

ORDINANCE NO. 2005- 16

AN ORDINANCE GOVERNING THE SUBDIVISION OF LAND IN GULF COUNTY, PROVIDING 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 To insure the subdivision design is compatible with and preserves the visioning of Gulf County.

Article 2- DEFINITIONS

Section 1- 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 subdivider 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 waived if the documentation submitted by the developer is sufficient to justify a waiver 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 1/2 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 bearing 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 bearings, 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 bearing 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 are 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 of 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 Statutes, 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 title 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 or other approved method of financial responsibility.
- 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 Statutes.
- 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 – Minor Subdivision Approval for Preliminary Plat Phase I, Preliminary Plat Phase II, and Final Plat

- 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, 2 and 3 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 at 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 deflection 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 (1 1/2") 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 lender may be used, provided the subdivider and a qualified lending institution enter into an agreement with the County whereby the subdivider 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 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 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, Clerk



Nathan Peters, Jr., Chairman