

SECTION III: Element Review and Proposed Amendments/Recommendations (163.3191[2][h], F.S.) :

The County will recommend the following amendments to be considered for adoption into the Gulf County Comprehensive Plan:

Chapter 1 - Land Use Element:

- 1. Amend Agricultural Land Use Policy 1.3.7 to allow controlled Commercial and Industrial development.*

The intent of this category is to provide a rural environment for agricultural, silvicultural and mining uses and other uses that are compatible with agricultural activities and the overall rural character of the area. The permitted uses are residential, at the densities specified in Policy 1.3.5, preservation, outdoor recreational, and public service/utility. Industrial uses which are ancillary to agriculture, silvicultural or mining operations, or which would be incompatible with urban residential uses are allowed. Intensity standards for the permitted residential use will be the same as stated in Policies 1.3.5 and 1.3.6. General Commercial and High-Intensity Commercial and Industrial (Non-Agricultural base) will be allowed by complying with the following criteria:

1. Access must be accessible to an Arterial or Collector roadway as depicted in the Traffic Circulation Map. Any impacts to an existing road will require mitigation.
2. Must be buffered from the adjacent properties to reduce nuisance impacts such as lighting or noise.
3. The development must provide a safety zone/buffer for adjacent properties if hazardous products are stored or processed.
4. The proposed site must be approved for non-agricultural development by the same public hearing process used for a small scale land use amendment with out amending the FLUM.
5. Approval will be through a Development Order adopted by County Ordinance that will “sun-set” should the site change use.
6. This process will be limited to twenty (20) acres or less.

Gulf County is dominated by the Agricultural Land Use category and has very limited commercial uses in the Mixed Commercial/Residential Land Use. This situation has severely hindered the county's effort to diversify its economy and create jobs. Under the existing comprehensive plan and land development regulations, general commercial and industrial development is not allowed in Agricultural Land Use. Allowing controlled site specific commercial and industrial development in Agricultural Land Use will dramatically increase the opportunities for economic development. By permitting through the ordinance process this will allow public comment, development flexibility and a better opportunity to maintain control of development than allowed through a land use change.

2. *Amend Policy 1.3.7 by creating a Commercial land use category.*

Commercial Land Use: Any parcel(s) dedicated to non-residential development activity that involves selling, storing or providing a service to or for a consumer. The use shall be classified as General Commercial or High Intensity Commercial. High intensity is activities that have the potential to generate higher trip generations or nuisances to the adjacent properties.

3. *Amend Policy 1.3.7 by creating a Resort Condominium land use category.*

Resort Condominium: Any residential type development that meets the requirements of Chapter 509, F.S.

1. **Any development that would be regulated by the 1992 coastal density requirements and permitted under Chapter 509, F.S. will be considered commercial properties. The units can not cease to be rentable until density and land use changes are authorized by an adopted comprehensive plan amendment approved by the State.**
2. **The developments recorded plat, covenants and restrictions, plus deeds must have prohibitions against the properties becoming residential units not subject to DBPR regulations unless allowed through a State approved comprehensive plan amendment.**
3. **Resort Condominiums will be required to have a hurricane evacuation plan that is approved by the Gulf County Emergency Management Office.**
4. **The proposed site must be approved as a Resort Condominium by a County Ordinance and the Property Appraiser will be requested to classify the property a condominium not eligible for homesteading and will be assessed a bed tax.**
5. **Resort Condominiums can only be permitted in Mixed Commercial/Residential Land Use with a 1.0 FAR and .50 lot coverage.**
6. **Resort Condominiums must meet all applicable commercial development regulations.**
7. **Must be on a municipal water and sanitary services shall be sewer or performance base sanitary systems if permitted by the respective agency or agencies having jurisdiction.**
8. **All aspects of a resort condominium must conform to Land Use Element Objective 1.10 and Policies 1.10.1 through 1.10.4.**

Gulf County has been approached by several land owners about resort condominiums defined in Chapter 509, F.S. and how they can be built in the area governed by the 1992 Stipulated Agreement. One of the developers' requested a legal determination with an opinion that the only way it could work is to make sure the development was classified and remained commercial and not residential. With a three habitual floor; a maximum 50' peak height; a 1.0 FAR and .50 lot coverage development density will be well below coastal areas permitting high rises. The amendments were designed support Chapter 509, F.S. without sacrificing the character of the coastal community and protecting property rights.

