



Planning and Zoning Board Meeting

Wednesday, April 28, 2021 at 6:00 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA
4. CONSENT AGENDA

APPROVAL OF MINUTES

a. Approval of Minutes of 01/13/2021

Exhibit: Agenda Report Number 4a

Attachments:

- **Agenda Report Number 4a** (Agenda_Report_Number_4a.pdf)

b. Approval of Minutes of 03/10/2021

Exhibit: Agenda Report Number 4b

Attachments:

- **Agenda Report Number 4b** (Agenda_Report_Number_4b.pdf)

c. Approval of Minutes of 03/24/2021 (Not Ready)

5. PUBLIC HEARINGS: 0

6. ACTION ITEMS : 1

a. Amending the Zoning Map to match the Future Land Use Map (FLUM) of the Comprehensive Plan, all parcels except the ones listed in Ordinance (Ordinance 2021-05)

Exhibit: Agenda Report Number 6a

Attachments:

- **Agenda Report Number 6a** (Agenda_Report_Number_6a.pdf)

7. DISCUSSION : 1

a. Discussion of a Recreational Vehicle Park (RVP) Zoning District

Exhibit: Agenda Report Number 7a

Attachments:

- **Agenda Report Number 7a** (Agenda_Report_Number_7a.pdf)

8. ADDITIONAL ITEMS FOR FUTURE MEETING

9. PUBLIC COMMENTS

10. OLD BUSINESS/NEW BUSINESS

a. Old Business

b. New Business

Board Member Comments

Next regular Meeting -May 12, 2021

11. ADJOURNMENT

Contact: Denine Sherear (dsherear@townofmalabar.org 1321727764) | Agenda published on
04/27/2021 at 4:55 PM

“The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board.”

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
JANUARY 13, 2021 6:00 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

1. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 6:05 P.M. Prayer and Pledge led Chair Wayne Abare.

2. ROLL CALL:

CHAIR:	WAYNE ABARE
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	MARY HOFMEISTER
	DOUG DIAL
	GEORGE FOSTER
ALTERNATE:	SUSAN SHORTMAN
ALTERNATE:	JEFF RINEHART, ABSENT
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

TOWN ATTORNEY:	KARL BOHNE, EXCUSED
TOWN MANAGER:	LISA MORRELL
TOWN PLANNER:	TOD MOWERY
COUNCIL MEMBER	

3. ADDITIONS/DELETIONS/CHANGE: None

4. CONSENT AGENDA:

4.a. Approval of Minutes	Planning and Zoning Meeting – 12/15/2020
Exhibit:	Agenda Report No. 4.a
Recommendation:	Request Approval

Motion: Ritter/Hofmeister to Approve Minutes for December 15 , 2020 as amended, All Vote : Aye

5. PUBLIC:

6. ACTION:

7. DISCUSSION:

7.a. Amending Land Developing Codes for Residential/Mobile Home (RMH) for 6 units per acre and Discuss Recreation Vehicle Parking (RVP)	
Exhibit:	Agenda Report No. 7.a.
Recommendation:	Discussion & Action to Council

Abare commented about Morrell's ITM information of history of Ordinance for units per acre for MH (Mobile Homes) and RV's (Recreational Vehicles) came in at a later time. Morrell ITM explained about other MH parks exceeding the limits. The 6 units per acre have no standards it is up to each community to follow. The Council sent this back to PZ to review to look at Code, Adopt or Amend existing or look at RVP (Recreation Vehicle Park) area. This is not due to developer but due to Covid and people using Recreation Vehicles. These codes are for the Town for a development or item.

Ritter discussed that at the Council Meeting Brian Vail had "Tabled" Item about RMH zoning. Ritter gave handout from March 21, 1974 that discussed #11 "No more trailer Parks shall be dedicated" and Florida Statutes areas for definitions for Mobile Homes and Recreation Vehicles. Ritter said she is a shareholder for Camelot RV Park and measured requirements for State Statues, 177 sites are permitted.

Abare asked about income to the Town from RV Parks and the response was Utility taxes and Property taxes are higher.

Shortman said that people bought RV's for social economic purposes and Ritter/Foster said it pertains to a management problems when you have issues in a park.

Abare said that the state has requirements, or the Town can have more requirements to follow the state to regulate control.

Mowery (Town Planner) explained that every single zoning area should follow a zoning district and have a place to regulate. The code must have an area for all uses. There needs to be a place to regulate zoning. We need to provide

Mowery explained the Ordinances:

- Comprehensive Plan and state where or where not that RV's can be in particular areas.
- RV Parks what areas (planned RV Parks) not other parks and minimum acreage and density
- Certain District or in existing Districts
- Mobile Homes(manufactured home)
- RV Parks planned RV Park , any new Park has to comply accordingly
- Modular Homes in a controlled environment
- Existing or standalone areas certain zoning, it is a commercial eliminate

Mowery explained size of areas to the Board, possible 10-15 acres for RV and 5 +/- for Mobile Homes (Manufactured Homes)

for business and retail

- Ordinances in general, comes to use Mobile Home (MH) parks (standard) & Modular homes and put together in a controlled environment.
- RV (Recreation Vehicles) should be set up as planned parks and "Grandfathered" in

Mowery explained that the minimum acreage, density, and units per acre. The parcel is 30 x 60 or 30 x 70 parking. The frontage is dealing with open space, setbacks, and zero lot lines.

Through the existing Ordinance & Comprehensive Plan can be regulated by area you as Board moving forward make regulations required road width and setbacks and open space.

Mowery commented the Town Attorney will deal with the Ordinance concerning regulation on RV Parks or new parks.

Mowery stated that in conclusion you can make regulations, as a community for all zoning uses we need to provide for and update our Ordinance so that it is clear for any new business to generate health , safety, and life for the Community.

Ritter said that Camelot RV Park is complying with state regulations 12,000 sq feet for Recreation Vehicles(RV) and more for the mobile homes.

Morrell ITM said the reason for this discussion is to clarify the Ordinances and compare what exists in the code and what was brought forth. The existing today is the City of Rockledge only 1 code was show-cased.

Abare commented that there is nothing he sees that has to be fixed immediately but if some developer comes in we need to look at things.

Morrell, ITM there are no codes presently could be considered a "spot zone" we need to discuss & review this before it formally comes to this Board for a review for developing. Explained to Board to have criteria for a Code.

Shortman said to include area for the eco-tourism when discussion location of RV Parks us it as a drawing card.

Abare said the PZ Board worked on the Future Comprehensive Plan for 7 years, if you were to change amending property, Abare asked Mowery if 19 acres changes zoning does it go to the state and Mowery said whenever your amending Comprehensive Plan it goes to the state. The zoning change does not go to the state

Mowery said the trend is you are going to have MH Park and RV Park, they are separate and operate separate. The bad thing is Code Enforcement issues.

Mowery said we cannot deny use you have to deal with Density, you are complying with law and deal with Comp Plan. Mowery commented that things are legally done and non-conforming.

The individual Board Members offer opinions:

- Abare / Ritter explains the taxes utility
- Dial said that he agreed with the following:
Leave and "Grandfather" those already in place for existing parks
It is a very important resource to apply in Code
- Formal process and discuss as a group

Ritter said you don't have designated areas, only if someone comes in they have to build according to standards stated in code.

Mowery said code should be clear to public for Mobile Home Parks and present to developer. Mowery suggest to possibly have staff put together something to educate the public.

Hofmeister asked Morrell ITM to provide more information to pull up more information. Morrell ITM, explained to the Board to make a motion to work on developing an Ordinance to move forward on Amending Land Development on Recreation Vehicle Parking.

Mowery said that the Council can only set up the committees to be mindful of Sunshine Laws.

Motion Ritter/Hofmeister to Staff to gather information currently from existing MH & RV Parks to include utilities, size, and date done, according to what was requested from Council based on exisitng density of similar properties for RMH. Do they want to have a separate Ordinance for RV Parks cause gthey are presently being mixed. All Vote: Aye

Jim Kenny, owns Breeze Palms MH Park on Hwy 1. The history he explained to Board about lot on Riverview Drive in Malabar is land locked and he bought the lot to expand his Park.

The social economic wants to expand Breeze Palms. The RV world has changed in the last few years.

Jim talked to City of Palm Bay about bring water and Utilities on to lot in Malabar 2.86 acres. The tax basin is going to go up from 10, 000 to 30,000 tax benefit to Malabar for the expanded lot into Malabar.

Jim had met with Matt, Debby, and Denine in the past and was explained that there is no Ordinance concerning MH Parks/RV Parks in Malabar's Code.

Mowery said that he can operate in both municipalities.

Foster said have higher standards welcome for a natural fit to any area , it would be a welcome fit to the Town.

7.b. Discuss Planning & Zoning Monthly Meetings (Days & Times)

Exhibit:

Agenda Report No.7.b

Recommendation:

Discussion & Action to Council

Abare explained that it is a upside for attorney and planner can attend.

Board Comments:

- Foster said 1 day is good, changed opinion that 2 meetings is good
- Dial no objection and action and always able to attend
- Ritter 2 times
- Mary 2 times
- Susan 2 times

Mowery said to have 1 or 2 and another meeting is a special meeting.

Recommendation from staff :

Morrell, ITM spoke to the Attorney the 2nd Wednesday of the month is good for him, and advertising, staff overtime 1 standard meeting and 2nd meeting is a special meeting. When we send emails to the Attorney it still is charged to the Town.

Memo to Council in reference to PZ Board Meetings.to discuss the meetings, keep meetings at 6PM.

8. **Blank**

9. **ADDITIONAL ITEMS FOR FUTURE MEETING**

10. **PUBLIC**

11. **OLD BUSINESS/NEW BUSINESS:**

Old Business:

New Business:

Reminder: Next Meeting – January 27 (possibly canceled)

K. ADJOURN

There being no further business to discuss, MOTION:Hofmeister/Dial to adjourn this meeting. Vote: All Ayes. The meeting adjourned 7:30 P.M.

BY:

Wayne Abare, Chair

Denine Sherear, Board Secretary

Date Approved: as presented/corrected

DRAFT

“The following draft minutes are subject to changes and/or revisions by the Planning and Zoning Board and shall not be considered the official minutes until approved by the P&Z Board.”

**MALABAR PLANNING AND ZONING BOARD REGULAR MEETING
MARCH 10, 2021 6:00 PM**

This meeting of the Malabar Planning and Zoning was held at Town Hall at 2725 Malabar Road.

1. CALL TO ORDER, PRAYER AND PLEDGE:

Meeting called to order at 6:00 P.M. Prayer and Pledge led Chair Wayne Abare.

2. ROLL CALL:

CHAIR:	WAYNE ABARE
VICE-CHAIR:	LIZ RITTER
BOARD MEMBERS:	MARY HOFMEISTER
	DOUG DIAL
	GEORGE FOSTER
ALTERNATE:	SUSAN SHORTMAN
ALTERNATE:	JEFF RINEHART
BOARD SECRETARY:	DENINE SHEREAR

ADDITIONAL ATTENDEES:

TOWN ATTORNEY:	KARL BOHNE, ABSENT
TOWN MANAGER:	LISA MORRELL
TOWN PLANNER:	TOD MOWERY, ABSENT
TOWN ENGINEER:	MORRIS SMITH, ABSENT
TOWN FIRE MARSHALL COUNCIL MEMBER	CARL WEAVER, ABSENT

3.ADDITIONS/DELETIONS/CHANGE:

4. CONSENT AGENDA:1

4.a. Approval of Minutes	Planning and Zoning Meeting – 1/13/2021 (not ready)
4.b. Approval of Minutes	Planning and Zoning Meeting - 2/24/2021
Exhibit:	Agenda Report No. 4.a & 4.b.
Recommendation:	Request Approval

Motion: Ritter/Hofmeister To Approve Minutes of 2/24/2021 as Amended All Vote:Ayes

Corrections documented and amended.

5. PUBLIC HEARING:0

6. ACTION 0

7. DISCUSSION:1

7.a. Amending Land Developing Codes

*** Separate Zoning Designations for RV Parks (RVP)**

Exhibit:	Agenda Report No. 7.a.
Recommendation:	Discussion & Action to Council

Chair Abare states that there is a zoning category RMH. There is no definition for acceptable density.

Vice-Chair Ritter states that Florida Statutes provide regulations and requirements in place already.

ITM Morrell states that Florida Statute 513.5115 gives rules and regulations, but zoning is based on Local Governments. She also noted is the states clear distinction between Mobile Home Parks and Recreational Vehicles Parks.

Board Member Shortman asks how can you define transient Mobile Homes? Can vehicles be moved around a park to evade a timing restriction?

ITM Morrell states that verbiage about that can be added to the code.

Mr. Kenny states he owns Breezy Palms, an RV Park in Palm Bay. He also owns the lots south of his park in Malabar. He is hoping to expand his park south into Malabar, and requests the Board also look at their existing codes. Most people in RV's usually stay in place year round. Most RV owners do not own brick and mortar homes. Requests the board consider not having a maximum length of stay, and to allow for expansion of existing parks.

Chair Abare states that right now the Town Code requires 5 acres in Malabar.

Vice-Chair Ritter states most parks have their own water and sewer, therefore need more land.

ITM Morrell reminds the Board they are creating Code for the Town of Malabar, not Mr. Kenny.

Vice-Chair Ritter states that is regulated by DEP

Alternate Member Shortman would hate to see him excluded because the Town is adopting a new code.

ITM Morrell clarified that there is still an opportunity for him to do it.

Chair Abare spoke about the 17 acres west and north of Rocky Point. Someone attempted to build Town Homes there and were denied.

Board Member Foster states that RV Parks and Mobile Home Parks are a world apart. They are an asset to our Town. We should make it easier for these sites to develop.

Alternate Board Member Shortman agrees, however we need to restrict them to nicer RVs.

Vice-Chair Ritter states that is up to the management team at each park. Her is intended as a 55 plus park.

Board Member Dial asked how we can address the code for Malabar and grandfather in existing parks. We've got a lot of great input, lets focus on that and decide what we want in Malabar.

Vice-Chair Ritter states that this project is realizing what the Town has authority over, and what the State regulates, then implementing our hopes for Malabar.

Board Member Dial states that about 90% of this is regulated by the state, it is our job to fill in the rest, such as size, setbacks and density.

