

**ORDINANCE 2021-09**

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA; AMENDING THE TOWN'S LAND DEVELOPMENT CODE; PROVIDING A NEW ZONING DESIGNATION FOR RECREATIONAL VEHICLE PARKS (RVP); AMENDING ARTICLE II, SECTION 1-2.2, TABLE 1-2.1, TO REFLECT SUCH NEW DESIGNATION; AMENDING ARTICLE III, SECTION 1-3.1, BY CREATING A NEW SUBSECTION 1-3.1 "P. RVP "RECREATIONAL VEHICLE PARK" ; AMENDING SECTION 1-3.2, TABLE 1-3.2 TO INCLUDE RECREATIONAL VEHICLE PARKS AS A PERMITTED USE IN THE R-MH ZONING DISTRICT; AMENDING SECTION 1-3.3, SIZE AND DIMENSION CRITERIA, SUBSECTION "A", AND BY CREATING A NEW SUBSECTION "G"; PROVIDING FOR AN APPLICATION AND OPERATIONAL PROCEDURES FOR RECREATIONAL VEHICLE PARKS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

**WHEREAS**, in Florida State Statute, Chapter 513, entitled Mobile Home and Recreational Vehicle Parks, and Chapter 64E-15 of the Florida Administrative Code, the State of Florida regulates items pursuant to the permitting, fees, licensures, and operational components of mobile home and recreational vehicle park(s); and

**WHEREAS**, a local government agency has the authority to derive standards of placement, separation distance, setbacks, and fire protection of recreational vehicle parks upon initial approval by the building department and local government per Florida State Statute section 513.1115; and

**WHEREAS**, after the initial permitting and construction of the park, FSS Chapter 513 supersedes any local ordinances; and

**WHEREAS**, at present, there are no rules or regulations pertaining to Recreational Vehicle Parks and their operations in the Town Code; and

**WHEREAS**, on June 23, 2021, the Malabar Planning and Zoning Board held a publicly advertised meeting to discuss and recommend such amendments to the Town Code; and

**WHEREAS**, Town Council has determined that the proposed amendments serve the public health, safety and welfare of the citizens of the Town of Malabar, Florida.

**NOW THEREFORE BE IT ORDAINED** by the Town Council for the Town of Malabar, Brevard County, Florida:

**SECTION 1.** Article II, Section 1-2.2, Table 1-2.1 of the Town Land Development Code is hereby amended to provide a new Recreational Vehicle Park (RVP) Zoning District under the Future Land Use Designation High Density Residential (HDR), which shall read as follows:

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Future Land Use Map Designations		Corresponding Zoning Districts	
OSR	Open Space and Recreation	CP INS	Coastal Preservation Institutional
RR	Rural Residential	RR-65	Rural Residential
LDR	Low Density Residential	RS-21	Single Family LDR
MDR	Medium Density Residential	RS-15 RS-10 RM-4	Single Family MDR Single Family MDR Multiple Family MDR
HDR	High Density Residential	RM-6 R-MH RVP	Multiple Family HDR Residential Mobile Home Recreational Vehicle Park
MRO	Multiple-family Residential or Office Space	RM-4 RM-6 OI	Multiple Family HDR Multiple Family MDR Office-Institutional
OI	Office-Institutional	OI INS	Office-Institutional Institutional
CL	Commercial Limited	CL	Commercial Limited
CG	Commercial General	CG	Commercial General
R/LC	Residential and Limited Commercial	R/LC	Residential and Limited Commercial
IND	Industrial	IND	Industrial
INS	Institutional	INS	Institutional
*PUD(R)	Planned Unit Development (Residential)	PUD(R)	Planned Unit Development (Residential)
*PUD(C)	Planned Unit Development (Commercial)	PUD(C)	Planned Unit Development (Commercial)
*PUD(I)	Planned Unit Development (Industrial)	PUD(I)	Planned Unit Development (Industrial)

