

ORDINANCE NO. 2021-1213L

AN ORDINANCE OF THE CITY OF WEWAHITCHKA, FLORIDA, PROVIDING FOR AUTHORITY; PROVIDING FOR PURPOSE, PROVIDING FINDINGS OF FACT; PROVIDING FOR REGULATIONS ON THE USE OF RECREATIONAL VEHICLES IN THE CITY LIMITS OF THE CITY OF WEWAHITCHKA, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCE OR PART OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF WEWAHITCHKA, FLORIDA, AS FOLLOWS:

WHEREAS, Article VIII, Section 2, Constitution of the State of Florida, authorizes the City of Wewahitchka to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, Sections 163.3202, 166.021 Florida Statutes, provides that the City of Wewahitchka shall adopt and enforce land development regulations for the purposes of implementing its comprehensive plan and protecting the public health, safety, and general welfare; and

WHEREAS, the City Commission of the City of Wewahitchka finds it is in the best interest and welfare of the citizens of the City to enact this ordinance; and

WHEREAS, the City of Wewahitchka has complied with all requirements and procedures of 166.041 Florida Statutes and Florida Law in processing and advertising this Ordinance; and

WHEREAS, this Ordinance is consistent with the goals and objectives and policies of the Comprehensive Plan of the City of Wewahitchka.

NOW, THEREFORE BE IT ORDAINED, by the City of Wewahitchka that All ordinances or parts of ordinances and all sections or parts of sections of the Code of Ordinances of the City of Wewahitchka in conflict herewith are hereby repealed:

SECTION I. AUTHORITY. The authority for enactment of this Ordinance is contained in Section 2 (b), Article VIII of the Constitution of the State of Florida, Chapter 166.021, Florida Statutes and Section 2, City Charter.

SECTION II. PURPOSE. The purpose of this Ordinance is to provide for orderly, safe, and effective use of recreational vehicles within residential districts of the City of Wewahitchka. Furthermore, this Ordinance will bring the City of Wewahitchka's Land Development Regulations into the present and allow for more orderly and flexible means of protecting the public's health, safety, and general welfare.

SECTION II. FINDINGS OF FACT. The City Commission finds the following to be true, correct, and factual:

- A. This amendment will promote safe storage and operation of recreational vehicles within the City.

- B. This Ordinance strikes a balance between what was previously permitted to occur in the absence of any regulation concerning recreational vehicles.
- C. This Ordinance is in response to public outcry and concern and seeks to find a compromise between conflicting public interests;
- D. A Public Hearing precedent to final adoption of this Ordinance has been duly noticed and conducted by the City of Commission; and
- E. This Ordinance is consistent with the adopted Comprehensive Plan and is in the best interest of the City of Wewahitchka and its citizenry.

SECTION III. ENACTING REGULATIONS ON THE STORAGE AND USE OF RECREATIONAL VEHICLES IN THE CITY LIMITS.

1. Definitions.

As used in this Section, the following terms have the meanings indicated.

Recreational Vehicle - Any vehicle used for recreational purposes such as, oversized vehicles, travel trailers, camping trailers, motorhomes, private motor coaches, any vehicle designed as temporary living quarters for recreational, camping, or travel use which either has its own mode of power or is mounted on or drawn by another vehicle, van conversions, park trailers, fifth-wheel trailers, and other similar type vehicles.

2. Prohibition On Use as Permanent Dwelling.

Recreational Vehicles which are used or intended to be used for permanent living are prohibited except in licensed trailer and recreational vehicle parks.

Permanent living is defined as use of a Recreational Vehicle for sleeping purposes within the City limits for a period in excess of 180 days within a 365-day time period, whether those days are consecutive or not.

3. Outside Storage of Recreational Vehicles

Recreational vehicles may not be stored on the sides of streets.

4. Temporary Use of Recreational Vehicles.

(a) Emergency Temporary Use.