ITM Morrell states the Town is looking for site plan requirements. Can the Board give Staff an idea which of the examples provided you like best?

Chair Abare begins speaking to the difficulties of developing these types of parks, specifically about water retention.

ITM Morrell states that Malabar is unique, as each lot is potentially a wetland that requires mitigation. The Town should develop code for the RVP, but it does not have to put it on the Zoning Map.

Board Member Hoffmeister asks if the Attorney has made any comments on this?

ITM Morrell states that he has not, but she and the Clerk have researched, and the Attorney will review the final code.

Chair Abare asks if each lot in a park requires a concrete pad to park on?

Vice-Chair Ritter states that they do not. It depends on the size of the unit, and how the user sets up their unit.

ITM Morrell states that resident managers can be permitted.

Board Member Foster asks what an acceptable minimum lot size would be?

Vice-Chair Ritter states that the current code states 5 acres and that is a good standard. Especially considering the utilities required.

Alternate Board Member Shortman states the first step is deciding if the Town should permit any more parks. 5 acres seems too small for the image we want in Malabar. Will an additional park benefit the Town? Where would they spend money? Most likely Melbourne or Sebastian.

Alternate Board Member Reinhart states he would like to look at this until the next meeting.

ITM Morrell states developers have some freedom with placement of utilities. Income will be seen in TIFT funds, gas and other utilities taxes and Ad Valorem taxes.

Alternate Board Member Reinhart thanked Mr. Kenny and Vice-Chair Ritter for giving their experienced opinions. He feels the Town should try to make the code simple and not overreach. He also agrees we should allow them but try to limit them. I wouldn't want to see an RV park on the OI land across from the Hospital where there is City water and sewer. We should let the market dictate growth.

Chair Abare states that he wants to review the information presented and revisit this topic at the next meeting.

Vice-Chair Ritter reminds the Board that we are a Rural Residential Town. Look at the Florida Statutes, and build from there.

Board Member Hoffmeister asks which Codes given as examples are from areas like Malabar?

Chair, Vice-Chair and Board Member Hoffmeister agree Marion County is similar to Malabar.

Vice-Chair Ritter states we should develop our code as close to the State Statute.

ITM Morrell states that the State Statutes are already law and we must adhere to them. Our job is to fill in the blanks. Does a developer need to have their own utilities, density, accessory structures and such?

Board Member Dial states that he agrees the Board should think about this before their next meeting. He also agreed the Town has people experienced in this field and should rely on their knowledge while developing the Code.

Chair Abare requested Vice-Chair Ritter work on a draft Code for the Board to review.

- 8. ***Left intentionally Blank***
- 9. **ADDITIONAL ITEMS FOR FUTURE MEETING**
- 10. **PUBLIC**
- 11. **OLD BUSINESS/NEW BUSINESS:**

Old Business:

Chair Abare states he had requested Secretary Sherear and ITM Morrell to draft a checklist for subdivision development.

ITM Morrell gave a walk through on the Checklist.

Chair Abare asks who is responsible for ensuring the Codes are adhered to.

ITM Morrell states it is a team effort, but the Town Manager is the chief executive and is therefore responsible.

Alternate Board Member Shortman asks if there is a set timeframe for these types of developments?

ITM Morrell states that yes there are. Permits do not last forever.

The Board thanked ITM Morrell for her work on this project.

Board Member Hofmeister asks ITM Morrell for an update on the Mobile Food Vendor Ordinance?

ITM Morrell states that the Ordinance is in effect, and its now a Code Enforcement issue, but that there are more pressing Code issues.

New Business:

Reminder: Next Meeting – March 24, 2021

K. ADJOURN

There being no further business to discuss, MOTION: Hofmeister/Dial to adjourn this meeting.
Vote: All Ayes. The meeting adjourned 7: 28 P.M.

BY:

Wayne Abare, Chair

Denine Sherear, Board Secretary

Date Approved: as presented/corrected

TOWN OF MALABAR
PLANNING AND ZONING BOARD

AGENDA ITEM NO: 6.a
Meeting Date: April 28, 2021

Prepared By: Debby Franklin, Town Clerk/Treasurer

SUBJECT: Review Blanket Zoning Change to Change 1,715.87 Acres

BACKGROUND/HISTORY:

Council directed that notices be sent to property owners after the Future Land Use Map (FLUM) was adopted to see if they would support a blanket zoning change to match the FLUM. The Town intends to go forward with the zoning changes on those parcels that have been reclassified as Conservation and those properties that returned responses supporting the blanket change or did not respond. The Council has the legislative authority to change zoning when the affected area exceeds ten acres or is a Town wide undertaking.

The responses back that oppose the zoning changes have been left off and specifically referenced in the ordinance that would make the zoning changes.

This ordinance and map will go before Council on May 17, 2021 for its first of two Public Hearings. Once adopted we will have an update to date Zoning map that for the most part, supports and complies with the Future Land Use Map.

ATTACHMENTS:

Ordinance 2021-05

Sample Letter to Property Owners

Zoning Map to reflect the changes to support the FLUM except for those desiring to keep existing zoning.

Future Land Use Map as approved by Council and the State Dept of Economic Development as part of the latest update to the Malabar Comprehensive Plan.

ACTION OPTIONS: Recommendation to Council

ORDINANCE 2021-05

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE ZONING MAP TO MATCH THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN FOR ALL PARCELS EXCEPT THE ONES LISTED IN THIS ORDINANCE; PROVIDING FOR THE EXISTING ZONING CLASSIFICATION FOR THOSE PARCELS; PROVIDING ACCESS TO THE NEW ZONING MAP ON THE TOWN WEBSITE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Town Council desires to create a zoning map that reflects the planning horizon adopted in the Comprehensive Plan Future Land Use Map for approximately 1,795 acres within Malabar, primarily along the Malabar Road and Babcock Street corridors and the conservation lands, while providing for exceptions for those property owners that have opposed such zoning change at this time.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, as follows:

Section 1. The Town Council adopts the zoning map attached hereto as Exhibit "A" which reflects the adopted planning horizon in the Comprehensive Plan's Future Land Use Map for approximately 1,795 acres within Malabar, primarily along the Malabar Road and Babcock Street corridors and the conservation lands, with exclusions for those opposing such changes.

Section 2. The Town Council has considered the responses from those property owners that desire to retain their existing zoning classification at this time and are identified as the following.

Tax account #: 2851088	Parcel ID: 28-38-31-54-B-52	Size: 12.32 acres
Tax account #: 2851076	Parcel ID: 28-38-31-54-B-4.0	Size: 11.75 acres
Tax account #: 2931413	Parcel ID: 28-37-10-00-548	Size: 1.29 acres
Tax account #: 2931412	Parcel ID: 29-37-10-00-547	Size: 1.29 acres
Tax account #: 2846131	Parcel ID: 28-37-35-00-505	Size: 9.56 acres

Section 2. The Town Clerk is hereby authorized and directed to cause the revision to the Official Town Zoning Map as referenced in Article II of the Land Development Code to show the zoning change as set forth in the attached map and parcel list. The Clerk is directed to make such new map available on the Town's website.

Section 3. The effective date of this ordinance shall be six (6) days following adoption by Council.

The foregoing Ordinance was moved for adoption by Council Member _____. The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council Member Marisa Acquaviva ____

Council Member Brian Vail ____

Council Member Steve Rivet ____

Council Member David Scardino ____

Council Member Danny White ____

This ordinance will become effective and considered adopted by the Malabar Town Council six business days from the date of adoption at second reading.

BY:

(seal)

TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

ATTEST:

By: _____
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer















Approved as to form and content:

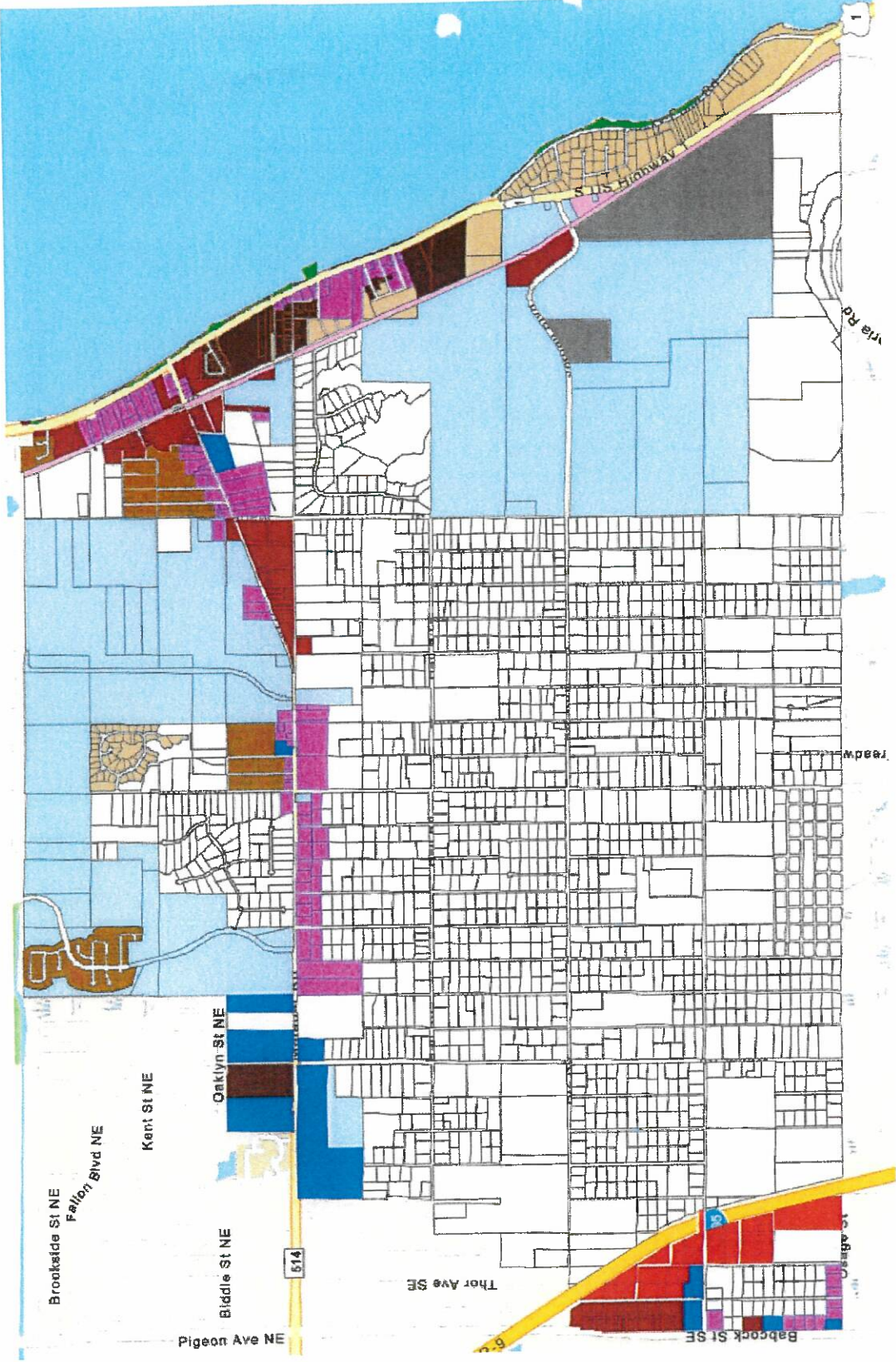
Karl W. Bohne, Jr., Town Attorney

P&Z PH: 4/28/2021 vote: _____
1st Reading: 5/17/2021:
2nd Reading: 6/07/2021:

EXHIBIT "A" of Ordinance 2021-05

Future Zoning Map

-  Commercial General
-  Commercial Limited
-  Coastal Preservation
-  Industrial
-  Institutional
-  Office-Institutional
-  Residential Mobile Home
-  Residential and Limited Commercial
-  Multiple Family HDR
-  Rural Residential
-  Single Family MDR (RS-10)
-  Single Family MDR (RS-15)
-  Single Family LDR (RS-21)
-  <call other values>





SAMPLE of letter sent out.

2725 Malabar Road, Malabar, FL 32950
321-727-7764 (Office) www.townofmalabar.org

August 24, 2020

TOWN OF MALABAR

Kenneth Jones, Marjorie Jones
295 Wooded Lake Drive
Apex, NC 27502

SEP 04 2020

RECEIVED

Two Parcel IDs: 29-37-10-00-533 and 534, Malabar

Dear Property Owners:

The Town of Malabar updated and amended its Future Land Use Map (FLUM) in the Town's Comprehensive Plan. It is the Town's responsibility to review and update the Planning Horizon every seven years. This provides the "big picture" plan for future development. Separately, every municipality maintains a Zoning map which provides guidance on what is allowed in each zoning classification. Before vacant land is developed, the zoning designation must be consistent with the FLUM designation.

This amendment updated the planning horizon to 2030. In doing so, the land use designation for multiple parcels along the main corridors of Malabar were changed to a mixed-use designation known as Residential/Limited Commercial (R/LC). This designation allows single-family homes, multiple family and limited commercial development. The two parcels referenced above abut Babcock Street have been changed to Residential/Limited Commercial (R/LC). I have enclosed the definition and a Table that shows permitted uses.

Your current zoning designation is Rural Residential (RR-65) requiring 1.5 acres for a single-family home. The only permitted uses in this zoning designation are single-family homes and agricultural.

Should you desire to develop these parcels, it would be necessary to have the Zoning designation match the FLUM designation. The cost to do this at that time would be your responsibility.

Since enacting this FLUM amendment, multiple property owners have successfully requested and been granted Zoning changes to match the new FLUM designation. Council has directed that letters be sent to all affected property owners to solicit their support for proceeding with the corresponding amendment to the Town's Zoning map. Based on the responses received Council will consider doing a "blanket" Zoning Map update for those properties to accomplish the consistency between the FLUM designations and the Zoning designations.

Your input is requested. If you support the Town proceeding with the "blanket" Zoning Map update, please mark below and mail back in the enclosed S.A.S.E.