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**SECTION 2.** Article III Section 1-3.1, Purpose and Intent of Districts, is hereby amended to create a new subsection “P”, which shall read as follows:

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*“P. RVP “Recreational Vehicle Park.” The RVP district is established to implement comprehensive plan policies for managing local zoning and site development design criteria on land specifically designated for Recreational Vehicle Park(s) as designated By Florida State Statute Chapter 513 entitled Mobile Home and Recreational Vehicle Parks, as well as Chapter 64E-15, Florida Administrative Code.”*

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**SECTION 3.** Article III, Section 1-3.2, Table 1-3.2 Land Use by District is hereby amended to add and include Recreational Vehicle Parks (RVP) as a permitted use in R-MH, which shall read as follows:

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COMMERCIAL ACTIVITIES												
Adult Activities											C	
Bars and Lounges											C	
Bed and Breakfast												p <sup>1</sup>
Business and Professional Offices								P	P	P	P	P
Enclosed Commercial Amusement											P	
Arcade Amusement Center/ Electronic Gaming Establishment											C <sup>2</sup>	
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*	
Medical Services								P	P	P	P	
Mini Warehouse/Storage										C	P	P
Parking Lots and Facilities								P	P	P	P	
Recreational Vehicle Park								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
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
WATER DEVELOPMENT NONCOMMERCIAL ACTIVITIES												
Noncommercial piers, boat slips, and docks												

C	=	Conditional Use
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P	=	Permitted Uses
A	=	Accessory Use
*	=	These uses are permitted only on sites abutting Babcock Street, US 1, West Railroad Avenue, Garden Street and Pine Street.
1	=	Allowing up to 1,000 square feet of a church or educational institution for the housing of a caretaker or security guard serving the church or educational institution. No such use shall be allowed unless administrative approval is granted by the Town.

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**SECTION 4.** Article III, Section 1-3.3, Subsection “A”, shall be amended to include specific direction for criteria regarding Recreational Vehicle Parks (RVP), which shall read as follows:

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“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, except for Recreational Vehicle Park District, which is specifically described within section 1-3.3, Item G. All developments shall have a total land area sufficient to satisfy all standards stipulated within the land development code, including but not limited to:

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**SECTION 5.** Article III, Section 1-3.3, Size and Dimension Criteria, is hereby amended to include a new Subsection “G”, which shall read as follows:

...

“G. Recreational Vehicle Park zoning district shall be to locate and establish areas within the Town which are deemed to be uniquely suited for the development of Recreational Vehicle Parks and land use activities, i.e., travel trailers, motor homes, camping tents, and trailers occupied as temporary living quarters; to designate those uses and services deemed appropriate and proper for location and development within the zoning district; and to establish such development standards and provisions as are appropriate to ensure proper development and functioning of uses within the district consistent with Florida State Statute Chapter 513 entitled Mobile Home and Recreational Vehicle Parks, as well as Chapter 64E-15, Florida Administrative Code, as amended from time to time.

(1) Principal uses and structures:

- a) A recreational vehicle-type 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: travel trailer, camping trailer, camping trailer, motor home, private motor coach, van conversion, park trailer (this would include a 500sq stud wall constructed, yet transportable), fifth-wheel trailer, as defined by Florida Statute 320.01 (1)(b), as amended from time to time.
  - b) Management offices and residence (a mobile home may be allowed for a manager's residence only).
- (2) Accessory uses include:
- a) Grocery store.
  - b) Bottled/Metered gas sales.
  - c) Laundry facilities.
  - d) Recreational facilities such as playgrounds, picnic areas, swimming pools, game courts, and recreation hall.
  - e) Public & Private utility equipment and facilities.
- (3) Conditional uses:
- a) Marina and boat rental including bait, fishing, and sports accessories sales serving guests of the park and/or the general public.
- (4) Design standards for recreational vehicle parks.
- a) Minimum size: five (5) acres.
  - b) Maximum density: fifteen (15) travel trailer/R.V. sites per gross acre of land. This shall also apply to any tent camping areas.
  - c) Streets and parking:
    1. Direct access to the recreational vehicle park shall be from an arterial roadway. The administrative office of the park shall be so located as to assure that no recreational vehicles are parked in the right-of-way during the check-in process or while waiting for others to be checked in.
    2. Width of streets. Streets or driveways in a recreational vehicle park shall be private and shall have the following widths:
      - (a) A one-way street/drive shall be at least twelve (12) feet in width.
      - (b) A two-way street/drive shall be at least twenty-four (24) feet in width.
    3. Street surfacing. All roads or driveways shall be paved meeting town standards.

