

COUNTY OF GULF
STATE OF FLORIDA

ORDINANCE NO. 2023-09

AN ORDINANCE OF GULF COUNTY, FLORIDA AMENDING GULF COUNTY ORIGINAL BUILDING ORDINANCE 2001-13 AND THEREAFTER AMENDING ORDINANCE 2022-12 TO SPECIFICALLY INCLUDE LAND CLEARING REQUIREMENTS FOR ACTIVE RESIDENTIAL CONSTRUCTION AREAS; ESTABLISH DRIVEWAY AND TECHNICAL ADVISORY COMMITTEE REVIEW FEES IN ADDITION TO THE ESTABLISHED FEES FOR CONSTRUCTION PERMITS, INSPECTION FEES FOR CHECKING PLANS, MECHANICAL, ELECTRICAL, PLUMBING AND GAS SYSTEMS; INSPECTION FEES FOR MOBILE AND MODULAR HOMES, RESIDENTIAL AND COMMERCIAL STRUCTURES; PERMIT FEE FOR MOVING BUILDINGS AND OTHER STRUCTURES; PERMIT FEES FOR ROOFING; ESTABLISHING A REINSPECTION FEE; ESTABLISHING SMOKE DETECTOR REGULATIONS; PROVIDING FOR PENALTIES AND ENFORCEMENT FOR VIOLATIONS; PROVIDING REQUIREMENTS FOR ALL HABITABLE STRUCTURES IN GULF COUNTY BE DESIGNED BY FLORIDA LICENSED ARCHITECT OR ENGINEER; ADOPTION OF THE UNIFORM FLORIDA BUILDING CODE; ESTABLISHING ONE UNIFORM WIND ZONE FOR GULF COUNTY; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR REPEALER CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, pursuant to Florida Statute 125.01 the Gulf County Board of County commissioners (“Commission” and/or “County”) shall have the power to carry on county government inclusive of the power to adopt its own rules that which are not inconsistent with general or special law; and

WHEREAS, pursuant the Florida Statute 125.01 the County shall reserve the powers to adopt ordinances necessary for the exercise of its powers and perform acts which are in the common interest of the people of Gulf County and exercise all powers and privileges not specifically prohibited by law; and

WHEREAS, the Board of County Commissioners of Gulf County Florida (hereinafter Commission and/or County) find and determine that Gulf County in its continued efforts to maintain, preserve and enhance the Gulf County quality of life with to adopt through action of the Commissioners, the following amendment to the “Gulf County Building Code Ordinance No. 2001-13”; and

WHEREAS, the Commission on June 26, 2023 in an open public regular meeting the Administration recommended to the Commission that the matter of clearing lots without building permits, driveway permits and pervious pavers systems be further examined by the Gulf County

Planning Development and Review Board and has since received the recommendations of the PDRB to the County staff, regarding measures and process through which improved permitting and stabilization of properties in Gulf County following their permitted clearing in Gulf County to deal with illegal, unpermitted, noncompliant clearing and the violations of those regulations adopted by Gulf County, revised permit fees, review processes and driveway system reviews and with their inclusion into Gulf County ordinance and regulations; and

WHEREAS, The Commission and their staff after careful review and consideration have deemed it timely and appropriate for Gulf County to further amend the original Gulf County Building Code Ordinance No. 2001-13 to further address the issue of issuance of building permits and clearing of properties, driveway review procedures and appropriate permit and application fees and introduce ordinance amendment language to effectuate this additional protections from erosion, stormwater and neighboring properties and appropriate reviews and application fees; and

WHEREAS, on July 18, 2023 the Board of County Commissioners voted unanimously in a regular meeting to advertise through Public Notice and advertisement in The News Herald offering the public an opportunity to participate at a public hearing and reading before the Board of County Commissioners on August 22, 2023 and a second reading and public hearing on September 26, 2023 for the consideration and adoption of the proposed amendments to the Gulf County Building Code Ordinance; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Gulf County, in the State of Florida as follows:

Section 1 – Short Title.

This Ordinance in amended form shall continue to be hereafter known and referred to as the “Gulf County Building Code Ordinance” and incorporates the provisions for amended erosion control and land clearing, driveway permits and application fees with proper procedure and review of applications.

Section 2 – Authority.

This ordinance and amendments are adopted by the Gulf County Commission in accordance with and under the authoritative powers permitted by home rule, the County’s police powers to protect the public health, safety and welfare and under the powers pursuant to the authority granted under Florida Statute 125 for the implementation and enforcement of standards, rules and regulations set forth herein.

Section 3 – Amendments.

Amendments with additional language and fees to “Section 5” to original Ordinance 2001-13 and subsequent amendment for fees under 2022-12 (amendment language italicized and bold recited herein):

Section 5 –

Amended and additional review fees for amendment to Section 5

- ***Driveway permit Fees: \$150.00 for pre-existing homes***
- ***Driveway permits are included in New Construction permits***
- ***Driveways must be installed and completed before a certificate of occupancy is issued***
- ***T.A.C. project review fees for pervious paver system \$500.00***
- ***Pervious paver systems are not guaranteed approval and shall be reviewed on case by case and application basis for compliance with Gulf County regulations and TAC approval \$500.00***
- ***Pervious paver systems permit fees: \$350.00 and inspection and based on manufactured specification***
- ***The maximum square footage of pervious paver systems shall be permitted and based on the total roof square footage of the structure are not guaranteed approval and shall be review on case by case and application basis for compliance with Gulf County regulations and TAC approval \$500.00***
- ***T.A.C. Project Review Fee \$500.00***

Section 5 –

Amended and additional language for land clearing in Gulf County

- ***Land Clearing and Active Construction Permit***

When land clearing and/or filling of lots/land located in a residential neighborhood, an active construction permit must be approved within 30 days. If construction has not begun in the time allotted, the parcel of land in question shall have grass/sod or other approved stabilization installed in the disturbed area before the expiration of this initial 30 days.

Section 4 – 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 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-codified copy of same with the County Clerk of Circuit Court.

Section 5 – 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 is held invalid, the remainder of the Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provision, and shall not be affected by such holding.

Section 6 – Effective Date

This Ordinance, if adopted by the Board, shall take effect immediately and thereafter filed with the Office of the Secretary of the Florida Department of State.

The foregoing Ordinance was offered by Commissioner FARRELL, Who moved its adoption. The motion was seconded by commissioner HUSBAND and , being put to vote, the cote follows:

Commissioner Chairman Quinn	<u>YES</u>
Commissioner Husband	<u>YES</u>
Commissioner McCroan	<u>YES</u>
Commissioner Farrell	<u>YES</u>
Commissioner Rich	<u>YES</u>

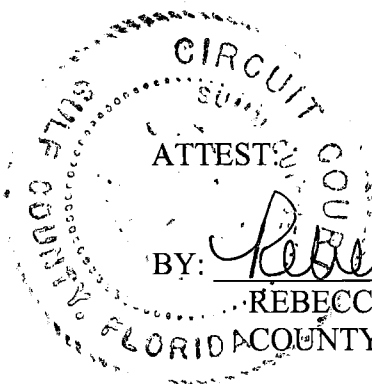
ADOPTED this 26nd day of September, 2023.

BOARD OF COUNTY COMMISSIONERS
GULF COUNTY FLORIDA

BY: [Signature]
SANDY QUINN, CHAIRMAN

APPROVED AS TO FORM:

BY: [Signature]
JEREMY NOVAK
ATTORNEY FOR GULF COUNTY



BY: [Signature]
REBECCA NORRIS
FLORIDA COUNTY CLERK