

ORDINANCE NO. 13-49

AN ORDINANCE PROVIDING FOR AUTHORITY AND PURPOSE;
PROVIDING A SHORT TITLE; AMENDING CHAPTER 4,
RESIDENTIAL ZONES; AMENDING CHAPTER 19, SECTION 1906
DEER POINT RESERVOIR PROTECTION ZONE IN THE BAY
COUNTY LAND DEVELOPMENT REGULATIONS; PROVIDING FOR
SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 163, Part II, Florida Statutes requires local governments to adopt a comprehensive plan that shall be implemented by the adoption and enforcement of appropriate local land development regulations;

WHEREAS, the Bay County Comprehensive Plan provides that Bay County shall adopt and maintain land development regulations and a zoning code to implement the comprehensive plan;

WHEREAS, the Board of County Commissioners of Bay County, Florida (the "Board"), approved Ordinance No. 04-30, the Bay County Land Development Regulations;

WHEREAS, at the direction of the Board of County Commissioners, Staff proposed an amendment to Chapter 4 to amend the name of the R-2 zoning category; proposed an amendment to Section 1906 of Chapter 19 Environmental Standards to allow limited Neighborhood Commercial uses in the Deer Point Reservoir Protection Zone; proposed amending language regarding the exceptions to the existing Deer Point Reservoir Protection zone explaining that the rules and regulations of the Protection Zone will not limit the ability to construct a single family home;

WHEREAS, the Bay County Planning Commission sitting as the Bay County Land Planning Agency conducted a public hearing on November 21, 2013, to hear and consider comments from the public on the proposed amendments to the Land Development Regulations and made recommendations to the Board;

WHEREAS, the Board conducted public hearings to consider the proposed amendments to the Land Development Regulations and considered comments from the public, Staff and the recommendations of the Planning Commission;

WHEREAS, pursuant to Section 125.66, Florida Statutes the Board conducted an initial public hearing on December 3, 2013; and a second public hearing on December 17, 2013, and found the proposed amendments to the Bay County Land Development Regulations desirable and necessary to fulfill the intent of the Board and to be consistent with the Bay County Comprehensive Plan;

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Bay County:

Section 1. AUTHORITY AND PURPOSE. This ordinance is adopted pursuant to the authority granted counties in Chapter 125, Florida Statutes and is enacted to provide for the health, safety and welfare of the citizens of Bay County, Florida and to implement the Bay County Comprehensive Plan pursuant to Chapter 163, Part II, Florida Statutes.

Section 2. SHORT TITLE. This ordinance shall be known as “An Amendment to the Bay County Land Development Regulations, Chapter 4, Residential Zones; An Amendment to Chapter 19 Environmental Standards.”

Section 3. AMENDMENTS OF THE BAY COUNTY LAND DEVELOPMENT REGULATIONS AMENDING CHAPTER 4, RESIDENTIAL ZONES, CHAPTER 19 ENVIRONMENTAL STANDARDS.”

Amendments to the Bay County Land Development Regulations amending Chapter 4, Residential Zones; amending Chapter 19, Environmental Standards; as set forth on Exhibit 1 are hereby adopted.

Section 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason invalid or unconstitutional by the decision of any

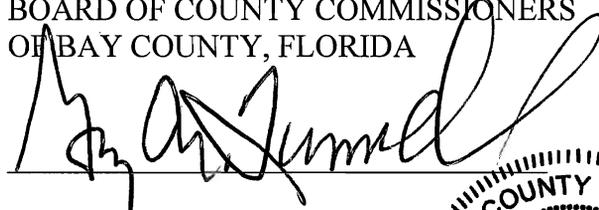
Section 4. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason invalid or unconstitutional by the decision of any court or regulatory body of competent jurisdiction, such decisions shall not effect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared illegal, invalid, or unconstitutional, and all ordinances and parts or ordinances in conflict with the provision of this ordinance are hereby repealed.

Section 5. EFFECTIVE DATE. This ordinance shall take effect as provided by law.

PASSED AND ADOPTED this 17th day of December 2013.

