

**COUNTY OF CALHOUN
STATE OF FLORIDA**

ORDINANCE NO. 2024-02

AN ORDINANCE OF CALHOUN COUNTY, FLORIDA FOR CREATING POLICIES REGULATING RECREATIONAL VEHICLES (RV)'S AND THEIR LOCATION, PLACEMENT, RV'S PER PARCEL, USE AND STORAGE OF RV'S WITHIN CALHOUN COUNTY; TO BE COMMONLY REFERRED TO AS "CALHOUN COUNTY RV ORDINANCE"; FOR SAID POLICIES TO AMEND, BE CODIFIED AND BECOME PART OF THE CALHOUN 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 Calhoun County Florida (hereinafter Commission) finds and determine that Calhoun 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 verbal and written public recommendations over several years from its citizens at public hearings culminating in multiple separate public hearings and previous Recreation Vehicle ("RV") regulations through ordinance 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 beauty of Calhoun County and the quality of life for all citizens within the County; and

WHEREAS, the Commission has sought the recommendations of past Calhoun County Planning Commission (CCPC) following multiple public hearings held by the CCPC regarding the regulations of RV's within the County; and

WHEREAS, the Commission has received the recommendations of the Planning Commission, County Planner and County Building Official 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; 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 Calhoun County; and

WHEREAS, in recognition of Calhoun County, Florida Floodplain Management Ordinance 2013-01 outlining procedures and criteria for development in Flood Hazard Areas as defined by Florida Department of Environmental Protection and its impact upon these areas; the Commission seeks to reduce the use of RV's in such 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 flood areas in compliance with the Calhoun County's state mandated Comprehensive Plan; and

WHEREAS, the Commission wishes to recognize 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 within Calhoun County; and

WHEREAS, the Commission has simultaneously sought to further implement growth and planning for commercial RV parks within Calhoun County through additional ordinance regulations and LDR amendment; and

WHEREAS, the Commission wishes to regulate certain types of use and placement of recreational vehicles on individual parcels of non-subdivided lots per density requirements within the county unincorporated areas and such prohibition will not only protect the public health and welfare, through the protection from overuse and uncontrolled sprawl; and

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

WHEREAS, on February 28, 2024 and May 1, 2024 a Public Notice was advertised in the The County Record newspaper of general county circulation offering the public an opportunity to participate at two public hearings before the Board of County Commissioners (BOCC) on March 19, 2024 at 5 pm CST and a second public hearing on May 21, 2024 also at 5 pm CST (time authorized by unanimous authority and vote) for the adoption of the Calhoun County Ordinance 2024-02; and

WHEREAS, the Commission hereinafter shall commonly refer to this Ordinance as the "Calhoun County RV Ordinance" and its adoption and thereafter amendments shall be considered further for incorporation and consistency with the Calhoun County Land Development Regulations; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Calhoun County, in the State of Florida as follows:

Section 1 – Short Title.

This Ordinance shall hereafter be known and referred to as the "Calhoun County RV Ordinance".

Section 2 – Authority.

This ordinance and amendment are adopted by the Calhoun 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 placement of recreational vehicles throughout Calhoun County.

Section 4 – Definitions.

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

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/motorhomes. 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 Calhoun 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 (authorized by both the State of Florida and Calhoun County) either through short or long term rental.

RV and Mobile Home Parks 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 Calhoun 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 Planner, or 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 Calhoun County:

RV's shall be permitted to be located within the unincorporated areas of the County. They shall be permitted in accordance with the terms set forth by as follows:

- 1) A permit shall be required as set forth below and each RV shall have a separate well and septic tank prior to the issuance of a permit and approval for an electrical connection.
- 2) One (1) RV per non-subdivided parcel which meets density requirements per the parcel.
- 3) The non-subdivided parcel coverage by RV and accessories is not to exceed 30% impervious area.
- 4) The non-subdivided parcel with an RV must allow for two (2) permit parking spaces.
- 5) All RV's must meet standard building setbacks listed in Calhoun County Land Development Regulations (LDR) 4.02.01.
- 6) All RV's must comply with all existing Calhoun County LDR and Comprehensive Plan guidelines.
- 7) RV's permitted on parcels that are included in Floodplain areas shall adhere to Calhoun County Floodplain Management Ordinance 2013-01 Section 305.1 listed below items A) and B)
 - A) Be on the site for fewer than 180 Consecutive Days in a Floodplain Management Area.
 - B) Be fully licensed and ready for highway use, which means the recreational vehicle is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs decks and porches.
- 8) Recorded property owners of a parcel with an RV located on the parcel within the unincorporated areas of Calhoun County prior to adoption of this ordinance shall be grandfathered to continue their existing use of property for Recreational Vehicles with the following conditions met:
 - Continue to meet all requirements under Section 6(A) and current Calhoun County LDR guidelines.
 - Mandatory evacuation of all RV's located within Floodplain Areas within 48 hours of Calhoun County Declaration of Local State of Emergency for either wind, storm or flood events.
- 9) Grandfathered "use" protection: A parcel owner who has established an RV as their individual residence prior to the adoption of this ordinance shall be exempt from the provision of this ordinance other than the provision of this ordinance which relates to RV's located in the Floodplain found in Section 6A (7).
- 10) Grandfathered "use" protections shall terminate upon the occurrence of any 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; transfer through estate to direct child of permitted user; 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 Floodplain areas within 48 hours of declaration of Local State of Emergency by Calhoun County due to a wind, storm or flood threat. Owner shall be permitted to complete the calendar year under which they received the grandfather exception and thereafter prohibited through proper restriction and regulation defined by this Ordinance.

