

JANUARY 27, 2015

PORT ST. JOE, FLORIDA

SPECIAL MEETING

The Gulf County Board of County Commissioners met this date in special session with the following members present: Chairman Ward McDaniel, Vice Chairman Carmen L. McLemore, Commissioners Joanna Bryan, Sandy Quinn, Jr., and Warren J. Yeager, Jr.

Others present were: County Attorney Jeremy Novak, Deputy Clerk Leanna Roberts, Chief Administrator Don Butler, Assistant Administrator Michael L. Hammond, Deputy Administrator Lynn Lanier, Deputy Administrator Brett Lowry, Building Inspector George Knight, County Planner David Richardson, Sheriff Mike Harrison, and Sheriff's Department Captain Chris Buchanan.

Chairman McDaniel called the meeting to order at 5:03 p.m., E.T.

FINAL PUBLIC HEARING – PROPOSED LDR ORDINANCE

Pursuant to advertisement to hold a Public Hearing to consider adoption of a proposed ordinance for land development regulations, County Attorney Novak reported that the Public Hearing was advertised on January 5th and February 19th. He then read the proposed ordinance by title. County Attorney Novak discussed the amendments to the proposed land development regulations (LDR) ordinance. Commissioner Bryan renewed her comments from the First Public Hearing; stating that additional changes need to be made before adopting this proposed ordinance. Chairman McDaniel called for public comment. Tom Graney, of St. Joe Beach appeared before the Board to discuss the nine (9) foot setback variance at Beacon Hill and the Judge's Order; stating there is no need for an LDR or P.D.R.B. Commissioner Bryan motioned to allow Mr. Graney additional time to speak. Motion failed for a lack of a second. Barbara Radcliff, of Indian Pass appeared before the Board to discuss her concerns regarding changing the "ands" to "ors", and the effects of this change. John Arnold, of Beacon Hill appeared before the Board to discuss his concerns regarding granting variances and the need to research the restrictions before purchasing property. James Bellesbach, of Beacon Hill appeared before the Board to discuss his concerns regarding the variance at Beacon Hill that is adjacent to the Beacon Hill Park. County Attorney Novak requested that the Board turn to Section 2.0507 within the proposed ordinance; he then read this proposed section regarding variances. After discussion, Chairman McDaniel called for public comment. Jennifer Corbin, of Beacon Hill appeared before the Board to inquire as to what the previous changes to the LDR Ordinance were. County Attorney Novak reported that the County received a grant over two and half (2 ½) years ago for the Planning Department to take a technical review; reporting that he could not comment on specifics as to what was and what was not changed, but it is public record. He reported that there were five (5) public hearings held, two (2) before the BOCC and three (3) before the P.D.R.B. that were required by the grant. After further discussion, Chairman

McDaniel called for public comment. There being no further public comment, Commissioner McLemore motioned to support the County Attorney and move forward with the adoption of the proposed Land Development Regulations Ordinance. Commissioner Yeager seconded the motion. After further discussion, Chairman McDaniel called for public comment. There being no public comment, the motion passed 4 to 1, with Commissioner Bryan voting no, as follows:

ORDINANCE NO. 2015-01

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 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 Statute 163.3167 requires each County and City to have a Comprehensive Plan; and

WHEREAS, Florida Statute 163.3201 and 163.3202 requires the County and Cities 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 Statute 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 requests to the county; and

WHEREAS, Gulf County seeks further clarification and to memorialize the longstanding and historical precedent set by which its LDR is consistently applied by the Planning Department and Staff and upon request of either the Planning Department and/or Board of Commissioners in submittal to an advisory board called the Planning Development and Review Board (PDRB) for an initial review, evaluation, and recommendation to the Board of County Commissioners for its 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 Article II of its Land Development Regulations as attached hereto in Exhibit "A"; 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 these proposed LDR revisions; and

WHEREAS, On January 12, 2015 a Public Notice was advertised in The News Herald offering the public further opportunity to participate at a third Public Hearing before the PDRB on Monday, January 26, 2015 consistent with the current LDR Article 2.05.04 (C) S requirements; and the BOCC having received those comments and recommendations through the Planning Department representative from its Public Hearing; 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) Article II Amendments as presented in Exhibit "A" (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 Ordinances and prior language stated under Article II of 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 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 McLemore, who moved its adoption. The motion was seconded by Commissioner Yeager and, being put to vote, the vote, as follows:

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

ADOPTED this 27th day of January, 2015.
(End)

Upon inquiry by Mr. Graney, County Attorney Novak advised the Board that the County has followed Statute in adoption of this Ordinance.

