

**GULF COUNTY ORDINANCE NO. 2023-07**

**AN ORDINANCE PER THE REQUIREMENTS OF FLORIDA STATUTE 163.3201 TO ADOPT LAND DEVELOPMENT REGULATIONS; AND THE REQUIREMENTS OF FLORIDA STATUTE 163.3202 FOR THE LAND DEVELOPMENT REGULATIONS TO BE CONSISTENT WITH THE ADOPTED COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCE IN CONFLICT THEREWITH, PROVIDING FOR SEVERABILITY, CODIFICATION AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the legislature of the State of Florida has, in Chapter 125, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, Florida Statue 163.3167 requires each County to have a Comprehensive Plan, and

**WHEREAS**, Florida Statue 163.3201 and 163.3202 requires the County to implement Land Development Regulations that are consistent with the Comprehensive Plan, and

**WHEREAS**, Gulf County has an existing Land Development Regulations (LDR); and

**WHEREAS**, Florida Statue 125.66 (2)a specifically provides for the proper publication, notice and announcement of Gulf County's intent and consideration of any and all land use modification and ordinance adoption; and such notice has been properly published for general circulation in the county, and

**WHEREAS**, F.S. 163.3202 mandates provision for the review and consideration of development regulations and request to the county; and

**WHEREAS**, Gulf County seeks further clarification and to memorialize the longstanding and historical precedent set be which its LDR is consistently applied be the planning department and staff and request of either the planning department and/or Board of Commissioners in submittal to an advisory board called the Planning Development and Reviewed Board (PDRB) for an initial review, evaluation and recommendation to the Board of County Commissioners for the final action of any and all development orders and permits in Gulf County; and

**WHEREAS**, Gulf County in this effort for further clarification and procedural efficiency has further amended the Articles of its Land Development Regulations as attached hereto in Exhibit "A"; and

**WHEREAS**, on February 9, 2023, a Public Notice was advertised in The News Herald offering the public an opportunity to participate at an initial two public hearings before first the

Gulf County Planning Development and Review Board on February 20, 2023, at 8:45am consistent with the current LDR Article 2.05.04 (C)8 requirements and a second public hearing before the Board of County Commissioners (BOCC) on February 28, 2023 at 9:00 am; and

**WHEREAS**, on March 10, 2023, a second Public Notice was advertised in The News Herald offering the public further opportunity to participate at a third public hearing and first introduction and ordinance reading before the Board of County Commissioners at its regular meeting on Tuesday, March 28, 2023, at 9:00am; and

**WHEREAS**, on March 10, 2023, a third Public Notice was advertised in The News Herald offering the public further opportunity to participate at a fourth and final public hearing and second ordinance reading before the Board of County Commissioners at its regular meeting on Tuesday, April 25, 2023, at 9:00am during which the Commission having received from the planning department representative for consideration of adoption of the ordinance and LDR amendments; and

**NOW THEREFORE BE IT ORDAINED**, by the Board of County Commissioners of Gulf County, in the State of Florida to adopt the revised Land Development Regulations (LDR) as presented in Exhibit “A” attached as follows:

**Section 1** Adoption of the revised Land Development Regulations (LDR) as presented in Exhibit “A” (attached hereto), and revised planning department fee schedule as presented in Exhibit “B” (attached hereto).

#### **Section 2- Effective Date**

This Ordinance shall take effect upon final adoption and publication in accordance with the law following the proper and compliant public hearings and notice.

#### **Section 3- Severability**

It is declared to be the intent of the Board of County Commissioners of Gulf County, Florida, that if any section, subsection, sentence, clause, or provision of this Ordinance amending the Gulf County LDR is held invalid, the remainder of the Ordinance and those amendments shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

#### **Section 4- Repealer**

Any and all ordinance and prior language stated under the Gulf County Land Development Regulation that is in conflict herewith and is hereby repealed in its entirety.

#### **Section 5- Modification**

It is the intent of the Board of County Commissioner that the provisions of this Ordinance may be modified as a result of considerations that may arise during public hearings. Such modifications shall be incorporated into the final version of the Ordinance adopted by the Board filed by the Clerk of the Board.

### Section 6- Codification

It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Gulf County Code of Ordinance and Land Development Regulations; and that sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intention; sections of this Ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or the County Administrator's designee, without need of public hearing, by filing a corrected or re-copied copy of same with the County Clerk of Circuit Court.

