning district for the real property on which the sign will be located.

6.06-3.01-3 The name, mailing address and telephone number (where available) of the owner(s) of the real property where the sign is proposed to be located.

6.06-3.01-4 A notarized statement of authorization signed by the owner(s) consenting to the placement of the proposed sign on the real property.

6.06-3.01-5 The name, mailing address and telephone number of the sign contractor.

6.06-3.01-6 Type of proposed sign (*e.g.*, wall sign or freestanding sign).

6.06-3.01-7 The proposed sign area.

6.06-3.01-8 The cost of the proposed sign.

6.06-3.01-9 If the proposed sign is a freestanding sign:

6.06-3.01-9.01 The height of the proposed freestanding sign.

6.06-3.01-9.02 The sign area of the freestanding sign, and the dimensions utilized to calculate the size.

6.06-3.01-9.03 The distance between the closest existing freestanding sign and the proposed freestanding sign as measured in each direction along each abutting street or right-of-way.

6.06-3.01-9.04 The location, height and area of any existing freestanding sign on the same lot where the proposed freestanding sign will be located.

6.06-3.01-9.05 The front and side yard setbacks for the proposed signs greater than thirty two (32) sq. ft. sign shall use metal frame and or base in the building materials consistent with Section 6.05-7.04-2 recited above.

6.06-3.01-10 If the proposed sign is an attached sign, the building frontage for the building to which the attached sign shall be affixed.

6.06-3.01-11 The number, type, location, and surface area for all existing signs on the same lot and/or building on which the sign will be located.

6.06-3.01-12 Whether the proposed sign will be an illuminated or a non-illuminated sign.

6.06-3.02 An applicant shall deliver a sign permit application for a permanent sign to the County's Code Enforcement Officer or Building Department Official his or her designee, or such other person as designated by the County. The sign permit application shall be reviewed for a determination as to whether the proposed sign meets the applicable requirements of this article and any applicable zoning law. The review of the sign permit application shall be completed within ten (10) business days from the date of receipt of the application, and the application shall be granted or denied within that time frame. In the event that no decision is rendered within ten (10) calendar days following submission, the application shall be deemed denied. The application shall be deemed denied if the application is for a prohibited sign and the applicant may appeal to the Board of County Commissioners.

6.06-4 Fees.

6.06-4.01 *Sign permit fees.* Every person making an initial application for a sign permit shall pay a sign permit fee to the County at the time of the application. This sign permit fee shall be deemed a permit fee and shall be in accordance with the permit fee schedule set forth in these Ordinances.

6.06-4.02 *Building permit fees distinguished.* The sign permit fee, if any, shall be separate and apart from any required fee for a building permit for the erection of a sign covered by the Florida Uniform Construction Code.

6.06-5 Conditions.

6.06-5.01 *Duration of permit.* If the work authorized under a sign permit has not been completed within one hundred eighty (180) days after the date of issuance, the permit shall become null and void and a new application for a sign permit shall be required.

6.06-5.02 *Maintenance of signs.*

6.06-5.02-1 All visible portions of a sign and its supporting structure shall be maintained in a safe condition and neat appearance according to the following requirements:

6.06-5.02-1.01 If the sign is lighted, all lights shall be maintained in working order and functioning in a safe manner.

6.06-5.02-1.02 If the sign is painted, the painted surface shall be kept in good condition.

6.06-5.02-1.03 Every sign shall be kept in such manner as to constitute a complete or whole sign.

6.06-5.02-2 Lawfully erected nonconforming signs may suffer only ordinary and customary repairs and maintenance. A lawfully erected non-conforming sign shall not be structurally altered except in full conformance with this article.

6.07 Lighting and illumination for signs.

6.07-1. Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign, or internal to it, without causing glare for motorists, pedestrians or neighboring premises.

6.07-2 Illuminated signs, including neon signs, shall not produce more than one foot-candle per square foot of reflected or transmitted illumination four (4) feet from the sign.

6.08 Substitution of noncommercial speech for commercial speech. Notwithstanding anything contained in this article or these Ordinances to the contrary, any sign erected pursuant to the provisions of this article or these Ordinances with a commercial message may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face

or any portion thereof. The sign face may be changed from a commercial to a noncommercial message, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other dimensional criteria contained in this article and these Ordinances have been satisfied.

6.09 Content neutrality as to sign message (viewpoint). Notwithstanding anything in this article or these Ordinances to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

6.10 Setback measurement. Required setbacks for signs in all districts shall be measured from the property line to the nearest part of the sign.

6.11 Double-faced signs. Double-faced signs shall be permitted in all zones, provided the signs are designed and constructed such that the two sign faces are back to back with a maximum distance of 18 inches between the two sign faces and directionally oriented 180 degrees from each other. The maximum sign area allowed shall be permitted for each sign face, unless otherwise noted.

6.12 Temporary on-site special event signs. Temporary on-site special event signs shall be permitted in all districts, provided they have been approved by the Code Enforcement Officer as meeting the following content-neutral criteria: (a) the signs are temporary signs for a limited time and frequency, limited to one per event (b) the signs are for a special event as defined herein (see *special event sign*), (c) the temporary signs will not exceed four (4) square feet in sign area per side and three (3) feet in height, (d) the temporary signs will not conceal or obstruct adjacent land uses or signs, (e) the temporary signs will not conflict with the principal permitted use of the site or adjoining sites, (f) the temporary signs will not interfere with, obstruct the vision of or distract motorists, bicyclists or pedestrians, (g) the temporary signs will be installed and maintained in a safe manner, and (h) the display of temporary signs for a special event shall not begin any earlier than eighteen (18) days before the event and shall be removed within three (3) business days after the event. Consistent with section 6.09 of this article, approval or disapproval shall not be based on the content of the message contained (*i.e.*, the viewpoint expressed) on such signs. The Code Enforcement Officer shall render a decision within ten (10) business days after an application is made for such temporary signs. In the event that no decision is rendered within ten (10) business days following submission, the application shall be deemed denied. The application shall be deemed denied if the application is for a prohibited sign and the applicant may appeal to the County Planning Review and Development Board and final authority resting with the Board of County Commissioners. Such a decision shall be deemed an administrative interpretation and any person adversely affected has the right to ultimately appeal the decision to the Board of County Commissioners however, the appeal shall be accelerated and

shall be heard by the Board and determined within thirty (30) days after the appeal is filed.

6.13 All Districts. The regulations in this section apply in every district, except where otherwise specified or indicated. Sign permits are not required for the signs and sign-types described and identified in this subsection.

6.13-1 Street address signs. For each parcel, residence or business, one street address sign may be displayed. For each residence, the street address sign shall not exceed two square feet in sign area unless required by applicable law. For each business or parcel in nonresidential use, the street address sign shall not exceed six square feet in sign area unless required by applicable law.

6.13-2 Nameplate or occupant identification signs. For each residence, business or other occupancy, one nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed two square feet in sign area. For any nonresidential use, the nameplate or occupant identification sign shall not exceed six square feet in sign area.

6.13-3 Directional signs. Noncommercial on-site directional signs, not exceeding four square feet in sign area, shall be allowed on each parcel.

6.13-4 Parking space signs. Noncommercial on-site parking space number signs, not exceeding one square foot of sign area, shall be for a noncommercial use having multiple parking spaces on-site. One such sign shall be allowed for each parking space.

6.13-5 Free expression signs. For each parcel, one free expression sign not exceeding four (4) square feet in sign area may be displayed. The free expression sign may be displayed as an attached sign or as a freestanding sign; if displayed as a freestanding sign, the freestanding sign shall not exceed three (3) feet in height. A free expression sign is in addition to any other sign permitted under this section and is permitted in any zone. Only one such sign shall be permitted on each lot.

6.13-6 Election signs. For each parcel, five (5) election sign for each candidate and each issue may be displayed. An election sign may be displayed as an attached sign or as a freestanding sign. The election sign shall not exceed four (4) square feet in sign area if located on a lot in a residential zone and shall not exceed twenty-four (24) square feet in sign area if located on a lot in a nonresidential zone. If the election sign is displayed as a freestanding sign on the parcel, the election sign shall not

exceed three (3) feet in height. An election sign shall be removed within seven (7) calendar days following the election to which it pertains.

6.13-7 Flagpoles. One flagpole is allowed for each parcel. A flagpole shall not exceed forty (40) feet in height in a nonresidential zone and twenty-five (25) feet in height in a residential zone, and shall be subject to setbacks in the applicable zones in which it is located.

6.13-8 Flags. For each flagpole, two flags not greater than forty-eight (48) square feet each in area may be displayed in a nonresidential zone, and not greater than twenty-four (24) square feet each in area in a residential zone.

6.13-9 Warning signs and safety signs. Warning signs and safety signs, not exceeding four (4) square feet in sign area, shall be allowed in all zones.

6.13-10 Temporary construction signs. One temporary construction sign shall be allowed on a lot, subject to the following limitations:

6.13-10.01 *Number.* For each lot, one temporary construction sign shall be permitted.

6.13-10.02 *Size and height.* For a lot in a residential district, a temporary construction sign shall not exceed four (4) square feet in sign area and four (4) feet in height; and for a lot in a nonresidential district, a temporary construction sign shall not exceed twenty-four (24) square feet in sign area and six (6) feet in height.

6.13-10.03 *Setback.* Temporary construction signs shall be setback from any lot line by at least five (5) feet.

6.13-10.04 *Duration.* Temporary construction signs shall be removed within seven (7) days following the issuance of the certificate of occupancy or the expiration date of any applicable building permit, whichever shall first occur. If no permit is required, the temporary construction sign shall be displayed only until the work is completed.

6.13-11 Temporary real estate signs.

6.13-11.01 *Number - Real Estate.* One temporary real estate sign may be displayed on each parcel of land or part thereof that is for sale; however, when more than one dwelling unit or nonresidential space on a parcel of land is for sale, there may be one real estate sign for each such unit or space.

6.13-11.02 *Number - Rental Signs.* One (1) attached sign either affixed to the structure or displayed from the window that a property is for lease or for recurring short-term rental *(less than six months and a day)*.

6.13-11.03 *Size and height.* For residential uses, the temporary real estate sign shall not exceed four (4) square feet in sign area and four (4) feet in height; and for a nonresidential use, the temporary real estate sign shall not exceed twenty-four (24) square feet in sign area and six (6) feet in height.

6.13-11.04 *Setback.* Temporary real estate signs shall be setback from any lot line by at least five (5) feet.

6.13-11.05 *Duration.* Temporary real estate signs shall be removed within seven (7) days following the closing or settlement of a sale, lease or rental of the real estate that was offered for sale, lease, or rent.

6.13-12 Temporary garage-yard sale signs. For each parcel with a lawful residential use, a temporary garage-yard sale sign may be displayed, subject to the following limitations:

6.13-12.01 *Number.* One temporary garage-yard sale sign may be displayed

6.13-12.02 *Size and height.* A temporary garage-yard sale sign shall not exceed four (4) square feet in sign area and four (4) feet in height.

6.13-12.03 *Setback.* A temporary garage-yard sale sign shall be setback from any lot line by at least five (5) feet.

6.13-12.04 *Duration.* A temporary garage-yard sale sign may not be displayed for a period longer than three (3) days.

6.13-13 Temporary window signs. For each lot, one or more temporary window signs may be displayed. On lots that are in residential use, the temporary window sign(s) shall not exceed an aggregate of three (3) square feet in sign area. On lots that are in nonresidential use, the temporary window sign(s) shall not exceed an aggregate of twenty-four (24) square feet in sign area. Temporary window signs shall not cover more than twenty-five percent (25%) of any window surface.

