

ORDINANCE 2026-04

AN ORDINANCE OF THE CITY OF GULFPORT, FLORIDA AMENDING THE CITY OF GULFPORT CODE OF ORDINANCES, AMENDING CHAPTER 22 - ZONING, ARTICLE VI. SUPPLEMENTARY REGULATIONS FOR ALL DISTRICTS BY AMENDING SECTION 22-6.03. "ACCESSORY USES AND STRUCTURES." TO ACCESSORY USES AND STRUCTURES, EXCLUDING ACCESSORY DWELLING UNITS AND BY ADDING SEC. 22-6.15. – "ACCESSORY DWELLING UNITS (ADUS)."; PROVIDING FOR APPLICABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR GENERAL STANDARDS; PROVIDING FOR DEVELOPMENT STANDARDS; USE AND OCCUPANCY REQUIREMENTS; PROVIDING FOR PARKING REQUIREMENTS; PROVIDING FOR ADMINISTRATION APPROVAL; PROVIDING FOR NONCONFORMITIES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, in 2025, The City of Gulfport is evaluating whether to formally allow and regulate accessory dwelling units (ADUs) within residential zoning districts and

WHEREAS, The City of Gulfport's zoning code does not define or regulate accessory dwelling units as a distinct residential use and

WHEREAS, the City of Gulfport has determined that the addition of policies regarding Accessory Dwelling Units is necessary to address housing variety and density standards while maintaining neighborhood character

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULFPORT, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:

Section 1. That Article VI. Supplementary Regulations For All Districts By Amending Section 22-6.03. "Accessory Uses And Structures." To "Accessory Uses And Structures, Excluding Accessory Dwelling Units"

Sec. 22-6.03. Accessory uses and structures, excluding accessory dwelling units.

(a) *General provisions.* In conjunction with a principal use, building or structure provided in this chapter, applicable accessory uses, buildings or structures, as herein defined, may be located upon any lot, provided there is full compliance with all setback, height, building coverage, and off-street parking and loading requirements. No accessory building or structure, except commercial satellite dishes, as defined in Article XXII of this chapter, shall be located closer than twelve (12) feet to a principal building or structure, and no accessory building or structure shall be located closer than six (6) feet to any other accessory building or structure on the same lot. ~~Home satellite dishes, as defined in Article XXII of this chapter, shall be exempt from the provisions of this section.~~ Accessory uses, buildings, or structures may also be located within required yards, subject to the following limitations:

- (1) ~~Except as otherwise provided in this subsection,~~ no accessory use, building, or structure shall be located within the lot's front yard or within that portion of any side or rear yard subject to a special yard setback requirement. Accessory uses, buildings, and structures shall be located in rear or interior side yards. These shall not occupy any area subject to setback requirements. All other applicable regulations, such as but not limited to height restrictions, shall be complied with.
- (2) A swimming pool including patio and/or screen enclosure, shall be located a minimum distance of seven (7) feet from a rear property line, six (6) feet from a side property line on an interior lot, and twelve (12) feet from a side property line on a street side of a corner lot; provided however, that if the minimum setbacks are measured to the water's edge of the pool then a screen enclosure will not be allowed; and that a swimming pool shall be located a minimum distance of fifteen (15) feet from a seawall to the water's edge of the pool and a patio and/or screen enclosure shall be located a minimum distance of seven (7) feet from a seawall.
- (3) Other accessory buildings and structures shall be located a minimum distance of fifteen (15) feet from a rear property line, six (6) feet from a side property line on an interior lot, and twelve (12) feet from a side property line on the street side of a corner lot.
- (4) One (1) storage building, properly anchored and not exceeding eighty (80) square feet in area or eight (8) feet in height, may be located within a required rear or side yard of a residential lot; provided that a minimum distance of three (3) feet is maintained from a rear property line or a side property line on an

interior lot, and a minimum distance of twelve (12) feet is maintained from a side property line on the street side of a corner lot.