FINAL PUBLIC HEARING – PROPOSED LEAVE NO TRACE ORDINANCE

Pursuant to advertisement to hold a Public Hearing to consider adoption of a proposed ordinance for Leave No Trace, County Attorney Novak reported that this proposed Leave No Trace ordinance was advertised in the same public notice of The News Herald on January 5th and January 19th. He then read the proposed ordinance by title. After discussion by County Attorney, Chairman McDaniel called for public comment. Pat Hardman, of Coastal Community Association appeared before the Board to thank County Attorney Novak for drafting this proposed ordinance and for T.D.C.’s input and research. She discussed her concerns regarding camping; stating that camping should be limited to Gulf County residents. Terry Lynn, of St. Joe Beach appeared before the Board to inquire as to what tax benefit he would receive out of this proposed ordinance. Commissioner Yeager reported that the County obtains a beach driving fee and the majority of those funds goes to the Sheriff’s Office. Upon inquiry by Mr. Lynn, Commissioner Yeager stated that the beach fires would be open; however if the State declares a no burn, then Administration would notify the public that no fires are allowed on the beach for that time period. After further discussion, Commissioner McLemore discussed starting the proposed Leave No Trace ordinance at the Cape and leave St. Joe Beach and Indian Pass out at this time. After discussion by members of the Board, Delores Lowery, of Beacon Hill appeared before the Board to inquire about the carpet being placed on the paths to the beach. County Attorney Novak reported that the proposed ordinance takes it from the mean high water line to the tow of the dune; stating it does not address the dunes, right-of-ways, or private property. Zebe Schmitt, of St. Joe Beach appeared before the Board to request that the Board not leave St. Joe Beach out of this proposed ordinance. Chairman McDaniel called for public comment.

Lisa Dulany, of Port St. Joe appeared before the Board to discuss her concerns regarding placing an age on the supervision of fires on the beach. Chairman McDaniel called for public comment. Gretchen Mayes, of St. Joe Beach appeared before the Board to discuss her concerns regarding fireworks on the beach. Chairman McDaniel called for public comment. There being no further public comment, Commissioner Yeager motioned to adopt the proposed ordinance with the changes presented at today's meeting. Commissioner Bryan seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously, as follows:

ORDINANCE NO. 2015-02

AN ORDINANCE OF GULF COUNTY, FLORIDA PROHIBITING AND REGULATING OBSTRUCTIONS AND PERSONAL PROPERTY ABANDONED ON THE PUBLIC BEACHES OF GULF COUNTY, FLORIDA AND TO BE COMMONLY REFERRED TO AS "GULF COUNTY LEAVE NO TRACE ORDINANCE"; REQUIRING THE POSTING OF PROPER NOTICE/SIGNAGE AT BEACH ACCESS POINTS AND IN DAILY, WEEKLY, AND MONTHLY RENTAL UNITS, IN GULF COUNTY, FLORIDA; 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, pursuant to Florida Statute 125.01 the 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 to 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) having received many verbal and written public recommendations from its citizens at various public hearings and meetings to address the current and future condition, maintenance, and safety of Gulf County beaches throughout the County in order to protect the health and welfare of its residents, claimed and unclaimed property; the natural coastal beauty of Gulf County, and the quality of life for all citizens and visitors to the County; and

WHEREAS, the Commission recognizes that Gulf County has 26 plus miles of public beach, ("Public Beaches" and or "Beaches"); and,

WHEREAS, residents and tourists have used and enjoyed the Public Beaches in Gulf County, Florida for generations; and,