Support Object















Signature: Kenneth D Jones

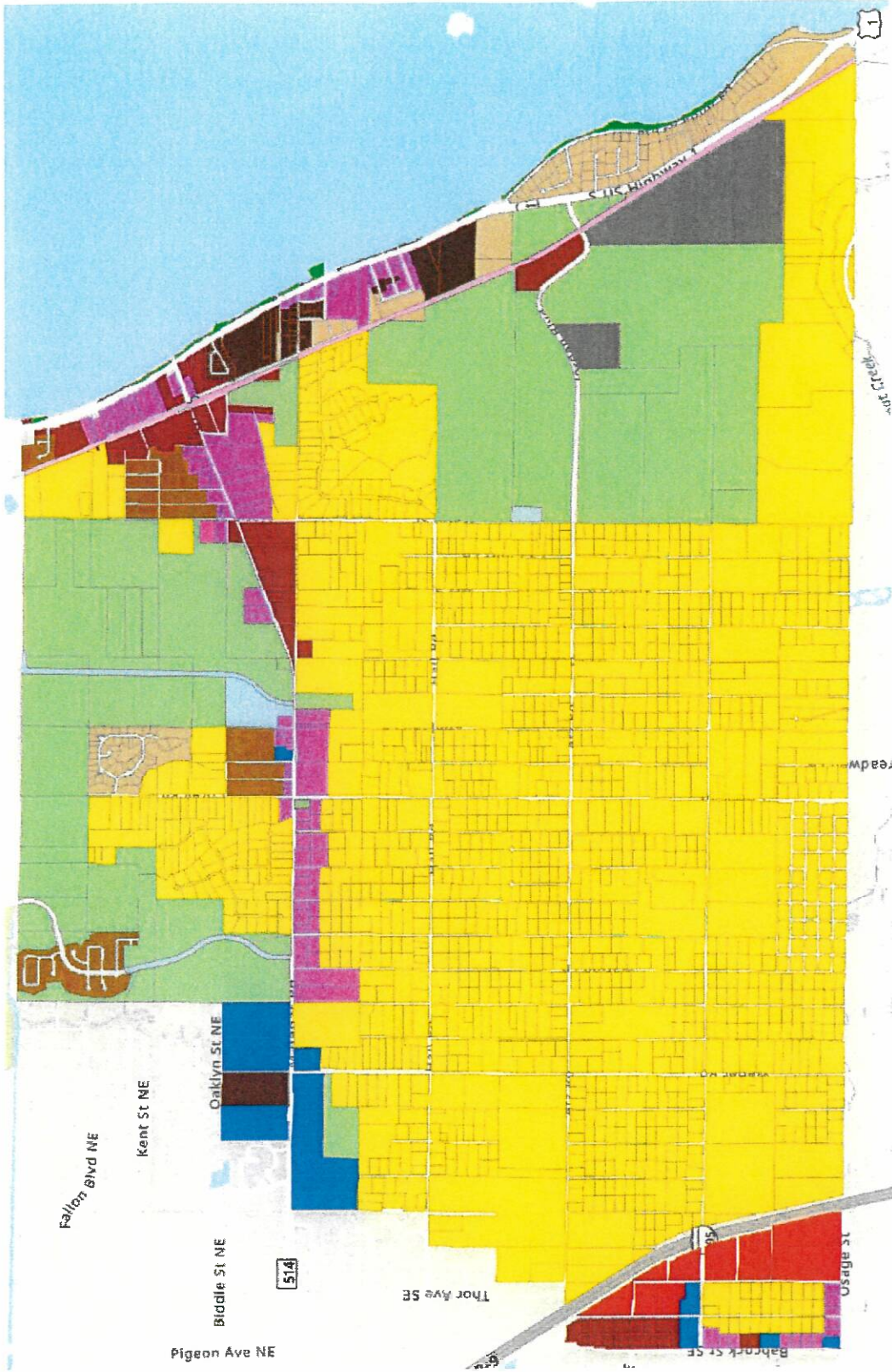
Thank you.

Debby Franklin, C.M.C., Town Clerk/Treasurer
townclerk@townofmalabar.org

MALABAR FUTURE LAND USE MAP PLANNING HORIZON TO 2030

Future Land Use Map

-  Commercial General
-  Commercial Limited
-  Conservation
-  Coastal Preserve
-  High Density Residential
-  Open Space and Recreation
-  Industrial
-  Institutional
-  Low Density Residential
-  Medium Density Residential
-  Office-Institutional
-  Residential and Limited Commercial
-  Rural Residential
-  Other



TOWN OF MALABAR

PLANNING AND ZONING

AGENDA ITEM REPORT

AGENDA ITEM NO: 7.a.
Meeting Date April 28, 2021

Prepared By: Denine M. Sherear, Planning and Zoning Board Secretary

SUBJECT: Amending Land Developing Code for Discussing Recreation Vehicle Parking (RVP)

BACKGROUND/HISTORY:

This Board has discussed, at previous meetings to update Land Use District Provisions to possibly include Recreation Vehicle Parking and update Residential Mobile Home Parks. Vice-Chair Ritter has taken on the task of presenting an update to our Code for PZ Board to review.

Town Staff has received inquires regarding the number of units permitted in Residential Mobile Home Park (R-MH) for Recreation Vehicle Parking (RVP). Presently we do not have a zoning with usage of Recreation Vehicle Parking in our District Provision, Article III.

This is coming before this Board to review and clarify our Code, the description of units per acre and requirements needed.

In review of the Malabar Town Code now permits six (6) units per acre for existing parks that have Mobile Homes and Recreation Vehicles.

This Board can discuss and make Recommendation to Council to Amend the Land Developing Code to include Recreation Vehicle Parking (RVP) and forward on to Council, add to existing code to include RVP, or simply leave this "RVP" out of Zoning/Land Use Code at this time.

ATTACHMENTS:

- Malabar Code
- Florida Statutes Chapter 513
- References, Rockledge
- Vice Chair- Liz Ritter Recreation Vehicle Zoning for Malabar to provide verbiage for PZ Board to review

ACTION OPTIONS:

Discussion/Action

**MALABAR
MOBILE HOME**

**RECREATION VEHICLE
ZONING DISTRICT
INFORMATION**

Section 1-3.1. - Purpose and intent of districts.

This section presents the basic purpose and intent of each zoning district.

- A. *CP "Coastal Preserve."* The CP district was originally established by the Town Council through Ordinance Number 7-1-76, § 5.12 and Ordinance Number 7-12-79 § 1. This district is intended to preserve a narrow strip of land east of highway US 1 directly abutting the Indian River Lagoon, a State designated Aquatic Preserve. The district provisions are intended to assist in implementing land use, coastal management, and conservation goals, objectives, and policies within the comprehensive plan. For instance, the district provisions reduce exposure to natural hazards to persons or property as a result of windstorms and high tides; preserve the marine resources of the Aquatic Preserve; and restrict usage to noncommercial piers, boat slips, and docks.
- B. *RR-65 "Rural Residential."* The rural residential district is established to implement comprehensive plan policies for managing rural residential development at a density not to exceed one and one-half (1.5) acres per dwelling unit. The district is intended to protect and preserve existing agricultural and rural residential lands. These lands are generally developed for agricultural uses or for large lot rural residential home sites. The areas designated for rural residential development generally contain few urban services and the street system is generally incapable of carrying traffic generated by more intense urban development. The district is intended to accommodate and preserve a unique lifestyle which cannot be accommodated in more dense residential areas.
- C. *RS-21 "Single-Family Low-Density Residential."* This district is established to implement comprehensive plan policies for managing low-density, single-family residential development at a density not to exceed two (2) single-family dwelling units per acre. The RS-21 district is established in order to protect the quality and character of existing and future conventional single-family low-density neighborhoods, preserve open space, and manage future densities in order to assure compatibility with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- D. *RS-15 "Single-Family Medium-Density Residential."* The RS-15 district is designed to accommodate traditional single-family development on lots not less than 15,000 square feet. The district is established to preserve the stability of existing and future conventional single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that future densities are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- E. *RS-10 "Single-Family Medium-Density Residential."* The RS-10 district is established to implement comprehensive plan policies for managing traditional single-family residential development on lots not less than 10,000 square feet. This district is established to preserve the stability of existing and future single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that they are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.
- F. *R-MH "Residential Mobile Homes."* The R-MH district is established to implement comprehensive plan policies for managing high density mobile home residential development. The district is designed for managing mobile home development at a density not to exceed six units per acre. The district is intended to provide sites for mobile home development within existing established mobile home parks.
- G. *RM-4 "Multiple-Family Medium-Density Residential."* The RM-4 district is established to implement comprehensive plan policies for managing medium-density residential development not to exceed four units per acre. The district is established to ensure sufficient land area for development of medium-density multiple-family residential developments which are fully serviced by adequate public facilities. Sites for medium-density multiple-family residential development shall be located so that they provide a smooth transition between low density residential development and areas developed and/or designated for more intense uses.
- H. *RM-6 "Multiple-Family High-Density Residential Development."* The RM-6 district is established to implement comprehensive plan policies for managing high-density residential development at a density not to exceed six units

TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
RESIDENTIAL USES														
Duplex					P	P					P			
Mobile Homes							P							
Multiple Family Dwelling					P	P					P			
Single Family Dwellings	P	P	P	P	P	P	P				P			
COMMUNITY FACILITIES														
Administrative Services (Public and Not-for-Profit)								P	P	P	P		P	
Child Care Facilities								C			C		C	
Churches, Synagogues and Other Places of Worship								P, A	P	C	C		P	
Clubs and Lodges (Not-for-Profit)									P	P				



TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	O1	CL	CG	R/LC	IND	INS	CP
Cultural or Civic Activities								P	P	P	P		P	
Educational Institutions								Ç, A					C	
Golf Course Facilities	C													
Hospital and other Licensed Facilities								C					C	
Nursing Homes and Related Health Care Facilities					C	C		C					C	
Protective Services					C	C	C	C	C	C	C	C	C	
Public Parks and Recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	
Public and Private Utilities	C	C	C	C	C	C	C	C	C	C	C	C	C	
COMMUNITY RESIDENTIAL HOME														

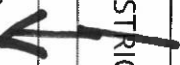


TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-	RS-	RS-	RS-	RM-	RM-	R-	OI	CL	CG	R/LC	IND	INS	CP
	65	21	15	10	4	6	MH							
Level 1 (1 to 6 residents/beds)	C ³				C	C								
Level 2 (7 to 14 residents/beds)					C	C						C		
ASSISTED CARE COMMUNITIES														
I Assisted Living Facility														
Level 1 (1 to 5 residents/beds)		C	C	C	C ⁴	C ⁴					C			
Level 2 (6 to 15 residents/beds)					C ⁴	C ⁴								
Level 3 (16 or more residents/beds)					C ⁴	C ⁴								
II Adult Family-Care Homes														



TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-	RS-	RS-	RS-	RM-	RM-	R-	OI	CL	CG	R/LC	IND	INS	CP
(1 to 5 residents/beds)	65	21	15	10	4	6	MH							
III Adult Day Care Centers	C ³	C	C	C	C	C		C			C			
AGRICULTURAL ACTIVITIES														
Noncommercial Agricultural Operations	P													
Wholesale Agricultural Activities	P													
Commercial Stables	C													
COMMERCIAL ACTIVITIES														
Adult Activities										C				
Bars and Lounges										C				
Bed and Breakfast											P ¹			

TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
Business and Professional Offices								P	P	P	P	P	P	
Enclosed Commercial Amusement										P				
Arcade Amusement Center/ Electronic Gaming Establishment										C ²				
Funeral Homes									P	P	C			
General Retail Sales and Services										P				
Hotels and Motels										P				
Limited Commercial Activities									P	P	P			
Marine Commercial Activities										C*				



TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
Medical Services								P	P	P	P			
Mini Warehouse/Storage									C	P		P		
Parking Lots and Facilities								P	P	P	P		P	
Retail Plant Nurseries									P	P	P			
Restaurants (Except Drive-Ins and fast food service)									P	P	P			
Restaurants (Drive-ins)										P				
Service Station, Including Gasoline Sales										C*		C*		
Trades and Skilled Services										P		P		
Veterinary Medical Services								P	P	P	C	P		
Vehicular Sales and Services										C*		P		



TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	OI	CL	CG	R/LC	IND	INS	CP
Vehicular Services and Maintenance										C*		P		
Wholesale Trades and Services										C*		P		
INDUSTRIAL ACTIVITIES														
Kennels												C		
Manufacturing Activities												P		
Manufacturing Service Establishments												P		
Vehicle and Other Mechanical Repair and Services										C*		P		
Warehouse, Storage and Distribution Activities												P		



TABLE 1-3.2. LAND USE BY DISTRICTS

	RR-65	RS-21	RS-15	RS-10	RM-4	RM-6	R-MH	O1	CL	CG	R/LC	IND	INS	CP
WATER DEVELOPMENT NONCOMMERCIAL ACTIVITIES														
Noncommercial piers, boat slips, and docks														C



- 1 Any Bed and Breakfast which is proposed to have more than five (5) living quarters shall only be approved as a conditional use in accordance with Article VI of the Land Development Regulations.
- 2 Any Arcade Amusement Center and Electronic Gaming Establishment as defined herein shall only be approved as a conditional use in accordance with Article VI of the Malabar Land Development Code.
- 3 Allowed in RR-65, (1 to 2 residents/beds) as defined in FS Title XXX Chapters 419 & 429
- 4 ALF Factor of "3" (see section I-2.6.B.13.B, Part I) only applies to RM-4 & RM-6 for ALF's
(Ord. No. 94-4, § 3, 4-3-95; Ord. No. 97-3, § 2, 3-17-97; Ord. No. 05-01, § 1, 3-7-05; Ord. No. 06-19, § 1, 1-11-07; Ord. No. 12-48, § 2, 1-23-12; Ord. No. 14-01, § 3, 2-3-14; Ord. No. 2016-03, § 1, 2(Exh. A), 10-3-16; Ord. No. 20-02, §§ 1, 2, 3-2-20)

Section 1-3.3. - Size and dimension criteria.

- A. *Minimum Lot or Site Requirements for All Uses.* Table 1-3.3(A) incorporates required size and dimension regulations which shall be applicable within each respective zoning district. All developments shall have a total land area sufficient to satisfy all standards stipulated within the land development code, including but not limited to:
- Setback requirements;
 - Open space, buffers, and landscaping;
 - Surface water management;
 - Water and wastewater services;
 - Access, internal circulation and off-street parking;
 - Wetland protection; and
 - Soil erosion and sedimentation control standards.