6.13-14 Temporary future development signs. A temporary future development sign shall be allowed in new subdivisions, subject to the following limitations:

6.13-14.01 *Number.* No more than one such sign shall be allowed upon any property held in single and separate ownership.

6.13-14.02 *Size and height.* A temporary future development sign shall not exceed twenty-four (24) square feet in sign surface area. A temporary future development sign shall not exceed six (6) feet in height.

6.13-14.03 *Setback.* A temporary future development sign shall be setback from any lot line by at least five (5) feet.

6.13-14.04 *Duration.* Temporary future development signs shall be removed within seven (7) days after the last dwelling or parcel has been sold.

6.13-15 Sandwich board signs. In nonresidential zones, on a lot with a permitted use for a restaurant, a sandwich board sign may be displayed as follows:

6.13-15.01 *Number*: No more than one such sign shall be allowed.

6.13-15.02 *Size and height:* A sandwich board sign shall not exceed twelve (12) square feet in sign surface area per side. A sandwich board sign shall not exceed five (5) feet in height.

6.13-15.03 *Setback*: Sandwich board signs are allowed within thirty (30) feet of the principal building for which the lot is used. Sandwich board signs are allowed on the sidewalk in front of the principal building for which the lot is used, provided that a minimum width of five (5) feet of the sidewalk is still left open for pedestrian travel.

6.13-15.04 *Duration*: Sandwich board signs are allowed only during the hours of operation of the use to which they pertain.

6.13-16 Government signs on public property. The County may display temporary signs on public property that serve a public purpose, including temporary signs for special events in the form of banners. Such government signs shall not be subject to the size, number or height limitations that apply to special event signs displayed or posted by non-government entities. The County may erect, maintain, and display a bulletin board sign on public property for the display of messages of public interest subject to such criteria as the County may establish.

6.14 Administration and enforcement.

6.14-1 The Code Enforcement Officer or Building Department Official shall be the enforcing official of this section.

6.14-2 Whenever a temporary sign is erected or maintained in violation of this section, the Code Enforcement Officer or Code Inspector may remove the same at any time without notice.

6.14-3 Whenever a temporary sign is erected or posted on public property in violation of this section the same shall be considered litter and may be removed at any time.

6.14-4 Whenever a permanent sign is erected or maintained in violation of this section or any other provision of these Ordinances, or whenever in the opinion of the Code Enforcement Officer or Code Inspector in concurrence with the opinion of the Building Department Official that any sign becomes unsafe of endangers the safety of a building or premises or the public safety, the Code Enforcement Officer shall send a letter by certified mail to the owner of said sign and/or the owner of the premises on which the sign is located, ordering that such sign be brought into conformance or removed within thirty (30) days of receipt of the letter or such other reasonable period of time as the Code Enforcement Officer may determine to be appropriate to the circumstances. If the sign is not brought into conformity or removed by the end of the thirty-day period, the Code Enforcement Officer may cause the same to be removed at the expense of the owner of the sign and the owner of the premises on which the sign is located. In addition and in consultation with the County Attorney, the Code Enforcement Officer shall be authorized to pursue such other remedies as are available or appropriate to the circumstances, and the description of the foregoing remedies are not exclusive and are in addition to such other remedies as are available under the law.

6.14-5 The Code Enforcement Officer or Building Department Official may cause any sign or sign structure to be removed summarily and without written notice at the expense of the owner of the sign and the owner of the premises on which the sign is located, if it is an immediate peril to persons or property by virtue of its construction or moorings.

6.14-6 Fines. Gulf County Commission is authorized to enforce this ordinance and may follow the established procedures and schedule of violations and penalties set forth below to be assessed by county code enforcement officials and in accordance with Florida Statute 125.69:

6.14-6.01 Violation of any provision of this ordinance shall be subject to the following penalties:

(i) First violation: $50.00 fine; $50.00 per day thereafter
(ii) Second violation: $100.00; $50.00 per day thereafter
(iii) Third violation: Fine not to exceed $500.00 and/or imprisonment in the County jail not to exceed sixty (60) days.

6.14-6.02 Each violation of this Ordinance shall constitute a separate offense. In the initial stages and implementation of this Ordinance, code enforcement officials may provide violators with no more than one (1) written warning.

6.14-6.03 The County shall have resource to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of the section of this ordinance, including but not limited to injunctive relief to rejoin and restrain any person from violating the provisions of this section of this Ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.

6.15 Appeals to the Board of County Commissioners. Whenever it is alleged that there has been an error in any order, action, decision, determination, or requirement by an administrative official in the enforcement and application of any provision contained within this section (including any allegation that an administrative official has failed to act within applicable time frames), the aggrieved party shall file a written appeal or request of hearing before the County Planning Development and Review Board for review and recommendation to the Board of County Commissioners. The appellate decisions of the Board of County Commissioners shall be deemed final, subject to judicial review as provided by law.

6.16 Violations and penalties. Any person, firm or corporation who shall violate, disobey, omit, neglect or refuse to comply with any provision of this section shall be liable to all of the penalties set forth in the Land Development Regulations and the general penalty provisions of County Ordinance.

6.17 Transition rules. Any permit issued prior to the effective date of the adoption of the sign regulations that comprise this section shall remain valid until the earlier of (a) the date that said permit expires by its own terms or (b) ninety (90) days after the effective date of the adoption of this article.

6.18 Severability.

6.18-1 Generally; Severability where less speech results. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article is declared or held to be invalid or unconstitutional by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph,

subparagraph, sentence, phrase, clause, term, or word of this article, even if such severability would result in less speech, whether by subjecting previously exempt signs to this article's permitting requirements, or otherwise.

6.18-2 Severability of provisions pertaining to billboards and other prohibited signs and sign-types. Without diminishing or limiting in any way the declaration of severability set forth above or elsewhere in this article, this Ordinance or in any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article or any other law is declared or held to be unconstitutional or invalid by any court of competent jurisdiction, such declaration or holding shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this article that pertains to prohibited signs, including specifically the prohibition on billboards and those signs and sign-types prohibited and not allowed under section 6.03 of this article.

Section 3. Repealer. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby repealed.

Section 4. Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with the law.

The foregoing Ordinance was offered by Commissioner Yeager, who moved its adoption. The motion was seconded by Commissioner Smiley and, being put to vote, the vote as follows:

Commissioner Williams Yes

Commissioner Yeager Yes

Commissioner McLemore Yes

Commissioner Smiley Yes

Commissioner McDaniel Yes

DULY PASSED AND ADOPTED THIS 26th day of June, 2012

ATTEST: REBECCA NORRIS
CLERK OF COURTS

BY: Kari Summers
DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY

BY: _____
CHAIRMAN WILLIAM C. WILLIAMS, III

APPROVED AS TO FORM:

BY: _____
COUNTY ATTORNEY

ARTICLE VII

Consistency and Concurrency Determination

7.00.00 GENERAL
7.00.01 Purpose
7.00.02 Presumption Of General Concurrency
7.00.03 No Presumption In Favor Concurrency
7.00.04 Challenging The Consistency Of A Development Proposal
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~~**7.01.06 Annual Report**~~

~~**7.02.00 ADOPTED LEVELS OF SERVICE**~~
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ARTICLE VII

CONSISTENCY AND CONCURRENCY DETERMINATIONS

7.00.00 GENERAL

7.00.01 Purpose

The purpose of this article is to describe the requirements and procedures for determination of consistency of proposed development projects with adopted Comprehensive Plan of the respective local governments, including meeting the concurrency requirements of the Plan.

7.00.02 Presumption of General Consistency

A development proposal shall be presumed to be consistent with the Comprehensive Plan if the proposal is found to meet all the requirements of this Code, excepting those aspects of the development addressed by the Comprehensive Plan, but not covered by this Code.

7.00.03 No Presumption In Favor Of Concurrency

Notwithstanding the presumption created in Section 7.00.02, all applications for preliminary and final development orders shall demonstrate that specified public facilities will be available at adopted level of service standards concurrent with the impact of the development on those facilities. Determination of compliance with the concurrency requirements shall be through procedures described in Section 7.02.00.

7.00.04 Challenging The Consistency Of A Development

The Building Inspector, other public official or any citizen may question the consistency of a development proposal with the Comprehensive Plan. If a question of consistency is raised, the Building Inspector, Technical Advisory Committee (TAC), or the Planning and Development Review Board (PDRB), whichever is responsible for approving the issuance of the Development Order or Development Permit, shall make a determination of consistency prior to approving the request for a Development Order or Development Permit. The determination shall be supported with written findings.

7.00.05 Definition

CONCURRENCY: A condition where specified facilities and services shall have or will have the necessary capacity to maintain adopted level of service standards at the time of impact of the development project.

7.01.00 SYSTEM FOR THE MANAGEMENT OF CONCURRENCY

7.01.01 General

To ensure concurrency management is consistent with the current Comprehensive Plain, the following comprehensive plan elements or chapter shall be referenced for concurrency compliance as applicable:
Chapter 2: Traffic Circulation Element
Chapter 4: Sanitary Sewer, Solid Waste, Drainage, Potable Water and Natural Groundwater Aquifer Recharge Element
Chapter 10: School Facilities Element
Chapter 12: Level of Service Concurrency Summaries

~~The following method of ensuring concurrency shall be known as the System for the Management of Concurrency (SYMCON). The SYMCON is based upon the City of Wewahitchka and the Gulf County Comprehensive Plans, especially the respective Capital Improvements Element and adopted level of service standards. The system is designed to ensure that the issuance of a Final Development Order will not result in a degradation of the operating conditions to below adopted level of service standards for specified public facilities and services. The SYMCON also includes a monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards.~~

~~7.01.02 Adopted Levels Of Service Shall Not Be Degraded~~

~~1. General Rule~~

~~1. All applicants for development orders shall demonstrate that the proposed development does not result in degradation of operating conditions below adopted level of service standards in the City or County.~~

~~2. The latest point at which concurrency is determined is prior to the approval of an application for a development order or permit which contains a specific site plan for development, including densities or intensities of development.~~

~~2. Exception~~

~~Notwithstanding the foregoing, operating conditions may be degraded to below adopted level of service standards during the actual construction of new facilities, if upon completion of the new facilities the adopted level of service standards will be met and maintained.~~

~~7.01.03 Determination Of Available Capacity~~

~~For the purposes of these regulations, the available capacity for a facility shall be determined by :~~

~~1. Adding Together~~

~~1. The total capacity for existing facilities operating at the adopted level of service standards; and~~

~~2. The total capacity for new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:~~

~~1. Construction of the new facilities is underway at the time of issuance of the final development order.~~

~~2. A development permit is issued subject to the conditions that the necessary facilities will be in place when the impacts of development occur.~~

~~3. The new facilities are guaranteed, by an enforceable development agreement to be in place when the impacts of development occur. An enforceable development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the Capital Improvements Element of the Comprehensive Plan.~~

~~4. For recreation and roads, new facilities may also be counted if the enforceable development agreement requires commencement of construction of the facilities within one year of the issuance of the applicable development permit, or if the facilities are the subject of a binding executed contract which provides for the commencement of the applicable development permit.~~

~~2. Subtracting From That Number the Sum of~~

~~1. The total existing demand for the service or facility as documented in the local government Comprehensive Plan; and~~

~~2. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.~~

~~3. Action Upon Failure to Show Available Capacity~~

~~Where available capacity cannot be shown, the following methods may be used to maintain adopted level of service:~~

~~1. The project owner or developer may provide the necessary improvements to maintain adopted level of service standards. These improvements shall be concurrent with the impacts of development. In such cases, the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve and maintain the adopted level of service standards, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.~~

2. ~~The proposed project may be altered such that the projected level of service is no less than the adopted level of service.~~