Recreational vehicles designed as temporary living quarters for recreation, camping or travel use which either has its own mode of power or its mounted on or drawn by another vehicle, such as park trailers, fifth-wheel trailers and other similar types of vehicles, may be temporarily used for residential purposes in the event of a flood, fire, or other natural disaster which leaves the main dwelling uninhabitable, provided the following requirements are met:

1. The parcel must be located zoned for Single-Family Residential use;

2. Prior to the occupancy of the Recreational Vehicle, a Temporary Use Permit, which allows the Recreational Vehicle to be temporarily used in a residential capacity, must be obtained from the City of Wewahitchka.
3. The Temporary Use Permit is valid for 365 days consecutive days, however, if the continuation of the construction elements is necessary for the structure to return to acceptable condition and there is a valid, open building permit or an extension of permit for an extension period of ninety (90) days.
4. The Recreational Vehicle shall be fully licensed and ready for highway use.
5. Any electrical service connection to a recreational vehicle shall be done lawful, safe and secure manner in accordance with the manufacturer's specifications and applicable Florida Building Code;
6. Any potable water and/or sewer connection to a recreational vehicle must be completed under the regulations and inspection of the Public Works Department and must have the required backflow protection device installed prior to use.
7. Recreational Vehicles must be either be connected to the City sanitary sewer system or must be pumped out by a Florida licensed and bonded wastewater hauler or taken to a fully licensed wastewater receiving station. For discharges into the City sanitary sewer system, the use of chemical wastewater treatment in the Recreational Vehicle is expressly prohibited.

4. Seasonal and Commercial Placement of Recreational Vehicles on Individually Owned Lots.

Subject to the prohibition on permanent use in paragraph 2 above, an owner of real property in the City of Wewahitchka is permitted to personally use or allow others to use (through express permission or commercial rental) one Recreational Vehicle per lot. For the purposes of this ordinance a lot is defined as a parcel of land being identified by the Gulf County Property Appraiser with a single property ID, regardless of zoning.

Under this provision, Recreational Vehicles are not required to be connected to electrical, water, or sewer services so long as the Recreational Vehicle uses a self-contained disposal system and wastewater is disposed of by a licensed and bonded wastewater hauler or taken to a licensed wastewater receiving station. Wastewater includes greywater discharges. The City may require proof of disposal method(s) used.

Any electrical service connection to a recreational vehicle shall be done lawful, safe and secure manner in accordance with the manufacturer's specifications, applicable Florida Building Code.

Any potable water and/or sewer connection to a recreational vehicle must be completed under the regulations and inspection of the Public Works Department and must have the required backflow protection device installed prior to use. For discharges into the City sanitary sewer system, the use of chemical wastewater treatment in the Recreational Vehicle is expressly prohibited.

5. Hardship Use.

Notwithstanding the foregoing, an owner of real property within the City of Wewahitchka may apply for a hardship use of a Recreational Vehicle on a permanent basis or may apply for a waiver of any of the conditions listed herein. An applicant for a hardship use must

appear before the City Commission to be granted approval. The conditions of a hardship approval will vary based on need and circumstances and no hardship application is guaranteed to be approved.

6. Penalties.

Violations of this Ordinance shall be enforced in accordance with the City's Code Enforcement Ordinance.

SECTION IV SEVERABILITY. If any word, phrase, sentence, paragraph or provision of this ordinance or the application thereof to any person or circumstance is held to invalid or unconstitutional, such finding shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION V: REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION VI: EFFECTIVE DATE. This ordinance shall take effect upon adoption.

Passed and adopted by the City Commission of the City of Wewahitchka, Florida, on this _____ day of _____, after first reading on the _____ day of _____, and second reading on the _____ day of _____, at the regularly scheduled public commission meetings for those months.

CITY OF WEWAHITCKA

By: _____
Phillip Gaskin, Mayor

ATTEST:

(city seal)

Rachel Jackson, City Clerk

Approved as to form and legality:

Michelle Blankenship Jordan, City Attorney