Conventional single family lots shall be required pursuant to square footage requirements stipulated in Table 1-3.3(A). Similarly, more intense development within multiple family residential districts and other specified nonresidential districts shall maintain sites having minimum acreage requirements stipulated in Table 1-3.3(A).

TABLE 1-3.3(A). SIZE AND DIMENSION REGULATIONS

Minimum Lot (1)		Setback (ft.)(2)				Maximum Impervious Surface Ratio (%)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre)				
Zoning District	Size (sq. ft.)	Width (ft.)	Depth (ft.)	Maximum Height (ft./stories)	Minimum Living Area (sq. ft.)	Front	Rear	Side (I)	Side (C)	Maximum Building Coverage	Minimum Open Space (%)	Maximum Density (units per acre)	
Rural Residential Development													
RR-65	65,340	150	250	35/3	1,500	40	30	30	30	20	N/A	80	0.66
Traditional Single Family Residential Development													
RS-21	21,780	120	150	35/3	1,800	35	20	15	15	35	N/A	65	2.00
RS-15	15,000	100	120	35/3	1,500	30	20	15	15	45	N/A	55	2.904
RS-10	10,000	75	100	35/3	1,200	25	20	10	10	50	N/A	50	4.00
Multiple Family Residential Development													

RM-4	5 Acres Minimum Site	200	200	35/3	1 Bedroom: 900 2 Bedroom: 1100 3 Bedroom: 1300 Each Additional Bedroom: 120	60	40	40	40	50	N/A	50	4.00
RM-6	5 acres Minimum Site	200	200	35/3	Single Family: Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	25	20	10	10	50	n/a	50	6

Mixed Use Development

R/LC	20,000	100	150	35/3	Single Family:	25	20	10	10	50	n/a	50	4
					Multiple Family: 1 Bedroom: 500 2 Bedroom: 700 3 Bedroom: 900 Each Additional Bedroom: 120	50	25	10 ⁴	20	65	n/a	35	6
					Commercial: Min. Area: 900 Max. Area 4,000						0.20		

Mobile Home Residential Development

R-MH	Site: 5 Acres Lot: 7000					10	8	8	10	50	N/A	50	6.00
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Office Development													
OI	20,000	100	150	35/3	Minimum Floor Area: 1000	35/60	25	20	25	65	20	35	N/A
Commercial Development													
CL	20,000	100	150	35/3	Minimum Floor Area: 900 Min. Area: 900 Max. Area 4,000	50	25	10 ⁴ 15 ³	20	65	0.20	35	N/A
CG	20,000	100	150	35/3	Minimum Floor Area: 1200 Minimum Hotel/Motel Area: 300 Each Unit	50	25	20 ⁴ 15 ³	30	65	0.20	35	N/A
Industrial Development													

<i>IND</i>	20,000	100	150	35/3	Minimum Floor Area: 1200	50 100 ⁵	25 100	20 100	30 100	70	0.42	30	N/A
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Institutional Development

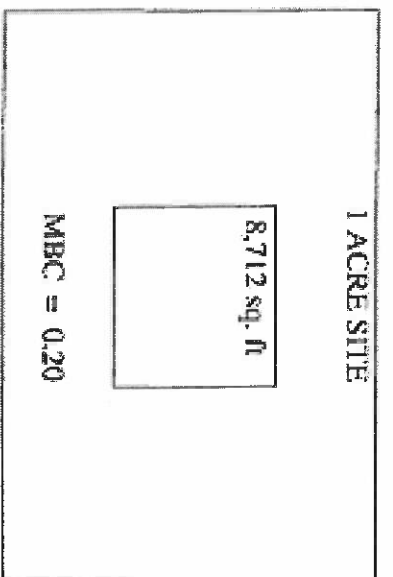
<i>INS</i>	20,000	100	150	35/3	Minimum Floor Area: 1200	50	25	20	30	60	0.20 0.10 ⁶	40	N/A
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Coastal Preservation

<i>CP</i>	No Size or Dimension Standards Adopted												
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- 1 Minimum size sites and lots include one-half of adjacent public right-of-way.
- 2 Minimum setbacks determined from the existing right-of-way line where the yard abuts a public street pursuant to the above cited standards or from the center of the right-of-way pursuant to [Table 1-3.3\(E\)](#) whichever is most restrictive.
- 3 Setback where rear lot line abuts an alley.
- 4 Setback shall be greater where side property line abuts a district requiring a larger setback on the abutting yard. In such case the more restrictive abutting setback shall apply.
- 5 Where any yard of industrial zoned property abuts a residential district, the building setback for such yard shall be 100 feet.
- 6 Recreation activities maximum FAR shall be .10.
- 7 In RR-65 Zoning, side and rear setback may be reduced for accessory structures to equal the height of the accessory structure but under no condition be reduced to less than 15 feet. If the height of the accessory structure height is 20 feet, the side and rear setbacks for that building would be 20 feet.
 - B. *Area requirements for uses not served by central water and wastewater services.* All proposed development within areas not served by central water and wastewater services shall comply with the septic permitting requirements of Brevard County.
 - C. *Impervious Surface Requirements (ISR) for All Uses.* The term "impervious surface" is defined as that portion of the land which is covered by buildings, pavement, or other cover through which water cannot penetrate. The impervious surface ratio requirement controls the intensity of development, by restricting the amount of the land covered by any type of impervious surface.
 1. *Calculation of ISR.* The impervious surface ratio (ISR) is calculated for the gross site by dividing the total impervious surface by the gross site area. Water bodies are impervious but shall not be included as such in the ISR calculation.
Cluster development or other site design alternatives may result in individual lots exceeding the ISR, while other lots may be devoted entirely to open space. The Town may require, as a condition of approval, deed restrictions or covenants which guarantee the maintenance of such open space in perpetuity. The ISR requirement shall not be bypassed or reduced. However, the intent is to allow maximum flexibility through calculating ISR on the gross site, and not on a lot-by-lot basis.
 2. *Use of Porous Material.* Porous concrete, asphalt, porous turf block, or similar materials may be used subject to approval of the Town Engineer.
 3. *Compliance with ISR Stipulated in Table 1-3.3(A).* All proposed development shall comply with the standards given in the table of impervious surface ratios in [Table 1-3.3\(A\)](#).
Where a proposed development is donating or dedicating land based on a plan approved by the Town, the gross site before dedication or donation shall be used to calculate ISR. This does not relieve the applicant from providing all required on-site buffers, landscaping, stormwater management areas, setbacks, and other required project amenities.
 - D. *Maximum Building Coverage.* The term "maximum building coverage" is defined as a measurement of the intensity of development on a site. For purposes of this Code, maximum building coverage (MBC) is used to regulate nonresidential development.
 1. *Calculation of MBC.* The MBC is the relationship between the total building coverage on a site and the gross site area. The MBC is calculated by adding together the total building coverage of a site and dividing this total by the gross site area. See [figure 1-3.3\(D\)](#) for a graphic illustration of this concept.
All proposed nonresidential development shall comply with the MBC requirements stipulated in [Table 1-3.3\(A\)](#) for the zoning district in which the development is located.

FIGURE 1-3.3(D). MAXIMUM BUILDING COVERAGE ILLUSTRATION



Maximum building coverage for a MBC of 0.20 = 8,712 sq. ft.

EXPAND		
MBC	=	<u>Total Building Coverage</u>
		Total Lot Area

E. *Principal Structure Setbacks.* Table 1-3.3(A) provides building setbacks for all zoning districts. In addition to these setbacks the required minimum setback shall be measured from the centerline of the right-of-way as in Table 1-3.3(E).

TABLE 1-3.3(E). PRINCIPAL STRUCTURE SETBACKS FROM CENTERLINE OF THOROUGHFARES

EXPAND

Transportation Facility	Building Setback (feet)
Arterial Roadways (150 feet R/W)	100
US 1 Highway	
Malabar Road (SR 514)	
Babcock Street (SR 507)	
Major Collector Streets (100 feet R/W)	85
Corey Road	
Weber Road	
Marie Street	

Jordan Blvd.

EXPAND

Local Streets (50—60 feet R/W)	65
Minor Collector Streets (70 feet R/W)	75
Atz Blvd.	
Hall Road	
Old Mission Road	
Benjamin (Reese) Road	

F. *Minimum Distance Between Principal Buildings.* The minimum distance between principal buildings shall be twenty (20) feet. The distance shall be measured at the narrowest space between buildings and shall not include roof overhang.

(Ord. No. 92-8, § 1(B), (D), (J), 8-18-92; Ord. No. 94-4, § 4, 4-3-95; Ord. No. 96-1, § 1, 3-4-96; Ord. No. 97-5, § 1, 3-17-97; Ord. No. 02-03, § 1, 8-5-02; Ord. No. 03-02, § 1, 2-24-03; Ord. No. 04-08, §§ 1, 2, 7-12-04; Ord. No. 06-05, § 1, 2-6-06; Ord. No. 06-16, §§ 1, 2, 10-2-06; Ord. No. 19-02, § 2, 3-4-19; Ord. No. 19-03, § 2, 3-4-19)

SUBPART 5. - RECREATIONAL VEHICLES AND PARK TRAILERS

Sec. 9-350. - Temporary placement.

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

- (1) Be on the site for fewer than one hundred eighty (180) consecutive days; or
- (2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model 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.

(Ord. No. 20-13, § 1, 11-16-20)

Sec. 9-351. - Permanent placement.

Recreational vehicles and park trailers that do not meet the limitations in section 9-350 of this chapter for temporary placement shall meet the requirements of subpart 4 of article III of this chapter for manufactured homes.

(Ord. No. 20-13, § 1, 11-16-20)

Secs. 9-352—9-359. - Reserved.

➔ (5) "Occupancy" means the length of time that a recreational vehicle is occupied by a transient guest and not the length of time that such vehicle is located on the leased recreational vehicle site. A recreational vehicle may be stored and tied down on site when not in use to accommodate the needs of the guest. The attachment of a recreational vehicle to the ground with tie-downs or other removable fasteners, and the attachment of carports, porches, screen rooms, and similar appurtenances with removable attaching devices, do not render the recreational vehicle a permanent part of the recreational vehicle site.

(6) "Operator" means the owner, operator, keeper, lessor, proprietor, manager, assistant manager, desk clerk, agent, or employee of a mobile home, lodging, or recreational vehicle park or a recreational camp who is designated by the permittee as the individual solely responsible for the daily operation of the park or camp and its compliance with this chapter and the rules adopted under this chapter.

(7) "Permittee" means a person who applies for and is granted a permit under this chapter and who is ultimately responsible for the operation of the mobile home, lodging, or recreational vehicle park or the recreational camp and the compliance of the park or camp with this chapter and the rules adopted under this chapter.

(8) "Person" means an individual, association, partnership, corporation, or governmental unit.

(9) "Recreational camp" means one or more buildings or structures, tents, trailers, or vehicles, or any portion thereof, together with the land appertaining thereto, established, operated, or used as living quarters for five or more resident members of the public and designed and operated for recreational purposes.

(10) "Recreational vehicle" has the same meaning as provided for the term "recreational vehicle-type unit" in s. 320.01. However, the terms "temporary living quarters" and "seasonal or temporary living quarters" as used in s. 320.01, in reference to recreational vehicles placed in recreational vehicle parks, relate to the period of time the recreational vehicle is occupied as living quarters during each year and not to the period of time it is located in the recreational vehicle park. During the time the recreational vehicle is not occupied as temporary or seasonal quarters, it may be stored and tied down on the recreational vehicle site. The affixing of a recreational vehicle to the ground by way of tie-downs or other removable fasteners, and the attachment of carports, porches, screen rooms, and similar appurtenances by way of removable attaching devices, does not render the recreational vehicle a permanent part of the recreational vehicle site.

(11) "Recreational vehicle park" means a place set aside and offered by a person, for either direct or indirect remuneration of the owner, lessor, or operator of such place, for the parking, accommodation, or rental of five or more recreational vehicles or tents; and the term also includes buildings and sites set aside for group camping and similar recreational facilities. For the purposes of this chapter, the terms "campground," "camping resort," "RV resort," "travel resort," and "travel park," or any variations of these terms, are synonymous with the term "recreational vehicle park."

(12) "Transient guest" means any guest registered as provided in s. 513.112 for 6 months or less. When a guest is permitted with the knowledge of the park operator to continuously occupy a recreational vehicle in a recreational vehicle park for more than 6 months, there is a rebuttable presumption that the occupancy is nontransient, and the eviction procedures of part II of chapter 83 apply.

History.—s. 1, ch. 12419, 1927; CGL 4140; s. 1, ch. 19365, 1939; s. 3, ch. 76-168; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 3, 14, 15, ch. 83-321; s. 6, ch. 84-182; s. 13, ch. 85-343; s. 1, ch. 87-193; ss. 1, 26, ch. 93-150; s. 146, ch. 97-101; s. 249, ch. 99-8; s. 2, ch. 2013-91.

513.012 Public health laws; enforcement.—It is the intent of the Legislature that mobile home parks, lodging parks, recreational vehicle parks, and recreational camps be exclusively regulated under this chapter. As such, the department shall administer and enforce, with respect to such parks and camps, laws and rules relating to sanitation, control of communicable diseases, illnesses and hazards to health among humans and from animals to humans, and permitting and operational matters in order to protect the general health and well-being of the residents of and visitors to the state. However, nothing in this chapter qualifies a mobile home park, a lodging park, a recreational vehicle park, or a recreational camp for a liquor license issued under s. 561.20(2)(a)1. Mobile home parks, lodging parks, recreational vehicle parks, and recreational camps regulated under this chapter are exempt from regulation under chapter 509.

History.—s. 5, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 2, ch. 93-150; s. 1, ch. 2020-126.

513.014 Applicability of recreational vehicle park provisions to mobile home parks.—A mobile home park that has five or more sites set aside for recreational vehicles shall, for those sites set aside for recreational vehicles, comply with the recreational vehicle park requirements included in this chapter. This section does not require a mobile home park with spaces set aside for recreational vehicles to obtain two licenses. However, a mobile home park that rents spaces to recreational vehicles on the basis of long-term leases is required to comply with the laws and rules relating to mobile home parks including but not limited to chapter 723, if applicable.

History.—s. 6, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 3, ch. 93-150.