BOARD OF COUNTY COMMISSIONERS
OF BAY COUNTY, FLORIDA

ATTEST:

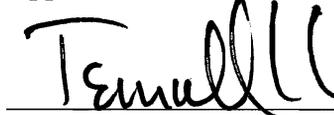


Guy M. Tunnell, Chairman

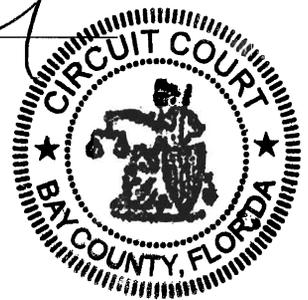


Michael Kinsaul, Clerk

Approved as to correctness and for



Terrell K. Arline, Esquire



3. All on site disposal systems will be located at least 100 feet upland of the U.S. Army Corps of Engineers or the DEP wetland jurisdiction line, whichever is more restrictive.
4. Development will be undertaken so as to avoid activities that would destroy wetlands or the natural functions of wetlands except for activities or permits issued by state and federal agencies.
5. No building or structure can be located closer than thirty (30) feet mean high water or ordinary high water line or within thirty (30) feet of any Department of Environmental Protection jurisdictional line, whichever is more restrictive except for piers, docks or similar structures and an attendant ten (10) foot wide cleared path through the wetland for purposes of providing access to such structure, or wetland crossings required to connect dry, upland parcels. All native vegetation, if any exists, will be preserved within the 30-foot setback area, with exception to the allowed attendant path.
6. No development will be permitted that can reasonably be expected to cause short or long term violations of state or federal water quality standards.
7. The requirements of this subsection will not apply to bona fide agricultural or silvicultural activities whenever established "Best Management Practices" are used, as published by the Florida Department of Agriculture and Consumer Services, most recent edition.
8. Development projects may be clustered to avoid or preserve significant natural resources.
9. For development projects in Ecosystem Management Areas, conservation zones or Coastal High Hazard Areas or a site with jurisdictional wetlands, the Planning Official may require an environmental impact analysis to determine potential impact upon locally significant natural resources. Any such analysis shall be at the expense of the developer, and shall follow the requirements of Section 1915.

SECTION 1906. Deer Point Reservoir Protection Zone. The Deer Point Reservoir Protection Zone was established to protect the water quality of the Deer Point Reservoir at or above ambient levels at the time the original ordinance (94-12) was adopted. Development within this area must follow the following requirements.

1. Allowable uses within the protection zone include those described for neighborhood commercial, conservation, recreation, agriculture, Silviculture, low-density residential, institutional, and public service/utilities.

Only neighborhood commercial (C-1) uses and All commercial activities are ~~prohibited~~ except those associated with conservation or conservation/recreation activities (e.g. canoe rental, eco-tourism, etc.). All other uses are prohibited. Gasoline service stations, dry cleaners, auto service stations, solid waste landfills, or any other business or activity which generates hazardous or toxic waste is prohibited.

2. The following density restrictions shall apply within the protection zone.
 - a. Except as specified in subsection 8, residential densities shall be no denser than one (1) dwelling unit per acre within the Urban or Suburban Service Areas in any future land use designation on lots created after the effective date of this Code that rely on on-site sewage disposal systems (septic tanks).
 - b. No area shown as "Residential" on the Future Land Use Map amendment as a result of a map amendment adopted after December 14, 1999 shall have a density greater than one (1) dwelling unit per five (5) acres.
 - c. Those areas of the shoreline of Deer Point Reservoir designated for "Residential" development on the Future Land Use Map in a zone 200 feet from the mean high water or ordinary high water line, shall be designated a special low density residential zone in which land use shall be limited to single-family dwellings in which sixty (60) percent of each building site must be of pervious materials. Twenty-five (25) percent of each building site must be composed of native vegetation and septic tanks and their drainfields may be placed only in adequate soils as identified in Section 64 E-6, F.A.C., as amended.
3. Except as described in subsection 1906(2) (b), impervious surface shall be limited to a maximum of forty-five (45) percent of the total lot or parcel for all residential or nonresidential projects.
4. Setback requirements herein represent a line of regulation within which the following restrictions shall apply.
 - a. Developers, owners and tenants of parcels created after the effected date of this Code shall maintain a seventy-five (75) foot setback from Deer Point Reservoir, Cedar Creek, Bear Creek, Bayou George Creek, Econfina Creek, and any tributaries thereto. For the purposes of this regulation, the term "tributary" shall mean any continuously flowing stream, creek, or branch. This term includes man made canals, but does not include ditches or

