

**COUNTY OF GULF
STATE OF FLORIDA**

ORDINANCE NO. 2015-03

AN ORDINANCE OF GULF COUNTY IN THE STATE OF FLORIDA FOR CREATING POLICIES REGULATING RECREATIONAL VEHICLES (RV)'S AND THEIR LOCATION, PLACEMENT, RV'S PER PARCEL, USE AND STORAGE OF RV'S WITHIN BOTH UNINCORPORATED GULF COUNTY AND WITHIN THE COASTAL CORRIDOR; FOR SAID POLICIES TO AMEND, BE CODIFIED AND BECOME PART OF THE GULF COUNTY LAND DEVELOPMENT REGULATIONS (LDR); PROVIDING FOR REPEALER, SEVERABILITY AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Gulf County Florida (hereinafter Commission) find and determine that Gulf County has adopted through action of the Commissioners, Land Development Regulations in order to implement its Comprehensive Plan, to comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163 of Florida Statutes, providing for the comprehensive plan and implementation through enactment of certain ordinances; and

WHEREAS, the Commission having received many verbal and written public recommendations from its citizens at public hearings over a four year period to address the use and restrictions of RV's throughout the County in order to protect the health and welfare of its residents, the natural coastal beauty of Gulf County and the quality of life for all citizens within the County; and

WHEREAS, the Commission has sought the recommendations of its Gulf County Planning and Development Review Board (PDRB) following multiple public hearings held by the PDRB regarding the regulations of RV's within the County; and

WHEREAS, the Commission has received the recommendations of the PDRB, County professional planner and county building officials and conducted its own public hearings on the issue to establish the community's public health concerns and comments in formulating an Ordinance that achieves the goals of the County Comprehensive Plan while balancing the property rights of its citizens and visitors; and

WHEREAS, the Commission has sought to implement the tools of smart growth management and its Florida best practices for County land regulations in establishing a proactive planning approach while maintaining the principles of Florida Statute 70.001, "Bert J. Harris, Jr., Private Property Rights Protection Act"; and

WHEREAS, the Commission seeks to reaffirm the County scope of development to one (1) dwelling unit for site built and mobile homes to be consistently applied and extended to also include the use and density of RV's within Gulf County; and

WHEREAS, a Coastal Corridor exists within the County of Gulf along its shores of the Gulf of Mexico and St. Joseph Bay including highways, roads, and rights of ways, including US 98, SR 30A and 30E; and

WHEREAS, the Coastal Corridor of Gulf County is at the core of the “Forgotten Coast” of the State of Florida, identified by pristine beaches, fertile fishing areas, critical environmental habitats and state restricted lands and parks, and with areas of Gulf County’s coastline being nationally recognized as the “#1 Beach in America” and some of the “most beautiful beaches in the United States”; and

WHEREAS, in recognition of Gulf County’s mapped Coastal Construction Line areas as defined by Florida Department of Environmental Protection and its impact upon the Coastal Corridor the Commission seeks to reduce a significant threat and public safety concern through the smart growth management and use of RV’s along of these coastal areas; and

WHEREAS, in further recognition of the public and staff comments regarding the State of Florida and thereby Gulf County’s Building Codes concerning the areas most vulnerable to hurricanes as those being along the Gulf of Mexico coasts and the elevated basic wind speeds for various risk categories in coastal construction and design; and

WHEREAS, the Commission wishes to recognize and regulate the use, placement and amount of RV’s per parcel throughout the County and specifically within the Coastal Corridor in compliance and acknowledgment that large portions of the corridor are within or impacted by the Coastal High Hazard Areas as defined within Gulf County’s state mandated Comprehensive Plan; and

WHEREAS, the Commission has received comment and public input from commercial RV park operators within the County seeking the proper enforcement and protection of their business enterprise and past compliance with the State of Florida and Department of Health guidelines for multiple and concentrated RV use and occupancy on a select land area within Gulf County; and

WHEREAS, the Commission wishes to regulate certain types of use and placement of recreational vehicles on individual lots along the Coastal Corridor and such prohibition will not only protect the public health and welfare, through the protection from overuse and uncontrolled sprawl and possible blight by noncompliant RV’s, the aquifer, limited natural resources and the raw coastal environment; and