WHEREAS, residents as well as the increased use by tourists of the Public Beaches in Gulf County, Florida for vacationing, recreation, fishing, walking, driving, water access, and other traditional uses; and

WHEREAS, the Commission finds and determines that the Gulf County Land Development Regulations and its public beach regulations are intended to maintain and improve the quality of life for all citizens and visitors of the County; and

WHEREAS, the Commission finds it is in the interest for the safety and welfare of the public that certain controls and regulations be enacted to reduce risk of injury to the public and ensure the continued peaceful use and enjoyment of Gulf County's beaches as a natural resource by the general public; and

WHEREAS, the manner, mode, type, and degree of uses to which the Gulf County public beaches and adjoining waters are placed by the public affects the health, safety and welfare, as well as the right to enjoyment thereof, of the individuals occupying, or using its beaches and waters for recreational purposes as well as those residing nearby; and

WHEREAS, the Commissioners find and determine that the County has adopted Land Development Regulations in order to implement its Comprehensive Plan (last reviewed and revised 11/2010), and to comply with the requirements of the laws of State of Florida, including Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163 of Florida Statutes as well as the regulation and preservation of Gulf County beaches pursuant to Florida Statute Chapter 161; and

WHEREAS, the Commission has received the recommendations of the various County departments as well as public meetings and commentary of its Tourist Development Council advisory board and representatives on the issue to establish basic community concerns and comments in formulating an Ordinance that achieves the goals of the community while balancing the property rights of its citizens and visitors; and

WHEREAS, the Commissioners find and determine that the County staff, its advisory boards and the public participation have devoted considerable time to developing, adapting and recommending an Ordinance that would attempt to implement a foundation for the future preservation and protection of Gulf County's beaches as well as the stated goals to maintain and promote public safety and recreational enjoyment; 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, Gulf County is at the core of the “Forgotten Coast” of the State of Florida, identified by its pristine beaches, 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” it is the intent and goal of this Commission to preserve these unique natural qualities through the adoption and enactment of this Ordinance; and

WHEREAS, the Commissioners find and determine that the a major deterrent to a decline is a healthy civic pride, and further note the importance of an interest in maintaining and beautifying its public beaches to maintain a civic pride and safe recreational environment; and

WHEREAS, the Commissioners find and determine that the import of the Leave No Trace Ordinance permitted under the Land Development Regulations for local governments, even smaller rural coastal counties such as Gulf County, have a vital role to play in preserving and enhancing the natural environment and beauty of the coastal region and public safety on its Public Beaches; and

WHEREAS, the Commission wishes to recognize and regulate a limited scope of conduct of those visiting and utilizing the beaches of Gulf County and the public safety and health hazards created by the abuse and or disregard of beach access and its use, driving privileges, camping and other recreational uses permitted by the Commission; and

WHEREAS, sea turtles and other protected species using the beaches in Gulf County as its natural habitat for nesting as well as laying eggs and hatching, and Gulf County desires to protect these endangered species; and

WHEREAS, items of personal property left on the Public Beach unattended or overnight are obstacles for maintenance crews, interfere with the public’s use, access and enjoyment of the Public Beaches in Gulf County and pose safety hazards, adversely affect the beauty of the beach, adversely affect tourism, adversely affects economic interests and can be an obstruction for sea turtles and other protected species; and

WHEREAS, the uncontrolled regulation of claimed and unclaimed personal property has and will continue to have long term effects on the future preservation and public safety for Gulf County’s beaches and its affects to the general health, natural beauty, public safety, smart growth, and the joint welfare and wellbeing of the residents and visitors; and

WHEREAS, throughout the year, a proliferation of personal property including beach tents and other shading devices as well as chairs, ice and storage chests, and other items of personal property used in commerce in and around the beaches of Gulf County that include (tents, chairs, paddle boards, sailboats, kayaks and other watercraft) and other camping supplies have been left overnight on the Public Beaches of Gulf County, Florida; and