~~7.01.04 Burden of Showing Compliance on Developer~~

~~The future of showing compliance with these level of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient information showing compliance with these standards.~~

~~7.01.05 Initial Determination Of Concurrency~~

~~The initial determination of concurrency occurs during the review of the Preliminary Development Plan, and shall include compliance with the level of service standards adopted by the City or County.~~

~~7.01.06 Annual Report~~

1. ~~Contents~~

~~The City of Wewahitchka and Gulf County shall prepare an Annual Report on the SYMCON that includes:~~

1. ~~A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.~~

2. ~~A summary of building permit activity, indicating:~~

   a. ~~those that expired without commencing construction;~~
   2. ~~those that are active at the time of the report; and,~~
   3. ~~the quantity of development represented by the outstanding building permits,~~

3. ~~A summary of final development order approved, indicating:~~

   1. ~~those that expired without subsequent building permits;~~
   2. ~~those that were completed during the reporting period;~~
   3. ~~those that are valid at the time of the report and have associated building permits or construction activity; and~~
   4. ~~the phases and quantity of development represented by the outstanding final development orders.~~

4. ~~An evaluation of each facility and service indicating:~~

   1. ~~the capacity available for each at the beginning of the reporting period and the end of the reporting period:~~
   2. ~~the portion of the available capacity held for valid preliminary~~

~~and final development orders;~~

~~3. a comparison of the actual capacity to calculated resulting from approved preliminary development orders and final development orders;~~

~~d. a comparison of actual capacity and levels of service to adopted levels of service from the City of Wewahitchka and the Gulf County Comprehensive Plan.~~

~~5. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the Capital Improvements Element of the respective local government Comprehensive Plan.~~

~~2. Use of the Annual Report~~

~~For the purpose of issuing development orders, the SYMCON Annual Report shall constitute prima facie evidence of the public facility capacity available at the beginning of the 12-month period following completion for the annual report. Demand for facilities shall be subtracted from available capacity incrementally as individual developments are permitted throughout the year.~~

~~7.02.00 ADOPTED LEVELS OF SERVICE~~

~~7.02.01 Infrastructure (Sanitary Sewer, Solid Waste, Drainage, and Potable Water)~~

~~Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for sanitary sewer, solid waste, drainage, and potable water facilities:~~

~~**GULF COUNTY**~~

~~**FACILITY STANDARD**~~	~~**LEVEL OF SERVICE**~~
~~Sanitary Sewer Facilities~~	
~~* Barrier Dunes WWTP~~	~~125 gpcpd~~
~~* Gulf Aire WWTP~~	~~150 gpcpd~~
~~* Oak Grove~~	~~*145.5 gpcpd~~
~~**Solid Waste Facilities**~~	~~8 pounds per capita per day~~
~~**Drainage Facilities**~~	~~25 yr. Frequency, 24 hr, duration storm event for those areas designated as residential, commercial, mixed commercial/residential, public and industrial land use on the Future Land Use Map; and~~

~~*3 yr. Frequency, 24 hr. duration storm event for those areas designated as agricultural, conservation, and recreation land use on the Future Land Use Map.~~

~~*Treatment of the first one-half inch of run-off on sites less than 100 acres, and treatment of the first inch of run-off on sites greater than 100 acres.~~

~~**Potable Water Facilities:**~~

~~*Lighthouse Utilities~~	~~100 gpcpd~~
~~* Highland View~~	~~130 gpcpd~~
~~* St. Joe Beach~~	~~100 gpcpd~~
~~* Oak Grove~~	~~*130 gpcpd~~
~~* Gulf Forestry Work Camp~~	~~110 gpcpd~~

~~* LOS adopted by the City of Port St. Joe.~~

~~CITY OF WEWAHITCHKA~~

~~FACILITY STANDARD~~	~~LEVEL OF SERVICE~~
~~**Sanitary Sewer Facilities**~~	
~~*Septic tank systems will not be permitted in areas of the City with unacceptable soil conditions as determined by the U. S. Dept. Of Agriculture, Soil Conservation Service.~~	~~110 gpcpd~~
~~**Solid Waste Facilities**~~	~~8 pounds per capita per day~~
~~**Drainage Facilities** **~~	~~25 yr. frequency, 24 hr. duration storm event. Treatment of the first one half inch of run off on sites less than 100 acres, and treatments of the first inch on sites greater than 100 acres.~~
~~**Potable Water Facilities**~~	~~110 gpcpd~~

~~** Development activities must additionally comply with the stormwater management provisions contained in this Code.~~

~~The design and construction of all infrastructure facilities shall comply with acceptd engineering standards and practices.~~

~~7.02.02 Transportation System~~

~~1. Level of Service~~

~~Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for roadways as established in the Traffic Circulation Element of the local government Comprehensive Plan.~~

~~GULF COUNTY~~

~~Type of Facility~~	~~Peak Hour Level of Service~~
~~Principal Arterials~~	~~C~~
~~Minor Arterials~~	~~D~~
~~Major Arterials~~	~~D~~
~~Minor Collectors~~	~~D~~
~~Backlogged Principal Arterials (U. S. 98 from Port St. Joe City Limits to Highland View Bridge)~~	~~Maintain and Improve~~

~~As required by the Gulf County Traffic Circulation policies 1,2,4 and 1,2,5 the County will allow development to occur which will not cumulatively increase daily volumes on the currently backlogged segment of U. S. 98 by more than ten percent above 1990 levels, until roadway capacity is increased to accommodate further traffic generated by development permitted by the County.~~

~~CITY OF WEWAHITCHKA~~

~~Type of Facility~~	~~Peak Hour Level of Service~~
~~Minor Arterials~~	~~D~~
~~Major Collectors~~	~~D~~
~~Minor Collectors~~	~~D~~

~~The design and construction of roads and/or roadway improvements shall comply with accepted engineering standards and practices.~~

~~2. Determination of Project Impact~~

~~The impact of proposed development activity on available capacity shall be determined as follows:~~

~~1. For proposed developments generating less than 500 new trips per day (according to Appendix B in the Concurrency Management Procedures Manual), the Gulf County Building Inspector shall determine the project impact area, the numbers of trips assigned to each impacted roadway, and the post-development level of service.~~

~~2. For proposed developments generating 500 or more new trips (according to Appendix B), the developer shall be responsible for conducting a Traffic Impact Analysis.. The project impact area shall include all roadways located within a radius equal to the average trip length (given in Appendix B) from the project site. The analysis shall include the number of trips assigned to each impacted roadway and the post-development level of service. All assumptions used in the assignment of traffic shall be stated.~~

~~7.02.03 Recreation Facilities~~

~~Development activities shall not be approved unless there is sufficient available capacity to sustain a level of service of five (5) acres per 1,000 people for recreational facilities as established in the Recreation and Open Space Elements of the City of Wewahitchka and the Gulf County Comprehensive Plan.~~

ARTICLE VIII

Subdivision Regulations

6.00.00 **Ordinance 2005-16**

ORDINANCE NO. 2005- 16

AN ORDINANCE GOVERNING THE SUBDIVISION OF LAND IN GULF COUNTY, PROVIDIND FOR THE PURPOSES, INTENT, DEFINITIONS, METHODS OF PLAT APPROVAL AND REQUIREMENTS THEREFORE PROVIDING THE SIZE LOTS, STREETS, AND ALLEYS; PROVIDING FOR VARIANCES; PROVIDING FOR THE ENFORCEMENT OF THE PROVISIONS OF SAID ORDINANCE; PROVIDING FOR THE REPEAL OF ORDINANCE 2002-01 PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA.

ARTICLE I- CITATION, PURPOSES, AND INTENT

Section I Citation- This ordinance shall be known and referred to as Gulf County Subdivision Ordinance.

Section 2- Purpose – The purpose of this ordinance is to promote and protect the public health, safety, economy, order, appearance, convenience, morals, and general welfare of the citizens of Gulf County through the harmonious orderly and progressive development of land within the unincorporated boundaries of Gulf County, Florida.

Section 3 – Intent – The regulation of the subdividing of land is intended:

3.1 To aid in the coordination of land development in the unincorporated areas of the county in accordance with orderly physical patterns to maintain and protect the local economy and natural resources and to discourage haphazard, uneconomic, or scattered land development.

3.2 To insure safe and convenient traffic control and to encourage development and maintenance of economically stable and healthful communities.

3.3 To prevent periodic and seasonal flooding by preventing protective flood control and drainage facilities; and to provide public open spaces for recreation, assure land subdivision with installation of adequate and necessary physical improvements.

3.4 To assure that the citizens and taxpayers of the county will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of certain minimum improvements.

3.5 To serve as a tool for the implementation of the Gulf County Comprehensive Planning Program.

3.6 <u>To insure the subdivision design is compatible with and preserves the visioning of Gulf County.</u>

Article 2- DEFINTIONS

Section I- General Definition- Except as otherwise provided herein, all words shall have the customary dictionary meaning, to the present tense includes the future tense, the singular number includes the plural and the plural includes the singular. The word "person" includes a firm, corporation, association, organization, trust, partnership. The word "shall" is mandatory. The word "may" is permissive.

Section 2- Specific Definition- When used in these regulations, the following words and phrases shall have the meaning given in this section.

2.1 **Subdivision shall mean the platting of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; except when the division results from inheritance or deed of gift and includes establishment of new streets and alleys, additions and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.**

1. The following operations or uses shall not be taken for the purpose of the ordinance to involve 'subdivision'.

A) A change in the ownership or form of ownership of any parcel or structure, without any further alteration or improvement of the land or change I use or appearance of the land.

B) The use of any land for the purpose of growing plants, crops, trees, or agricultural produce.

2.2 Board of County Commissioners or Commission (BOCC) shall mean the Board of County Commissioners of Gulf County, Florida.

2.3 Clerk shall mean Clerk of Circuit Court.

2.4 Planning Board shall mean the established Planning and Development Review Board (PDRB) per Chapter 163 of the Florida Statues.

2.5 Preliminary plat shall mean the preliminary map indicating the proposed layout of the subdivision which is submitted for the Planning Development Review Board's consideration and tentative approval.

2.6 Final flat shall mean the final plat of all, or a portion of, the subdivision which is presented for approval, in accordance with these regulations.

2.7 Minor Replat: The subdivision of a single lot or parcel of land into two (2) lots or parcels or the subdivision of a parcel into two (2) or more lots solely for the purpose of increasing the area of two (2) or more lots or parcels of and, where there are no roadway drainage or other required improvements and where the resultant lots comply with the provision of this code. Approval for minor replats is the responsibility of the Planning/Building Director or his designee.

2.8 **Private Subdivision: Any subdivision so designated by the developer or owner on his initial application with the County, and in which all improvements (including roads, drainage, sewer and water systems) are to be maintained by the developers/owners of property within the subdivision; PROVIDED, that no subdivision shall be considered a private subdivision unless there be compliance with all requirements regarding public notices and/or disclosures to prospective purchasers.**

2.9 Minor Subdivision shall mean the division of real property resulting in 3 or more, but less than 10 lots, blocks, parcels, tracts, tiers, and units.

2.10 Major Subdivision: any subdivision that is not a minor subdivision.

2.11 Self-Contained Subdivision any subdivision with 20 acres or less that has only one roadway entrance and does not have the future capability of expansion for additional roadways; unless topographic conditions require additional width as determined the Planning/Building Department.

2.12 Specialty Subdivision: a nonconforming subdivision that has a minimum lot/parcel size of 40 acres, private roads and no more than 30 lots/parcels total. Specialty subdivisions with boundaries contiguous to state or county maintained roads can not:

1. exceed four (4) lots/parcels per mile, have
2. less than 1,325 feet road frontage per lot/parcel, except
3. when a lot/parcel is used to provide access to non contiguous acreage, the minimum frontage can not be less than 250 feet and items 1 and 2 above are met, and
4. each lot/parcel must be eligible for a building permit.