4. *Amend Land Use Element to support military base encroachment issues.*

Objective 1.10: Gulf County will work with Eglin Air Force Base to insure that the mission of the D-3 military site on Cape San Blas is not encroached upon by adjacent development.

Policy 1.10.1: Gulf County will maintain development density at the existing three units per acre Gulf side and two units per acre Bay side.

Policy 1.10.2: Gulf County will maintain the existing three habitual floors on pilings or 50 foot total building height at the peak within a 15 mile radius. Any structure exceeding 50 feet within the protection zone will need approval from Eglin Air Force Base Mission Enhancement Office.

Policy 1.10.3: Gulf County will assist the military in maintaining the 6,000 foot safety zone around the present missile launching site.

Policy 1.10.4: Gulf County will work with developers and vendors to insure that the wireless frequencies used in developments do not interfere with the military equipment. The 5.6 to 5.8 Giga-hertz frequency bands are not allowed in this area for civilian use and will be removed at owner's expense.

These amendments address the items that Eglin Air Force Base outlined in a letter to the County as the protective measures they needed in the comprehensive plan to protect the mission of the telemetry site.

5. *Amend Land Use Element to support LMS and CEMP issues.*

Policy 1.7.5: Gulf County will encourage developers to use Firewise best management practices to protect rural residential developments that have wildland interface situations.

Policy 1.7.6: Gulf County will continue to enforce cul-de-sacs or turnarounds for service and emergency vehicles in all subdivisions.

Gulf County recognizes the wisdom to mitigate potential wildland interface conflicts and Firewise program is a valuable tool to develop protective measures. The difficulty is placing more development regulations on an economic sector that is experiencing an economic crisis. With homeowners already in economic crisis from regulations that have failed, it would be very difficult to justify additional regulations that have the potential to negatively impact affordability. However, there is no risk involved in stressing policy that is already in place and creating policy that encourages protective measures on voluntary bases.

Chapter 2 - Transportation Element:

According to the March, 2007 Apalachee Regional Planning Council Gulf County 2005 Level of Service on State Roads report, Gulf County has no identified transportation concurrency issues. The following proposed amendments are directed to maintaining transportation concurrency.

1. *New policy supporting the Gulf to Bay Highway segments 2 and 3.*

Policy 1.2.4: The County encourages the completion of segments 2 and 3 of the “Gulf to Bay Highway”. This project will divert trough traffic on US 98 from a coastal route to an interior route making the coastal section safer for beach access.

This policy is needed to support the completion of the “Gulf to Bay Highway”. Segment 1 was constructed and completed by the St. Joe Company as part of their WindMark Beach DRI. As part of the DRI, St. Joe deeded a 200 foot right-of-way to DOT in exchanged for the existing US 98 right-of-way. These segments will also benefit the “Gulf Coast Parkway” referenced in Policy 1.2.3.

2. *New policy to support SR 30A improvement.*

Policy 1.2.5: The County will encourage the resurfacing of SR 30A for safety and improved LOS by recommending SR 30A to be included into the SCOP funding process.

This policy supports the improvements to SR 30E as the only access road to our most important tourist and economic corridor.

3. *New policies to support the required Proportionate Fair Share.*

Policy 1.4.3: When a development project trip generation exceeds the established LOS, the developer can mitigate the traffic impacts and continue to develop by complying with the terms of the Proportionate Fair Share Ordinance.

Policy 1.4.4: Any development that exceeds the established LOS on State and Federal maintained roadways, the developer will comply with the terms of the Florida Department of Transportation through a “Proportionate Fair Share”.