4. Road curves. All road curves shall have a minimum turning radius of fifty (50) feet. All culs-de-sac 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 R.V./travel trailer site shall have off-street parking pads for both recreational vehicles and for towing vehicles. The pads shall be composed of a stabilized material meeting town standards to accommodate the size of the vehicle and be composition of materials examples: asphalt, cement, gravel, pavers, or LID methods (pervious asphalt, pervious concrete, etc.)
- d) Buffer strips. A twenty-five (25) foot minimum yard setback shall be provided from all exterior property lines and rights-of-way for the rear and sides of the property and a minimum of fifty (50) foot for and roadway frontage of the property. The recreational vehicle park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, wood or PVC fence, or evergreen hedge not less than six (6) feet in height. The buffer strip shall be separate from recreational areas, streets, driveways, travel trailer sites (R.V. sites) and utility sites but may be utilized for stormwater drainage and retention purposes. The provisions for buffer strips may be waived or reduced by the Town Council taking into consideration the use of abutting properties. Furthermore, any portion of the property which fronts a public right of way will not be required to be enclosed along such right of way.
- e) Recreational areas. A minimum of ten percent (10%) of the total land area of a Recreational Vehicle Park shall be devoted to one (1) or more common use areas for recreational activity. In addition, for every travel trailer and tent site, there shall be allocated an additional one hundred (100) square feet of land for recreational activity.
  1. However, this requirement is not necessary when the proposed development is a density of ten (10) sites per gross acre or less. Such recreational areas shall be exclusive of recreational vehicle sites, buffer strips, street right-of-way and storage areas; however, the periphery of such areas may contain utility sites, and other non-recreational 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. Although the required space for recreational usage may be met through more than one (1) recreational site, the minimum size of any such area shall be ten thousand (10,000) square feet. 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 travel trailer site.
- g) Design requirements for recreational vehicle site.
  1. Minimum size.

- (a) Back-in parking sites shall have a minimum area of one thousand five hundred (1,500) square feet.
    - (b) Pull-through parking sites shall have a minimum area of one thousand two hundred (1,200) square feet.
  2. Access. Each R.V. site shall abut on at least one (1) street or driveway within the boundaries of the Recreational Vehicle Park and access to the site shall be only from such an internal street or driveway.
  3. Setback requirements. No part of a travel trailer placed on a travel trailer site shall be closer than five (5) feet to any site line and ten (10) feet to any street or driveway.
  4. Appurtenances. Temporary appurtenances, such as cabanas and awnings, may be erected on a travel trailer 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.
- h) Provisions of service in recreational vehicle parks.
1. Service buildings. All service buildings shall comply with the building code and regulations concerning buildings, electrical installations, plumbing and sanitation systems. Service building are intended to accommodate the servicing equipment used for the park maintenance and are not intended to service any recreational vehicle, trailer, camper or equipment of a park guest. No major service or repair of a recreational vehicle shall occur on the park site. For the purposes of this section the term "major service or repair" shall mean any service or repairs to a recreational vehicle which is anticipated to take more than 4 (four) hours to accomplish.
  2. Water supply. An adequate supply of water shall be provided in accordance with the regulatory agencies, Department of Environmental Protection and/or the Department of Health.
  3. Sewage disposal.
    - (a) All sewage disposal facilities shall be provided in accordance with the regulatory agencies, Department of Environmental Protection and/or the Department of Health.
    - (b) At least one (1) 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 (50) sites, one (1) sanitary dumping station shall be provided.
    - (c) At least one (1) central 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). 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. Recreational areas shall be located within three hundred (300) feet of a bathhouse-restroom facility.

