COUNTY OF GULF
STATE OF FLORIDA

ORDINANCE NO. 2011-_____

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 AND FOR SAID POLICIES TO AMEND, BE CODIFIED AND BECOME PART OF THE GULF COUNTY LAND DEVELOPMENT REGULATIONS (LDR).

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 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 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 and the County professional planner and conducted its own public hearings on the issue to decipher the community's 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

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 F.S. 70.001, "Bert J. Harris, Jr., Private Property Rights Protection Act"; and

WHEREAS, the Commission seeks to reestablish and reemphasize 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 including highways, roads, and rights of ways, including US 98, SR 30A and 30E; and

WHEREAS, the uncontrolled placement and use of recreational vehicles throughout the County and within the Coastal Corridor has and will continue to cause a sprawl and blight upon the entire County which affects the general health, natural beauty, public safety, smart growth and the joint welfare and wellbeing of the residents; 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, 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 portions of these areas; 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 wishes to prohibit 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 blight, the aquifer, limited natural resources and the raw environment; and

WHEREAS, the Commission's current imposed moratorium is hereby lifted in lieu of the "Gulf County RV Ordinance" adoption; 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 Coastal Corridor of Gulf County, including all or portions of Highways US 98 and SR 30E.

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 Corridor - Gulf County - The highways, roadways and/or public right of ways known, mapped and designated in Gulf County as US 98 and SR 30A and SR 30E and comprised of the land areas defined specifically as follows:
"Northwest Coastal Corridor" US Hwy 98 for land areas solely contiguous thereto, bounded from CR 386 (border between Gulf and Bay Counties) heading South to termination at the intersection of US 98 and Westview Boulevard; and
"South Coastal Corridor" recommencing for land areas solely contiguous thereto; heading South along SR 30A from the intersection with Hwy 98 to the intersection with SR 30E; and thereafter continuing West/Northwest along SR 30E for all parcels between the Gulf of Mexico and St. Joseph Bay to the SR 30E termination at T.S. Stone State Park. (Gulf County GIS data attached as exhibits for reference).

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 designed parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit.

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.

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.

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 Statues and must meet all State regulations and 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

1) **RV's within the unincorporated areas of Gulf County:**

RV's that are not located within the Coastal Corridor, Restrictive RV Zones or within a dedicated RV Park or RV Subdivision shall be permitted throughout the County in accordance with the following regulations:

a) One RV per parcel.
b) Lot coverage by RV and accessories is not to exceed 30% impervious area.
c) 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.
d) All RV's must meet standard building setbacks.
e) All RV's must comply with existing Gulf County LDR and Comprehensive Plan guidelines.

2) **RV's Within the Coastal Corridor:**

a) RV's may be setup/occupied exclusively for residential purposes by the owner of lots within the "Coastal Corridor" as defined above for up to and not to exceed forty five (45) days per calendar year.

b) Commercial uses of RV's along the Corridor are strictly prohibited without variance application of the PDRB and approval of the Commission.

c) Coastal Corridor as defined above shall constitute portions of highways, roadways and public right of ways known, mapped and designated in Gulf County and the lands surrounding these portions of US 98 and SR 30A and SR 30E . (Gulf County GIS data attached as exhibits for reference).

d) Evacuation –

Within the Coastal Corridor, when the county administrator or other appropriate administrative official as specified and authorized by the Gulf County Commission has determined, after coordinating with State and Gulf County Emergency Management officials and/or disaster preparedness officials (from all weather information and warnings from appropriate weather forecasting agencies, the Gulf County disaster preparedness agency and other sources) that a hurricane/severe weather is expected to strike Gulf County at a time specified by said officials and that said time is forty eight (48) hours or less away, the following regulations and restrictions shall apply to RV's within the Coastal Corridor:

(i) Beginning forty eight (48) hours before the specific expected hurricane/severe weather strike time, no RV's may be permitted access to the Coastal Corridor for occupancy of a lot except for those transporting residents or visitors away from the area and or those being driven by essential emergency personnel.

(ii) Beginning forty (40) hours before the specific expected hurricane/severe weather strike time any and all RV's on lots within the Coastal Corridor shall be evacuated by the registered owner or their designee filed with Gulf County.

(iii) Beginning twenty seven (27) hours before the specific expected hurricane/severe weather strike time any RV's allowed under this Corridor shall be relocated when threatened by any hazard that can cause the unit to be a liability to its surrounding. Any RV not moved in a timely manner may be subject to forced removal by Gulf County officials at owner's expense and liability in accordance with these evacuation guidelines.

e) Exceptional circumstances

The following exceptional RV uses shall apply for unoccupied residential RV's or application for "extended occupancy permit" through the Gulf County Planning and Development Review Board ("PDRB") for extended occupancy and approved by the Commission on recommendation of the PDRB:

(i) All RV's located in residential areas within the Corridor that are being stored and not occupied and that are located on the same lot with the principal dwelling unit are permitted under this exception year round with proper compliance of County registration and permitting.

(ii) Construction Periods - The use of an RV within the Coastal 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.

(iii) Emergency Periods - The use 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.