WHEREAS, the uncontrolled placement and use of recreational vehicles throughout the County and within the Coastal Corridor has and will continue to have effects on the County as a whole which affects the general health, natural beauty, public safety, smart growth and the joint welfare and wellbeing of the residents; and

WHEREAS, on January 5, 2015 and January 19, 2015 a Public Notice was advertised in The News Herald offering the public an opportunity to participate at two public hearings before the Board of County Commissioners (BOCC) on January 13, 2015 at 9:00 am and a second public hearing on January 27, 2015 at 5:01 p.m. for the adoption of this proposed ordinance; and

WHEREAS, the Commission hereinafter shall commonly refer to this Ordinance as the “Gulf County RV Ordinance” and its adoption shall be considered further for incorporation and consistency with the Gulf County Land Development Regulations; 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 shall hereafter be known and referred to as the “Gulf County RV Ordinance”.

Section 2 – Authority.

This ordinance is 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 – Purpose.

The purpose of this Ordinance is to prohibit the uncontrolled use and placement of recreational vehicles throughout Gulf County and within the area comprising the Hurricane Prone Region and Wind-Borne Debris Region of Gulf County referred hereinafter as “Coastal Construction Corridor” or “Corridor”, including all as defined below.

Section 4 – Definitions.

The Gulf County Land Development regulations relating to definitions is hereby amended to include the following:

Accessory Structure – A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use.

Accessory Use – A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Building – Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animals, process, equipment, goods or materials of any kind or nature. All buildings are structures.

Coastal Construction Corridor and/or Coastal Corridor - Gulf County - As defined by the 2010 Florida Building Code the areas vulnerable to hurricanes as those Gulf of Mexico coasts where the basic wind speed for Risk Category II buildings is greater than 130 mph (48 m/s). Fla. Building Code 1609.2. Further, those areas within hurricane-prone regions located south of the Intracoastal water system that are within 1 mile (1.61 km) of the coastal mean high water line where the ultimate design speed is defined herein. (All or portions thereof the defined Coastal Construction Corridor shall also be commonly referred to and referenced as “Restrictive RV Zone(s)”.)

Dwelling – A structure or portion thereof which is used exclusively for human habitation.

Dwelling Unit – One or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit, for the exclusive use of a single family maintaining a household, and located on a single lot or platted parcel of land.

Lot – A designated parcel, tract or area of land established in the County’s Official Record Books, Miscellaneous Map File Book, by recorded plat, by unrecorded plat on file in the Gulf County HRS Public Health Unit, or as otherwise allowed by law, to be used, developed or built

upon as a unit and has been assigned the proper parcel identification number by the Gulf County Property Assessor's office. Use of "lot" throughout the ordinance language is hereby interchangeable and synonymous with "parcel" identically defined below.

Manufactured structures – A building/structure transportable in one or more sections designed to be used either with a self-contained foundation or a permanent foundation, when set up with or without utilities. The term shall also include storage buildings, park trailers, travel trailers, and similar transportable structures such as mobile homes and recreational vehicles placed on a lot or parcel of land.

Parcel- A designated parcel, tract or area of land established in the County's Official Record Books, Miscellaneous Map File Book, by recorded plat, by unrecorded plat on file in the Gulf County HRS Public Health Unit, or as otherwise allowed by law, to be used, developed or built upon as a unit and has been assigned the proper parcel identification number by the Gulf County Property Assessor's office. Use of "parcel" throughout the ordinance language is hereby interchangeable and synonymous with "lot" identically defined above.

Non-dwelling Unit Structure – Any structure or building not designed or intended to be used as a dwelling unit including pre-built sheds, pole barns, free-standing canopies, etc.

Recreational Vehicle or "R.V." – A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including but not limited to travel trailers, truck campers, camping trailer and self-propelled homes. For purposes of this ordinance, an RV is not considered a Risk Category II building or structure "single family dwelling" under the Florida Building Code. RV's in Gulf County shall be defined herein as a Risk Category I structure and nature of the occupancy. Fla. Building Code 1604.5

RV Park: A development that is designed to accommodate RV's on dedicated sites either through short or long term rental not to exceed 180 consecutive days.