All local governments are required by the State to have a transportation proportionate fair share ordinance in place that will require developments to contribute their faire share when LOS is impacted. The proposed policies establish the procedure within the comp plan.

Yearly facility and concurrency review of arterials and collectors indicated that all are functioning above the minimum LOS “D” and no immediate corrections are needed. Any future improvements needed to maintain LOS will be addressed at development impact.

Chapter 3 - Housing Element:

Gulf County land values make “workforce” housing projects extremely difficult to develop without supporting water and sewer that will allow medium and high density. There is a county need for “attainable” housing that is within economic reach of the workforce. The county has ample building sites available for new homes that are on average beyond the income of most of the workforce. This also coincides with an interior migration development trend where development land values are less than the coastal properties. There is also a need to balance “workforce” housing so that the housing inventory does not become saturated with “workforce” housing and produce an unbalanced market from excess units. This is similar to what has happened to the coastal properties when the market became very weak. The county recently received a land swap under the provisions of HB 1363 and will begin to explore development options that will generate “workforce” housing opportunities. Gulf County is also limited by State septic tank regulations that would prohibit medium and high density until water and sewer service is available. The 80 acre limitation on small scale land use changes is also a deterrent with so much of the vacant land located in Agricultural Land Use. The County experienced many developers who claim to be developing affordable housing units that would qualify as moderate housing when placed on the market and a few who actually were able to generate affordable housing units. Until the economic development and job opportunities improve, Gulf County will need to carefully monitor its housing situation which was at a 13.1% vacancy rate or 744 units and if seasonal vacancies were included, the vacancies jump to 35% or 1912 units. (Shimberg 2000 Vacancy and Housing Data)

Policy 1.1.8: Gulf County will promote affordable/work force housing through density increases to developments that meet the qualifying requirements by State statutes for increased density and are not in the CHHA.

Policy 1.1.9: All developments approved for affordable/workforce housing density increases or other permitted concessions must have covenant and restrictions that will insure the affordable housing inventory is not degraded and property rights are protected when sold by the owner.

HB 1363 was passed to improve the availability for affordable housing by allowing a density bonus for a land swap to construct affordable housing. Without safe guards, the affordable housing would experience a short term fix and not a long term solution.

Policy 1.1.10: To make medium and high density developments that meet the requirements of Policies 1.1.8 and 1.1.9 more affordable, residential lot coverage in Ch. 1:1.3.5 is increased to .60 for medium density and .60 for high density with a FAR of 1.0, providing all current stormwater and development regulations are met.

The Planning and Development Review Board (PDRB) has recommended that the lot coverage for developments dedicated to affordable housing be increased to reduce overhead and make affordable housing more appealing to developers.

Chapter 4 - Infrastructure Element:

Recent private financed sewer expansion from the City of Port St. Joe along the SR 30A and SR 30E corridor has greatly lessened the potential environmental impacts attributed to septic tanks. The expansion of water and sewer to the Bay County line as part of the WindMark Beach annexation agreement with the City of Port St. Joe will also has positive environmental and economic benefits. The proposed amendments in (1.) update current policy or new policies to capitalize on the improved infrastructure. Proposed amendments in (2. and 3.) are supporting new State rule changes.

1. *Review for any water and sewer support issues.*

Policy 1.2.1: The following level of service standards are hereby adopted, and shall be used as the basis for determining the availability of facility capacity and the demand generated by a development:

Type of Facility	Facility Name	Level of Service Standard
Water/Sewer:	Barrier Dues WWTP	125/125 gpcpd
	Gulf Aire WWTP	150/150 gpcpd
	Oak Grove	100/150 gpcpd*
Potable Water Only:	Unincorporated Gulf County	100/150 gpcpd*
	Unincorporated Gulf County	100 gpcpd*
Solid Waste Facilities:	Gulf Forestry Work Camp	110 gpcpd
	Five Points Land Fill	8.62 lbspcpd
Drainage Systems:	Residential, Commercial, Public, and Industrial	25-year frequency, 24-hour duration storm event –
	<u>Agricultural, Conservation, and Recreation and Open Space</u>	3-year frequency, 24-hour duration storm event - Treatment of the 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.
		* LOS adopted by CPSJ-2007

Policy 1.2.1 was revised to conform to the LOS for water and sewer the City of Port St. Joe adopted into their Comprehensive Plan.