Specialty subdivisions may be exempted by a development order from infrastructure improvements if approved by BOCC, but must meet all other requirements as applicable. All specialty subdivisions must be platted and recorded. Subdividing of any lot/parcel approved under a specialty subdivision will be required to meet all current subdivision developments requirements.

2.13 Planned Development Project: Any project that is unique in design requiring a variance(s) or concession(s) to the regulations of this ordinance to accomplish the developments design.

ARTICLE 3-PROCEDURE FOR PLAT APPROVAL

Section 1-Preliminary Plat Approval Pre application review for Major Subdivisions

1.1 Pre application Review: Prior to preparation of the preliminary plat, the sub-divider or his authorized representative may seek the advice of the Planning/Building Department in order to become familiar with applicable requirements. It is intended that this procedure will assist the sub-divider in preparing a preliminary plat which will meet the requirements of these regulations. This procedure will not require a formal application or fee, and shall NOT constitute formal action by Gulf County.

Section 2: Preliminary Plat Phase I- Development Review

2.1 Application for preliminary plat approval must be submitted by the 15th of the month prior to the month of the Planning and Development Review Board meeting in order to be placed on the agenda. If the submittal package is not deemed complete by the Planning Department, placement on the upcoming agenda will not occur.

2.2 Preliminary plat must clearly indicate the proposed number of lots, interior streets, and road access at a scale not smaller than one hundred (100) feet to the inch.

2.3 Plat must clearly indicate total size of subdivision. (Acreage)

2.4 Plat must indicate wetlands as identified by a professional environmentalist. Flag locations will be shown on a boundary survey prepared by a Florida Licensed Surveyor.

2.5 Preliminary drainage plan indicating destination of flow and any impact on adjacent properties.

2.6 All plats and documents must be sealed by a Florida licensed surveyor or engineer as applicable.

2.7 County location map must be included with submittal. Review of the above information will be made by the Planning Department and the Planning and Development Review Board (PDRB) with the determination made to recommend or not recommend the Phase I Preliminary Plat for approval to the Gulf County Board of County Commissioners (BOCC).

2.8 No construction may commence until a DO is formally issued.

Section 3: Preliminary Plat Phase II-Development Order (DO)

3.1 A DO is contingent upon approval of the documentation required by 3.2 through 3.9 within this Section 3.

3.2 A DO may be issued in Phase I if the project is determined to have minimum impacts and permitting issues.

3.3 Engineering: Engineering firm or professional engineer licensed to practice in the State of Florida must:

(a) Provide sufficient survey data to positively describe the bounds of every lot, block, street easement and all other areas shown on the plat.

(b) Design and delineate road construction indicating clearing, grading stabilization, base surface and drainage facilities.

(c) Design and delineate the utility systems; water, sewer and storm drainage.

(d) Compliance with the Gulf County Floodplain Ordinance and other FEMA required regulations.

(e) Provide a topographical survey of the entire site denoting elevation changes in two one foot increments. Cut and fill areas to be delineated. During Phase I review, this item may be wavered if the documentation submitted by the developer is sufficient to justify a waver by the PDRB and BOCC.

(f) Clearly outline the projects goals and the process that will be used to complete the project.

3.4 Each application shall include information relating to and drawing(s) depicting proposed landscaping and grading for the development site, which shall indicate:

(a) Location and dimensions of proposed buffer zones and landscape areas, including buffer zones adjoining shorelines;

(b) Description of plant materials existing and to be planted in buffer zones and landscape areas;

(c) Grading plans, specifically including perimeter grading; &

(d) The percentage of land surface that is covered by native vegetation and the percentage of native vegetation that will be removed by the proposed development.

3.5 Submit approved agency permits as applicable such as but not limited to:

(a) Florida Department of Environmental Protection (DEP) for:
1. Storm water permit
2. Portable water (if applicable)
3. Construction within the Coastal Construction Control Line (CCCL)
4. Sanitary Sewer (if applicable)

(b) Florida Department of Transportation (FDOT) or Gulf County for driveway access

(c) US Army Corps of Engineers and/or DEP for wetland issues dredge and fill permits

(d) Gulf County Environmental Health for Septic Systems (if applicable)

3.6 County Engineer approval required for roads, stormwater drainage, & utility system designs. As an alternative, Gulf County may accept a certified statement from a Florida licensed engineer that constructed designs meet Gulf County regulations.

3.7 Documentation that payment has been satisfied by developer to the respective engineer and surveyor representing the County during compliance review.

3.8 911 Office approvals of road name and addressing has been applied for.

3.9 Approval of dedication of roads and/or infrastructure as public or private.

3.10 The development project shall have six months to complete the requirements of the DO.

3.11 Review of the above information will be made by the Planning Department and the Planning and Development Review Board (PDRB) with the determination made to recommend or not recommend the Phase II Preliminary Plat for approval to the Gulf County Board of County Commissioners (BOCC).

Section 4- Phase III- Final Plat Approval

4.1 Application for final plat approval must be submitted by the 15th of the month prior to the month of the Planning Development and Review Board meeting in order to be placed on the agenda. If the submittal package is not deemed complete by the Planning/Building Department, placement on the upcoming agenda will not occur.

4.2 Final Plat approval and recording is contingent upon acceptance of the following documentation:

1. Certified statement by the engineer of record under 3.6 that all requirements of the DO have been completed and meet Gulf County and other agencies development regulations.

   Or

   Section 2.2 of Article 5 of this ordinance has been met with the proper documentation on file with the County.

2. Recording plat has been reviewed and sealed by the secondary surveyor.

3. Itemized infrastructure list that includes:

   a. Length of paved roadway
   b. Cost of roadway
   c. Cost of water, wastewater, and other infrastructure improvements.
   d. Digital boundary file compatible with ArcView.

4.3 Subdivision plats to be recorded shall contain the following information:

(1) It shall be:

(a) An original drawing made with black permanent drawing ink or varitype process on a good grade linen tracing cloth or with a suitable permanent black drawing ink on a stable base film a minimum of 0.003 inches thick, coated upon completion with a suitable plastic material to prevent flaking and to assure permanent legibility; or

(b) A nonadhered scaled print on a stable base film made by photographic processes from a film scribing tested residual hypo testing solution to assure permanency.

Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black drawing ink. A print or photographic copy of the original drawing shall be submitted with the original drawing.

(2) The size of each sheet shall be 36" long by 24' wide and shall be drawn with a marginal line, completely around each sheet and placed so as to leave at least a /2 inch margin on each of three sides and a 3 inch margin on the left side of the Nat for binding purposes.

(3) When more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled matchlines to show where other sheets match or adjoin.

(4) In all cases, the scale used shall be of sufficient size to show all detail and shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided.

(5) The name of the plat shall be in bold legible letters, as stated in s. 177.051. The name of the subdivision shall be shown on each sheet included.

(6) A prominent "north arrow" shall be drawn on every sheet included showing any portion of the lands subdivided. The bearing or azimuth reference shall be clearly stated on the face of the plat in the notes or legend.

(7) Permanent Reference Monuments (P.R.M.s) must be placed at each corner or change in direction on the boundary of the lands being platted; however, "P.R.M.s" need not be set closer than 310 feet, but may not be more than 1400 feet apart. In all cases there must be a minimum of four "P.R.M.s" placed on the boundary of the lands being platted. Where such corners are in an inaccessible place, "P.R.M.s" shall be set on a nearby offset within the boundary of the plat and such offset shall be noted on the plat.Where corners are found to coincide with previously set "P.R.M.s", the number on the previous set "P.R.M.s" shall be shown on the new plat or, if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat and this will be so stated in the surveyor and mapper's certificate on the plat. The "P.R.M.s" shall be shown on the plat by an appropriate designation.

(8) "P.C.P.s" shall be set at the intersection of the centerline of the right-of-way at the intersection of all streets, at "P.C.s", "P.T.s", "P.R.C.s" and "P.C.C.s", and no more than 1000 feet apart, on tangent, between changes of direction or along the street right of way or block lines at each change in direction and no more than 1000 feet apart. Such "P.C.P.s" shall be shown on the plat by an appropriate designation. "P.C.P.s" must be set prior to the expiration of the bond or other surety. It is the surveyor and the mapper's responsibility furnish the clerk or recording officer of the county or municipality his or her certificate that the "P.C.P.s" have been set, and the dates the "P.C.P.s" were set.

(9) Each plat shall show the section, township, and range as applicable, or, if in a land grant, the plat will so state.

(10) The name of the city, town, village, county, and state in which the land being platted is situated shall appear under the name of the plat as applicable.

(11) **Each plat shall show a description of the lands subdivided, and the description shall be the same in the title certification. The description must be so completed that from it, without reference to the plat, the starting point and boundary can be determined.**

(12) **The dedications and approvals required by FS Chapter 177**

(13) **The circuit court clerk's certificate and the surveyor and mapper's certificate and seal.**

(14) **All section lines and quarter section lines occurring in the map or plat shall be indicated by lines drawn upon the map or plat, with appropriate words and figures. If the description is by metes and bounds, the point of beginning shall be indicated, together, together with all bearings and distances of the boundary lines. If the platted lands are in a land grant or not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses. The initial point in the description shall be tied to the nearest government corner or other recorded and will established corner.**

(15) Location, width, and names of all streets, waterways, or other rights-of-way shall be shown, as applicable.

(16) Location and width of easements shall be shown on the plat or in the notes or legend, and their intended use shall be clearly stated.

(17) All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, land shall be so designated. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.

(18) All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks is numbered additions beating the same name may be numbered consecutively throughout the several additions.

(19) Block corner radii dimensions shall be shown.

(20) Sufficient survey data shall be shown to positively describe the bounds of every lot, block street easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the 39.37/12=3.2808333333 equation for conversion from a U.S. foot to a metric foot.

(21) Curvilinear lots shall show the radii, arch distances, and central angles or radii, chord, and chord bearing, or both. Radial lines will be so designated. Direction of nonradial lines shall be indicated.

(22) Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all hearings, angles, or azimuth shall be shown to the nearest second of arc.

(23) The center lines of all streets shall be shown with distances, angles, beatings or azimuth, "P.C.s", "P.T.s", "P.R.C.s", "P.C.C.s", arch distance, central angles, tangents, radii, chord, and chord beating or azimuth, or both.

(24) Park and recreation parcels as applicable shall be so designated.

(25) All interior excepted parcels shall be clearly indicated and labeled "Not part of this plat".

(26) The purpose of all areas dedicated must be clearly indicated or stated on the plat.

(27) When it is not possible to show curve detail information on the map, a tabular form may be used.

(28) The plat shall include in a prominent place the following statement: "NOTICE": There may be additional restrictions that arc not, recorded on this plat that may be found in the public records of this county.

(29) All platted utility easements shall provide that such easements shall also be easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services shall interfere with the facilities and services of an electric, telephone, gas, or other public utility. In the event, a cable television company damages the facilities if a public utility; it shall be solely responsible for the damages. This section shall not apply to those private easements granted to or obtained by a particular electric, telephone, gas, or other public utility. Such construction, installation, maintenance, and operation shall comply with the National Electrical Safety Code as adopted by the Florida Public Service Commission.

(30) Certifications: In addition the following certification shall be required:

(A) Certification by the designated county personnel that the developer has complied with one of the following alternatives:

(a) All improvements have been installed in accordance with the regulations for land subdivision and other provisions of this ordinance and with the recommendations of the Planning Development and Review Board, giving conditional approval of the preliminary subdivision plat.

(b) A surety bond or certified check, or construction loan commitment (or other performance guarantee) has been posted with the county in

sufficient amount to assure such completion of all required improvements as specified Article VI.