513.02 Permit.—

(1) A person may not establish or maintain a mobile home park, lodging park, recreational vehicle park, or recreational camp in this state without first obtaining a permit from the department. Such permit is not transferable from one place or person to another. Each permit must be renewed annually.

(2) The department may refuse a permit to, or refuse to renew the permit of, any park or camp that is not constructed or maintained in accordance with law and with the rules of the department.

(3) The department may suspend or revoke a permit issued to any person that operates or maintains such a park or camp if such person fails to comply with this chapter or the rules adopted by the department under this chapter.

(4) A permit for the operation of a park or camp may not be renewed or transferred if the permittee has an outstanding fine assessed pursuant to this chapter which is in final-order status and judicial reviews are exhausted, unless the transferee agrees to assume the outstanding fine.

(5) When a park or camp regulated under this chapter is sold or its ownership transferred, the transferee must apply for a permit to the department within 60 days after the date of transfer. The applicant must provide the department with a copy of the recorded deed or lease agreement before the department may issue a permit to the applicant.

History.—s. 2, ch. 12419, 1927; CGL 4141; s. 1, ch. 19365, 1939; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 439, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 4, 14, 15, ch. 83-321; s. 7, ch. 84-182; ss. 4, 26, ch. 93-150; s. 2, ch. 2020-126.

513.03 Application for and issuance of permit.—

(1) An application for a permit must be made in writing to the department, on a form prescribed by the department. The application must state the location of the existing or proposed park or camp, the type of park or camp, the number of mobile homes or recreational vehicles to be accommodated or the number of recreational campsites, the type of water supply, the method of sewage disposal, and any other information the department requires.

(2) If the department is satisfied, after reviewing the application of the proposed or existing park or camp and causing an inspection to be made, that the park or camp complies with this chapter and is so located, constructed, and equipped as not to be a source of danger to the health of the general public, the department shall issue the necessary permit, in writing, on a form prescribed by the department.

History.—s. 3, ch. 12419, 1927; CGL 4142; s. 1, ch. 19365, 1939; ss. 19, 35, ch. 69-106; s. 440, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 5, 14, 15, ch. 83-321; s. 8, ch. 84-182; ss. 5, 26, ch. 93-150.

513.045 Permit fees.—

(1)(a) Each person seeking a permit to establish, operate, or maintain a mobile home park, lodging park, recreational vehicle park, or recreational camp must pay to the department a fee, the amount of which shall be set by rule of the department.

(b) Fees established pursuant to this subsection must be based on the actual costs incurred by the department in carrying out its responsibilities under this chapter. The fee for a permit may not be set at a rate that is more than \$6.50 per space or less than \$3.50 per space. Until rules setting these fees are adopted by the department, the permit fee per space is \$3.50. The permit fee for a nonexempt recreational camp shall be based on an equivalency rate for which two camp occupants equal one space. The total fee assessed to an applicant may not be more than \$600 or less than \$50, except that a fee may be prorated on a quarterly basis.

(c) A recreational camp operated by a civic, fraternal, educational, or religious organization that does not rent to the public is exempt from the fee requirements of this subsection.

(2) Each local county health department shall collect the fees established pursuant to subsection (1) but may not collect any other fees for such permit.

¹(3) Fees collected under this section shall be deposited in the County Health Department Trust Fund, to be administered by the department, and shall be used solely for actual costs incurred in implementing and enforcing this act.

History.—ss. 6, 15, ch. 83-321; s. 92, ch. 85-81; s. 16, ch. 93-120; ss. 6, 26, ch. 93-150; ss. 147, 148, ch. 97-101; s. 43, ch. 98-151.

¹Note.—As amended by s. 16, ch. 93-120, and s. 147, ch. 97-101. Subsection (3) was also amended by s. 6, ch. 93-150, and s. 148, ch. 97-101, and that version reads:

(3) All fees collected by the department in accordance with this section and the rules adopted under this section shall be deposited into the respective county health department trust fund administered by the department for the payment of costs incurred in administering this chapter.

513.05 Rules.—The department may adopt rules pertaining to the location, construction, modification, equipment, and operation of mobile home parks, lodging parks, recreational vehicle parks, and recreational camps, except as

provided in s. 633.206, as necessary to administer this chapter. Such rules may include definitions of terms; requirements for plan reviews of proposed and existing parks and camps; plan reviews of parks that consolidate space or change space size; water supply; sewage collection and disposal; plumbing and backflow prevention; garbage and refuse storage, collection, and disposal; insect and rodent control; space requirements; heating facilities; food service; lighting; sanitary facilities; bedding; an occupancy equivalency to spaces for permits for recreational camps; sanitary facilities in recreational vehicle parks; and the owners' responsibilities at recreational vehicle parks and recreational camps.

History.—s. 5, ch. 12419, 1927; CGL 4144; s. 1, ch. 19365, 1939; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 442, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 7, 14, 15, ch. 83-321; s. 20, ch. 87-287; ss. 7, 26, ch. 93-150; s. 44, ch. 98-151; s. 47, ch. 2000-242; s. 147, ch. 2013-183.

513.051 Preemption.—The department is the exclusive regulatory and permitting authority for sanitary and permitting standards for all mobile home parks, lodging parks, recreational vehicle parks, and recreational camps in accordance with this chapter.

History.—s. 8, ch. 93-150; s. 3, ch. 2020-126.

513.052 Inspection of premises.—The department or its agent shall inspect, at least annually, each park or camp that the department determines qualifies as a mobile home, lodging, or recreational vehicle park or a recreational camp; and, for that purpose, the department has the right of entry and access to such park or camp at any reasonable time.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 9, ch. 93-150.

513.053 Prosecution for violation; duty of state attorney.—The department or an agent of the department, upon ascertaining by inspection that a mobile home, lodging, or recreational vehicle park or a recreational camp is being operated contrary to the provisions of this chapter, shall make a complaint and cause the arrest of the violator; and the state attorney, upon request of the department or agent, shall prepare all necessary papers and conduct the prosecution. The department shall proceed in the courts by mandamus or injunction whenever such proceeding is necessary to the proper enforcement of the provisions of this chapter, of the rules adopted pursuant to this chapter, or of orders of the department.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 10, ch. 93-150.

513.054 Penalties for specified offenses by operator.—Any operator of a mobile home park, lodging park, or recreational vehicle park or a recreational camp who obstructs or hinders any agent of the department in the proper discharge of the agent's duties; who fails, neglects, or refuses to obtain a permit for the park or camp or pay the permit fee required by law; or who fails or refuses to perform any duty imposed upon the operator by law or rule is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. On each day that such park or camp is operated in violation of law or rule, there is a separate offense.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 128, ch. 91-224; s. 36, ch. 92-78; s. 11, ch. 93-150.

513.055 Revocation or suspension of permit; fines; procedure.—

(1)(a) The department may suspend or revoke a permit issued to any person for a mobile home park, lodging park, recreational vehicle park, or recreational camp upon the failure of that person to comply with this chapter or the rules adopted under this chapter.

(b) A permit may not be suspended under this section for a period of more than 12 months. At the end of the period of suspension, the permittee may apply for reinstatement or renewal of the permit. A person whose permit is revoked may not apply for another permit for that location prior to the date on which the revoked permit would otherwise have expired.

(2)(a) In lieu of such suspension or revocation of a permit, the department may impose a fine against a permittee for the permittee's failure to comply with the provisions described in paragraph (1)(a) or may place such licensee on probation. No fine so imposed shall exceed \$500 for each offense, and all amounts collected in fines shall be deposited with the Chief Financial Officer to the credit of the County Health Department Trust Fund.

(b) In determining the amount of fine to be imposed, if any, for a violation, the department shall consider the following factors:

1. The gravity of the violation and the extent to which the provisions of the applicable statutes or rules have been violated.

2. Any action taken by the operator to correct the violation.

3. Any previous violation.

History.—ss. 9, 15, ch. 83-321; s. 9, ch. 84-182; s. 17, ch. 93-120; ss. 12, 26, ch. 93-150; ss. 149, 150, ch. 97-101; s. 568, ch. 2003-261.

513.065 Enforcement; citations.—

(1) If the department reasonably believes that a permittee has committed a violation of this chapter which affects the public health, safety, or sanitation, then the department may serve a citation on the permittee for such violation. However, the department must have previously notified the permittee of the violation and the permittee must have failed to timely correct the violation. Citations issued under this section are proposed agency action.

(2) Citations shall be in writing and shall describe the particular violation, including a specific reference to the provision of this chapter or rule promulgated hereunder alleged to have been violated.

(3) The department may seek to impose a fine not to exceed \$500 for each violation cited under this section. Each day a violation continues after an initial citation is issued is a separate violation for which a subsequent citation may be issued. However, if the initial citation is not upheld through an administrative hearing under chapter 120, any subsequent citation for the same violation is void.

(4) Citations shall contain a conspicuous written notice of the permittee's right to request a hearing under chapter 120 within 21 days after the date of receiving the citation and shall contain a description of the procedures to be followed to request such a hearing. Citations shall contain a conspicuous statement that if the permittee fails to timely request an administrative hearing, the permittee may be deemed to have waived the right to an administrative hearing. The statement shall also warn that if the permittee does not request a hearing, the citation becomes final agency action and if the permittee fails to pay the fine within 60 days after the date of receiving the citation, the permittee will be required to pay the maximum fine or penalty.

(5) The department may reduce or waive any civil penalty initially sought to be imposed through a citation. In determining whether to reduce or waive a fine under this section, the department shall use the criteria in s. 513.055(2) (b).

(6) This section is an alternative means of enforcing this chapter. Nothing contained in this section prohibits the department from enforcing this chapter or the rules adopted thereunder by any other means permitted under this chapter. However, the department may only use a single enforcement procedure for any one violation.

(7) Citations issued under this section shall be served on the permittee or individual at the park or camp designated by the permittee except that service may be made by a department designee if designated by rule to effect such service.

History.—s. 13, ch. 93-150; s. 25, ch. 97-98.

513.08 Disposal of sewage.—

(1) It is unlawful to empty any receptacle or fixture containing human excreta, human urine, or any other liquid waste from a mobile home or recreational vehicle or at a recreational campsite except into a sewerage system approved by the department.

(2) The operator or permittee of a mobile home park, lodging park, recreational vehicle park, or recreational camp shall provide such means for the emptying of such receptacles and for their cleaning as specified in the rules of the department.

History.—s. 1, ch. 19365, 1939; CGL 1940 Supp. 4150(2); ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 445, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 8, 14, 15, ch. 83-321; ss. 14, 26, ch. 93-150.

513.10 Operating without permit; enforcement of chapter; penalties.—

(1) Any person who maintains or operates a mobile home park, lodging park, recreational vehicle park, or recreational camp without first obtaining a permit as required by s. 513.02, or who maintains or operates such a park or camp after revocation of the permit, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(2) This chapter or rules adopted under this chapter may be enforced in the manner provided in s. 381.0012 and as provided in this chapter. Violations of this chapter and the rules adopted under this chapter are subject to the penalties provided in this chapter and in s. 381.0061.

History.—s. 1, ch. 19365, 1939; CGL 1940 Supp. 7849(a); s. 1, ch. 59-214; s. 3, ch. 76-168; s. 1, ch. 77-457; s. 6, ch. 80-351; ss. 2, 3, ch. 81-318; ss. 10, 14, 15, ch. 83-321; s. 10, ch. 84-182; s. 129, ch. 91-224; s. 57, ch. 91-297; ss. 15, 26, ch. 93-150; s. 125, ch. 2012-184.

513.1115 Placement of recreational vehicles on lots in permitted parks.—

(1) Separation distances between recreational vehicle sites within a recreational vehicle park must be the distances established at the time of the initial approval of the recreational vehicle park by the department and the local government.

(2) Setback distances from the exterior property boundary of the recreational vehicle park must be the setback distances established at the time of the initial approval by the department and the local government.

(3) If a recreational vehicle park is damaged or destroyed as a result of wind, water, or other natural disaster, the park may be rebuilt on the same site using the same density standards that were approved and permitted before the park was damaged or destroyed.

(4) This section does not limit the regulation of the uniform firesafety standards established under s. 633.206. However, this section supersedes any county, municipality, or special district ordinance or regulation regarding the lot size, lot density, or separation or setback distance of a recreational vehicle park which goes into effect after the initial permitting and construction of the park.

History.—s. 3, ch. 2013-91; s. 125, ch. 2014-17; s. 5, ch. 2020-126.

513.112 Maintenance of guest register and copy of laws.—

(1) It is the duty of each operator of a recreational vehicle park that rents to transient guests to maintain at all times a register, signed by or for guests who occupy rental sites within the park. The register must show the dates upon which the rental sites were occupied by such guests and the rates charged for the guests' occupancy. This register shall be maintained in chronological order and shall be available for inspection by the department at any time. An operator is not required to retain a register that is more than 2 years old.

(2) Such operator shall maintain at all times a current copy of this chapter in the park office, which shall be made available to a member of the public upon request.

(3) When a guest occupies a recreational vehicle in a recreational vehicle park for less than 6 months, as evidenced by the length of stay shown in the guest register, there is a rebuttable presumption that the occupancy is transient.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 17, ch. 93-150; s. 4, ch. 2020-126.

513.114 Liability for property of guests.—

(1) The operator of a recreational vehicle park is not under any obligation to accept for safekeeping any moneys, securities, jewelry, or precious stones of any kind belonging to any guest; and, if such properties are accepted for safekeeping, the operator is not liable for the loss of any of the properties unless such loss was the proximate result of fault or negligence of the operator. However, if the recreational vehicle park gave a receipt for the property, which receipt had a statement of the property value on a form which stated, in type large enough to be clearly noticeable, that such park was not liable for a greater amount than \$1,000 for any loss exceeding \$1,000 and was only liable for an amount up to \$1,000 if the loss was the proximate result of fault or negligence of the operator, the liability of the operator is limited to \$1,000 for such loss.

(2) The operator of a recreational vehicle park is not liable or responsible to any guest for the loss of wearing apparel, goods, or other property, except as provided in subsection (1), unless such loss occurred as the proximate result of fault or negligence of such operator; and, in case of fault or negligence, the operator is not liable for a greater sum than \$500, unless the guest, prior to the loss or damage, filed with the operator an inventory of the guest's effects and their value and the operator was given an opportunity to inspect such effects and check them against such inventory. The operator of a recreational vehicle park is not liable or responsible to any guest for a greater amount than \$1,000 for the loss of effects listed in such inventory as having a value of a total amount exceeding \$1,000.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 63, ch. 87-225; s. 36, ch. 92-78; s. 18, ch. 93-150.