Policy 1.3.2: Water and sewer service must be available before a development can be permitted for medium or high density and resort condominium.

2. *Revise as needed to meet new land fill requirements.*

Policy 1.2.2: The Gulf County Solid Waste Department is responsible for exploring innovative funding and operational methods that are financially feasible to dispose of the County's solid waste through 2020.

Policy 1.2.3: To meet financially feasible and concurrency requirements for solid waste operations for the 2020 planning period, Gulf County will evaluate alternative funding such as impact fees or user fees.

New solid waste mandates are increasing operating cost without State financial support is making it extremely difficult or financially un-feasible for small counties to dispose of their solid waste.

3. *Amend to meet new stormwater requirements.*

Policy 1.6.4: Gulf County will require stormwater management design plans to meet the standards established for the Northwest Florida Water Management District when regulatory permitting is transferred from DEP to the District.

New regulatory rules will transfer regulatory regulations from DEP to the Water Management District late 2007 or early 2008. Gulf County has been able to maintain stormwater concurrency through the use of swales. The new rules will shift concurrency towards stormwater holding ponds. This is anticipated to increase development and maintenance costs. The County is also concerned about standing water in these ponds for potential mosquito breeding grounds and the potential for infectious diseases that are associated with mosquitos. The County is considering an ordinance that will require access to all stormwater ponds that allow Mosquito Control personnel to monitor and treat the ponds.

Chapter 5 - Coastal Management Element:

Gulf County coastal densities are limited to 2 and 3 units per acre and three habitable floors. These densities when compared to other coastal counties, Gulf County does not have a CHHA density issue.

1. *Revise Policy 2.1.1 to accommodate any changes to CHHA.*

Policy 2.1.1: "Coastal High Hazard Areas" (also "high-hazard coastal areas") means the area affected by a Category 1 surge as established by the SLOSH model.

Corrective language to comply with F.S. 163.3178(2)(h) changed in 2006.

Chapter 6 – Conservation:

Proposed policies to support recent requirements by the Department of Community Affairs.

1. *Add Policy to establish a buffer along the Fresh Water Canal.*

Policy 1.2.3: Gulf County will enforce the DCA required 600 foot development buffer along the Fresh Water Canal to protect it as surface water resource for potable water.

2. *Revise Policy 1.3.7 to include new wetland requirements.*

Policy 1.3.7: Gulf County Land Development Regulations will include specific requirements for the protection for environmentally sensitive lands such as those principles outlined for wetlands protection in Future Land Use Policy 1.1.10 and **Policy 2.5 – 2.7.**

Chapter 7 - Recreation and Open Space Element:

1. *None required.*

Per Policy 3.1 of the Recreation and Open Space Element, the County has a LOS recreational requirement of five (5) acres for every 1,000 in census population. With a BEBR population of 16.2 times 5 acres yields 81 acres needed to meet concurrency. Gulf County has currently 212.76 acres dedicated to recreation, this yields 131.76 acres in excess capacity, as shown in the Summary in Section 7.

Chapter 8 - Inter Governmental Element:

The proposed amendments to this element are linked to the new required School Facilities Element.

1. *Revise 1.2.6 to accommodate schools.*

Policy 1.2.6: Gulf County will coordinate with the School Board, City of Port St. Joe and City of Wewahitchka through the State required School Interlocal Agreement to promote an Interlocal Concurrency Council to keep school sitting and concurrency issues in compliance with their respective comprehensive plans School Facilities Element, and the School Board Five Year Facilities Plan. The Local Governments shall provide to the School Board any amendments or development applications for concurrency review. The School Board shall have a minimum 30 days and a maximum 60 days for their concurrency review before approval, transmittal or adoption by the Local Governments.