3) Miscellaneous provisions

a) All RV's within Gulf County shall be registered annually and receive a permit from the County for display. The issued permit shall be prominently displayed by the RV owner.
b) RV registration and permit fees shall be adopted annually by the Commission upon recommendation from the following: County Administrative Staff, PDRB and County Code Enforcement officials.
c) Annual County registration and filing of all RV's shall include disclosure of status for use: residential/owner occupied RV's as well as commercial/rental RV use. Any and all rentals of an RV within the County or lot for RV shall be subject to Bed Tax Regulations.

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 and in accordance with Florida Statute 125.69:

b) Violation of any provision of this ordinance shall be subject to the following penalties:
(i) First violation: $50.00 fine; $50.00 per day thereafter
(ii) Second violation: $100.00; $50.00 per day thereafter
(iii)Third violation: Fine not to exceed $500.00 and/or imprisonment in the County jail not to exceed sixty (60) days.

c) Each violation of this Ordinance shall constitute a separate offense. In the initial stages and implementation of this Ordinance, code enforcement officials may provide violators with no more than one (1) written warning.

d) The County shall have resource 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 rejoin 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. All nonconforming parcels and RV uses on the date of adoption shall operate under the "sunset provision" and have until on or before October 1, 2011 to be in compliance with Gulf County Regulations or be subject to enforcement provisions stated herein Sec. 7(a)-(d)"*Enforcement*".

Section 9 - Severability

In the event that any clause, section, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason; it shall be deemed severable, and the Board of County Commissioners hereby declares its intent that the balance of the Ordinance shall not be affected by the said invalidity, and the remainder shall remain in full force and effect.