RV Subdivision: A development that contains platted lots designed to accommodate RV's either through lease or individual ownership of a platted lot.

RV and Mobile Home Parks/Subdivisions are strictly regulated and controlled by Florida Statutes and Florida Department of Health and must meet all proper regulations as well as remain in compliance with these County regulations.

Structure – A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above, or below the surface of the land or water. Not all structures are buildings.

Section 5 - 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 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; and regardless of whether such inclusion in the LDR is accomplished, 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 6 – RV Regulations

A) RV Regulations within the unincorporated areas of Gulf County:

RV's located within the unincorporated areas of the County outside the Coastal Construction Corridor (Unrestricted RV Zones) shall be permitted throughout the County in accordance with the terms set forth by the Gulf County current (6/24/13) LDR's Section 3.02.04 and summarized as follows:

- 1) One (1) RV per lot/parcel.
- 2) Lot/parcel coverage by RV and accessories is not to exceed 30% impervious area.
- 3) Lot/parcel with RV must allow for two (2) parking spaces per lot. Parking on any right of way is strictly prohibited for consideration in RV requirements.
- 4) All RV's must meet standard building setbacks.
- 5) All RV's must comply with all existing Gulf County LDR and Comprehensive Plan guidelines and requirements.

B) RV's Regulations specifically within the defined Coastal Construction Corridors:

RV's permitted within the defined Coastal Construction Corridors (Restrictive RV Zones) shall be bound to all regulations stated above and comply with the following additional restrictions:

- 1) Recorded property owners of parcel or lot within the Coastal Construction Corridor prior to January 28, 2015 shall be grandfathered to continue their use of property for personal Recreational Vehicles with the following conditions met:
 - Annual permitting of the RV with Gulf County in accordance with the permitting guidelines defined herein
 - Continue to meet all requirements under Section 6(A) and current Gulf County LDR guidelines
 - Mandatory evacuation of all RV's within this Restrictive RV Zone within 48 hours of Gulf County Declaration of Local State of Emergency for either wind, storm or flood events.
- 2) Grandfathered "use" protection: individual title prior to the prohibited use restriction shall terminate for the defined existing owners upon any one of the following:
 - Sale or any transfer of ownership from current individual named title owner(s) (joint tenancy as well as one or both named spouses shall be considered permissible individual ownership; permitting to a corporate entity or trust shall be strictly prohibited);
 - or
 - Owner's death shall extinguish the grandfather provision for the parcel (pre-existing lawful spouses excluded); or
 - Owner's failure to comply with mandatory removal of RV from Corridor within 48 hours of declaration of Local State of Emergency by Gulf County due to a wind, storm or flood threat. Owner shall be permitted to complete the calendar year under which they received the annual RV permit and thereafter prohibited through proper restriction and regulation defined by this Ordinance.

Exceptional circumstances:

3) Recreational Permits for Corridor Use:

Gulf County shall issue up to two (2) recreational fourteen (14) day permits to a parcel or lot owner within the Coastal Construction Corridor (acquired after enactment of this ordinance) on an annual basis following the proper application, proof of ownership and receipt of permit to be prominently displayed on the RV during its occupancy within the Corridor. This provision shall not apply to those RV's lawfully visiting Gulf County's RV commercial parks within the Coastal Construction Corridor.

4) RV's located on a lot/parcel within the Corridor that are being stored and not occupied and that are located on the same lot/parcel as the occupied principal dwelling unit are permitted under these exceptions year round with proper and continual compliance of County registration, permitting, mandatory evacuations and Section 6(A) guidelines above.

5) The following additional exceptional RV uses shall apply for residential RV use within the Coastal Construction Corridor through application to the Gulf County Planning Department for extended occupancy and final approval of the County Commission following consideration of the Planning Development and Review Board ("PDRB"):

Construction Periods - The use and occupancy of an RV within the Coastal Construction Corridor during construction or repair of a primary dwelling unit and/or business shall be afforded consideration by the PDRB and approval of the Commission for up to 180 consecutive days and renewable upon re-application thereafter.

Emergency Periods - The use and occupancy of RV's as a dwelling unit during disaster recovery (fire, weather event, etc.) and family medical emergencies (ie. visiting Gulf County and residing in RV while family member is in care of area hospital) shall be afforded consideration by the PDRB and approval of the Commission for up to 180 consecutive days and renewable upon re-application thereafter.