- (d) The minimum number of bath and toilet facilities shall be determined by the latest adopted Florida Building Code.
4. Lighting. All entrances, exits, streets, and service buildings shall be well lighted during the hours of darkness. Site Lighting shall conform to the Town's adopted Land Development Code, Article V – General Provisions, Section 1-5.28 entitled Site Lighting. All recreational facilities which are to be utilized during the hours of darkness shall be adequately lighted to ensure the safety of all users of such facilities.
  5. Electricity. All requirements of the National Electrical Code as referenced in Chapter 6 of the Code of Ordinances, Building and Building Regulations must be met.
  6. Service and utility lines. All service utility lines in a recreational Vehicle Park shall be installed underground and at a minimum depth of eighteen (18) inches.
  7. Fire protection. The park and park buildings and facilities shall be subject to the rules and regulations of adopted codes and/or of the Fire Department.
  8. Fuel supply and storage. All installations and tanks furnishing and/or storing any type of gaseous fuels to be used by the occupants of the park shall comply with the Fire Prevention Code of the National Fire Prevention Association, as adopted.
  9. Storage. Outdoor storage of travel trailers is permitted that such storage takes place within an area especially set aside for such use as depicted on the approved site plan.
  10. Signs. Those signs necessary for directional or safety purposes are permitted. Stop signs shall be required at all egress points onto public roads and may be required internally as required by the Town's Planner. All other signs as per the sign regulations set forth in Article XIX of this code of ordinances.
- i) Development site plan review. As part of the supplementary data required to complete an application for a public hearing for a Recreational Vehicle Park development, a scaled and dimensioned plot or site plan of the development shall be submitted as part of such site plan application pursuant to Article VII (if the site plan is greater than eleven (11) inches by seventeen (17) inches, two (2) copies are needed, as well as a digital copy); and if the application is approved, the Recreational Vehicle Park shall be built in accordance with such a plan. The site plan shall include, but not be limited to, location of all R.V. sites, service areas, drives, streets, signs, buildings, parking, recreational space, setbacks, public utility locations and any other pertinent information. Site plan approval is limited to one (1) year by the Town Council. The provisions of Section 1-7.5 shall apply.

- j) Prohibited uses and Structures. All other uses and structures not specifically or provisionally permitted herein."

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**SECTION 6. Severability.** If any provisions of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalid or unconstitutional portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the other portions of this ordinance, provided the remaining portions effectuate the purpose and intent of this ordinance.

**SECTION 7. Conflicting Provisions.** In the case of a direct conflict between any provisions of this ordinance and a portion or provision of any other appropriate federal, state, or town law, rule, code or regulations, the more restrictive shall apply.

**SECTION 8. Inclusion in Code.** It is intention of the Town Council that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Malabar.

**SECTION 9. Effective Date.** This Ordinance shall take effect immediately after the adoption of this Ordinance.

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

Council Member Marisa Acquaviva	Aye
Council Member Brian Vail	Aye
Council Member Steve Rivet	Aye
Council Member David Scardino	Aye
Council Member Danny White	Aye

This ordinance was then declared duly passed and adopted this 16th day of August 2021.

**TOWN OF MALABAR**

original signed  
 Mayor Patrick T. Reilly, Council Chair

**ATTEST:**

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 Debby K. Franklin, C.M.C., Town Clerk/Treasurer

(seal)

Approved for Legal Sufficiency:

First Reading: 8/2/2021 Vote: 4 to 0  
 Second Reading: 8/16/2021

Karl Bohne, Jr.  
 Karl Bohne, Jr, Town Attorney