WHEREAS, personal property left on the Public Beaches of Gulf County, Florida overnight as well as misuse and abuse of basic guidelines for peaceful enjoyment and proper sharing of the Public Beaches by the entire community constitutes a nuisance which is contrary to the public's health, safety and welfare; and

WHEREAS, in order to protect and maintain the use of the Public Beach for residents, tourists, visitors, wildlife, and maintenance crews, the overnight placement of items of personal property on the Public Beach must be, and is, prohibited; and

WHEREAS, the personal property left overnight on the Public Beaches of Gulf County, Florida is neither "lost property" nor "abandoned property" as those terms are used in Section 705.101, Florida Statutes, because such property has neither been mislaid nor disposed of on the Public Beach in a wrecked or inoperative condition, and that the regulation of personal property left on the Public Beach overnight is not preempted by Chapter 705, Florida Statutes; and

WHEREAS, leaving personal property in beach access points at any time blocks public access and creates a hazard and nuisance for other persons wishing to access the Public Beach; and

WHEREAS, allowing persons to relocate items of personal property overnight to a safe and appropriate landward location reasonably balances the use and enjoyments of personal property with the need to protect the public access, public health, safety, and welfare and wildlife; and

WHEREAS, the County Administrator under the powers and duties delegated by Gulf County Ordinance 2014-02 shall be authorized to grant limited permission and exceptions to leave items of personal property on the Public Beach overnight under enumerated circumstances; and

WHEREAS, public trash containers, signs placed by a governmental agency on the beach and beach areas, and public items, should be allowed to remain on the Public Beach in order to further other important public interests and benefits, and

WHEREAS, the Commissioners find and determine that this ordinance will enhance the current and future attractiveness and economic well-being of the County and its beaches as a place in which to live, visit, and conduct business; and

WHEREAS, the Commissioners find and determine that in order to preserve, protect and promote the collective community efforts to protect the public beaches of Gulf County that it is appropriate and reasonable to require the participation and action of commercial vacation rental businesses that directly benefit from the continued maintenance, beauty and preservation of those same public beaches; and

WHEREAS, the Commissioners desire that there be an ample record of its intention that the presence of a severability clause in connection with the County's leave no trace regulations be applied to the maximum extent possible, even if a determination that any requirements, exceptions, limitations, variances, or other provisions are invalid or unconstitutional for any reason whatsoever; and

WHEREAS, the Commissioners desire that there be an ample record that it intends that each restriction and regulation for the future use and rules for claimed and unclaimed property continue in effect regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the County's leave no trace regulations, other ordinance provisions, or other laws, for any reason(s) whatsoever; and

WHEREAS, the Commissioners find and determine that these regulations and rules are consistent with all applicable policies of the County, including its Comprehensive Plan and Land Development Regulations, and are not in conflict with the public interest, and will not result in incompatible land uses; and

WHEREAS, On January 12, 2015 a Public Notice was advertised in The News Herald offering the public the opportunity to participate at a public hearing before the PDRB on Monday, January 26, 2015 consistent with the current LDR Article 2.05.04 (C)8 requirements; and the BOCC having received those comments and recommendations through the planning department representative from its public hearing; 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

NOW, BE IT THEREFORE, ORDAINED, AS FOLLOWS:

Section 1 - Purpose and Title

The purpose of this Ordinance is to ensure the Gulf County Public Beaches and beach access areas are free from any obstruction by any item of personal property in order to protect public ingress, egress and use of the Gulf County Public Beaches, promote public safety, protect citizens, and visitors of Gulf County beaches and maintain a safe, welcoming, and healthy beach and recreational environment, preserve the natural resource that is Gulf County's beaches and to protect identified

endangered species on those identified areas of Gulf County's public beaches. This Ordinance may be referred to as the "Gulf County Leave No Trace Ordinance."

