

ARTICLE I

GENERAL PROVISIONS

- 1.00.00 TITLE**
- 1.01.00 AUTHORITY**
- 1.02.00 APPLICABILITY**
 - 1.02.01 General Applicability**
 - 1.02.02 Exceptions**
- 1.03.00 GUIDE FOR USERS**
 - 1.03.01 The Integration of Land Development Regulations**
 - 1.03.02 Definitions**
 - 1.03.03 Description of Development Review Process**
- 1.04.00 INTENT**
 - 1.04.01 General Intent**
 - 1.04.02 Specific Intent Relating to the various Subject Areas of this Code**
- 1.05.00 RELATIONSHIP TO THE COMPREHENSIVE PLAN**
- 1.06.00 INCORPORATION BY REFERENCE**
 - 1.06.01 Technical Construction Standards**
 - 1.06.02 Maps**
- 1.07.00 RULES OF INTERPRETATION**
 - 1.07.01 Generally**
 - 1.07.02 Responsibility For Interpretation**
 - 1.07.03 Computation Of Time**
 - 1.07.04 Delegations of Authority**
 - 1.07.05 Gender**
 - 1.07.06 Number**
 - 1.07.07 Shall, May**
 - 1.07.08 Written Or In Writing**
 - 1.07.09 Year**
 - 1.07.10 Day**
 - 1.07.11 Boundaries**
 - 1.07.12 Relationship Of Specific To General Provisions**
- 1.08.00 REPEAL TO PRIOR PROVISIONS**
- 1.09.00 ABROGATION**
- 1.10.00 SEVERABILITY**
- 1.11.00 EFFECTIVE DATE**

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 document shall be entitled the Gulf County “Land Development Regulations” and may be referred to herein as the “LDR”.

1.01.00 AUTHORITY

These Land Development Regulations 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 general powers in Chapter 125, Florida Statutes.

1.02.00 APPLICABILITY

1.02.01 General Applicability

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

1.02.02 Exceptions

A. Effective Development Permit

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

1. The development activity authorized by a development order has commenced prior to effective date of this LDR or any amendment thereto, or will be commenced after the effective date of this LDR 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 expires, any further development on that site shall occur only in conformance with the requirements of this LDR or amendment thereto.

B. Previously Approved Development Orders

Projects with development orders that have not expired at the time this LDR 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 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.

1.03.00 GUIDE FOR USERS

1.03.01 The Integration of Land Development Regulations (LDR)

The integrated Land Development Regulation (LDR) 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 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.
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 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 designates as a major development.

All major development proposals require review by the technical Advisory Committee (TAC).

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 from three (3) to nine (9) 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 approval as a 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 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 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 staff primarily the Building and Planning Department and may include the Public Works Director, Administrative Personnel, 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 to determine whether the development complies with the requirements of the Regulation. Any development requiring amendment to the Comprehensive Plan must be in compliance with Chapter 163, Florida Statute and be reviewed by the PDRB and approved by the Board of County Commissioners (BOCC).

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. The Departments 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.

Minor development activity requires review and approval by the Technical Advisory Committee (TAC). Major developments, 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.

1.04.00 INTENT

1.04.01 General Intent

With regard to this Land Development 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.

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

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 LDR

The provisions of this 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 LDR, the respective Comprehensive Plan 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 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 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 is intended to implement the goals, objectives, and policies of the Gulf County 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 by reference:

Gulf County (Building Department needs to update these entry)

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

1.06.02 Maps

The Future Land Use Maps for Gulf County are hereby incorporated into this LDR by reference. Additionally, 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 by reference.

1.07.00 RULES OF INTERPRETATION

1.07.01 Generally

In the interpretation and application of this LDR, all provisions shall be liberally construed in favor of the objectives and purposes of Gulf County 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, the 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 County personnel shall be limited to standards, regulations and requirements of this LDR, nor be construed as overriding the responsibilities given to any commission, council board or official named in other sections or articles of this LDR.

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 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 ordinances duplicating or in conflict with the requirements of this LDR are hereby repealed.

1.09.00 ABROGATION

This Land Development Regulation 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.

1.10.00 SEVERABILITY

If any section, paragraph, sentence, clause, or phrase of this Regulation 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 shall continue in full force and effect.

1.11.00 EFFECTIVE DATE

These regulations shall be effective in Gulf County upon adoption on June 24, 2013.