

**CITY OF LYNN HAVEN, FLORIDA**

**ORDINANCE NO. 1135**

**AN ORDINANCE OF THE CITY OF LYNN HAVEN, FLORIDA ADDING SECTION 3.02.06 ENTITLED THE DEER POINT RESERVOIR PROTECTION ZONE TO THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR ALLOWABLE USES, DENSITY RESTRICTIONS, IMPERVIOUS SURFACE STANDARDS, SETBACK REQUIREMENTS, STORMWATER TREATMENT STANDARDS, ALLOWING FOR EXEMPTIONS AND PROHIBITING SEPTIC TANKS IN THE PROTECTION ZONE; REPEALING PROVISIONS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR CODIFICATION; AND RECITING AN EFFECTIVE DATE.**

**NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LYNN HAVEN, FLORIDA:**

SECTION 1. Section 3.02.06 of the City of Lynn Haven Unified Land Development Code is hereby adopted to read as follows (new text **bold and underlined**):

**3.02.06 Deer Point Reservoir Protection Zone.**

**The Deer Point Reservoir Protection Zone is established to protect the water quality of the Deer Point Reservoir. Development within this area must adhere to the following requirements.**

1. **Allowable uses within the protection zone include those described for neighborhood commercial, conservation, recreation, low-density residential, and public/institutional. 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 uses or toxic waste are prohibited.**
2. **Residential densities within the protection zone shall be no denser than 4.99 dwelling units per acre.**
3. **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 effective date of this Code shall maintain a seventy-**

five (75) foot setback from Deer Point Reservoir 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 effective date of this Code, 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.
- 4. Septic tanks shall be prohibited in the protection zone.
- 5. 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, or any tributary thereto shall include an additional level of treatment equal to Outstanding Florida Waters standards.
- 6. 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 this Code. 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 ordinance and transmitted to the state Department of Economic Opportunity prior to the effective date of this Code.
  - c. The allowable uses or activities for any land use category in existence and shown on the Comprehensive Plan Future Land Use Map on the effective date of this Code.

- d. Any lawfully constructed building or structure in place on the effective date of this Code.
- e. The reconstruction of any lawfully permitted building or structure in existence on the effective date of this Code, which is damaged by fire, flood or other catastrophe.
- f. The construction, reconstruction, or expansion of any dock, pier, seawall, bulkhead, or other similar structure on submerged lands.

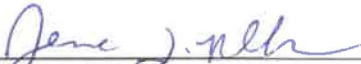
SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. If any phrase, clause, sentence, paragraph, section, or subsection of this Ordinance shall be declared unconstitutional or invalid by a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect the remaining phrases, clauses, sentences, paragraphs, sections or subsections of this Ordinance.

SECTION 3. It is the intention of the Commission that the provisions of this Ordinance shall become a part of the City's Code of Ordinances. The provisions of this Ordinance may be renumbered or re-lettered with cross-references corrected and the word "ordinance" may be changed to "section", "article", "division" or other appropriate word to accomplish such intention.

SECTION 4. This Ordinance shall take effect immediately upon its passage.