- stormwater control facilities. This setback shall be measured from the Department of Environmental Protection jurisdictional line.
- b. Within the setback area, all vegetation shall be preserved in a natural condition with no development of any kind except for a ten (10) foot wide path to the water and any associated piers or docks. Established lawns in existence prior to the original date of this ordinance, August 2, 1994 are exempt from this limitation.
 - c. The required setback shall be shown on all final plats of all residential subdivisions, and shall be described and recorded on all deeds as being a required setback.
5. On-site sewage disposal systems shall be located and constructed to avoid damage or contamination during flooding. However, in all cases the minimum setback for septic tanks and their drainfields shall be 100 feet from the mean high water or ordinary high water line.
 6. All development within the protection zone shall comply with stormwater treatment standards found in this Code. Additionally, stormwater discharge facilities which directly discharge into Deer Point Reservoir, Cedar Creek, Econfina Creek, Bear Creek, Bayou George Creek, or any tributary thereto shall include an additional level of treatment equal to Outstanding Florida Waters standards.
 7. Except for setbacks from Deer Point Reservoir specified in subsection 1906(4), all Silviculture and agriculture activities within the protection zone shall be conducted using *Silviculture Best Management Practices* as published by the Florida Department of Agriculture and Consumer Services, most recent edition.
 8. The requirements of this section shall not apply to the following.
 - a. The construction of a single family home on any lot or parcel of record in existence on the effective date of the original ordinance, August 2, 1994. Parcel of record means a piece of property legally described by plat or deed and filed with the Clerk of the Circuit Court.
 - b. Any pending request for a Comprehensive Plan map amendment which had been adopted by county ordinance and transmitted to the state Department of Community Affairs prior to August 2, 1994.

- c. The allowable uses or activities for any land use category in existence and shown on the Comprehensive Plan Future Land Use Map on August 2, 1994.
- d. Any lawfully constructed building or structure in place on August 2, 1994.
- e. The reconstruction of any lawfully permitted building or structure in existence on August 2, 1994, which is damaged by fire, flood or other catastrophe.
- f. The replacement of any mobile home or manufactured housing unit in place on August 2, 1994.
- g. The construction, reconstruction, or expansion of any dock, pier, seawall, bulkhead or other similar structure on submerged lands.

SECTION 1907. Habitat Conservation Areas. Designated habitat Conservation Areas shall be as described in the Bay County Comprehensive Plan - Conservation Element. Developers of land within or adjacent to Habitat Conservation Areas must comply with the following requirements.

1. The developer must demonstrate the existence or absence of rare, threatened, or endangered species by submitting an environmental impact analysis to the Planning Official.
2. If rare, threatened, or endangered species are determined to be present on the property involved the developer shall, provide a specific conservation and management plan where required by the U.S. Fish and Wildlife Service to ensure survival and protection of the species involved.
3. Installation of "turtle sensitive" lighting is required as described in Section 1917.
4. County staff may consult with appropriate state, federal, or academic agencies to verify the applicability and viability of any conservation and management plan required by this subsection.

SECTION 1908. Sand Hills Lakes. The Sand Hills Lakes are those identified in Policy 6.9.1 of the Bay County Comprehensive Plan - Conservation Element. The Sand Hills lakes provide water recharge protection for the springs that feed the Deer Point Reservoir. These lakes are one of the highest recharge areas within the North West Florida Water Management District's jurisdiction (SWIM Plan, 09/02). The following restrictions shall apply to development on lots or parcels fronting upon the Sand Hills Lakes.

SECTION 401. Purpose. To maintain the integrity of existing, viable residential neighborhoods; promote compatibility between residential land uses; protect and preserve property values; control unwarranted nuisances, and; ensure that adequate land is available to accommodate residential growth.

SECTION 402. Residential Zones. The following zones are hereby established as residential zones: R-1, Single-Family; R-2, Single Family and Duplex Dwellings and, ~~Manufactured Housing~~; R-3, Duplex, Triplex and Quadraplex; R-4, Manufactured Housing/Mobile Home; R-5, Multi-Family; R-5A, Multi-Family Light.

SECTION 403. Discouraged Activities It is the specific intent of this Code to promote homeowner's quiet use and enjoyment of property, and to minimize the potential for public nuisances. To this end, the following activities are discouraged in all new subdivisions with a lot of less than one half (1/2) acre created after the date of this ordinance.