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

Commissioner Yeager _____

Commissioner Williams _____

Commissioner McLemore _____

Commissioner Smiley _____

Commissioner McDaniel _____

DULY PASSED AND ADOPTED THIS _____ day of June, 2011

ATTEST: REBECCA NORRIS
CLERK OF COURTS

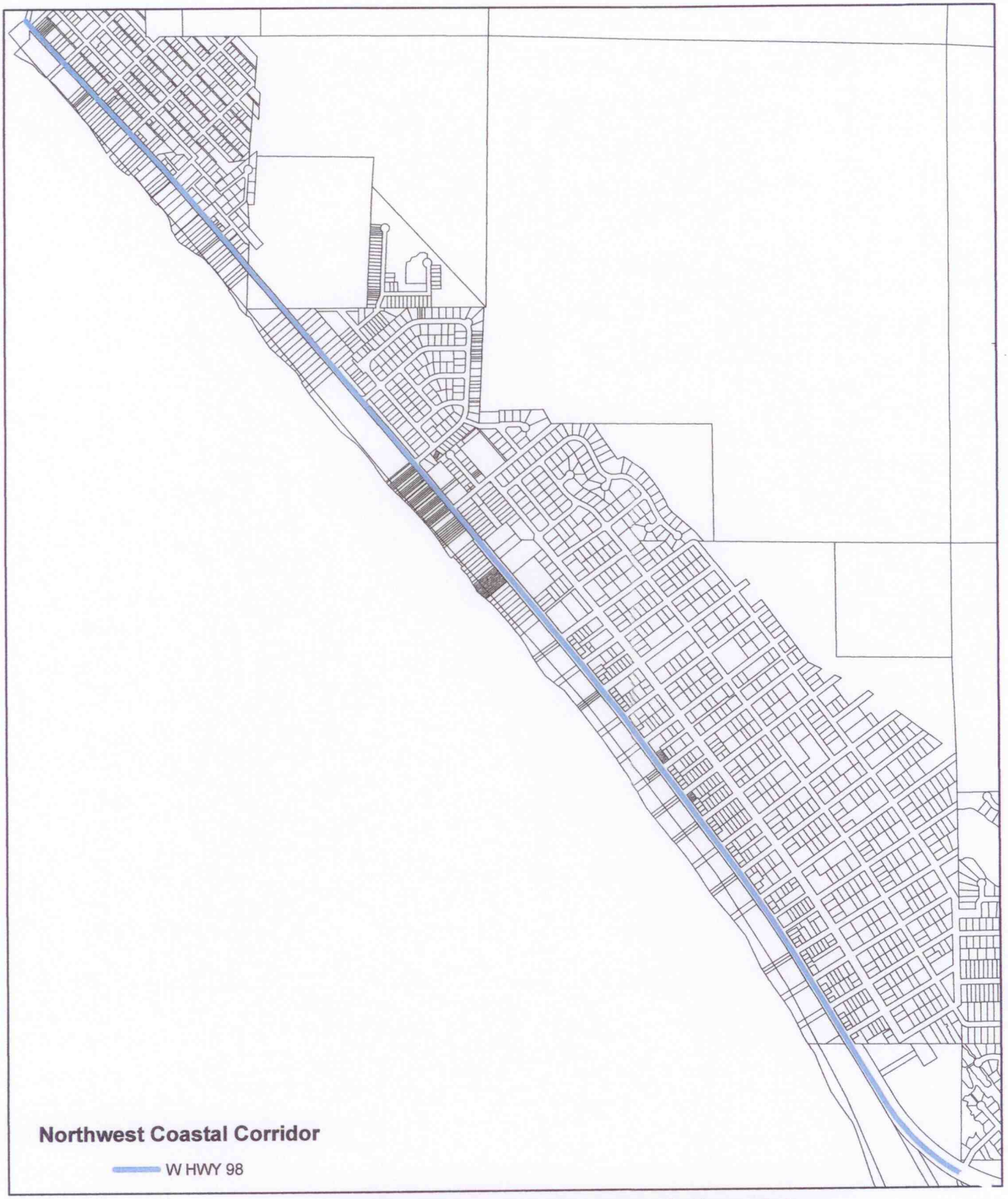
BY:_____
DEPUTY CLERK

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY

BY:_____
CHAIRMAN WARREN YEAGER

APPROVED AS TO FORM:

BY:_____
COUNTY ATTORNEY



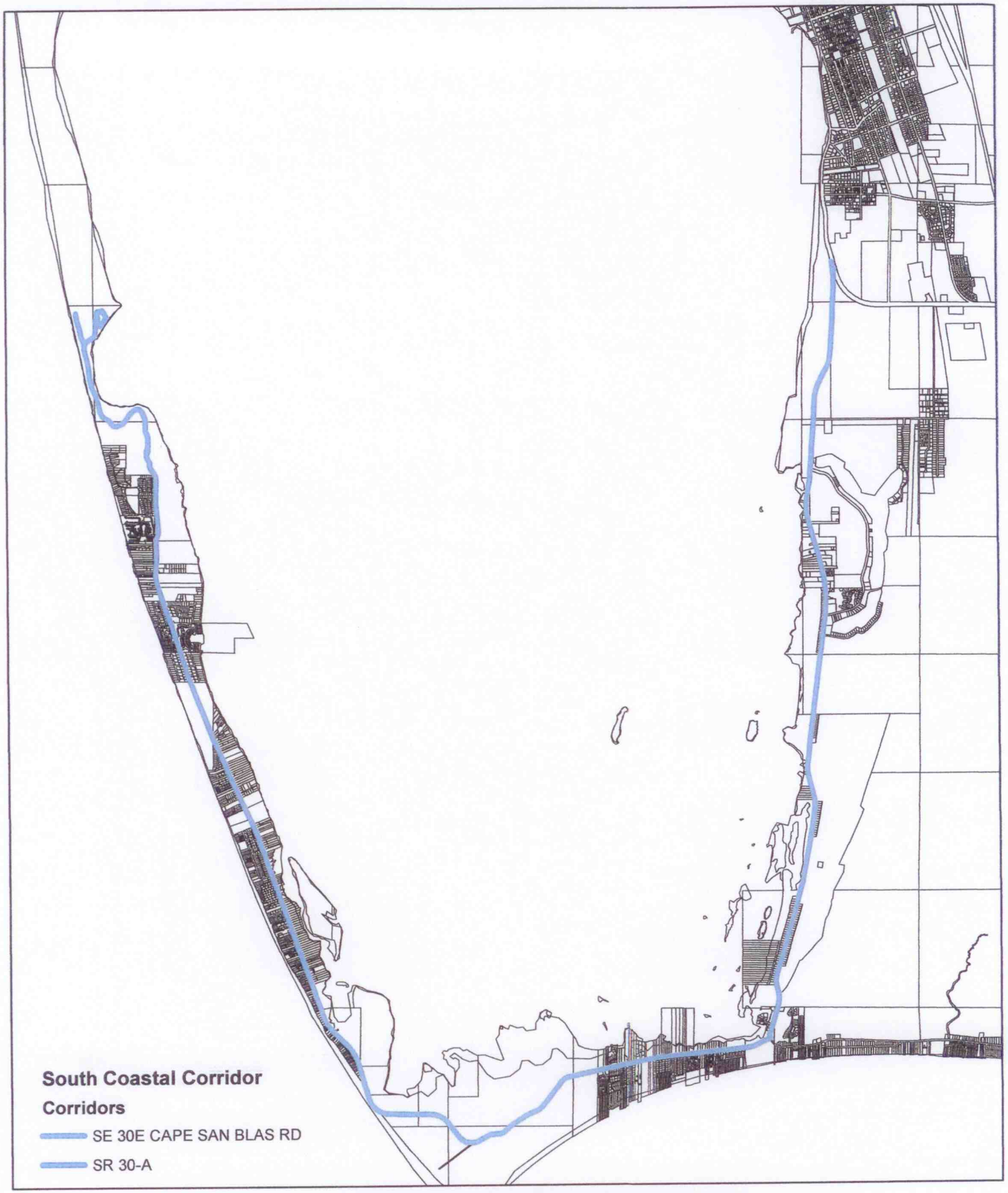
Northwest Coastal Corridor

0 900 1,800 3,600 Feet

1:17,377

N

Disclaimer: Gulf County provides this GIS data as a public service.
No Warranty for availability or accuracy is provided.



South Coastal Corridor

0 3,500 7,000 14,000 Feet

N

1:68,196

Disclaimer: Gulf County provides this GIS data as a public service.
No Warranty for availability or accuracy is provided.