Section 2 - Definitions

Gulf County Beaches and or **Public Beach**: includes all beaches within Gulf County located seaward of SR30A and County Road C30B and C30E commencing at the Indian Pass public boat ramp and extending to the southern boundary of the St. Joseph Peninsula State Park, the sandy shores of St. Joseph Bay and also including those boundaries lying south of Highway 98 commencing at the western boundary of the Gulf County Canal and extending to the Gulf/Bay County boundary line. The Public Beaches are limited to and means that area of unconsolidated material within Gulf County, Florida, that extends landward from the mean low-water line of the United States Gulf of Mexico, to the frontal dune or, where there is no frontal dune, to the line of permanent vegetation or construction, whichever is more seaward.

Beach access areas: means those public beach access points within Gulf County, Florida identified by the Gulf County Public Parks and or Tourist Development Council signage, including boardwalks, walkways, and dedicated parking areas, and the areas on the Public Beach beginning at the entrance of the beach access point perpendicular with the applicable road right of way to the water's edge.

Beach Business: means a lawful business which operates on any of the Public Beaches located within Gulf County, Florida. This does not include businesses which operate on private property.

Camping: means the construction or erection of a shelter or similar structures for the purpose of sleeping; or lying upon the beach on a bedroll, blanket, or other protective garb for the purpose of sleeping.

Dune: means a mound, bluff or ridge of loose sediment, usually sand-sized sediment, lying upland of the beach and deposited by any natural or artificial mechanism, which may be bare or covered with vegetation, and is subject to fluctuations in configuration and location. In the absence of a discernible dune, the seaward boundary of a dune will be deemed to be the line of native vegetation.

Personal property: means all types of personal property, including by way of example and not limitation, tents (including tent frames), canopies, cabanas, umbrellas and other shading devices, beach chairs and other furniture, kayaks, canoes, catamarans, floats, sailboards, surfboards, kites, jet skis, sailboats, water cycles, and other watercraft.

Person: includes a natural person and all artificial entities, such as, but not limited to, corporations, limited liability companies, partnerships, limited partnerships, associations, trustees, receivers, legal representatives, and organizations.

Toe of the dune: means that area just seaward and off the dune where there is no vegetation.

Section 3 - Obstructions on the Beach and Beach Access Areas Prohibited

- (1) It shall be unlawful for any person to leave an item of personal property unattended on any portion of the Public Beach located on Gulf County Beaches from one hour after published sunset until the published time for sunrise the following day, except as otherwise permitted in this ordinance
- (2) It shall be unlawful for any person to leave an item of personal property unattended at any time within any public beach access area located on Gulf County Beaches.
- (3) Any item of personal property left on the Public Beach unattended in violation of this article shall be deemed discarded by the owner and shall become the property of Gulf County, which may dispose of the item. (Exceptions stated herein below *Sections 4 & 5* for beach/waterfront property owner and their proper display of permitted property).
- (4) From one hour after published sunset until the published time for sunrise the following day, on Gulf County Beaches, items of personal property that are relocated as close to, but not on, the toe of the dune or native vegetation, or where there are no dunes or native vegetation, are relocated as close as practicable to an existing permanent structure or the line of buildings, will not be considered discarded by the owner, abandoned or a violation of this ordinance, provided:
 - (a) Such items shall not be placed on the dune or on native vegetation;
 - (b) Such items shall be stored in a neat and orderly manner;
 - (c) Such items shall not inhibit access to the Public Beach from the nearest public access areas, nor obstruct access on the Public Beach, nor impact native vegetation, nor significantly affect sea turtles.
 - (d) Private property owners may store items under or adjacent to their private dune walkovers or boardwalks.
 - (e) Items shall not be placed on any public beach access point or within 20 feet of any public trash receptacle.

- (5) Unattended items of personal property in violation of this article shall be removed from the Public Beach by Gulf County personnel or by any law enforcement officer.
- (6) Unattended or abandoned items of personal property, and unattended unfilled holes in the public beach, are in violation of this article and shall be deemed a public nuisance.
- (7) It shall be unlawful for any person to discard or otherwise dispose of or abandon any trash, garbage, bottles, containers, cans, dead fish or parts thereof, charcoal briquettes or ashes, or any other litter, except in designated containers for that purpose. If it is further unlawful to dispose of any household garbage on the beach or in the Gulf County Beaches trash receptacles.