2. *New Policy 1.2.7.*

Policy 1.2.7: The Interlocal Concurrency Council will monitor any growth of the school service areas for impacts to adjacent local governments or agencies with specific management responsibilities.

These policies are needed to satisfy 163 requirements for the School Facilities Element.

3. *New Policy 1.3.4 supporting solid waste disposal through an interlocal agreement with the two cities.*

Policy 1.3.4: Gulf County will encourage a Solid Waste Interlocal Agreement with the City of Port St. Joe and City of Wewahitchka for monitoring concurrency impacts to the County's solid waste disposal system from development within their jurisdiction.

4. *New Policy 1.1.5 supporting county wide concurrency through the Interlocal Concurrency Council.*

Policy 1.1.5: Gulf County will use the Interlocal Concurrency Council that was established to coordinate school concurrency issues to also coordinate other intergovernmental LOS concurrency issues that are generated by development.

Chapter 9 - Capital Improvements Element:

The changes are supporting new State requirements for Schools Facilities and transportation concurrency.

1. *Amend to for financial feasibility.*

Policy 1.1.6: All capital improvements projects required to maintain School concurrency shall be financial feasible and financed within the County's annual operating budget and as projected in the Five Year Capital Improvement Schedule.

This policy is added to stress financial feasibility for all projects needed to meet concurrency.

2. *Amend to add policy for the adoption of the SB 5 Year Capital Facilities Plan*

Policy 1.1.7: The Local Governments will receive the School Boards Five-Year Capital Facilities Plan by October 1 of each year to be reviewed and adopted by reference into each Local Government's Comprehensive Plan Capital Improvements Element before December 1st of each year.

3. Amend to add the adopted level of service.

Policy 1.1.8: The Local Governments shall apply the following adopted LOS district wide:

Type of School	Level of Service
Elementary	100% of DOE permanent FISH capacity
Middle	100% of DOE permanent FISH capacity
High	100% of DOE permanent FISH capacity
Special purpose	100% of DOE permanent FISH capacity

4. Amend to accommodate transportation proportionate fair share.

Policy 1.4.5: Gulf County will implement the Proportionate Fair Share Ordinance that was jointly adopted by the County and the Cities of Port St. Joe and Wewahitchka when a development exceeds LOS on the applicable arterials, collectors and other roadways as applicable.

This policy is added to insure that transportation LOS failure from development is allowed alternatives for mitigating their impacts to the applicable transportation segment.

5. Revise and amend policy to support school concurrency.

Policy 1.3.1: The availability of public facilities shall be determined and measured for the required public facility types using the adopted Level of Service (LOS) standards contained in the following elements of the Comprehensive Plan:

- Traffic Circulation
- Infrastructure, including Solid Waste, Drainage, Potable Water and Sanitary Sewer
- Recreation and Open Space
- **School Facilities Element**

Policy 1.3.2: The Interlocal Concurrency Committee will use the “FISH” report and BEBR data to project student population and population growth projections and report their concurrency findings and recommendations to the Local Governments and School Board.

Chapter 10 – School Facilities Element:

1. New comp plan element.

Goal 1: Gulf County, City of Port St. Joe and City of Wewahitchka as the “Local Governments” along with the Gulf County School Board recognize the mutual obligation and responsibility for the education, nurture and general well-being of its children.

Objective 1.1: The Local Governments will assist the Gulf County School Board in monitoring school Level of Service (LOS) concurrency by adopting the following Level of Service for Each Planning Area:

Type of School	Level of Service
Elementary	100% of DOE permanent FISH capacity
Middle	100% of DOE permanent FISH capacity
High	100% of DOE permanent FISH capacity
Special purpose	100% of DOE permanent FISH capacity

Policy 1.1.1: The Local Governments will review development proposals with the School Board to determine if the student capacity is available to support the developments impacts on the applicable LOS service area. Developments will be required to have a concurrency clearance letter based on the short term and long term planning period from the School Board before approval by the local governments. Developments that can not get a clearance letter will have the opportunity to pursue the options in Policy 1.4.