(B) **The following signed certificates shall appear on the final plat which is submitted to the Planning Development and Review Board by the developer:**

(a) Certificate of land Surveyor

I hereby certify that this survey was made under my responsible direction and supervision and is a correct representation of the land surveyed and that the permanent reference monuments and that the survey data and monumentation complies with Chapter 177 of the Florida Statues, and with all applicable Gulf County Subdivision Regulations and/or Ordinances.

_____
Registered Land Surveyor
No._____

(b) Certificate Approval by Planning and Development Review Board

This plat conforms to the plat approval provisions made by the Gulf County PDRB on the ___ day of _____ 20 __ and to the provisions of the Subdivision Regulation for Gulf County, Florida.

_____
Chairman

(c) Certificate of Approval by Board of County Commissioners

Approved by the Gulf County Board of County Commissioners this __day of _____20 __.

_____
Chairman

_____
County Attorney

(d) Certificate of Clerk

Accepted for filing and recorded this day of _____ 20 __, in Plat Book ____ Page ____ of the Public Records of Gulf County, Florida.

_____
Clerk of the Circuit Court
Gulf County, Florida

3) a) **Disclaimer: In addition, each plat of any subdivision, made for recording in the public land records or prepared or submitted for final approval of the Planning Development and Review Board or the Board of County Commissioners shall contain the following language:**

> **"Gulf County has made no investigation of and accepts no responsibility for damages or loss sustained by reason of any cave, sinkhole, surface or subsurface formation, or susceptibility to flooding or drainage problems, on any of the lands shown hereon."**

b) Title Certification: Every plat of a subdivision submitted for final approval to the Planning Development and Review Board and governing body must be accompanied by a current (less than 30 days old) title opinion of an attorney at law licensed in Florida or a current tide insurance commitment or policy showing record title to the land as described and shown on the plat is in the name of the person, persons or corporation executing the dedication, if any, as it is shown on the plat and, if the plat does not contain a dedication, that the developer has record title to the land. The title opinion or commitment shall also show all mortgages and other encumbrances or liens of record which have not been satisfied or released of record. If the title opinion of the attorney states that it is based upon an abstract or the examination thereof, then such title opinion shall also affirmatively show the following information:

1) That the abstract covers at least the thirty (30) year period immediately preceding the date the plat is submitted for approval

2) The name of the abstractor or abstract company preparing and certifying the abstract.

3) The number or other identifying designation of the abstract.

The title opinion or title insurance commitment shall not create or result in any liability of the attorney or title examiner to any prospective purchasers.

4) Dedication and Approval: Every plat of a subdivision (except a private subdivision) filed for record must contain or be accompanied by a dedication to the public by the record owner. The dedication shall be executed by all owners, mortgagees, and other persons having a record interest in the lands subdivided in the same manner in which deeds are required to be executed. When a final plat bearing the dedication (executed by all owners, mortgagees, and other persons having a record interest in the lands subdivided) and the approval of the Planning and Development Review Board and the Board of County Commissioners has been secured and recorded in compliance with this Ordinance, all streets, alleys, easements, right-of-way and public areas shown on such plat, unless otherwise stated, shall be deemed to have dedicated to the public for the use and purposes thereon stated.

5) **The dedication on final plat shall be in a title format substantially as follows:**

KNOW ALL MEN BY THESE PRESENTS, that (Insert name of subdivision and name of all owners(s) of fee simple interest in the lands dedicated), the owner in fees simple of the lands shown hereon, (insert name or names of all mortgages, lien holders and other persons and parties having an interest of record in lands to be dedicated), a party having a recorded interest or lien of record in the lands shown hereon, and which lands are more particularly described as follows (insert complete legal description) have caused said lands to be divided and subdivided as shown herein and do hereby dedicate to the perpetual use of the public all roads, streets, alleys, and other right-of-way, and all parks and recreation areas and all easements for utilities, drainage and other purposes incident thereto as shown and depicted thereon, reserving however, the reservation or reversions thereof should the same be renounced, disclaimed, abandoned or the use thereof discontinued as prescribed by law by official action of the officials having charge or jurisdiction thereof, this _____ day of _____ 20____. (Acknowledgement of execution of dedication).

2.5 The commission shall not approve the final plat unless they receive the following:

(a) A certificate from the County Engineer or a licensed civil engineer that all improvements have been installed in accord with these regulations or design of improvements are consistent with this ordinance and state law.

(b) A certificate from the Clerk of Circuit Court that a bond has been posted <u>or other approved method of financial responsibility.</u>

2.6 In the event the subdivision is a development of regional impact, as defined in Chapter 22F, Florida Administrative Code, final plat approval shall be given only after compliance with Chapter 380, Florida Statues.

2.7 Upon approval of the plat, one copy of the original reproducible drawings shall be retained in the file of the Clerk of Circuit Court.

Section 3 – <u>Minor Subdivision</u> <u>Approval for Preliminary Plat Phase I, Preliminary Plat Phase II, and Final Plat</u>

3.1 ~~The Planning/Building Department shall be responsible for preliminary plat review of minor subdivisions.~~ Applications for minor subdivision preliminary plats shall be consistent with Article 3, Section 1, <u>2 and 3</u> of this ordinance ~~with the exception that all review and subsequent approval or denial will be made by the Planning/Building Department~~.

3.2 Upon approval of the minor subdivisions Phase I and Phase II Preliminary Plat ~~and interim plat approval~~, the developer shall provide a proposed final plat in accordance with all provisions of this ordinance to the Planning~~/Building~~ Department for review.

3.3 The Planning~~/Building~~ Department shall place proper notice in a news paper of general circulation through out the county providing public notice that the application for final plat approval shall be available in the office of the Planning~~/Building~~ Department for public inspection for ten (10) days from the date of the publication of notice and that the Planning/Building Department will accept written comments from the public concerning the proposed minor subdivision.

3.4 If negative written comments are received or if the Planning/~~Building~~ Department based upon its review, determines that the minor subdivision presents unusual problems or technical difficulties that require further review then the Planning/~~Building~~ Department shall schedule the application for review by the Planning and Development Review Board at its next available opportunity and the application shall proceed as if it were a major subdivision. In the event that the application is scheduled before the PDRB as a result of public comments, then notice of the PDRB meeting shall be provided to any person providing written comment.

3.5 Notwithstanding any other section of the Ordinance, right-of-way widths within minor subdivisions can be 30 feet wide, and with a driving surface of 20 feet, so long as the applicant and the Planning/~~Building~~ Department agree that property within the County setback requirements can be used for necessary utility easements. In this event, all other requirements relative to road construction shall apply.

ARTICLE 4 REQUIREMENTS

Section I- Conformity to County Plat Requirements- All proposed subdivisions shall conform to the following requirements, rules and regulations.

Section 2-Streets-

2.1 Relations to adjoining street system. Proposed new streets shall extend existing streets to their projections at the same or greater width, but in no case less than minimum required width, unless variations are deemed necessary by the Commission for reasons of topography or design where in the opinion of the commission, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property. Half streets or half alleys along the boundary of land proposed for subdivision will not be permitted unless the title to the adjacent lands is furnished the County at the time the plat is filed. In Private Subdivisions the developer will provide a roadway easement prior to final plat approval from the adjacent property owners and be duly recorded in the official record books.

2.2 Street widths Right-of-way: The minimum width of proposed streets road(s) measured from lot line shall be shown on the Major Street Plan. At the discretion of the commission a Major Street plan should be provided by the developer. If not shown on such plan, the widths shall be not less than sixty-six (66) feet; provided that a minimum of 50 feet connecting streets will be acceptable of there are existing street ends of the same width. Where the cause of drainage problems and other unique topographical configurations or problems, sixty-six feet is not sufficient, the County may require additional widths as needed. Alleys serving business lots shall not be less than twenty (20) feet. Self-Contained Subdivisions the streets shall be no less than fifty (50) feet wide.

2.3 Conformance to Topographic conditions and Street Grades: In general streets planned to conform to existing topographic conditions. The maximum grade on Major Streets shall be five (5) percent. The maximum grade on all other streets may not exceed eight (8) percent.

2.4 Street Intersections: Insofar as practical, acute angles at intersections shall be avoided. Where an acute angle of less than seventy-five degrees occurs between streets st their intersection, the commission may require the property lines to be rounded or otherwise set back to permit curb construction of desirable radius without curtailing the sidewalk at the street corner to less than normal width. Submission of a grading plan showing existing and proposed contours at one (1) foot intervals and a detailed design for the intersection may be required by the Commission. Unaligned intersections shall be separated by a minimum of one hundred and twenty-five (125) feet between centerlines.

2.5 Curves in Streets. Where a defection angle of more than ten (10) degrees in the alignment of a street occurs, a curve of reasonable long radius shall be introduced. On all streets except local service streets, the centerline radius of curvature shall not be less than one hundred (100) feet.

2.6 Dead End Streets. Streets designed to have one end permanently closed (cul de sac) shall be provided at the closed end with a turnaround with a minimum right of way radius of fifty (50) feet, and a minimum driving surface radius of forty (40) feet.

2.7 Street Names. Proposed streets obviously in alignment with existing and named streets shall bear the names of existing streets. In no case shall the names for the proposed street. All roads and their names must be approved by the 911 Office.

Section 3 Street Improvements required prior to acceptance.

Streets. Streets and alleys shall be brought to grade and improved to the dimensions required by the cross-section and the work shall be performed in the following manner or in a manner equivalent or exceeding the minimum requirements as provided in Article 3.2 of Section 3 with final approval from the County Engineer.

3.1 All right-of-way shall be cleared, grubbed, and graded to the full width of the right-of- way and provided with a properly prepared subgrade, base and pavement in compliance with the following minimum specifications.

3.2 All materials used in the construction and paving of the streets are to be as specified in the most recent edition of the Florida Department of Transportation Standard Specifications for Road and Bridge construction. Placement of base and surface course shall comply with FDOT Standards for Road and Bridge Construction, latest edition.

3.3 Grading will be in accordance with the typical cross section shown on the plat in the construction plans.

3.4 The subgrade will be compacted or stabilized as required until it is firm and unyielding and shall have a Limerock Bearing Ratio (LBR) value of at least 40.

3.5 **The base material shall be one foot wider than the asphalt surface, (six inches per side) and shall be one of the following:**

	COMPACTED	
	Thickness	LBR
Sand-Clay	9"	75
Limerock	6"	100
Asphalt, Type ABC-3	4"	100
Coquina (Shell)	6"	100
Crushed Concrete	6"	100

(a) It will be the responsibility of the developer or his Professional Engineer to authorize or to make the following tests during the construction period and furnish the County Engineer with a copy of each test made:

Surface Course Material and Density
Base Material and Density
Subgrade Bearing Value
Subgrade Density
Stabilized Roadway Bearing Value
Stabilized Roadway Density
Stabilized Roadway Thickness
Concrete Strength, 28 Days

(b) Engineering: an approved engineering firm or professional engineer, licensed to practice in the State of Florida, must supervise and control all work done, including all location and control staking, clearing, grading, stabilizing, placing of bases, surfacing and drainage. The developer shall have available, when necessary, qualified personnel for the purpose of setting all lines and grade stakes and for verification of points by the County Engineer.

Each stage of road construction (such as clearing, grading, stabilization, base, surface and drainage facilities) and any other item as deemed appropriate by the County Engineer, shall receive specific inspection and approval from the developer engineer with appropriate records to verify all such inspection and approval. All field notes must be made available to the County engineer at any time prior to acceptance.

At completion of all work covered by the approved plans, the firm or engineer must certify in writing to the Board of County Commissioners that all work was done in compliance with approved plans and these regulations.