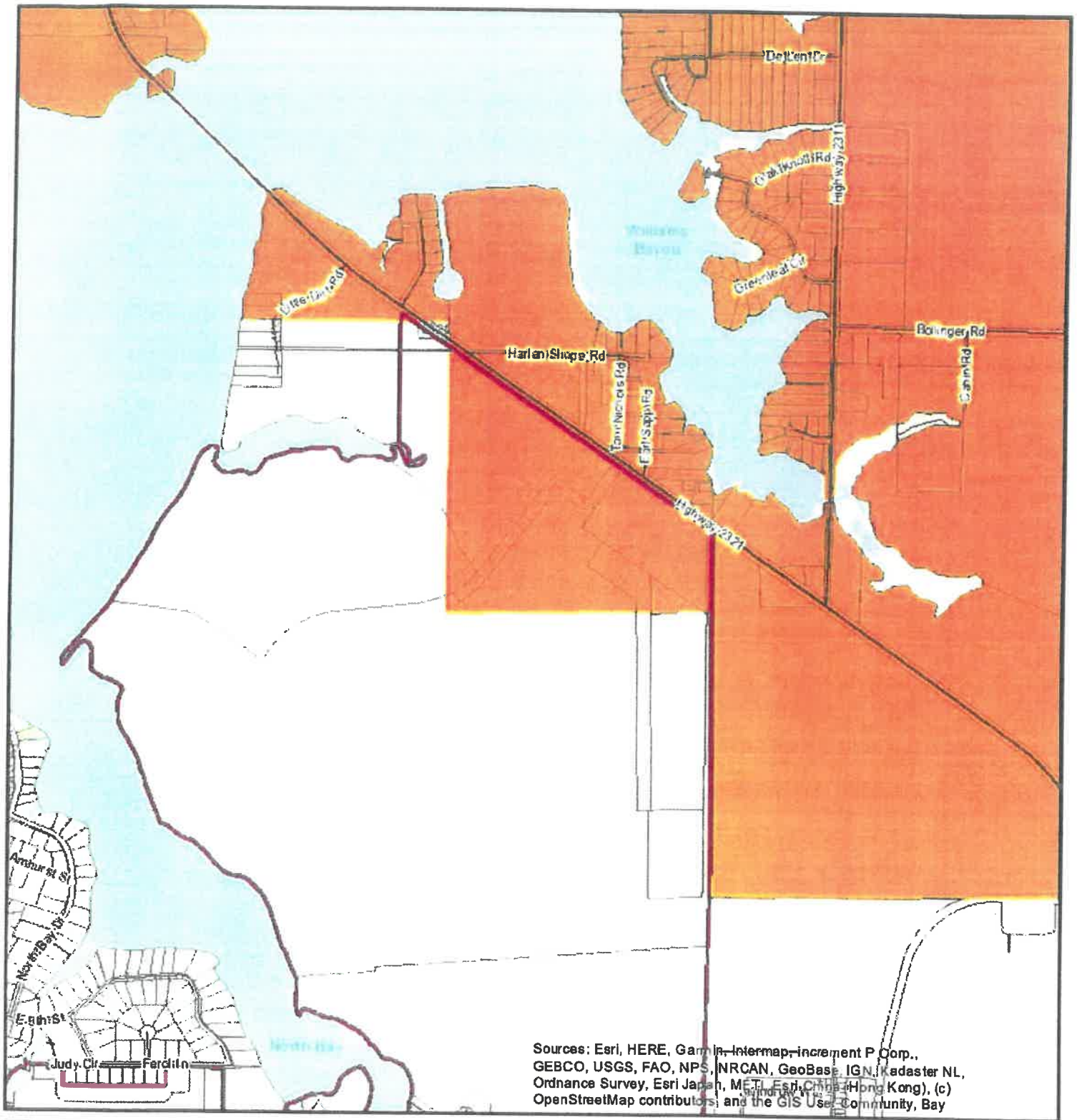
PASSED, APPROVED AND ADOPTED at the regular meeting of the City Commission of the City of Lynn Haven, Florida, this 11<sup>th</sup> day of OCTOBER, 2022.

CITY OF LYNN HAVEN, FLORIDA

  
\_\_\_\_\_  
Jesse Nelson, Mayor

ATTEST:

  
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Vickie Gainer, Clerk



## Bay County Web Map



### Roads

- Major Road
- Minor Road
- • • Parcels



Lynn Haven City Limits

Deerpoint Protection Zone






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**Policy 3-5:** Prohibit the siting of septic tanks where the soils are unsuited for such use.

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**Policy 3-6:** Create a Deer Point Lake Watershed Protection Zone, defined as that area described in Chapter 67-1101, Laws of Florida, which limits impervious surface to a maximum of forty-five percent (45%), prohibits high density residential, prohibits hazardous uses, prohibits septic tanks, requires public sanitary sewer service, requires municipal solid waste service, and requires stormwater discharge facilities which discharge directly to Deer Point Lake to include an additional level of treatment equivalent to Outstanding Florida Waters standards (amended by Ordinance 836; Adopted: 12/27/05).



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**OBJECTIVE 4:** Coordinate with Bay County and other appropriate agencies to promote natural resource conservation and protection activities.

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**Policy 4-1:** Continue to participate in the Bay Environmental Study Team to address the conservation, use, and protection of unique vegetative communities and water bodies.

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**Policy 4-2:** Continue to cooperate with all appropriate agencies, including the Florida Department of Environmental Protection and the Florida Game and Freshwater Fish Commission, to protect areas that have been set aside as conservation and recreation areas on the Future Land Use Map through proper management of natural resources and wildlife habitats.

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**OBJECTIVE 5:** Adopt criteria for the permitting of shoreline land uses.

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**Policy 5-1:** Priority for siting of shoreline land uses shall be as follows:

- 1) Conservation or Recreation;
  - 2) Water-dependent Commercial/Industrial; 3) Residential; and 4) Water-related Commercial/Industrial.
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**Policy 5-2:** All new or redeveloped shoreline land use shall:

- 1) Locate on existing upland areas;
- 2) Be constructed to conform to coastal construction building codes;
- 3) Be constructed landward of the Coastal Construction Control Line or consistent with DEP permitting regulations;
- 4) Demonstrate that existing public utilities, infrastructure and services are in place to support the proposed use;
- 5) Not be in conflict with existing, conforming, adjacent land uses;