Section 4 – *Exceptions*

The prohibitions under Section 3 contained herein do not apply to:

- (a) Trash containers;
- (b) Signs placed by Gulf County or another permitted governmental agency;
- (c) Items placed by persons acting under authority of the County Administrator or other governmental agency;
- (d) Structures, including without limitation boardwalks, decks, and dune walkovers constructed and permitted by Gulf County or the State of Florida;
- (e) Items placed on the beach by persons who have authorization or a permit to engage in marine turtle nesting research issued by the United States Fish and Wildlife Service or the State of Florida.
- (f) Items placed on the beach by persons who have authorized permit from Gulf County Administration as either approved and permitted temporary placement or authorized placement with proper permits by the beachfront property owner.

Section 5 – *Permits*

- (1) Permits may be issued by the County Administrator or their designee for activities otherwise prohibited by this article for such periods of time and under such conditions as the County Administrator deems reasonably appropriate under the circumstances that are found to be necessary for:
 - (a) Reasonable accommodation of persons with disabilities;
 - (b) Adjunct to a lawfully existing activity;
 - (c) For the conduct of a governmental, civic or educational activity;
 - (d) For the conduct of scientific research;
 - (e) For special events, or
 - (f) For a beach amusement, beach business, or beach service.

- (g) For registered and documented property owner for water/beach front property
- (2) There shall be a nominal administrative and tag fee set by the County Administration on an annual basis for obtaining permits issued for 1(e) or (f). All permit applications shall include the following:
 - (a) Name and contact information of the owner or person in possession and control of the item;
 - (b) Description of the item;
 - (c) Location of the item;
 - (d) Duration of time the item will remain in such location; and
 - (e) Acknowledgement that owner or person in possession and control of the item will be liable for any impacts to federally protected species.
 - (f) Special events permit shall include the consent and approval of the adjacent property owner
 - (g) Annual permits for beach and/or waterfront owners permit applications shall include proof of ownership of parcel/lot.

(3) This Ordinance is not intended to authorize any violation of Florida Statute 379.2431 or any of the provisions of the Endangered Species Act. Gulf County will not be liable for any impacts to federally protected species resulting from persons leaving items of personal property on the beach and such liability will rest with the owner of such item.

Section 6 - Digging Holes on Beach

It shall be required that all holes dug on the beach are to be attended at all times and shall be completely filled and restored to their original level condition prior to leaving the Gulf County Beach the same day it is created.

Section 7 - Overnight Camping

It shall be unlawful to camp overnight on Gulf County Beaches within 400 feet from any Gulf front and or waterfront residence(s).

Section 8 - Possession of Glass Containers Prohibited

It shall be unlawful for any person while on Gulf County Beaches or beach access areas to possess or utilize any glass bottle, container or material.

Section 9 – Open Fires and Grilling; Restricted areas and Prohibited uses

Heated objects are to be disposed of properly. It shall be unlawful for any person to have open fires within 100 feet to any structure (boardwalks included) on Gulf County beaches with the exception of designated areas that may be posted as permitted by Gulf County under the supervision and prior authority of the County Administrator. All materials brought to the

beach shall be removed from the beach by the owners or users that same day and upon extinguishing open fire. Open fires shall be controlled, supervised and attended for their entire duration. All open fires on Gulf County Beaches shall strictly prohibit materials to burn other than natural wood materials (*pallets; wood with screws, nails or any metals and all pressure treated woods are all strictly prohibited from burning on Gulf County Beaches*). The County Administration and Board reserve the right to prohibit open fires on Gulf County Beaches for designated days due to unfavorable weather conditions and public safety concerns.