1. The raising or keeping of farm animals or livestock.
2. Raising, keeping, or boarding animals as a business activity.
3. Any commercial activities other than home occupations, home office of convenience, those associated with community facilities, or as otherwise specified herein.
4. Storage or accumulation of wrecked motor vehicles, junk, derelict vessels, or debris.
5. The continuing and ongoing outdoor storage of building supplies, materials, equipment, supplies and other such materials used as part of a business activity.
6. Use of recreational vehicles for residential purposes.
7. Any activity that would result in excessive and ongoing noise, odor, glare, fumes, dust, telecommunications interference or other public nuisance

SECTION 404. R-1 Single-Family Zones.

1. **Allowable Uses.** The following uses are allowed in R-1 Zones, all other uses are conditional or prohibited.
 - a. Single-family dwellings built to Florida Building Code Standards pursuant to Chapter 553, F.S.
 - b. Home office of convenience.

- c. Garage apartment, guesthouse, or domestic quarters.
- d. Swimming pool and pool house.
- e. Storage shed/Greenhouse.
- f. Satellite dishes. Unattached satellite dishes or those larger than three (3) feet in diameter are allowed only in rear yards.
- g. Amateur radio antennae.
- h. Unattached deck or patio.
- i. Residential docks, piers and boat houses will be allowed on undeveloped property without a primary use provided the dock is either exempt from or eligible for and the owner obtains a Noticed General Permit from the Florida Department of Environmental Protection.

SECTION 405. R-2 Single Family and Duplex Dwellings and Manufactured Housing Zones

- 1. **Allowable Uses.** The following uses are allowed in R-2 zones, all others are conditional or prohibited:
 - a. Manufactured homes and duplexes.
 - b. All allowable R-1 uses.
 - c. All R-1 accessory uses.
 - d. Townhouse Developments up to 2 units.
- 2. **Conditional Uses.** The following uses may be allowed in R-2 subject to the conditions specified herein, or any other conditions that might be imposed as may be necessary to maintain the integrity of the zone.
 - a. All conditional R-1 uses.

SECTION 406. R-3 Duplex, Triplex and Quadraplex Zones

- 1. **Allowable Uses** The following uses are allowed in R-3 zones, all others are conditional or prohibited.

SECTION 410. Bulk Regulations. Standards and criteria for all residential zones shall be as prescribed in Table 4.1.

**TABLE 4.1
RESIDENTIAL ZONING BULK REGULATIONS**

Regulation	ZONE					
	R-1	R-2	R-3	R-4	R-5	R-5A
	Single Family	<u>Single Family and Duplex Dwellings and Manufactured Housing</u>	Duplex, Triplex and Quadraplex	Manufactured Housing and Mobile Homes	Multi-family	Multi-family Light
Maximum Density³						
Urban	8 du/acre	15 du/acre	15 du/acre	6 du/acre	25 du/acre ²	25 du/acre ²
Suburban	5 du/acre	5 du/acre	5 du/acre	5 du/acre	5 du/acre	5 du/acre
Rural Community (paved road)	1 du/acre	1 du/acre	1 du/acre	1 du/acre	N/A	N/A
Rural Community (unpaved road)	1 du/3 acres	1 du/3acres	1 du/3 acres	1 du/3acres	N/A	N/A
Minimum Lot Frontage¹ (in feet)						
Square or Rectangular	35	50	50	50	100	100
Irregular or Cul-de-sac	20	20	20	20	50	50
Yard Setbacks (in feet)¹						
Front	20	15	20	20	25	25
Side	5	5	5	5	10	10
Rear	10	10	10	10	10	10
Maximum Building Height (in feet)						
Urban Areas	45	45	45	45	100	50
Suburban Areas	45	45	45	45	85	50
Impervious Surface Ratio	60%	60%	60%	60%	75%	75%
¹ Townhouse Developments will not require minimum lot frontage or side setbacks with exception of the "end" unit having a five (5) foot setback at the property line.						
² Allowable density is limited to fifteen (15) dwelling units per acre in the Coastal Planning Area/Beaches Special Treatment Zone.						
³ Maximum allowable density subject to availability of central water and sewer services.						
⁴ The intensity of non-residential uses shall not exceed a floor area ratio of 50 percent (0.5 FAR).						