- (5) Except as provided in subsection (1) above, no accessory structure shall be located upon a lot within fifteen (15) feet of any seawall; provided, however, that a dock, with or without hoist facility, may be constructed along a canal or waterway when authorized by law. A permit for any such dock shall be issued by the city only after approval has been obtained from all county, state, and federal agencies having jurisdiction.
- (b) *Attached accessory structure considered part of principal building.* Whenever an accessory structure is attached in any manner to a principal building or structure, it shall cease to be considered an accessory structure for purposes of this chapter and shall be considered as a part of the principal building or structure. It shall be unlawful to attach an accessory structure to a principal building or structure which does not comply in all respects with the requirements of this chapter applicable to the principal building or structure.
- (c) *Parking or storage of a commercial vehicle in a residential district.* No person, firm, corporation, or other entity, or any agent thereof, shall cause or permit a commercial vehicle, as herein defined, to be parked, stored, or maintained within a residential zoning district. It is not the intent of this section to prohibit a commercial vehicle from being within a residential district when actually utilized in a business activity requiring its location within said district for a temporary time and for a specific purpose (e.g. deliveries, lot mowing, resident relocation, construction, etc.).
- (d) *Home occupations.* Home occupations, as defined in this chapter, may be approved by the city manager, or his/her designee, in any residential district, when all of the criteria of this subsection have been met by the applicant. Each applicant for a home occupation license shall pay a nonrefundable application fee as set forth in chapter 25 of the Code of Ordinances, upon the filing of said applicant's initial application for a home occupation license. No application fee shall be required for the renewal of a license if there are no changes of any kind with respect to the home occupation. An annual license fee shall be paid for each home occupation license, as provided in chapter 13 of the Code, based on the appropriate occupation. Each home occupation license shall expire at the end of the fiscal year in which said license was issued, and may be renewed, annually, upon payment of the appropriate license fee and satisfaction of all criteria provided herein.
 - (1) No more than twenty-five (25) percent of the floor area of the dwelling shall be used for the home occupation. The home occupation shall be conducted wholly within the dwelling or accessory structure.

- (2) No display of goods, or outside storage of equipment, including trailers, or materials used in the home occupation shall be permitted.
- (3) No ~~community~~ [commodity] shall be sold or supplied on the premises where the home occupation is conducted.
- (4) No evidence of the conduct of a home occupation shall be detectable from the outside of the dwelling or accessory structure.
- (5) No person shall be employed on the premises where the home occupation is conducted, other than members of the family residing on said premises.
- (6) No traffic exceeding the Pinellas County Metropolitan Planning Organization Traffic Generation Standard for Single-Family Residential Use, as amended from time-to-time, shall be generated by any home occupation, and no additional off-street parking spaces shall be required.
- (7) No customer, client, employee, contractor or agent of the home occupation shall be permitted on the premises where such occupation is conducted, at any time.
- (8) No home occupation shall cause an increase in the use of any public utilities above the average of all residences in the immediate vicinity of the premises in which the home occupation is conducted.
- (9) No more than one (1) vehicle used in a home occupation shall be permitted on or near the premises where any home occupation is conducted. No commercial vehicle, as defined in section 22-2.02 of this Code, shall be parked, stored or kept on the premises where any home occupation is conducted, or on any adjacent right-of-way.
- (10) No motors, other than electrically operated motors of one (1) horsepower or less, shall be used in connection with any home occupation.
- (11) No equipment or process, which causes fluctuations in line voltage, or visual or audible electrical interference in any radio or television receiver, off the premises where the home occupation is conducted, shall be used in connection with any home occupation.
- (12) A home occupation may be approved for the sole purpose of making and receiving phone calls, sending and receiving mail, or keeping and generating business records, in connection with any profession or occupation, notwithstanding the provisions of paragraph (13) hereof to the contrary.
- (13) The following, and all similar uses, shall not be permitted as home occupations:

- a. Auto repair;
- b. Engine, machine, tools, electronic equipment or appliance repair;
- c. Personal services, including massage, hair styling or cutting, grooming and cosmetology;
- d. Tea rooms;
- e. Food sales, service or processing;
- f. Animal sales, grooming or boarding;
- g. Construction contracting;
- h. Medical office;
- i. Real estate office;
- j. Law office;
- k. Painting of vehicles, trailers or boats;
- l. Photography;
- m. Education or instruction in any subject;
- n. Furniture construction, repair or refinishing;
- o. Boat building or repair;
- p. Metal fabrication or cutting;
- q. Welding or using cutting torches; and
- r. Upholstering.

(14) All existing home occupation licenses shall expire on the last day of the fiscal year in which this article becomes effective. Any home occupation license properly issued prior to the effective date of this article may be renewed, notwithstanding any nonconformance with this subsection, provided that there are no changes in the nature of the home occupation. Such nonconforming home occupations shall not be approved if the license for such home occupation is not renewed prior to the expiration of said license in any fiscal year.

(15) The city manager, or his/her designee, shall revoke any home occupational license at any time the holder thereof fails to meet the requirements of this section.

(e)) Applicability.

- (1) This section does not apply to accessory dwelling units, which are governed by section 22-6.14 of this Code of Ordinances.
- (1) Home satellite dishes, as defined in Article XXII of this chapter, shall be exempt from the provisions of this section.

(Ord. No. 85-8, § 2, 5-21-85; Ord. No. 87-7, § 1, 7-21-87; Ord. No. 87-8, §§ 12—14, 7-21-87; Ord. No. 88-9, § 3, 9-6-88; Ord. No. 92-3, § 2, 5-5-92; Ord. No. 97-9, § 7, 6-3-97; Ord. No. 2000-1, § 2, 2-1-00; Ord. No. 2005-02, § 2, 2-15-05)

Cross reference(s)—Garage sales, permits and regulations, § 13-35.