Section 10 - Beach Driving Amendments

Gulf County Beach Driving Ordinance 1997-02 and its amendment through Gulf County Ordinance 2014-03 shall be further amended, revised and codified herein to enact the following restrictions and regulations:

1. County property owners and residents only: Any and all future annual beach driving permits issued by the Tax Collector of Gulf County and or Gulf County Tourist Development Council office pursuant to the "Gulf County Beach Driving Ordinance" recited above shall be limited to hereinafter only documented and verified Gulf County property owners and/or full time residents. Accordingly, annual beach driving permits and vehicular access to Gulf County Beaches shall be strictly prohibited to any person(s) other than properly permitted Gulf County property owners and residents.
2. Speed limit reduced from 15 mph to 10 mph for all Gulf County Beaches

Section 11 - Beach Vehicle Authorized

Pursuant to Gulf County Ordinance hereby authorizes the use of permitted motor vehicles on the designated public beaches of Gulf County for enforcement of this ordinance, provided that such vehicles and trailers are owned, leased or otherwise controlled by Gulf County. Such vehicles must use designated and approved dune cross-overs for ingress and egress to aforementioned public beach.

Section 12 - Soliciting and Canvassing Prohibited

There shall be no solicitation or canvassing of the Gulf County Beaches other than Gulf County Administrative, Gulf County TDC, Gulf County Law enforcement or other Gulf County authorized officials as designated by the County Administrator.

Section 13 – Sound Amplification

Except by special permit, no audio device, such as loudspeakers, television, radio, musical instrument or other noise mechanisms except equipment used by Gulf County officials or law enforcement, rescue or

beach safety officials and personnel, shall be used on the beach in a manner:

1. That exceeds a noise of 60 decibels (DBA) measured on the A-weighted scale at 25 feet from the sound source; or
2. that otherwise violates Gulf County's Noise Control or Nuisance Ordinance

Section 14 – *Breach of the Peace; Disorderly Conduct*

No person shall commit such acts as are of a nature to corrupt the public morals, or outrage the sense of public decency, or affect the peace and quiet of persons who may witness them, or engage in brawling or fighting, or engage in such conduct as to constitute a breach of the peace or disorderly conduct.

Section 15 - *Removal of Beach Sand*

No beach sand may be removed from any Gulf County Beach.

Section 16 – *Leave No Trace and related informational signs in rental units*

In each rental unit rented by the day or week, or longer period, within Gulf County, Florida, there shall be posted or placed in a plainly legible fashion, in a conspicuous place in each rental unit for each occupancy, a sign in form and substance approved by the County Administrator that explains the "Gulf County Leave No Trace Ordinance: prohibiting tents and personal property on the Public Beach at night; and other most notable regulations that include:

- (1) Warning beachgoers that any unattended tents or property left on the Public Beach at night shall be deemed discarded by the owners and become the property of Gulf County and may be removed and disposed of by the appropriate authority.
- (2) All holes on the beach are to be filled in the same day they are created
- (3) Driving on Gulf County beaches is a privilege and permit provided exclusively to annually registered county property owners or residents. That any and all non-permitted drivers and those exceeding the beach maximum speed limit of 10 mph should be reported to the Gulf County Sheriff's Department.
- (4) Camping, bonfire and glass regulations
- (5) Chumming and Fishing regulations
- (6) Breach of the Peace, Sound restrictions and Disorderly Conduct

Section 17 - *Education and Information*

Following the adoption of this Ordinance, the Gulf County Tourist Development Council shall promptly draft and submit to the County Administrator a proposed public information statement detailing a summary of the regulations and online references for detail review. Upon

approval and authorization of the County Administrator, the Gulf County TDC shall thereafter conduct an annual public information campaign (digital, printed literature) to distribute and inform residents, visitors/tourists, business owners and other related persons affected by the Ordinance.

Section 18 – Notice

Gulf County shall also provide notice of this Ordinance by posting signage located at its beach access points and on its county website. Any and all failure of Section 17 and or Section 18 shall not serve as a defense to enforcement and issuance proper citations by Gulf County officials.

Section 19 – Disposition and Reporting Requirements

All items collected for being in violation of this ordinance shall be immediately taken to the Gulf County public facility and thereafter properly disposed of by authorized county staff.

The Gulf County Administration through its Public Works Department shall document its collection efforts and submit through a monthly report to the County Administrator.

Section 20 – Enforcement

Pursuant to Florida Statute 162.22, a person found to be in violation of this Ordinance may be charged a fine, not to exceed \$500.00, and may be sentenced to a term of imprisonment, up to but not to exceed 60 days.