513.115 Unclaimed property.—Any property having an identifiable owner which remains unclaimed after having been held by the park for 90 days after written notice was provided to the guest or the owner of the property becomes the property of the park. Any property that is left by a guest who has vacated the premises without notice to the operator and who has an outstanding account is considered abandoned property, and disposition thereof shall be governed by the Disposition of Personal Property Landlord and Tenant Act under s. 715.10 or under s. 705.185, as applicable.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 64, ch. 87-225; s. 36, ch. 92-78; s. 19, ch. 93-150; s. 6, ch. 2020-126.

513.117 Park rules and regulations.—Any operator of a recreational vehicle park may establish reasonable rules and regulations for the management of the park and its guests and employees; and each guest or employee staying, sojourning, or employed in the park shall conform to, and abide by, such rules and regulations so long as the guest or employee remains in or at the park. Such rules and regulations are deemed to be a special contract between the operator and each guest or employee using the facilities or services of the recreational vehicle park and control the liabilities, responsibilities, and obligations of all parties. Any rules or regulations established pursuant to this section must be printed

in the English language and posted, together with a copy of ss. 513.114, 513.121, and 513.13 and a notice stating that a current copy of this chapter is available in the park office for public inspection, in the registration area of such recreational vehicle park.

History.—s. 11, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 20, ch. 93-150.

513.118 Conduct on premises; refusal of service.—

(1) The operator of a recreational vehicle park may refuse to provide accommodations, service, or access to the premises to any transient guest or visitor whose conduct on the premises of the park displays intoxication, profanity, lewdness, or brawling; who indulges in such language or conduct as to disturb the peace, quiet enjoyment, or comfort of other guests; who engages in illegal or disorderly conduct; or whose conduct constitutes a nuisance or safety hazard.

(2) The operator of a recreational vehicle park may request that a transient guest or visitor who violates subsection (1) leave the premises immediately. A person who refuses to leave the premises commits the offense of trespass as provided in s. 810.08, and the operator may call a law enforcement officer to have the person and his or her property removed under the supervision of the officer. A law enforcement officer is not liable for any claim involving the removal of the person or property from the recreational vehicle park under this section, except as provided in s. 768.28. If conditions do not allow for immediate removal of the person's property, he or she may arrange a reasonable time, not to exceed 48 hours, with the operator to come remove the property, accompanied by a law enforcement officer.

(3) Such refusal of accommodations, service, or access to the premises may not be based upon race, color, national origin, sex, physical disability, or creed.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 21, ch. 93-150; s. 7, ch. 2020-126.

513.121 Obtaining accommodations in a recreational vehicle park with intent to defraud; penalty; rules of evidence.—

(1) Any person who obtains accommodations in a recreational vehicle park which have a value of less than \$300 on a transient basis, with intent to defraud the operator of the park, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083; if such accommodations have a value of \$300 or more, such person is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) In a prosecution under subsection (1), proof that the accommodations were obtained by false pretense; by false or fictitious show of property; by absconding without paying, or offering to pay, for such accommodations; or by surreptitiously removing, or attempting to remove, a recreational vehicle, park trailer, or tent constitutes prima facie evidence of fraudulent intent. If the operator of the park has probable cause to believe, and does believe, that any person has obtained accommodations at the park with intent to defraud the operator of the park, the failure to make payment upon demand for payment, there being no dispute as to the amount owed, constitutes prima facie evidence of fraudulent intent.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 131, ch. 91-224; s. 36, ch. 92-78; s. 22, ch. 93-150.

513.122 Theft of personal property; detention and arrest of violator; theft by employee.—

(1) Any law enforcement officer or operator of a recreational vehicle park who has probable cause to believe, and does believe, that theft of personal property belonging to such park has been committed by a person and that the officer or operator can recover such property or the reasonable value thereof by taking the person into custody may, for the purpose of attempting to effect such recovery or for prosecution, take such person into custody on the premises and detain such person in a reasonable manner and for a reasonable period of time. If the operator takes the person into custody, a law enforcement officer shall be called to the scene immediately. The taking into custody and detention by a law enforcement officer or an operator of a recreational vehicle park, if done in compliance with this subsection, does not render such law enforcement officer or operator criminally or civilly liable for false arrest, false imprisonment, or unlawful detention.

(2) Any law enforcement officer may arrest, either on or off the premises and without warrant, any person if there is probable cause to believe that person has committed theft in a recreational vehicle park.

(3) Any person who resists the reasonable effort of a law enforcement officer or an operator of a recreational vehicle park to recover property that the law enforcement officer or operator has probable cause to believe had been stolen from the recreational vehicle park and who is subsequently found to be guilty of theft of the subject property is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, unless such person did not know, or did not have reason to know, that the person seeking to recover the property was a law enforcement officer or the

operator of the recreational vehicle park. For purposes of this section, the charge of theft and the charge of resisting apprehension may be tried concurrently.

(4) Theft of any property belonging to a guest of a recreational vehicle park permitted under this chapter, or of property belonging to such a park, by an employee of the park or by an employee of a person that has contracted to provide services to the park constitutes a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 36, ch. 92-78; s. 23, ch. 93-150.

513.13 Recreational vehicle parks; ejection; grounds; proceedings.—

(1) The operator of any recreational vehicle park may remove or cause to be removed from such park, in the manner provided in this section, any transient guest of the park who, while on the premises of the park, illegally possesses or deals in a controlled substance as defined in chapter 893; who disturbs the peace, quiet enjoyment, and comfort of other persons; who causes harm to the physical park; who violates the posted park rules and regulations; or who fails to make payment of rent at the rental rate agreed upon and by the time agreed upon. The admission of a person to, or the removal of a person from, any recreational vehicle park may not be based upon race, color, national origin, sex, physical disability, or creed.

(2) The operator of any recreational vehicle park shall notify such guest that the park no longer desires to entertain the guest and shall request that such guest immediately depart from the park. Such notice shall be given in writing, as follows: "You are hereby notified that this recreational vehicle park no longer desires to entertain you as its guest, and you are requested to leave at once. To remain after receipt of this notice is a misdemeanor under the laws of this state." If such guest has paid in advance, the park shall, at the time such notice is given, tender to the guest the unused portion of the advance payment. Any guest who remains or attempts to remain in such park after being requested to leave commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(3) If a guest has accumulated an outstanding account in excess of an amount equivalent to 3 nights' rent at a recreational vehicle park, the operator may disconnect all utilities of the recreational vehicle and notify the guest that the action is for the purpose of requiring the guest to confront the operator or permittee and arrange for the payment of the guest's account. Such arrangement must be in writing, and a copy shall be furnished to the guest. Upon entering into such agreement, the operator shall reconnect the utilities of the recreational vehicle.

(4) If any person is illegally on the premises of any recreational vehicle park, the operator of such park may call upon any law enforcement officer of this state for assistance. It is the duty of such law enforcement officer, upon the request of such operator, to remove from the premises or place under arrest any guest who, according to the park operator, violated subsection (1) or subsection (2). If a warrant has been issued by the proper judicial officer for the arrest of any guest who violates subsection (1) or subsection (2), the officer shall serve the warrant, arrest the guest, and take the guest into custody. Upon removal or arrest, with or without warrant, the guest is deemed to have abandoned or given up any right to occupancy of the premises of the recreational vehicle park; and the operator of the park shall employ all reasonable and proper means to care for any personal property left on the premises by such guest and shall refund any unused portion of moneys paid by such guest for the occupancy of such premises. If conditions do not allow for immediate removal of the guest's property, he or she may arrange a reasonable time, not to exceed 48 hours, with the operator to come remove the property, accompanied by a law enforcement officer.

(5) In addition to the grounds for ejection established by law, grounds for ejection may be established in a written lease agreement between a recreational vehicle park operator or permittee and a recreational vehicle park guest.

History.—ss. 11, 15, ch. 83-321; s. 12, ch. 84-182; s. 93, ch. 85-81; s. 132, ch. 91-224; ss. 24, 26, ch. 93-150; s. 8, ch. 2020-126.

513.151 Recreational vehicle parks; guests in transient occupancy; operator's rights and remedies; writ of distress.—This section applies only to guests in transient occupancy in a recreational vehicle park.

(1) **OPERATOR'S RIGHT TO DISCONNECT UTILITIES.—**

(a) If an operator of a recreational vehicle park makes a reasonable determination that a guest has accumulated a large outstanding account at such park, the operator may disconnect all utilities of the recreational vehicle or tent, except that the operator must not by such actions create a sanitary nuisance. The operator may also take such other measures considered necessary for the purpose of requiring the guest to confront the operator and arrange for payment on the guest's account. Such arrangement must be in writing, and a copy shall be furnished to the guest.

(b) Once the guest has confronted the operator and made arrangement for payment on the guest's account, the operator shall reconnect the utilities of the recreational vehicle or tent, or otherwise reverse the measures taken under paragraph (a).

(2) OPERATOR'S RIGHT TO RECOVER PREMISES.—If the guest of a recreational vehicle park vacates the premises without notice to the operator and the operator reasonably believes the guest does not intend to satisfy the outstanding account, the operator may recover the premises by removing the recreational vehicle or tent from the site. The operator shall take all reasonable and proper means to care for the recreational vehicle or tent until a settlement or a final court judgment is obtained on the guest's outstanding account. Upon recovery of the premises, the operator shall seal, or cause to be sealed, the recreational vehicle in the presence of at least one other person who is not an agent of the operator or shall make an itemized inventory of any property belonging to the guest and store such property until a settlement or a final court judgment is obtained on the guest's outstanding account. Such inventory shall be conducted by the operator and at least one other person who is not an agent of the operator.

(3) OPERATOR'S WRIT OF DISTRESS.—If, after there has been a disconnection of utilities pursuant to subsection (1), a guest fails to make the agreed-upon payments on the guest's account, or, notwithstanding subsection (1), if a guest vacates the premises without making payment on the guest's outstanding account, the operator may proceed to prosecute a writ of distress against the guest and the guest's property. The writ of distress must be predicated on the lien created by s. 713.77.

(a) An action under this subsection must be brought in a court of appropriate jurisdiction in the county where the property is located. If the property consists of separate articles, the value of any one of which articles is within the jurisdictional amount of a lower court but the total value of which articles, taken together, exceeds that jurisdictional amount, the plaintiff may not divide the property to give jurisdiction to the lower court so as to enable the plaintiff to bring separate actions for the property.

(b) To obtain an order authorizing the issuance of a writ of distress upon final judgment, the plaintiff must first file with the clerk of the court a complaint reciting and showing the following information:

1. A statement of the amount of the guest's account at the recreational vehicle park.
2. A statement that the plaintiff is the operator of the recreational vehicle park in which the guest has an outstanding account. If the plaintiff's interest in such account is based on written documents, copies of such documents must be attached to the complaint.
3. A statement that the operator has made a reasonable attempt to obtain payment from the guest for an outstanding account, either by confronting the guest or by a disconnection of utilities pursuant to subsection (1), and a statement that the guest has failed to make any payment or that the guest has vacated the premises without paying the outstanding account.
4. A statement that the account is outstanding and unpaid by the guest; a statement of the services provided to the guest for which the outstanding account was accumulated; and a statement of the cause of such nonpayment according to the best knowledge, information, and belief of the plaintiff.
5. A general statement as to what property the plaintiff is requesting levy against, including the property included in the inventory conducted pursuant to subsection (2) if the operator has recovered the premises, and a statement of the authority under which the plaintiff has a lien against such property.

6. A statement, to the best of the plaintiff's knowledge, that the claimed property has not been taken for a tax, assessment, or fine pursuant to law or taken under an execution or attachment by order of any court.

(c) The officer of the court to whom a writ of distress is directed shall execute the writ of distress by serving it on the defendant and by levying on the property distrainable for services rendered, if such property is found within the area of the officer's jurisdiction. If the property is not found in that jurisdiction but is in another jurisdiction, the officer shall deliver the writ to the proper authority in the other jurisdiction. The writ shall be executed by levying on such property and delivering it to the officer of the court in which the action is pending, and the property shall be disposed of according to law, unless the officer is ordered by such court to hold the property and dispose of it according to law. If the defendant cannot be found, the levy on the property suffices as service of the writ on the defendant if the plaintiff and the officer each file a sworn statement stating that the whereabouts of the defendant are unknown.

(4) OPERATOR'S PREJUDGMENT WRIT OF DISTRESS.—

(a) A prejudgment writ of distress may issue, and the property seized may be delivered forthwith to the plaintiff, if the nature of the claim, the amount of the claim, and the grounds relied upon for the issuance of the writ clearly appear from specific facts shown by the verified petition or by a separate affidavit of the plaintiff.

(b) The prejudgment writ of distress may issue if the court finds, pursuant to paragraph (a), that the defendant has failed to make payment as agreed and that the defendant is engaging in, or is about to engage in, conduct that may place

the claimed property in danger of being destroyed, being concealed, being removed from the state, being removed from the jurisdiction of the court, or being transferred to an innocent purchaser during the pendency of the action.

(c) A prejudgment writ of distress may issue only upon a signed order of a circuit judge or a county court judge. The prejudgment writ of distress must include a notice of the defendant's right to an immediate hearing before the court issuing the writ.

(d) The plaintiff must post bond in the amount of twice the estimated value of the goods subject to the writ or twice the balance of the outstanding account, whichever is the lesser amount as determined by the court, as security for the payment of damages the defendant may sustain if the writ is wrongfully obtained.

(e) The prejudgment writ issued under this subsection must command the officer to whom it may be directed to distrain the described personal property of the defendant and hold such property until final judgment is rendered.

(f)1. The defendant may obtain release of the property seized under a prejudgment writ of distress by posting bond with a surety within 10 days after service of the writ, in the amount of 125 percent of the claimed outstanding account, for the satisfaction of any judgment that may be rendered against the defendant, conditioned upon delivery of the property if the judgment should require it.