3.6 The pavement shall be type S-I Asphalt concrete or Sand Asphalt Hot Mix (800 pound stability, Hubbard method) with a minimum compacted thickness of one and one half inches (11/2) and a minimum width of twenty feet (20').

The slope of the pavement shall be 2% from the road center to the edge of the pavement.

Shoulders: Shoulders shall be a minimum of 6' in width, stabilized grasses and sloped to .03 to .08 feet per foot.

3.7 The subdivider, in preparing the streets within the subdivision, shall also acquire the necessary right-of-way and improve said right-of-way in accordance with these regulations for sufficient access roads for adequate ingress and egress to and from the subdivision.

3.8 All alleys shall be cleared, grubbed and graded to the full width of the right-of-way and in accordance with typical cross-section shown in the construction plans.

3.9 Street name signs shall be installed at all street intersections. Street names as well as the design and placement of such signs shall be subject to the approval of the Board of County Commissioners. Signs shall conform to County 911 requirements.

3.10 The street right-of-way width requirements of this ordinance shall not be applicable to a minor subdivision containing proposed streets with a total of 1000 linear feet or less. In that event, the street improvements shall be subject to Article 3, Section 3.5.1

3.11 The street right-of-way width for self-contained subdivisions shall be a minimum of 50 feet wide. All other requirements of this ordinance relative to road construction shall apply.

3.12 The street right-of-way width for subdivisions that incorporate curb and gutter drain systems shall be a minimum of 50 feet. **Note:** This 50' requirement does not necessarily apply to minor subdivisions.

3.13 Specialty Subdivision may be approved by the PDRB and to be exempt from road paving requirements providing that the following restrictions are incorporated into the subdivision:

(a) That authoritative provision for maintenance of private roads must be established that complies with Article 5, Section 2, subpart (e) or (f) and meets the approval of the County Attorney, PDRB and BOCC.

(b) No lot can be less than 40 acres.

(c) No subdivision lot can be subdivided until all development requirements for paving applicable subdivision roads of this ordinance id fulfilled at owner's expense.

(d) The minimum right-of-way width for all private roads (paved and unpaved) in a specialty subdivisions shall be 66 feet and shall be designed and constructed in accordance with accepted engineering principles in order to adequately accommodate service vehicles like fire/rescue vehicles, refuse collection vehicles, and school buses.

(e) The applicant of a subdivision with private streets shall at their expense, post and maintain signs of a size prescribed by the county which designate the roads as "Private Road, Road not Publicly Maintained".

(f) All private road subdivisions shall have a statement in boldface lettering on all recording documents releasing Gulf County and any other service provider's of liability for failure to provide to provide services should the provider determine road ways unsafe for personnel and vehicular use.

(g) All recording documents shall contain a statement in boldface letters substantially in the following language: "All private roads providing ingress and egress to the property heron described shall be privately maintained by the Homeowner's Association and Gulf County is not responsible for the use or maintenance of the above including school buses."

(h) The assessment procedures set forth in the restrictive covenants of a specialty subdivision with private roads shall establish a procedure requiring such association, or other corporate entity, to assess lot owners a proportionate share of the costs of such maintenance, including repairs and replacements of facilities, and enabling it to obtain liens on individual lots for unpaid assessments and to foreclose upon such liens.

(i) If for any reason, the property owners wish to dedicate private road(s) to Gulf County for ownership and maintenance, the road(s) must be paved at Homeowners Association or private owner(s) expense in accordance with the paving standards of this Ordinance and transfer of right-of-way title's approved by county attorney.

Section 4 Street Improvements

4.1 The developer or subdivider shall maintain the streets for the later of (a) period of twelve (12) months from plat approval or (b) until 15% of the lots have been built on.

4.2 Prior to acceptance, the streets shall be brought up to grade for a minimum width of twenty (20) feet and shall be compacted until it is firm and unyielding and has a Limerock Bearing Ration (LBR) of at least 40.

4.3 The subdivider, in preparing the streets within the subdivision, shall also acquire the necessary right-of-way and improve said right-of-way in accordance with these regulations for sufficient access roads for adequate ingress and egress to and from the subdivision or if said roadway is a county road then a written agreement must be obtained from the County stating the required improvements and outlining the standards of the roadway prior to final plat approval.

4.4 Prior to final acceptance, the streets, ditches and drainage, structures must be brought up to standards according to these Subdivision regulations. Developers or subdividers will be required to label in bold type on the face of the subdivision that the streets will not be finally accepted by the County until the requirements of Section 3 have been fully complied with.

Section 5- Blocks and Lots

5.1 Blocks shall not be more than twelve hundred (1200) feet in length. In blocks over eight hundred (800) feet in length the commission may require one or more public cross walks with not less than a ten (10) foot right-of-way, when the public has an interest in the adjoining property behind the land being subdivided.

5.2 Corner lots shall have the extra width sufficient to accommodate the side street setback requirement.

5.3 Property line setbacks shall be consistent with Article V, "Development Standards" of the County Land Development Regulations.

5.4 Lot sizes must be consistent, with the county's Land Development Regulations.

ARTICLE 5- ADMINISTRATION

Section I- Public Use and Service Areas

1.1 Public Uses-In a subdivision of more than forty (40) acres; the County commission may require adequate provisions to be made for parks or commons areas as ascertained by the County Commissioners. The amount required shall not exceed 5%. At no time shall al subdivision be allowed, that without recreation lands will allow degradation in the adopted level of service for recreation lands per the County's Land Development Regulations.

1.2 Easements for utilities. The Commission may require easements for poles, wire, conduits, storms and sanitary sewers, gas, water and heat mains, or other utility lines on each side of the common real lot lines and along side lots lines if necessary or advisable in the opinion of the Commission. The dedication of streets, alleys and ditches shall automatically grant to the County and exclusive ownership and control of utilities within the streets, alleys and ditches.

Section 2 Installation of Subdivision Improvements

The administrative procedures for installing subdivision improvements required herein shall be as follows:

2.1 When Construction may Begin: construction and installation of any required public improvements is described herein shall not be made until the Board of County Commissioners has given approval of the preliminary plat and the interim plat application for the new subdivision. The subdivider shall then confer with the County Engineer or Planning/Building Department for written approval of commencement of the construction and installation of the required improvements.

2.2 No final plat of any subdivision shall be granted approval by the Planning Development Review Board or Board of County Commissioners until the subdivider has satisfactorily guaranteed that improvements required under this Ordinance shall be installed. Such improvements shall be made within a specified period of time, not to exceed five (5) years. This guarantee shall be made in one of the following ways:

(a) A surety bond executed by a surety company licensed to do business in Florida, payable to Gulf County, in a sufficient amount to ensure completion of improvements, as determined by the Planning and Development Review Board.

(b) A cash deposit in an escrow account in sufficient amount to assure completion of improvements, as determined by the Planning and Development Review Board.

(c) A construction loan commitment from an institutional leader may be used, provided the subdivider and a qualified leading institution enter into an agreement with the County whereby the subdivder is bound to complete the work, and the lender is bound to advance the funds as the work is completed, and providing for completion of the work by the County or its contractor in the event of the subdivider's default.

(d) Such other performance guarantee as maybe approved by the Board of County Commissioners.

(e) Prior to plat approval specialty subdivisions, applicant shall file with the county attorney articles of incorporation and bylaws providing for enforceable assessment procedures set forth in the restrictive covenants of a subdivision requiring at least annual assessments to begin at subdivision recording. These assessments shall include both maintenance costs and a reasonable contribution to a reserve account for future major repairs or replacements. The restrictive covenants shall be recorded with the plat, and the seller of any lot in the subdivision thereof shall provide a copy to a prospective buyer prior to execution of a contract for sale and purchase.

2.3 Engineering: An approved engineering firm or professional engineer, licensed to practice in the State of Florida, must supervise and control all work done, including all location and control staking, clearing, grading, stabilizing, and placing of bases, surfacing and drainage. The developer shall have available, when necessary, qualified personnel for the purpose of setting all line an grade stakes and for verification of points by the County Engineer.

Each stage of road construction (such as clearing, grading, stabilization, base, surface, and drainage facilities) and any other items as deemed appropriate by the County Engineer, shall receive specific inspection and approval from the developer engineer with appropriate records to verify all such inspection and approval. All field notes must be made available to the County Engineer at any time prior to acceptance.

At completion of all work covered by the approved plans, the firm or engineer must certify in writing to the Board of County Commissioners that all work was done in compliance with approved plans and these regulations.

2.4 "As Built" Drawings: at such time as the applicant has completed construction of all required improvements, he shall furnish to the County Engineer "As Built" plans and profiles prepared by a licensed land surveyor (on material designated by the County) twenty-four (24) inches by thirty-six (36) inches in the size or, if areas to be shown do not fit on a sheet that size, two (2) or more drawings shall be submitted, with suitable match lines, which drawings shall show the actual locations of all streets, culverts, head walls, drains, manholes catch basins, sidewalk curbs, and the location of utilities and all other pertinent information, such as culvert and drain grades, sewer grades, sidewalk and curb grades and elevations.

If any item or element of the subdivision does not conform to those shown on the plans and profiles previously approved by the Governing Body, the Governing Body shall have the right to disapprove the release of the bond until such deficiency has been corrected. In any case, no bond shall be released by the Governing Body until such plans have been submitted and all construction conformed.

2.5 **Maintenance of Completed Work: The subdivider shall maintain his completed work until official final acceptance by Gulf County.**

(1) **If the subdivider originally posted a performance bond covering the cost of construction, it shall be reduced to ten percent (10%) of the original bond and shall be held as a maintenance bond.**

(2) **If the subdivider constructed and installed all required public improvements prior to final approval, then he shall post a maintenance bond equaling ten percent (10%) of the construction costs and shall sign a bond agreement with the Governing Body. Further, after day of acceptance by the Governing Body the developer shall maintain all completed work for a period of twelve (12) months.**

At the end of maintenance period, the County Engineer shall make a final inspection and notify the subdivider and the bonding company, or in cases where funds are being held in escrow, the subdivider shall make the corrections or the cost of making such corrections shall be deducted from these funds, and the subdivider or developer charged with any costs above the amount of escrow funds. If the work is acceptable at this time, the remaining ten percent (10%) of the escrow funds shall be released to the subdivider.

Section 3- Enforcement of Penalties

3.1 No Plat of a subdivision shall be filed or recorded by the Clerk of Circuit Court until the plat is submitted to and approved by the Board of County Commissioners and such approval has been entered in writing on the plat by the Chairman of the Board of County Commissioners and the Clerk of Court.

3.2 Misrepresentation-a Misdemeanor. Any owner or agent of the owner who falsely represents to a prospective purchaser of real estate that roads and streets, sewers, water systems, or drainage facilities will be built, constructed or maintained by Gulf County shall be deemed guilty of a second degree misdemeanor and shall be punishable as provided by law.

3.3 General Enforcement. Violation of the provisions of these regulations or of any rules and regulations of this ordinance shall be deemed a second degree misdemeanor, punishable as provided by law and with each day such violation continues constituting a separate offence.

Section 3- Variance

If strict compliance to these regulations may cause hardship, the Commission may approve the modification requested by the applicant. Such a variance shall apply only to specific hardships, and shall not be detrimental to the intent of these regulations and shall not be granted until advertised in a newspaper of general circulation at least one week prior to granting such variance. The request will be placed on the next PDRB agenda for a recommendation to the Board.

Section 4- Severability-

4.1 If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional, void, invalid the validity of the remaining portions shall not be affected thereby.

4.2 Conflict with other laws. Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted statues, rules, regulations, ordinances, the most restrictive, or that imposing higher standards, shall govern.