The foregoing Ordinance was offered by Commissioner FARRELL, who moved its adoption. The motion was seconded by Commissioner RICH and, being put to vote, the vote as follows:

Commissioner Chairman Quinn YES  
Commissioner McCroan YES  
Commissioner Rich YES  
Commissioner Farrell YES

DULY PASSED AND ADOPTED THIS 25th day of APRIL, 2023.

ATTEST: REBECCA NORRIS  
CLERK OF COURTS

BY: 

DEPUTY CLERK

APPROVED AS TO FORM & CONTENT:

By 

Jeremy T.M. Novak, Gulf County Attorney

BOARD OF COUNTY COMMISSIONERS  
OF GULF COUNTY

BY: 

CHAIRMAN SANDY QUINN

## EXHIBIT "A"

All additions to the text of the County LDR will be underlined. Any text removed from the County LDR will be struck through.

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### RESIDENTIAL AND MIXED COMMERCIAL/RESIDENTIAL

**Note: Dwelling units (DU) are limited to one (1) unit per parcel**

LAND USE/DISTRICT	GROSS DISTRICT	HOUSING TYPES		
		SF	MF	MH
R/MCR	1-4 DU/Acre	A	A	A

**Dwelling units supported by septic and well service must meet the Florida Department of Health requirements.**

**\* Gulf side of all county roads or state roads utilizing the number 30 ie: 30, 30A, 30B and 30E, max 3 units per acre.**

**\*\* Bayside or lagoon side of any roadway numbered 30 – maximum 2 units per acre.**

**\*\*\* When changing future land use from agricultural to residential or mixed commercial/ residential, maximum allowable density is 2 units per acre.**

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### COASTAL AREA DENSITIES

~~**When a transfer of density from wetlands to upland portions of a site occurs within the Bayside, Gulf side, or Indian Lagoon coastal areas, as depicted on the revised Future Land Use Map, such transfer shall be at a density of 1 unit per five acres of wetlands or 20% of wetland area. (Residential or Mixed Use)**~~

**A transfer of density from wetlands to uplands will be prohibited in all areas within one mile of all county or state roads 30A, 30B and 30E. All other areas will have a transfer of density from wetlands to upland portions of a site at a density of 1 unit per five acres of wetland area. (Residential or Mixed Use)**

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**D. Alternative Paving Materials**

If porous paving materials are used in accord with acceptable engineering practices, then the area or a percentage of the area covered with porous paving materials shall not be counted as impervious surface. All other pavers are counted as impervious.

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Land Use	Maximum Lot Coverage
Residential	0.30
Institutional	0.70
Outdoor Recreation	0.50
Professional Service & Office	0.70
*General Commercial	0.70
High Intensity Commercial	0.70
Public Service/Utility	0.70
Agricultural	0.60
Industrial	0.70
Mining	0.30
Preservation	N/A

\*When changing future land use to mixed commercial/ residential, allowable impervious area would be 30% for commercial.

**F. Stormwater Permitting Requirements**

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**5.03.02 Required Parking Spaces**

**A. Number**

The following list specifies the required number of off-street automobile parking spaces for various types of developments. When determination of the number of off-street spaces required by this LDR results in fractional space, the fraction of less than one half (1/2) may be disregarded, and a fraction of one-half (1/2) or greater shall be counted as one parking space. ALL PARKING ACCOMODATIONS MUST BE TOTALLY OFF THE RIGHT OF WAY

**Residential (Single Family or Duplex): Two spaces per dwelling unit with 1 to 4 bedrooms. An additional parking space will be required for the fifth bedroom and every odd numbered bedroom thereafter. Must be totally off the right-of-way.**

## **EXHIBIT “B”**

- **Planning Department fees as follows:**
  - **Small Scale Land Use Change to Mixed Use = \$10,000**
  - **Small Scale Land Use Change to Residential = \$7500**
  - **Large Scale Land Use Change (anything greater than 50 acres) = \$25,000**
  - **Subdivision Plat Approval for 3 to 25 lots = \$2500**
  - **Subdivision Plat Approval for 26 to 49 lots = \$5000**
  - **Subdivision Plat Approval for 50 lots or more. = \$10,000**
  - **Plat Corrections = \$1000**
  - **Minor Replat = \$1000**