Section 1. That Article VI. Supplementary Regulations For All Districts By Adding Sec. 22-6.15. – “Accessory Dwelling Units (ADUs).” And Shall Read As Follows:

Sec. 22-6.15. – Accessory dwelling units (ADUs).

(a) Intent. The intent of this section is to facilitate the development of accessory dwelling units (ADUs) in applicable zoning districts to provide residents with flexible living arrangements while contributing to the housing supply.

(b) Definitions. The following definitions shall apply to this section:

Accessory dwelling unit (ADU): An ancillary or secondary living unit that contains a separate kitchen with a cooking stove, bathroom, and sleeping area, and is located within the same structure as, or on the same lot with, a principal dwelling unit.

Principal dwelling unit: A single-family dwelling with its entrance oriented toward the primary street frontage. In cases where a principal dwelling unit and accessory dwelling unit are attached and have entrances facing the same street frontage, the principal dwelling unit shall be the larger of the two units.

(c) Applicability.

- (2) Accessory dwelling units shall be permitted as an accessory use to any single-family dwelling.
- (3) Accessory dwelling units are prohibited on any property located within the Coastal High Hazard Area (CHHA), as defined by F.S. § 163.3178(2)(h).
- (4) Accessory dwelling units that comply with this section shall be permitted by right and approved administratively.

(d) General standards.

- (1) One (1) accessory dwelling unit shall be permitted per lot containing a principal single-family dwelling.
- (2) An accessory dwelling unit shall not be considered a dwelling unit for purposes of calculating maximum residential density otherwise applicable to the zoning district.
- (3) No minimum lot size shall be required for the establishment of an accessory dwelling unit beyond that required for the principal dwelling unit.
- (4) An accessory dwelling unit may be detached or attached to the principal dwelling unit.

(e) Development standards.

- (1) Accessory dwelling units shall comply with all applicable development standards of the underlying zoning district, including maximum building coverage, required yard setbacks, maximum building height, and minimum greenspace or pervious surface requirements.
- (2) Detached accessory dwelling units shall be located to the side or rear of the principal dwelling unit.
- (3) The accessory dwelling unit shall be subordinate in scale and massing to the principal dwelling unit. This provision shall not apply to building height.
- (4) Notwithstanding the development standards of the underlying zoning district, the living area of an accessory dwelling unit shall not exceed eight hundred (800) square feet, excluding garages, carports, porches, patios, and other unenclosed areas.

(f) Use and occupancy.

- (1) The property owner shall occupy either the principal dwelling unit or the accessory dwelling unit as the property owner's permanent residence, except for property owned by a nonprofit entity and used for institutional or educational purposes, or for affordable housing purposes consistent with Chapter 420, Florida Statutes.
- (2) Prior to issuance of a certificate of occupancy for an accessory dwelling unit, the property owner shall record a declaration of restrictive covenant, in a form acceptable to the city attorney, affirming compliance with the owner-occupancy requirement.
- (3) The accessory dwelling unit shall not be sold or otherwise conveyed separately from the principal dwelling unit.

- (4) Accessory dwelling units may be rented in accordance with applicable city regulations governing residential rentals. Nothing in this section shall be construed to permit a temporary/tourist lodging use, as defined in Sec. 22-2.02, except where otherwise authorized by this chapter.
- (g) Parking. No additional off-street parking shall be required for an accessory dwelling unit.
- (h) Administration. Accessory dwelling units shall be approved administratively through zoning compliance and building permit review based on the objective standards of this section.
- (i) Nonconformities. An accessory dwelling unit may be established on a lot containing a legally nonconforming principal structure, provided the accessory dwelling unit complies with this section.

Section 3. For purposes of codification of any existing section the Code of Ordinances of the City of Gulfport, Florida herein amended, words **underlined** represent additions to original text, words **stricken** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 4. Ordinances or parts of ordinances in conflict herewith to the extent that such conflict exists are hereby repealed.

Section 5. In the event a court of competent jurisdiction finds any part or provision of this Ordinance unconstitutional or unenforceable as a matter of law, the same shall be stricken and the remainder of the Ordinance shall continue in full force and effect.

Section 6. The Codifier shall codify the substantive amendments to the Code of Ordinance of the City of Gulfport Florida, contained in Section 1 and Section 2 of this Ordinance as provided for herein and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 7. This Ordinance shall become effective immediately upon its final passage and adoption.

Karen Love, Mayor

FIRST READING: May 19, 2026

PUBLISHED: _____

SECOND READING:
AND PUBLIC HEARING: _____

I, Theresa M. Carrico, City Clerk of the City of Gulfport, Florida, do hereby certify that the foregoing Ordinance was duly adopted in accordance with the provisions of law and the City Charter this _day of _____, 2026.

ATTEST:

Theresa M. Carrico, City Clerk