Section 5-Repealer – Ordinance 2002-01

Section 6-Effective Date- This Ordinance shall become effective as provided by law.

This Ordinance Adopted by the Board of County Commissioners of Gulf County, Florida at its regular meeting this 23 day of August, 2005.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
GULF COUNTY, FLORIDA

Rebecca L. Norris

Rebecca L. Norris, Clerk

Nathan Peters, Jr.

Nathan Peters, Jr., Chairman

ARTICLE IX

Nuisance Abatement and Animal Control

9.00.00 **Ordinance 99-03**
9.00.01 **Ordinance**

GULF COUNTY ORDINANCE NO. 99-03

AN ORDINANCE REGULATING NOISE WITHIN THE COUNTY, SETTING FORTH STATEMENT OF PURPOSE AND OBJECTIVES, PROHIBITING THE MAKING OF LOUD, UNREASONABLE, UNNATURAL OR UNUSUAL NOISES AS SET FORTH HEREIN, PROVIDING FOR ENFORCEMENT, ADOPTING A HEARING PROCEDURE, PROVIDING FINES AND PENALTIES FOR ENFORCEMENT, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The making, creation or maintenance of loud, unreasonable, unnatural or unusual noises which are prolonged and unusual in their time, place and use, and which are a detriment to the public health, comfort, safety, welfare and prosperity of the residents of the county, and

WHEREAS, There is overriding necessity of and for the public interest for the provisions and prohibitions contained in this ordinance regulating noise within the county as set forth and herein and the same is declared as a matter of legislative determination and public policy to further the protection of the public, and,

WHEREAS, The provisions and prohibitions contained in this ordinance and enacted herein are in pursuance of and for the purposes of protecting and promoting the public health, comfort, convenience, safety, welfare and prosperity, and the peace and quiet of the county and its inhabitants.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

1. It shall be unlawful for a person within the county to make, continue, or cause to be made or continued, any loud or unusual noise which unreasonably either annoys, disturbs or endangers the comfort, repose, health, peace or safety of others and the same is declared to be a public nuisance , and the following acts, among others, are hereby declared to be loud and disturbing noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

a. The playing, using or operating of, or permitting to be played, operated or used, any radio, receiving set, musical instrument, television set, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighborhood and vicinity thereof;

b. The playing, using or operating of, or permitting to be played, operated or used, any radio, receiving set, musical instrument, television set, phonograph or other machine or device for the producing or reproducing of sound between the

hours of 12:00 a.m. and 7:00 a.m. in such a manner as to be plainly audible at a disturbance of one hundred (100) feet from the building, structure or vehicle in which it is located or at any time or place so as to annoy or disturb the quiet, comfort or repose of reasonable persons or in any dwelling or residence;

c. The playing, using or operating of, or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound, upon the public streets or right of ways for the purpose of commercial advertising or attracting the attention of the public to any building or structure;

d. The keeping of any animal which, by frequent or long-continued noise, shall disturb the comfort or repose of reasonable persons in the vicinity thereof; or

e. The erection, including excavating, demolition, alteration or repair of any building between the hours of 12:00 a.m. and 7:00 a.m. which unreasonably either annoys, disturbs or endangers the comfort, repose, health, peace or safety of others in the vicinity thereof.

2. A violation of this ordinance shall be deemed a civil infraction and the violator shall be issued a citation for such violation at the time of the violation. The citation shall include reference to this ordinance, indicate first, second or subsequent offense and indicating the amount of the fine imposed and providing a document to the violator indicating options for disposition of this matter as set forth in section 4 below. The sheriff of the county and his duly appointed deputies shall and are hereby directed to enforce the provisions of the ordinance and issue citation(s) to violators.

3. Penalty for a first violation of this ordinance is a fine in the amount of $250.00. Penalties for a second and any subsequent violation of this ordinance shall result in imposition of a fine in the amount of $500.00 per occurrence.

4. Following receipt of a citation by, the person charged with a violation of this ordinance the person may resolve the violation by payment of the fine indicated at the office of the Circuit Clerk, Gulf County Court House, Port St. Joe Florida within 30 days of the date of the violation or the person may contest the violation by presenting written objection to the citation and a request for a hearing before a special master appointed to review and hear the merits of the violation. Such request must be provided in writing by the person charged with a violation of this ordinance to the following address by certified mail within 30 days of the date of the citation for violation to:

Gulf County Hearing Master
c/o Chief Administrator's Office
1000 C. G. Costin, Sr., Blvd.
Port St. Joe, Florida 32456

5. This ordinance shall take effect when its passage, approval and publication is accomplished pursuant to law.

Adopted this the 20th day of April, 1999

ATTEST:

BENNY C. LISTER, CLERK

GULF COUNTY BOARD OF COUNTY COMMISSIONERS

TOMMY KNOX
Chairman

ARTICLE X

Adult Oriented Business and Placement

9.00.00	**Ordinance 2007-05**
9.00.01	**Ordinance 2007-06**

ORDINANCE NO. 2007-05

AN ORDINANCE OF GULF COUNTY, FLORIDA RELATING TO THE LOCATION OF SEXUALLY ORIENTED BUSINESSES AND BODY ALTERING BUSINESSES; MAKING ADDITIONAL REGULATIONS WITHIN TOURIST CORRIDORS; MAKING FINDINGS OF FACT RELATING TO THE SECONDARY EFFECTS OF SEXUALLY ORIENTED BUSINESSES AND BODY ALTERING BUSINESSES; DEFINING ADULT BOOK, VIDEO OR NOVELTY STORE; DEFINING ADULT CLUBS; DEFINING ADULT MATERIALS; DEFINING ADULT MOTION PICTURE THEATER; DEFINING ADULT MOTION PICTURE MINI THEATER; DEFINING BODY ALTERING BUSINESS; DEFINING BODY PIERCING ESTABLISHMENT; DEFINING PUBLIC PARK; DEFINING SCHOOLS; DEFINING SEXUALLY ORIENTED BUSINESSES; DEFINING SPECIFIED SEXUAL ACTIVITY; DEFINING SPECIFIED ANATOMICAL AREAS; DEFINING TATTOO ESTABLISHMENTS; DEFINING TOURIST CORRIDORS; ESTABLISHING THE DISTANCE LIMITATION BETWEEN SEXUALLY ORIENTED BUSINESSES TO BE 1,500 FEET; SEPARATELY STATING AND ESTABLISHING THE DISTANCE LIMITATION BETWEEN BODY ALTERING BUSINESSES TO BE 1,500 FEET; SEPARATELY STATING SIGN AND APPEARANCE REQUIREMENTS FOR SEXUALLY ORIENTED BUSINESSES AND BODY ALTERING BUSINESSES; PROHIBITING ADULT MOTION PICTURE MINI (BOOTHS) UNLESS PATRONS ARE OPEN AND VISIBLE; PROVIDING FOR APPLICATION OF THIS LAW TO NEW CHURCHES, SCHOOLS AND PUBLIC PARKS; PROVIDING THAT THIS LAW SHALL NOT INDEPENDENTLY AUTHORIZE ANY USE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH ORDINANCES CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

Section 1. Short title.

This ordinance may be known as the "Gulf County Sexually Oriented and Body Altering Business Ordinance."

Section 2. Definitions.

For the purposes of this Article, the following definitions shall apply:

Adult Book, Video or Novelty Store : The term "adult bookstore," "adult video store," or "adult novelty store" means an establishment which sells, leases or rents adult material for any form of consideration, unless the adult material is accessible only by employees and the gross income from the sale or rental of adult material comprises less than twenty (20%) per cent of the gross sales of the store or less than ten percent (10%) of the individual items publicly displayed at the establishment as stock in trade.

Adult Club : The term "adult club" shall mean any place of business or commercial establishment that permits, suffers or allows individuals for consideration in their service to customers or in a performance for customers on more than 3 days in a 60 day period to display or expose "specified anatomical areas" or permits, suffers or allows individuals for consideration to wear any covering, tape, pasties or other device that simulates or otherwise gives the appearance of the display or exposure of any "specified anatomical areas."

Adult Materials : The term adult materials means any one or more of the following:

(a) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations or recordings, novelties and devices, which have, as their primary or dominant theme, matter depicting, illustrating, describing or relating to "specified sexual activities" or less than completely and opaquely covered "specified anatomical areas;" or

(b) Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."

Adult Motion Picture Theater . The term "adult motion picture theater" means a commercial establishment or place of business operating in whole or in part within an enclosed building, or a portion or part of an enclosed building, or an open-air theater, designed to permit viewing by patrons seated in automobiles or other seating provisions, for any form of consideration, film, video or any other visual material or method which has, as its primary or dominant theme, matters depicting, illustrating or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons thereof, and includes any hotel or motel, boarding house, room house or other lodging which, for any form of consideration, advertises the presentation of such film material. For the purposes of this Section an adult motion picture theater includes an adult motel, and an adult motion picture booth.

Adult Motion Picture Mini-Theater : The term "adult motion picture mini-theater" means a commercial establishment or place of business operating in whole or in part within an enclosed building, or a portion or part of an enclosed building, designed to permit viewing by patrons for any form of consideration, film, video or other visual material or method which has, as its primary or dominant theme, matters depicting, illustrating or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons thereof, including an adult arcade or adult motion picture booth, and so constructed that any patron viewing such material or method is not at all times fully visible from the neck to the kneecap by other patrons and the management.

Body Altering Business : The term "body altering business" shall mean such uses as shall be included in Section 4 of this Article.

Body Piercing Establishment : The term "body piercing establishment" means a commercial establishment or place of business at which the body or skin of a human being is pierced, or which holds itself out to the public as a place where such body piercing can be purchased or arranged. The use of a mechanized, pre-sterilized ear-piercing system that penetrates the outer perimeter or lobe of the ear, or both, is exempt from this definition.

Church : As used herein the term "church" shall mean a church, temple or other structure used on a permanent basis primarily for public worship.

Public Park : The term "public park" shall mean and include those facilities owned by the State of Florida, Gulf County or any public park so designated by Gulf County or any municipality therein.

School : The term "school" means a public, private or parochial daycare, elementary, middle, or high school.

Sexually Oriented Businesses : The term "sexually oriented business" shall mean such uses as shall be included in Section 3 of this Article.

Specified Sexual Activities : The term "specified sexual activities" shall mean:

(a) Human genitals in a state of sexual stimulation or arousal;

(b) Acts of human masturbation, sexual intercourse or sodomy;

© Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;

(d) Sadism or masochism, including bondage.

Specified Anatomical Areas : The term "specified anatomical areas" shall mean:

(a) Less than completely and opaquely covered:

(1) Human genitals, pubic region;

(2) Buttock; and

(3) Female breast below a point immediately above the top of the areola; and

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Tattoo Establishment : The term "tattoo establishment" means a commercial establishment or place of business at which the skin of a human being is marked by piercing in or otherwise applying coloring matter so as to form indelible or lasting marks or figures, or which holds itself out to the public as a place where such tattooing can be purchased or arranged.

Tourist Corridor : The term "Tourist Corridor" means that portion of the following roads falling within the boundaries of Gulf County at any time:

1. Highway 71
2. Highway 98
3. Highway 22
4. County Road 386
5. County and State Road 30A, 30E, 30B
6. Cape San Blas Road
7. Lake Grove Road
8. Gary Rowell Road
9. Stone Mill Creek Road
10. County Road 381and 381A
11. County Road 387
12. Doc Whitfield Road

Section 3. Sexually Oriented Businesses.

The following uses are declared to be sexually oriented or adult businesses:

(1) Adult Book, Video or Novelty Store.

(2) Adult Motion Picture Theater.

(3) Adult Club.

Section 4. Body Altering Businesses .

The following uses are declared to be body altering businesses:

(1) Body Piercing Establishment.