Hardship Exemptions – The owner of both the same lot/parcel and RV within the defined Coastal Corridor may upon application, seek a hardship exemption other than that defined under 5(i) and (ii) above and specifically Section 6B(1) Coastal Corridors restrictions for the permitted use and occupancy with the Restricted RV Zone for no greater a period of 180 consecutive days after review by the PDRB and final approval of the Commission upon findings that:

The named applicant is the same of both the parcel/lot and the proposed occupied RV

A substantial hardship is demonstrated

The exemption will be consistent with the intent and purpose of the Gulf County LDR and Comprehensive Plan guidelines and requirements as well as the clauses and findings stated above seeking to balance and preserve public safety, property rights and coastal property protection

The application of Section 6B(1) Coastal Construction Corridor restrictions on the established lot/parcel and RV owner would be significantly outweighed by the demonstrated hardship and deleterious impacts to the applicant

Upon an applicant demonstrating to the County that a hardship is created by the requirements to comply with the ordinance and that relatively little impact will occur from the exemption, then they may be permitted upon proper application, notice, hearing and consideration of the PDRB and final approval of the County Commission to maintain continuous and uninterrupted ownership, use and occupancy for up to 180 consecutive days.

The hardship exemption shall cease and terminate immediately upon the sooner of either the removal of the hardship or the expiration of the days granted by the County Commission

C) Miscellaneous provisions

- 1) All RV's within Gulf County Coastal Construction Corridor shall be registered annually and receive a permit from the County for display. The issued permit shall be prominently displayed by the RV owner and clearly visible to County officials.
- 2) RV registration, application and permit fees shall be adopted annually upon recommendation and consult by the Commission with the following: County Administrative Staff, Planning and Building Department staff and County Code Enforcement officials.
- 3) Annual County registration and filing of all RV's shall include disclosure of consistency in ownership status for continued grandfather exemption.
- 4) Any and all rentals of commercial RV locations within the County shall be subject to Bed Tax Regulations under Florida Statute 125.0104 and Gulf County Ordinance 2012-03 if applicable to short term stay.

Section 7 - Enforcement

- A) Gulf County Commission is authorized to enforce this ordinance and may follow the established procedures and schedule of violations and penalties set forth below to be assessed by county code enforcement officials through its established Special Magistrate hearing procedure and in accordance with Florida Statute 125.69:
- B) Violation of any provision of this ordinance shall be subject to the following penalties in addition to the loss of existing grandfather exemptions under 6B(2):
First violation: \$50.00 fine; \$50.00 per day thereafter
Second violation: \$100.00; \$50.00 per day thereafter
Third violation: Fine not to exceed \$500.00 and/or imprisonment in the County jail not to exceed sixty (60) days pursuant to Florida Statute 162.22.
- C) Each violation of this Ordinance shall constitute a separate offense. In the initial stages and implementation of this Ordinance (implementation period not to exceed June 1, 2015), code enforcement officials may provide violators with no more than one (1) written warning.
- D) The County shall reserve its rights to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of the section of this ordinance, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions of this section of this Ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.

Section 8 – 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 9 – 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 10 – Repealer

Any and all ordinances in conflict herewith are hereby repealed to the extent of any conflict.

Section 11 – Modification

It is the intent of the Board of County Commissioners 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 and filed by the Clerk to the Board.

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

| | | | |
|-----------------------|------------|---------------------|------------|
| Commissioner McDaniel | <u>Yes</u> | Commissioner Yeager | <u>Yes</u> |
| Commissioner Bryan | <u>Yes</u> | Commissioner Quinn | <u>Yes</u> |
| Commissioner McLemore | <u>No</u> | | |

Adopted on this the 27th day of January, 2015.

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY, FLORIDA

ATTEST:
REBECCA L. NORRIS, CLERK

By: Rebecca L. Norris
Clerk of Court

By: Ward McDaniel
Ward McDaniel, Chairman

APPROVED AS TO FORM:

By: Jeremy T.M. Novak
Jeremy T.M. Novak, Gulf County Attorney