2. As an alternative to the procedure prescribed in subparagraph 1., the defendant, by motion filed with the court within 10 days after service of the writ, may obtain the dissolution of a prejudgment writ of distress, unless the plaintiff proves the grounds upon which the writ was issued. The court shall set such motion for an immediate hearing.

(5) INVENTORY OF DISTRAINED PROPERTY.—When the officer seizes distrainable property, either under paragraph (3)(c) or paragraph (4)(e), and such property is seized on the premises of a recreational vehicle park, the officer shall inventory the property; hold those items which, upon the officer's appraisal, would satisfy the plaintiff's claim; and return the remaining items to the defendant. If the defendant cannot be found, the officer shall hold all items of property seized. The officer may release the property only pursuant to law or a court order.

(6) EXECUTION ON PROPERTY IN POSSESSION OF THIRD PERSON.—If the property to be distrained is in the possession of the defendant at the time of the issuance of a writ under subsection (3) or a prejudgment writ under subsection (4) and the property passes into the possession of a third person before the execution of the writ, the officer holding the writ shall execute it on the property in the possession of the third person and shall serve the writ on the defendant and the third person; and the action, with proper amendments, shall proceed against the third person.

(7) CLAIM BY THIRD PERSON TO DISTRAINED PROPERTY.—A third person claiming any property distrained pursuant to this chapter may interpose and prosecute a claim for that property in the same manner as is provided for similar cases of claim to property levied on under execution.

(8) JUDGMENT.—

(a) *For plaintiff.*—

1. If it appears that the account stated in the complaint is wrongfully unpaid, and the property described in such complaint is the defendant's and was held by the officer executing the prejudgment writ, the plaintiff shall have judgment for the damages sustained by the plaintiff, which judgment may include reasonable attorney's fees and costs, by taking title to the defendant's property in the officer's possession or by having the property sold as prescribed in subsection (9).

2.a. If it appears that the property was retained by, or redelivered to, the defendant on the defendant's forthcoming bond, either under subparagraph (4)(f)1. or subparagraph (4)(f)2., the plaintiff shall take judgment for the property, which judgment may include reasonable attorney's fees and costs, and against the defendant and the surety on the forthcoming bond for the value of the outstanding account; and the judgment, which may include reasonable attorney's fees and costs, shall be satisfied by the recovery and sale of the property or the amount adjudged against the defendant and the defendant's surety.

b. After the judgment is rendered, the plaintiff may seek a writ of possession for the property and execution for the plaintiff's costs or may have execution against the defendant and the defendant's surety for the amount recovered and costs. If the plaintiff elects to have a writ of possession for the property and the officer returns that the officer is unable to find the property or any part of it, the plaintiff may immediately have execution against the defendant and the defendant's surety for the whole amount recovered less the value of any property found by the officer. If the plaintiff has execution for the whole amount, the officer shall release all property taken under the writ of possession.

c. In any proceeding to ascertain the value of the property so that judgment for the value may be entered, the value of each article must be found. When a lot of goods, wares, or merchandise has been distrained, it is sufficient to ascertain the total value of the entire lot found, and it is not necessary to ascertain the value of each article of the lot.

(b) *For defendant.*—

1. If property has been retained by, or redelivered to, the defendant on the defendant's forthcoming bond or upon the dissolution of a prejudgment writ and the defendant prevails, the defendant shall have judgment against the plaintiff for any damages of the defendant for the taking of the property, which judgment may include reasonable attorney's fees and costs.

2. If the property has not been retained by, or redelivered to, the defendant and the defendant prevails, judgment shall be entered against the plaintiff for possession of the property, which judgment may include reasonable attorney's fees and costs.

3. The remedies provided in this paragraph do not preclude any other remedies available under the laws of this state.

(9) **SALE OF DISTRAINED PROPERTY.**—

(a) If the judgment is for the plaintiff, the property in whole or in part shall, at the plaintiff's option pursuant to subparagraph (8)(a)1. or subparagraph (8)(a)2., be sold and the proceeds applied to the payment of the judgment.

(b) Before any property levied on is sold, it must be advertised two times, the first advertisement being at least 10 days before the sale. All property so levied on may be sold on the premises of the recreational vehicle park or at the courthouse door.

(c) If the defendant appeals and obtains a writ of supersedeas before sale of the property, the officer executing the writ shall hold the property, and there may not be any sale or disposition of the property until final judgment is had on appeal.

(10) **EXEMPTIONS FROM DISTRESS AND SALE.**—The following property of a guest is exempt from distress and sale under this chapter:

(a) From final distress and sale: clothing; and items essential to the health and safety of the guest.

(b) From prejudgment writ of distress: clothing; items essential to the health and safety of the guest; and any tools of the guest's trade or profession, business papers, or other items directly related to such trade or profession.

History.—s. 13, ch. 84-182; s. 1, ch. 85-65; s. 94, ch. 85-81; s. 36, ch. 92-78; s. 25, ch. 93-150.

ROCKLEDGE

**RECREATION VEHICLE
ZONING DISTRICT
INFORMATION**

SECTION 62.90. - RVP—RECREATIONAL VEHICLE PARK DISTRICT

City of Rockledge

62.91. - Intent.

The letters RV or RVP appearing in these regulations mean "recreational vehicle" or "recreational vehicles park" respectively, when the context so requires or permits. The RVP (recreational vehicle park) district is intended as an area in which recreational vehicle may be operated for the convenience of persons desiring "temporary" accommodations for camping, tenting and recreational vehicles. The use character of the RVP district shall be deemed commercial in nature, as distinguished from residential, and any recreational vehicle, tent, camper, recreational vehicle or other habitable unit occupied by a guest or patron of a recreational vehicle park shall not be deemed to be a "resident," nor a "residence," "dwelling," or "place of residence" within the meaning of other provisions of the Rockledge Zoning Codes which prohibit or restrict land usage in relation to residences.

(Ord. No. 1082-94, § 1, 6-15-94)

62.91.1. - Definitions.

As used in this section:

Building official means the city's duly appointed building and zoning enforcement officer or his authorized representative.

Entrance road means the principal road or roads by which residents and the general public obtain ingress and egress to and from recreational vehicle park premises.

Health officer means the legally designated health authority of the city or his authorized agent.

Sanitary station means a facility used for removing and disposing of wastes from recreational vehicle holding tanks.

Service building means a building housing facilities such as recreational, maintenance, laundry and office structures necessary to the successful development and management of a recreational vehicle park.

Tent means a collapsible structure of canvas or other material, stretched and sustained by poles and usually made fast by ropes attached to pegs or stakes hammered into the ground.

Recreational vehicle-type unit means a unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. Recreational vehicle-type units, when traveling on public roadways of this state, must comply with the length and width provisions of Florida Statutes Section 316.515, as that section may hereafter be amended. As defined below, the basic entities are as follows:

- (a) Travel trailer, including a "fifth-wheeled travel trailer," is a vehicular, portable unit mounted on wheels, of such size and weight as not to require special highway moving permits when drawn by a motorized vehicle. It is primarily designed and constructed for recreational, camping, or travel. It has

a body width of no more than eight and one-half (8½) feet and an overall body length of no more than forty (40) feet when factory-equipped for the road.

- (b) Truck camper is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping and travel use.
- (c) Motor home is a vehicular unit which does not exceed forty (40) feet in length and the height and width limitation provided in Florida Statutes Section 316.515, self-propelled, and primarily designed to provide temporary living quarters for recreational, camping and travel use.
- (d) Camping trailer is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalks which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.
- (e) Private motor coach is a vehicular unit which does not exceed the length, width, and height limitations provided in Florida Statutes Section 316.515(9), is built on a self-propelled bus type chassis having no fewer than three (3) load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.
- (f) Van conversion is a vehicular unit which does not exceed the length and width limitations provided in Florida Statutes Section 316.515, is built on a self-propelled motor chassis, and is designated for recreational, camping, or travel use.
- (g) Park trailer is a transportable unit which has a body width not exceeding twelve (12) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. The total area of the unit in a setup mode, when measured from the exterior surface of the exterior stud walls at the level of maximum dimensions, not including any bay windows, does not exceed four hundred (400) square feet when constructed to ANSI A-119.5 standards, and five hundred (500) square feet when constructed to United States Department of Housing and Urban Development Standards. The length of the park trailer means the distance from the exterior of the front of the body (nearest to the drawbar and coupling mechanism) to the exterior of the body (at the opposite end of the body), including any protrusions.

Recreational vehicle park means a development in which sites are rented for the placement of recreational vehicles type units, or tents, or both for temporary use as living quarters.

Recreational vehicle site means a parcel of land within a recreational vehicle park designed and improved for the accommodation of not more than one recreational vehicle or one tent.

(Ord. No. 1082-94, § 1, 6-15-94)

62.91.2. - Inspections authorized.

The building official is hereby authorized to make periodic inspections of the recreational vehicle park and recreational vehicle sites for the purpose of determining satisfactory compliance with the regulations of this section pertaining to the health, safety and welfare of the residents of this city.

periphery of the recreational vehicle park is required for use by the general public.

- (2) Mobile home or single-family residence for the use of duly employed managers or assistant managers; however, in no event shall the total number of residences under subsection (b)(9) and this subsection exceed two (2).

(d) *Prohibited.* The following uses are specifically prohibited in the RVP recreational vehicle park district:

- (1) Any residential dwelling unit, with the exception of mobile home or single-family residence, per subsections (b)(9) and (c)(2).
- (2) Home occupations (per Section 80.03).
- (3) Adult business establishments.
- (4) Child care centers.
- (5) Major, structural or mechanical repairs or maintenance of RV's.

(Ord. No. 1082-94, § 1, 6-15-94)

62.93. - Building requirements.

The maximum building height is twenty-five (25) feet.

(Ord. No. 1082-94, § 1, 6-15-94)

62.94. - Submission of a site plan.

No change in zoning classification to a recreational vehicle park zone (RVP) shall be granted nor shall any use and occupancy permit [be] issued unless such application for zoning change or application for use and occupancy permit is predicated upon, among other factors, the submission and approval of a site plan of development, which site plan shall contain the following information:

- (A) Name and address of applicant.
- (B) Location and legal description of the proposed or existing recreational vehicle park.
- (C) Locations and dimensions of all existing and proposed streets, alleyways, rights-of-way, public easements and buffer zones.
- (D) Location and dimensions of all proposed recreational vehicle sites.
- (E) Locations, plans and specifications of all proposed service buildings and recreation area or areas.
- (F) Locations and sizes of water and sewer lines, and restroom facilities.
- (G) Designations of streets to be paved.
- (H) Locations of lighting stands.
- (I) All setback dimensions.
- (J) Locations and dimensions of the recreational vehicle park buffer area.
- (K) Such further information as may be required by the health officer to determine if the proposed recreational vehicle park is in compliance with the applicable health regulations.
- (L) If the applicant desires to alter or expand an existing recreational vehicle park, an additional site

(Ord. No. 1082-94, § 1, 6-15-94)

Editor's note— At the direction of the city, former §§ 11-61 and 11-62 of the Code of Ordinances have been included herein as §§ 62.91.2 and 62.91.3.

62.91.3. - Location to comply with zoning.

No recreational vehicle park shall be located within the city except in an area zoned for recreational vehicle parks (RVP) by the Zoning Ordinance of the city.

(Ord. No. 1082-94, § 1, 6-15-94)

Note— See the editor's note following § 62.91.2.

62.92. - Uses.

- (a) *Principal*. Within any RVP recreational vehicle park district, no building, structure, land or water shall be used except for one or more of the following uses:
- (1) Recreational vehicle park. Spaces in recreational vehicle parks may be used by recreational vehicles, or equivalent facilities constructed in or on automotive vehicles, tents or other short-term housing devices. Nonrecreational service and administrative buildings are permitted.
- (b) *Accessory*. The following uses are permitted as accessories to the recreational vehicle park as a convenience solely for the guests of the park:
- (1) Bottled gas sales.
 - (2) Grocery store.
 - (3) Petroleum products (gas, oil, etc.) sales and service.
 - (4) Laundry facilities.
 - (5) Playgrounds and picnic areas.
 - (6) Recreational hall and game courts.
 - (7) Swimming pools.
 - (8) Marina and boat rental (including bait, fishing and sports accessories sales).
 - (9) Manager's residence.
 - (10) Beauty and barber shop.
 - (11) Snack bar facilities seating no more than twenty (20) people.
 - (12) Minor RV accessory parts.
- (c) *Special exceptions*. When, after review of an application with plans pertinent thereto and hearing thereon, the board of adjustment finds that the proposed use or uses are in harmony with the purpose and intent of this Zoning Ordinance and with the comprehensive plan and with the public interest, the following conditional uses may be granted:
- (1) A marina and boat rental (including bait, fishing and sports accessories sales) planned to service both recreational vehicle park visitors and the general public. A separate access road on the

plan shall be submitted indicating the locations and dimensions of the altered, additional and existing recreational vehicle sites, streets, walkways and service buildings.

(M) Drainage plan.

(N) Any other exhibits as may be required by the building official, zoning department and the health officer.

(Ord. No. 1082-94, § 1, 6-15-94)

62.94.1. - Site plan review.

[(a)] The site plan shall be reviewed by the city planning commission, health officer and any other departments or officials as deemed necessary by the city manager prior to a final decision by the city council.

[(b)] Prior to the issuance of a building permit, the applicant shall submit a site plan to the city for its review and approval, according to the site plan review process established in this Code, entitled "Recreational Vehicle Parks."

(Ord. No. 1082-94, § 1, 6-15-94)

62.95. - Design standards for parks.

(A) *Minimum size.* Each parcel of land to be used for a recreational vehicle park shall be a minimum of ten (10) acres.

(B) *Density.* There shall be a minimum of fifteen (15) recreational vehicle sites per gross acre of land within the recreational vehicle park. This shall also apply to any tent camping area.

(C) *Streets and parking.* Access to park shall be:

(1) *[Entrance roads.]* Direct vehicular access to the recreational vehicle park shall be only from an abutting approved street. Access to the park shall be so located as to:

(a) Provide minimum congestion on the external street;

(b) Provide a clear and unobstructed view of oncoming traffic from both directions for a distance of not less than three hundred fifty (350) feet;

(c) Provide for good vehicular circulation in the park.

The administrative facility of the recreational vehicle park shall be private and shall be so located as to assure the complete removal of recreational vehicle units from the public right-of-way during the check-in process.

