

GULF COUNTY
STATE OF FLORIDA

21 JUL 20 PM 4:30

ORDINANCE NO. 2021-07

AN ORDINANCE OF GULF COUNTY, FLORIDA “GULF COUNTY COMMERCIAL RV AND MOBILE HOME PARKS ORDINANCE” WHEREBY ESTABLISHING THE POLICIES REGULATING COMMERCIAL RECREATIONAL VEHICLE AND MOBILE HOME PARKS AND THEIR LOCATION, PLACEMENT, HIGH INTENSITY IMPACTS, REQUIRED DENSITY, BUFFERS AND DEVELOPMENT REGULATIONS WITHIN UNINCORPORATED GULF COUNTY; FOR SAID POLICIES TO BE FURTHER AMENDED, BE CODIFIED AND BECOME PART OF THE GULF COUNTY LAND DEVELOPMENT REGULATIONS (LDR); PROVIDING FOR CONFLICT, REPEALER, SEVERABILITY AND MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Gulf County, Florida (hereinafter “Commissioners”), find and determine that the Gulf County (hereinafter “County”) Commercial Recreational Vehicle (“RV”) and Mobile Home Parks in Gulf County are intended to offer a quality of life for all Gulf County citizens and visitors alike through proper regulation and maintaining a balance between both commercial operations for this specific type of recreation and the land development regulations and private property concerns of Gulf County residents; and

WHEREAS, the Gulf County Board of County Commission acknowledges the enjoyment and enhancement of quality of life from RV and Mobile Home parks; and

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 multiple years to address the use and restrictions of RV’s and RV and Mobile Home parks throughout the County in order to protect the health and welfare of its residents, the natural beauty of Gulf County and the quality of life for all citizens and visitors 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 and Mobile Home Parks 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 with regards to Commercial RV and Mobile Home Parks; and

WHEREAS, on May 15, 2021 and June 11, 2021 a Public Notice was advertised in The Star offering the public an opportunity to participate at two public hearings before the Board of County Commissioners (BOCC) on May 25, 2021 at 9:00 am and a second public hearing on June 22, 2021 at 9:00 a.m. and thereafter following recommendations for substantive changes to the proposed ordinance was advertised on July 10, 2021 in the News Herald for a third public hearing held on July 20, 2021 for the adoption of this proposed ordinance; and

WHEREAS, the Commission hereinafter shall commonly refer to this Ordinance as the “Gulf County Commercial RV and Mobile Home Parks 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 Commercial RV and Mobile Home Parks 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 regulate and control the density and buffers used for the placement and locations of Commercial RV and Mobile Home parks throughout Gulf County, including all as defined below.

Section 4 – Definitions.

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

Mobile Home – A residential structure, transportable in one or more sections, which is 8 body feet or more in width, over 35 body feet in length with the hitch, built on an internal chassis, designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Mobile Home Park – is the use of land in which lots or spaces are offered for rent or lease for the placement of mobile homes and in which the primary use of the park is residential.

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 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.

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 –Commercial RV and Mobile Home Parks Regulations

A) Commercial RV and Mobile Home Park Regulations within the unincorporated areas of Gulf County:

Commercial RV and Mobile Home parks located within the unincorporated areas of the County 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 as well as the additional following mandatory conditions:

- 1) Any and all Commercial RV and Mobile Home Parks shall consist of no less than ten (10) acres for density; and
- 2) Any and all Commercial RV and Mobile Home Parks are required and shall maintain at all times no less than two hundred (200’) foot buffer for all perimeters that abut residential structures.
- 3) All pre-existing permitted Commercial RV and Mobile Home Parks within Gulf County are exempt from these additional conditions, however upon cessation of operations for more than thirty (30) days, this exemption is null and void and said commercial operation must comply with this ordinance and LDR amendments.

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 6A(2):
 - (a) First violation: \$500.00 fine; \$50.00 per day thereafter
 - (b) Second violation: \$1,000.00; \$50.00 per day thereafter
- (c) Third violation: Fine not to exceed \$5,000.00 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.
- 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, a certified copy thereof being filed with the Florida Department of State and publication in accordance with the law following the completed 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.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF GULF COUNTY, FLORIDA, that:

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

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

PASSED and ADOPTED in regular session by the Board of County Commissioners of Gulf County, Florida, on this 20TH day of JULY, 2021.

BOARD OF COUNTY COMMISSIONERS
OF GULF COUNTY, FLORIDA

ATTEST:
REBECCA L. NORRIS, CLERK

By: 

Rebecca L. Norris, Gulf County Clerk

APPROVED AS TO FORM:

By: 

Jeremy T.M. Novak, Gulf County Attorney

By: 

Sandy Quinn, Chairman