11) Required permit applied for through the Calhoun County Planning Department.

Exceptional circumstances:

12) RV's located on a parcel within the unincorporated areas in the County that are being stored and not-occupied and that are located on the same parcel as the occupied principal dwelling unit are permitted under these exceptions year round with proper and continual compliance of County and or State registration, permitting, mandatory evacuations and Section 6(A) guidelines above. No RV permit fee required and provisional electric is allowed for non-occupied RV's.

13) The following additional exceptional RV uses shall apply for residential RV use within the unincorporated areas in the County through application to the Calhoun County Planning Department for extended occupancy and final approval of the Calhoun Commission following consideration of the Planning Development and Planning Commission:

(i) Construction Periods - The use and occupancy of an RV within the unincorporated areas in the county during construction or repair of a primary dwelling unit and/or business shall be afforded consideration by the Planning Commission and approval of the Commission for up to 180 consecutive days and renewable upon re-application thereafter.

(ii) 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 Calhoun County and residing in RV while family member is in care of area hospital) shall be afforded consideration by the Planning Commission 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 parcel and RV may upon application, seek a hardship exemption other than that defined under 13(i) and 13(ii) above for the permitted use and occupancy for no greater a period of 180 consecutive days after review by the Planning Commission and final approval of the Commission upon findings that:

- The named applicant is the same of both the parcel and the proposed occupied RV; and
- A substantial hardship is demonstrated; and
- The exemption will be consistent with the intent and purpose of the Calhoun County LDR and Comprehensive Plan guidelines and requirements as well as the clauses and findings stated above seeking to balance and preserve public safety, and property rights; and
- The application of Section 6A (7) restrictions on the established parcel and RV owner would be significantly outweighed by the demonstrated hardship and deleterious impacts to the applicant; and
- 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 Planning Commission and final approval of the County Commission to maintain continuous and uninterrupted ownership, use and occupancy for up to 180 consecutive days; and

-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

B) Miscellaneous provisions

1) All RVs permitted after the adoption of this ordinance within Calhoun County shall be registered annually and receive a permit from the Calhoun County Planning Department 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 as necessary upon recommendation and consultation by the County Commission with the following: County Planning and Building Department staff and County Code Enforcement officials.

3) Annual County registration and filing of all RV's permitted after the adoption of this ordinance shall include disclosure of consistency in ownership status for continued grandfather exemption.

4) Any and all rentals of commercial RV locations throughout the entire County shall be subject to Bed Tax Regulations under Florida Statute 125.0104.

5) Personal use shall be strictly enforced within the unincorporated county areas and commercial rental of parcel for RV rental use is prohibited and deemed to violate the provisions and intent of this ordinance without prior exemption and commercial rental approval. The exemptions and grandfathered use are for documented and registered exclusive personal RV use on the owner's parcel.

Section 7 - Enforcement

A) Calhoun 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 possible loss of existing grandfather exemptions under 6A(9):

- First violation: \$100.00 fine; up to \$50.00 per day thereafter
- Second violation: \$500.00; up to \$100.00 per day thereafter
- Third violation: Fine not to exceed \$500.00 pursuant to Florida Statute 162.22. and may be sentenced to a definite term of imprisonment, not to exceed 60 days, in a detention facility or other facility authorized by law.

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 August 1, 2024), County enforcement officials may provide violators with no more than one (1) written warning.

D) The County shall reserve its rights to such civil 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 and implementation no later than August 1, 2024.

Section 9 – Severability

It is declared to be the intent of the Board of County Commissioners of Calhoun 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.

Adopted on this the _____th day of _____, 2024 .

ATTEST:
Carla Hand, CLERK

BOARD OF COUNTY COMMISSIONERS OF CALHOUN COUNTY, FLORIDA

By: _____
Darryl O'Bryan, Chairman*

- 1) Annual RV Permit fee shall be \$100.00 for a 365 day permit. Available upon request in which only a 6 month period is allowed and an additional permit fee payment of \$50.00 is due. Temporary permit fee when issued upon request shall be \$50.00 for 180 days.