Section 21 – Repealer

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

Section 22 - 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 23 - 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 pursuant to Section 4.

Section 24 – Effective Date.

This Ordinance shall be effective as provided by law.

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>Yes</u>		

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

(End)

FINAL PUBLIC HEARING – PROPOSED RECREATIONAL VEHICLE ORDINANCE

Pursuant to advertisement to hold a Public Hearing to consider adoption of a proposed ordinance for recreational vehicles, County Attorney Novak reported that this proposed ordinance was advertised on the January 5th and January 19th in The News Herald. He then read the proposed ordinance by title. County Attorney Novak discussed the comments and the most recent version of this proposed ordinance. After discussion by County Attorney Novak, Commissioner McLemore discussed the majority of the concerns are within St. Joe Beach, Cape, and Indian Pass; reporting that Highland View, Oak Grove, and Simons Bayou are protected a lot from storms by the Peninsula. He stated that he would support leaving Highland View, Oak Grove, and Simons Bayou out of the proposed ordinance. After discussion by the Board, County Attorney Novak discussed narrowing the scope within the proposed ordinance. Commissioner Bryan motioned to eliminate the intercoastal as the line. Commissioner Yeager seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. Upon discussion by County Attorney Novak, Commissioner Yeager motioned to accept the one (1) mile buffer zone. Commissioner Quinn seconded the motion. Chairman McDaniel called for public comment. There being no public comment, the motion passed unanimously. Commissioner McLemore motioned to cut Highland View, Oak Grove, and Simons Bayou from the proposed ordinance. Commissioner Yeager seconded the motion for discussion. After further discussion, Commissioner Yeager withdrew his second. Chairman McDaniel called for public comment. Doug Smith and Linda Sertich, of Beacon Hill appeared before the Board to discuss their concerns regarding the proposed ordinance. Sharon Winchester and Donald Anderson, of St. Joe Beach and Paul Digby, of Highland View appeared before the Board to discuss their concerns regarding the proposed ordinance. John Arnold, of Beacon Hill and Pat Hardman, of Coastal Community Association appeared before the Board to discuss their concerns regarding the proposed ordinance. After further discussion, Dawn Newberry, of Cape San Blas, Lori Digby, of Highland View, and Clay Lewis, of Cape San Blas appeared before the Board to discuss their concerns regarding the proposed ordinance. After further discussion, Commissioner McLemore withdrew his motion. Commissioner McLemore then motioned to exclude Highland View from the proposed ordinance due to the Peninsula helping to protect the wind zone and the Intercostal Waterway to assist in flooding. After discussion, Commissioner Yeager made a motion to adopt the proposed recreational vehicle (RV) ordinance with the changes that the County Attorney submitted to the Board. Commissioner Bryan

seconded the motion and requested that the addition of the Cooperation, LLC and Trust language to Subdivision A. Commissioner Yeager had no objection to adding this to his motion. After discussion by County Attorney Novak, Deputy Clerk Roberts reported to the Board that there is already a motion on the floor by Commissioner McLemore. Chairman McDaniel called for a second to Commissioner McLemore's motion to exclude Highland View. The motion failed for a lack of a second. After discussion by Commissioner Yeager, He then motioned to proceed with this one page addition. Commissioner Bryan seconded the motion. After discussion by Chairman McDaniel, He then called for public comment. Paul Digby, of Highland View and John Arnold, of Beacon Hill appeared before the Board to discuss their concerns regarding the proposed ordinance. Further discussion followed. Rhetta Hartzog, of Highland View and Doug Smith, of Beacon Hill appeared before the Board to discuss their concerns regarding the proposed ordinance. The motion passed 4 to 1, with Commissioner McLemore voting no, as follows:

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.
(End)

There being no further business, and upon motion by Commissioner McLemore, the meeting did then adjourn at 7:41 p.m., E.T.

**WARD MCDANIEL
CHAIRMAN**

ATTEST:

**REBECCA L. NORRIS
CLERK OF COURT**