Policy 1.1.2: The School Board reserves the right to shift capacity district wide instead of by concurrency service area if facility or financial feasibility can not be justified or maximized.

Policy 1.1.3: When evaluating the student population for concurrency impacts, the School Boards concurrency service and attendance areas as shown in the map series share the same boundaries.

<u>North Concurrency Service and Attendance Area</u>	<u>South Concurrency Service and Attendance Area</u>
<u>Wewahitchka Elementary</u>	<u>Port St. Joe Elementary</u>
<u>Wewahitchka Middle School</u>	<u>Port St. Joe Middle School</u>
<u>Wewahitchka High School</u>	<u>Port St. Joe High School</u>

Policy 1.1.4: The proportionate fair share policy outlined in the School Interlocal Agreement will be implemented when a development will exceed the Level of Service (LOS) for the respective school district.

Policy 1.1.5: The local governments will assist the School Board in implementing proportionate fair share when a development impacts exceed concurrency LOS of the respective service area. A developer and the School Board shall mitigate a contribution of land, actual construction or expansion of school facilities, or contribution into a mitigation bank as part of the Developments Development Order.

Objective 1.2: Population monitoring and projection.

Policy 1.2:1: The Local Governments and School Board will monitor population trends for student enrollment projections through the Interlocal Concurrency Council.

Policy 1.2:2: The Local Governments and School Board will use the “FISH” report and BEBR data to project concurrency issues as it relates to student population and population growth projections.

Objective 1.3: The Local Governments will assist the School Board in complying with their respective school sitting policies.

Policy 1.3.1: Gulf County (Ch.1: 1.9.3) and the cities will through the planning and permitting process, per Section 9 of the Interlocal Agreement, work with the school board and developers to direct recreation facilities, parks, libraries, museums and related institution development so that facilities are maximized and a collocation of services is achieved.

Policy 1.3.2: The Local Governments will assist the School Board in making sure infrastructure capacity for roads, water and sewer is available for new schools or school expansion through site selection or expansion of services and that financial feasibility is maintained by the respective Local Governments and School Board.

Policy 1.3.3: The Local Governments and the School Board will maintain and achieve LOS by implementing Section 4 of the Interlocal Agreement through the Interlocal Concurrency Council, amending the respective Five Year Capital Improvements Schedules annually, and work plans maintain concurrency are financially feasible.

Policy 1.3.4: When reviewing a development, year 1, 2 & 3 of the School Board Five Year Capital Facilities Plan and the Local Governments Five Year Capital Improvements Schedule will be the standard for concurrency.

Policy 1.3.5: Gulf County (Ch.1: 1.9.1) and Cities will work with the School Board, Section 7 of the Interlocal Agreement, to insure that all education facilities are compatible with land use categories (Ch. 1: 1.3.7).

Policy 1.3.6: Gulf County and the two Cities will through the planning and permitting process keep development and school sitting compatible in the unincorporated and incorporated areas of the county.

Goal 2: Gulf County, City of Port St. Joe and City of Wewahitchka as the “Local Governments” along with the Gulf County School Board will support emergency preparedness through transportation and facility use.

Objective 4 2.1: Emergency Preparedness.

Policy 4.1 2.2.1: The Gulf County Emergency Management Office (Emergency Management) will coordinate emergency preparedness and response agreements between the Local Governments and School Board.

Policy 4.2 2.2.2: The School Board will coordinate with Emergency Management to insure new facilities are hurricane shelter certified.

Policy 2.2.3: The School Board and Local Governments will coordinate the use of school buses and school facilities through Emergency Management when emergency evacuations of the general public are required.

Policy 2.2.4: The Local Governments and School Board will coordinate through Emergency Management any of their resources needed for emergency response or evacuation of any school facility or facilities.

Policy 2.2.5: Emergency Management and School Board will coordinate any additional use of school facilities needed to mitigate an emergency situation.