(2) Tattoo Establishment

Section 5. Distance limitation - Sexually Oriented Businesses.

No sexually oriented business shall be located nearer than twenty-five hundred (2,500) feet to any other sexually oriented business nor nearer than twenty-five hundred (2,500) feet to any (i) church, or (ii) school, or (iii) public park, nor nearer than two hundred fifty (250) feet to the nearest right-of-way line of any tourist corridor. Such distance shall be measured by radial spacing as follows: In the case of another sexually oriented or adult business or a church, by measuring from the nearest corner of the sexually oriented or adult business building or on-premises free-standing sign associated with such business building, to the nearest corner of the church building or the other sexually oriented or adult business building or on- premises free-standing sign associated with such business building; in the case of a school or public park, by measuring from the nearest corner of the sexually oriented business building or on-premises free-standing sign associated with such business building to the nearest boundary of the school or public park parcel; in the case of any tourist corridor, by measuring from the nearest corner of the sexually oriented business building or on-premises free- standing sign associated with such business building to the nearest right-of-way line of any tourist corridor. In all such measurements, building projections, eaves or overhangs shall be excluded. In the case of a sexually oriented business operated outside a building, measurement shall be from the closest place of such operation.

Section 6. Distance Limitation - Body Altering Businesses .

No body altering business shall be located nearer than fifteen hundred (1,500) feet to any other body altering business nor nearer than fifteen hundred (1,500) feet to any (i) church, or (ii) school, or (iii) public park, nor nearer than two hundred fifty (250) feet to the nearest right-of-way line of any tourist corridor. Such distance shall be measured by radial spacing as follows: In the case of another body altering business or a church, by measuring from the nearest corner of the body altering business building or on-premises free-standing sign associated with such business building, to the nearest corner of the church building or the other body altering business building or on- premises free-standing sign associated with such business building; in the case of a school or public park, by measuring from the nearest corner of the body altering business building or on-premises free- standing sign associated with such business building to the nearest boundary of the school or public park parcel; in the case of any tourist corridor, by measuring from the nearest corner of the body altering business building or on-premises free-standing sign associated with such business building to the nearest right-of-way line of any tourist corridor. In all such measurements,

building projections, eaves or overhangs shall be excluded. In the case of a sexually oriented business operated outside a building, measurement shall be from the closest place of such operation.

Section 7. Sign and Appearance Requirements -- Sexually Oriented Businesses .

(1) All Signs shall be flat Wall Signs.

(2) The amount of allowable Sign Area shall be one square foot of Sign Area per linear foot of Frontage of that Premises, to a maximum of twenty five (25) square feet.

(3) No merchandise or pictures of performers of the sexually oriented or adult products or entertainment on the premises shall be displayed in Building Glass Areas or any area where they can be viewed from a Street.

(4) Window Signs are prohibited. A single, one square foot Sign may be placed on the door to state hours of operation and admittance to adults only. A single, three square foot Sign containing only the word OPEN may be placed in a window.

(5) Freestanding On-Premises Signs are prohibited.

All terms used in this Section shall have the meanings ascribed in the Gulf County Sign Ordinance, as amended from time to time, which ordinance shall apply to the extent not inconsistent with this section.

Section 8. Sign and Appearance Requirements -- Body Altering Businesses

(1) All Signs shall be flat Wall Signs.

(2) The amount of allowable Sign Area shall be one square foot of Sign Area per linear foot of Frontage of that Premises, to a maximum of twenty five (25) square feet.

(3) No merchandise or pictures of the products or entertainment on the premises shall be displayed in Building Glass Areas or any area where they can be viewed from a Street.

(4) Window Signs are prohibited.

A single, one square foot Sign may be placed on the door to state hours of operation and admittance to adults only. A single, three square foot Sign containing only the word OPEN may be placed in a window.

(5) Freestanding On-Premises Signs are prohibited.

All terms used in this Section shall have the meanings ascribed in the Gulf County Sign Ordinance, as amended from time to time, which ordinance shall apply to the extent not inconsistent with this section.

Section 9. Adult Motion Picture Mini-Theaters Prohibited.

Adult motion picture mini-theaters are prohibited. It shall be unlawful for any person to operate or cause or permit to be operated an adult motion picture mini-theater.

Section 10. Application to new churches, schools and public parks.

Where a sexually oriented or body altering business is located in conformity with the provisions of this article, the subsequent locating of a church, school or public park within one thousand (1,000) feet of such existing sexually oriented or body altering business shall not be construed to cause such designated use to be in violation of this article.

Section 11. Article not independently authorizing use.

Nothing in this article shall be construed to permit the establishment or maintenance of any sexually oriented or body altering businesses not otherwise permitted by the other articles of this Zoning Ordinance or any other applicable law.

Section 12.

All ordinances or parts of ordinances in conflict herewith are repealed to the extent to the extent of such conflict.

Section 13.

If any section, subsection or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

Section 14.

This Ordinance shall take effect upon it passage according to law.

PASSED, APPROVED AND ADOPTED at the regular meeting of the County Commission on this 13th day of March, 2007.

GULF COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Bill Williams, Chairman

ATTEST:

_____
Rebecca L. Norris, Clerk of Court

_____
Timothy J. McFarland, County Attorney

ORDINANCE NO. 2007-06

AN ORDINANCE OF GULF COUNTY, FLORIDA PROVIDING FOR ZONING DISTRICTS FOR ADULT ARCADE AMUSEMENT CENTERS, PROVIDING FOR DETAILED REGULATIONS REGARDING THE LOCATION AND OPERATION OF SUCH USES; PROVIDING FOR DEFINITIONS; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Gulf County Board of County Commissioners has determined that adult arcade amusement centers require additional regulations and requirements to ensure and protect the public health, safety and welfare; and

WHEREAS, the local planning agency has held a public meeting, in accordance with state statutes concerning this matter; and

WHEREAS, the County held a public hearing in accordance with said statutes to solicit input from the public; and

NOW, THEREFORE, BE IT ORDAINED by the Gulf County Board of County Commissioners as follows:

Section 1 **Development Standards for Adult Arcade Amusement Centers:**

Adult arcade amusement centers are to be located and permitted only in the commercial or industrial zoning category. Adult arcade amusement centers must not be located in a tourism corridor as established herein.

A. No adult arcade amusement center shall be located or conducted within 2,500 feet of another such establishment, a public or private school, daycare, house of worship, a public library or a public park. The required 2,500 foot minimum separation shall be measured from the nearest point of one establishment real estate boundary to the nearest point of the other establishment real estate boundary in a straight line.

B. This section does not apply to a duly licensed and located adult arcade amusement center in existence before a public or private school, house of worship, a public library, or a public park moved within 2,500 feet of such adult arcade amusement center.

C. Such amusement centers shall be prohibited from being opened past 11:00 p.m. and prior to 9:00 a.m.

D. The use of any imagery which references gambling, such as, but not limited to, slot machines, poker wheels, etc. shall not be permitted when visible from the exterior of the tenant space, including, but not limited to, wall signage and window signage. The use of strip lighting is expressly prohibited.

E. The parking requirements for an adult arcade amusement center shall be as set forth in the Gulf County Comprehensive Plan regarding off street parking.

Section 2 **Special Permit Requirements:**

A. No person shall operate or conduct an adult arcade amusement center for use by the general public in this county for money or other reward without first obtaining a special permit for operation of an adult arcade amusement center as set forth herein. A person desiring to obtaining such a license shall make an application therefore in writing to the Chief Administrator of Gulf County, Florida, 1000 C.G. Costin, Sr., Blvd. Port St. Joe, FL, 32456 and shall set forth the following in writing under oath:

1. The name under which the business is to be conducted.
2. The location at which the business is to be carried on.
3. The name, address and principal occupation of every person with an interest in the business.
4. The number of coin operated machines to be exhibited.
5. The serial number, manufacturer and name of each machine.
6. Whether the applicant has ever engaged in operating an amusement arcade, and when, where, and how long in each place within five (5) years preceding the date of application.
7. The applicant is twenty-one (21) years of age or more.
8. Acknowledgment that a permit herein will not be issued if a person with an interest in the business or an employee of the business, has been convicted of a violation of a federal or state statute or any local ordinance pertaining to gambling or any other crime involving moral turpitude within five (5) years preceding the application.

Section 3 **Registration and Operation:**

A. As a prerequisite to the issuance of a special permit as described herein, an inspection shall be made of the premises by the Building Official, the Fire Marshall and the Sheriff, or their designees, each of whom must approve the issuance of such special permit in accordance with their respective disciplines.

B. Registration for each coin operated amusement device is required at the time of application for a special permit. The applicant must submit with the application, satisfactory proof that the applicant has registered with the Department of Justice pursuant to 15 United States Code 1171.

C. The applicant must submit with the application the records required under Federal law to be maintained by those who register under 15 United States Code 1171, and certifies that the machines bear the permanent markings required by the Federal law.

D. The applicant shall keep the registered machines, the records of acquisition, location and disposition required by the Federal law and, records of prize awards open to the Sheriff for inspection at anytime.

E. An adult who is twenty-one (21) years of age or older shall be on the adult arcade amusement center premises and shall supervise the operation thereof at all times during the hours of operation.

F. No alcoholic beverages, including beer or wine, shall be consumed on the premises of an adult arcade amusement center.

G. No person under the age of eighteen (18) is permitted on the premises of an adult arcade amusement center before 4:00 p.m. on any day the public or private schools are in session, unless such person is accompanied by his or her parent or legal guardian.

H. The violation of any of the provisions of this section shall constitute sufficient cause for the county to revoke the special permit issued for the business. Nothing contained herein shall be construed to mean that a violation of this section is a criminal offense, as it is not a criminal offense, but a civil infraction.

Section 4 **<u>Disturbance of Peace; Gambling; Intoxicated Persons:</u>**

A. No licensee or owner of any adult arcade amusement center, or any servant, agent or employee of such a licensee or owner, shall permit upon the premises housing a mechanical amusement device arcade, any of the following:

1. Disorderly persons.
2. Gambling, or the use, possession, or presence of gambling paraphernalia.
3. Intoxicated persons to loiter on the premises.

4. Loud noise or music to emerge from the licensed premises which noise or music is disturbing to the surrounding area.

Section 5 **Definitions:**

A. Adult arcade amusement center means an arcade amusement center where more than fifty (50) amusement games or machines which operate by means of the insertion of a coin and which by means of skill may entitle the person playing of operating the game or machine to receive points or coupons which may be exchanged for merchandise, excluding cash and alcoholic beverages, providing the cost value of the merchandise and prize awarded in exchange for such points or coupons does not exceed seventy cents on any game played or available to the public. This definition is not intended and does not include merchandise, vending machines, or coin operated mechanical or electrical musical instruments or devices.

B. Tourist Corridors:

The term "Tourist Corridor" means that portion of the following roads falling within the boundaries of Gulf County at any time:

1. Highway 71
2. Highway 98
3. Highway 22
4. County Road 386
5. County and State Road 30A, 30E, 30B
6. Cape San Blas Road
7. Lake Grove Road
8. Gary Rowell Road
9. Stone Mill Creek Road
10. County Road 381and 381A
11. County Road 387
12. Doc Whitfield Road

Section 6

All ordinances or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 7

If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding and shall not effect the validity of the remaining portion of this ordinance.

Section 8

This ordinance shall take effect immediately upon its passage and adoption as provided by law.

PASSED, APPROVED AND ADOPTED at the regular meeting of the County Commission on this 13th day of March, 2007.

GULF COUNTY BOARD OF COUNTY COMMISSIONERS

By: _____
Bill Williams, Chairman

ATTEST

By: _____
Rebecca L. Norris, Clerk