(2) *Width of streets.* Streets in a recreational vehicle park shall be private and shall be at least of the following widths:

(a) A one-way street shall be at least twelve (12) feet in width.

(b) A two-way street shall be at least twenty-four (24) feet in width.

(3) *Street surfacing.* Access roads entering a recreational vehicle park shall match the surface of the public road providing access to the park. If the public road is paved, the access road of a recreational

vehicle park shall be paved for a distance of one hundred (100) feet into the park from all entrances and exits, and shall be at least twenty-four (24) feet in width. Recreational vehicle park roads which are not paved shall be hard surfaced, well-drained and all weather stabilized (e.g., shell, marl, etc.).

- (4) *Road curves; cul-de-sacs.* All road curves shall have a minimum turning radius of fifty (50) feet.

All cul-de-sacs shall have a maximum length of five hundred (500) feet and terminate in a turning circle having a minimum radius of fifty (50) feet.

- (5) *Parking.* Each recreational vehicle site shall have off-street parking pads for both recreational vehicle and towing vehicles. The pads shall be composed of marl, shell, paving or other stabilized material. The remainder of each recreational vehicle site shall be well-drained, grassed and landscaped.

(D) *On-site buffer strips.*

- (1) There shall be a suitable landscaped perimeter buffer strip not less than twenty-five (25) feet in depth between recreational vehicle sites and all public streets abutting the recreational vehicle park, and a landscaped buffer strip of not less than fifteen (15) feet in depth between recreational vehicle sites and all other boundaries of the park. Within all buffer strips (except waterfront) there shall be a plant or structural screen which shall be semi-opaque and at least six (6) feet high and shall extend the length of the buffer strip except for street openings. Newly planted screens shall meet the height and opaqueness requirements within twelve (12) months of planting. The landscaped buffer strip shall be separate from recreational areas, streets, recreational vehicle sites and utility sites, but may be utilized for drainage purposes and two (2) identification signs.

- (2) No camper sites, tents, camper storage area, service building, recreation facility or structures comprising part of the internal operation of a recreational vehicle park shall be located within a distance of fifty (50) feet from the external boundary of any district or area zoned for residential purposes by the City of Rockledge, City of Cocoa, Brevard County, or other zoning authority, it being the purpose of this provision to require a buffer strip at least fifty (50) feet wide between the external boundary of any residential district of any zoning authority, and any camper site or operational facility of a recreational vehicle park.

- (E) *Recreational areas.* A minimum of ten (10) percent of the total land area of a recreational vehicle park shall be devoted to one or more common use areas for recreational activity. Such recreational areas shall be exclusive of recreational vehicle sites, buffer strips, street right-of-way and storage areas; however, the periphery of such recreational areas may contain utility sites, and other nonrecreational service buildings, the area of which will be subtracted from the computed "recreational area." Recreational areas shall be easily accessible to all park users and management. The required space for recreational usage may be met through more than one recreational site, provided the site plan of the recreational vehicle park, including recreational area, is first approved pursuant to the provisions of this Code. Provision for all common open space and the construction of recreational facilities which are shown on the site plan shall proceed at an equivalent, or greater, rate as the construction of individual recreational vehicle sites.

- (F) *Tent camping.* Areas may be set aside for tent camping in accordance with all provisions of this section, except:

- (1) There shall be a stabilized pad on the site for parking of the transportation vehicle.
- (2) Tent camping may be permitted on a recreational vehicle site.

(G) *Design requirements for sites.*

- (1) *Minimum size.* Back-in parking sites shall have a minimum area of fifteen hundred (1500) square feet. Drive-through parking sites shall have a minimum area of twelve hundred (1200) square feet.
- (2) *Access.* Each recreational vehicle site shall abut on at least one street within the boundaries of the recreational vehicle park and access to the site shall be only from such an internal street.
- (3) *Setback requirements.* No part of a recreational vehicle placed on a recreational vehicle site shall be closer than five (5) feet to any site line and ten (10) feet to any street.
- (4) *Appurtenances.* Temporary appurtenances, such as cabanas and awnings, may be erected on a recreational vehicle site as long as such appurtenances do not violate the setback requirements as set forth in this section and as long as such appurtenances are capable of being dismantled and stored within four (4) hours. Vinyl window inserts may be used on the inside of screen rooms, using vinyl windows will not constitute a Florida Room, which requires additional electrical outlet restrictions.

(H) *Operation generally.*

- (1) *Responsibilities of management.* The owner of a recreational vehicle park or the park management shall at all times maintain the park and its facilities in a clean, orderly and sanitary condition. The park management shall inform all park occupants of the provisions of this section and other related ordinances and statutes, and of their responsibilities thereunder.
 - (2) *Length of occupancy.* No owner or operator of any recreational vehicle park in the City of Rockledge shall allow or permit any guest sites in such recreational vehicle park to be rented to nor occupied by any person or recreational vehicle for any period of time that would permit or allow such person or recreational vehicle to remain at such recreational vehicle park for more than one hundred eighty (180) days in any twelve (12) consecutive month period.
 - (3) *Register of occupants.* The owner or operator of any recreational vehicle park in the City of Rockledge shall file with the Rockledge Building Department quarter-annually a report showing the dates of arrival and departure and the guest sites occupied by each guest at the recreational vehicle park during the preceding calendar quarter. Such reports shall be filed not later than April 15th, July 15th, October 15th and January 15th for the immediately preceding calendar quarter
 - (4) *Evacuation.* It shall be the responsibility of the park management to notify all park occupants of the need to evacuate the recreational vehicle park in case of fire, wind, water or other manmade disasters or acts of God.
- (I) *Service buildings to comply with other codes.* All service buildings shall comply with the building codes and regulations as adopted by the city concerning buildings, electrical installations, plumbing and sanitation systems.
- (J) *Water supply.* An adequate supply of water shall be provided in accordance with the state sanitary code and the city ordinances. A minimum of one potable water supply outlet shall be provided for every two (2) recreational vehicle sites. Each recreational area and bathhouse restroom facility shall have at least

one approved drinking fountain in close proximity.

- (K) *Sewage disposal generally.* All sewage disposal facilities shall be provided in accordance with the state sanitary code and the city ordinances.
- (L) *Sanitary dumping stations.* At least one sanitary dumping station shall be provided in every recreational vehicle park. Such station shall be readily accessible and well lighted. The following schedule shall be used in determining additional dumping stations based on the number of sites which are not connected individually to sewer lines: For every fifty (50) sites or fractional part thereof, beyond the first fifty (50) sites, one sanitary dumping station shall be provided.
- (M) *Bathhouse-restroom facilities.*
 - (1) At least one central bathhouse-restroom building shall be provided for every recreational vehicle park. Facilities shall be provided according to the total number of spaces within the park.
 - (2) A bathhouse-restroom facility shall be located within three hundred (300) feet of all camping units which are either not supplied with sewer connections or not capable of utilizing such connections (e.g., tents, camper trailers).
 - (3) Any dispersed bathhouse-restroom facility provided to meet the distance requirement of three hundred (300) feet shall have at least two (2) of each of the following fixtures for men and women: Toilets, urinals, lavatories and showers.
 - (4) Recreational areas shall be located within three hundred (300) feet of a bathhouse-restroom facility.
 - (5) The following schedule indicates the minimum number of bath and toilet facilities required based upon the total number of spaces within the recreational vehicle park:

Number of Spaces	Toilets		Urinals	Lavatories		Showers		Laundry Sinks
	M	W	M	M	W	M	W	
1—15	1	1	1	1	1	1	1	2
16—30	1	2	1	2	2	1	1	2
31—45	2	2	1	3	3	1	1	2
46—60	2	3	2	3	3	2	2	2
61—80	3	4	2	4	4	2	2	2
81—100	3	4	2	4	4	3	3	2

- (6) For recreational vehicle parks having more than one hundred (100) recreational vehicle spaces there shall be provided:
- One additional toilet and lavatory for each sex per additional thirty (30) recreational vehicle spaces.
 - One additional shower for each sex per each additional forty (40) recreational vehicle spaces.
 - One additional men's urinal per each additional one hundred (100) recreational vehicle spaces.
- (N) *Lighting.* All entrances, exits, streets and service buildings shall be well lighted during the hours of darkness. Street lighting may be overhead or low level but must be shaded and reflected into the street and should be of low intensity. All recreational facilities which are to be utilized during the hours of darkness shall be adequately lighted to insure the safety of all users of such facilities.
- (O) *Electricity.* Each recreational vehicle site shall be equipped with at least a 110/115 volt, 20 amp three-wire grounded weather-proof receptacle mounted on a three (3) foot high post. Separate PVC Type A conduit for each circuit shall be run underground to each site from a central circuit breaker panel. The conduit shall be buried at least eighteen (18) inches deep. The individual breakers in the panel shall be 20 amp. The conductors and ground shall be Type TW and sized so the load imposed on each conductor is 20 amps or less. Maximum run shall be one hundred (100) feet for #10 wire, two hundred (200) feet for #8 wire, and three hundred (300) feet for #6 wire. Rigid metal conduit shall be used where any service wire comes out of the ground to receptacle. (EMT not permitted.)
- (P) *Service and utility lines.* All service and utility lines in a recreational vehicle park shall be installed underground and at a minimum depth of eighteen (18) inches.
- (Q) *Refuse handling.* Each recreational vehicle site shall be provided with at least one flytight, watertight, rodentproof container of a capacity not less than four (4) gallons and not more than thirty (30) gallons. However, this is not required when sites are within two hundred (200) feet of a large covered trash receptacle (e.g., Dempster Dumpster). All refuse shall be collected at least twice weekly and where public or private collection service is not available, the owner or operator of the recreational vehicle park shall dispose of the refuse by transporting it to a disposal site approved by the city. All refuse shall be collected and transported in covered vehicles or covered containers.
- (R) *Insect and rodent control.* Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements and regulations of the city and the sanitary code of the state. Adequate drainage systems will be provided and maintained in such a manner as to prevent the breeding of mosquitoes and other obnoxious insects in the park.
- (S) *Fire protection and prevention.* The recreational vehicle park shall be subject to the rules and regulations of the fire department. Fires shall be made only in stoves, fireplaces and other equipment as permitted by the fire department.
- (T) *Fuel supply and storage.* All installations and tanks furnishing or storing any type of gaseous fuels to be used by the occupants of the recreational vehicle park shall comply with the rules and regulations of the

city.

- (U) *Storage of recreational vehicles.* Outdoor storage of recreational vehicle is permitted provided that such storage takes place within an area especially set aside for such use.
- (V) *Signs.* Those signs necessary for directional or safety purposes are permitted. Two (2) identification signs are permitted within the buffer area, and shall be set back not less than fifteen (15) feet from the public road right-of-way and shall not exceed sixty (60) square feet in size. The lighting of all signs shall be shaded and directed away from roads and adjoining property.
- (W) *Animal control.* It shall be the responsibility of the park manager to insure that no owner or person in charge of an animal shall permit said animal to run at large or to commit any nuisance within the limits of any recreational vehicle park.

(Ord. No. 1082-94, § 1, 6-15-94)

62.95.1. - Setbacks and buffers.

Setbacks and buffers shall be in accordance with the requirements of this Code.

(Ord. No. 1082-94, § 1, 6-15-94)

62.96. - Special requirements.

- (a) *Dumpster visual barrier.* See Section 57.58 of this Code.
- (b) *Signs.* Signs shall be allowed in the RVP district only as specifically permitted by the provisions of Section 86.00 of this Code.

(Ord. No. 1082-94, § 1, 6-15-94)

62.97. - Permit required.

- A. *Use and occupancy permit required; application; fee.* It shall be unlawful for any person to operate a recreational vehicle park within the city without first obtaining a use and occupancy permit, in the name of such person, to operate the specific park. Such permit shall be issued annually by the city clerk. All applications for permits shall be made to the city clerk who shall issue a license upon compliance by the applicant with provisions of this section and regulations stated herein and other applicable legal requirements. Application for original approval shall be made in writing, accompanied by a filing fee of thirty-five dollars (\$35.00) and shall contain:
 - (1) The name and address of the applicant and owner of the property involved.
 - (2) The location and legal description of the recreational vehicle park area.
 - (3) A site plan of the recreational vehicle area showing all lots, spaces, structures, roads, walkways, sanitary stations and other information as outlined in this section.
- B. *Renewal of permits.* Application for renewals of permits shall be made in writing by the holders of the permits, shall be accompanied by a filing fee of fifty cents (\$0.50) per lot or twenty dollars (\$20.00), whichever shall be greater, and shall contain any change in the information submitted since the original permit was issued or the latest renewal granted.

C. *Permit revocation.* Whenever the building official, upon inspection of a recreational vehicle park, finds that conditions or practices exist which are in violation of any applicable provision of this Code, he shall furnish the permittee with a list of violations that said inspection shall reveal, and give the permittee written notice of a specific reasonable time in which to remedy said violations. Failure of the permittee to remedy said violations within said specific time shall result in the revocation of the permit. Said permit shall be reissued only if said violations shall have been remedied to comply with the requirements of this section. The users of the recreational vehicle park shall have two (2) days from the date of said revocation in which to vacate said recreational vehicle park. The permittee shall be granted a hearing on such revocation before the city council provided a request is made by said applicant within thirty (30) days after said revocation.

(Ord. No. 1082-94, § 1, 6-15-94)

62.98. - Violations and penalties.

Any person violating any provision of this section shall be guilty of an offense against the City of Rockledge and upon conviction thereof shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed sixty (60) days, or both such fine and imprisonment. In addition to the punishment hereinabove authorized, the provisions of this section may be enforced through the powers and authority of the Rockledge Code Enforcement Board, as authorized by Florida Statutes and Rockledge city ordinances, or by suit for prohibitory or mandatory injunctive relief, or by any other lawful remedy existing at law or in equity for the enforcement for the municipal ordinances. The penalty provisions of this section shall be in addition to the recreational vehicle park permit revocation provisions provided for elsewhere in this Code.

(Ord. No. 1082-94, § 1, 6-15-94)

RECREATION VEHICLE ZONING DISTRICT

VICE CHAIR – LIZ RITTER

(WILL PROVIDE REVIEW FOR TOWN OF
MALABAR BY EMAIL OR HANDOUTS AT
MEETING)