

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	January 25, 2024	<b>Level of Review:</b>	Level 4 Review
<b>PC Date:</b>	April 3, 2024	<b>Type:</b>	LDC Text Amendment
<b>BoCC Date:</b>	May 7, 2024	<b>Case Numbers:</b>	LDCT-2024-3
	May 21, 2024	<b>Case Name:</b>	Recreational Camping
<b>Applicant:</b>	Polk County	<b>Case Planner:</b>	Ian Nance

<b>Request:</b>	A County-initiated LDC Text Amendment to Chapter 3, Section 303, to modify conditional use criteria for Recreational Camping and RV Parks; and adding a definition for Primitive Camping to Chapter 10.
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Recommend Approval 7-0

### Among the changes to Chapter 3:

- Removing Recreational Camping minimum space requirements and removing a requirement that all camping facilities have access to a collector roadway.
- Providing an exemption for primitive camping.
- Modifying RV Park standards to clarify Recreational Camping standards within these facilities.
- Removing a requirement that a Level 3 approval is needed to allow any form of divided ownership among tenants such as condominium, cooperative, or time-share, within RV Parks.

### Among the changes to Chapter 10:

- Providing definition of Primitive Camping.
- Modifying definitions of Recreational Camping and RV Park to provide consistency between conditional criteria and the definitions.

### Summary:

This Land Development Code (LDC) text amendment is to adjust the conditional use criteria for Recreational Camping and RV Parks. Some of the conditions for Recreational Camping have been deemed too restrictive by staff for a use that covers a multitude of camping facilities. These conditions include the access and lot size requirements. The Recreational Camping use can entail anything from simple tent camping with facilities to RV slips.

Unlike RV Parks where long-term stays can turn into part-time residency, Recreational Camping is intended for short-term opportunities to camp in quiet, uncongested, and natural settings. A clear

distinction is made with this amendment between Recreational Camping and RV Parks based on intensity and length of stay. Any use that exceeds four sites per acre and/or where stays exceed 30 days shall be reviewed as an RV Park.

### **Relevant Sections, Policies, and/or Regulations to Consider:**

LDC Section 303: Criteria for Conditional Uses

LDC Chapter 10 Definitions

LDC Section 907 Level 4 Reviews

### **Findings of Fact**

- *LDCT-2024-3 is a County-initiated is County-initiated LDC Text Amendment to Chapter 3, Section 303, to modify conditional use criteria for Recreational Camping and RV Parks; and to add a definition for Primitive Camping to Chapter 10.*
- *Ordinance 19-069 was adopted by the BoCC through LDCT-2018-2 on December 2, 2019, which added Recreational Camping to the LDC.*
- *LDC Chapter 10 defines Recreational Camping as, “A use typically located away from urban areas where tents, RVs, or simple buildings (as cabins) may be parked or erected for overnight stays of a short duration. For purposes of this definition, unless otherwise limited in sections of this Code, stays of short duration shall mean stays not exceeding 30 days. Such uses may be standalone or part of a larger park or resort facility.”*
- *Recreational Camping is allowed as a “C3” conditional use in Agricultural/Residential Rural (A/RR) and a “C2” conditional use in Leisure/Recreation, Recreation Open Space (ROS), and Tourism-Commercial Center (TCC) future land use districts.*
- *LDC Chapter 10 defines RV Park as, “Land for sale, lease or rent for the placement of recreational vehicles and Park Trailers. RV parks are not intended to accommodate year-round residential use.”*
- *F.S. 513.01 defines “Recreational vehicle park” as, “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.’”*
- *RV Parks are allowed as “P” permitted uses in TCC and “C2” uses in L/R future land use districts.*
- *LDC Section 303 provides Conditional Use Criteria for Recreational Camping and RV Parks.*

- *F.S. 718.507 states, “All laws, ordinances, and regulations concerning buildings or zoning shall be construed and applied with reference to the nature and use of such property, without regard to the form of ownership. No law, ordinance, or regulation shall establish any requirement concerning the use, location, placement, or construction of buildings or other improvements which are, or may thereafter be, subjected to the condominium form of ownership, unless such requirement shall be equally applicable to all buildings and improvements of the same kind not then, or thereafter to be, subjected to the condominium form of ownership.”*
- *This request has been reviewed for consistency with Section 907 of the LDC.*

The Land Development Division, based on the information provided with the proposed text amendment application, finds that the proposed text change request is **CONSISTENT** with the Polk County Land Development Code and the Polk County Comprehensive Plan. Staff recommends **Approval of LDCT-2024-3**.

*On April 3, at an advertised public hearing, the Planning Commission voted 7-0 to recommend approval of this application.*

#### **Analysis:**

Ordinance 19-069 was adopted by the BoCC through LDCT-2018-2 on December 2, 2019, which added Recreational Camping to the LDC. This was intended to differentiate between RV Parks and campgrounds. Prior to this action, the LDC did not directly address tent and other types of lower-intensity camping, and many RV parks in the County had become less recreational and more habitational over the years. Since this time, however, it has been determined by Land Development staff, through input from Customer Service, that the Recreational Camping standards were too restrictive for smaller campgrounds and those who operate separately from larger resorts.

For instance, the requirement that camping facilities locate along a Collector road is prohibitive in many areas of the County suitable for camping. Recreational Camping was approved as an allowable use in Agricultural/Residential Rural (A/RR) and Recreation Open Space (ROS) land use districts, where Collector roads might not be available. A/RR and ROS, though, represent two of the few land use categories in which prime camping opportunities exist (RV Parks are not permitted in A/RR or ROS). This amendment reduces this requirement to allow Recreational Camping facilities to locate along any paved County road or on a private road meeting County standards. The pavement requirement remains due to the need for emergency vehicles to reach the site, in addition to the impacts of RV's, trailers, and larger recreational vehicles.

Lot sizes are another issue with the current Code. The LDC now requires campsites to be at least 30 feet wide and provide up to 3,000 sq. ft. of upland area. But there is a wide variety of camping accommodations – from simple pop tent areas and platform tents spaces to glamping and “designer” camping facilities to RVs and Park Trailers – that, based on their use, might require more or less than this standard. For example, areas required for platform tent camping generally require spaces less than 500 sq. ft. Spaces for Camper Trailers, 5<sup>th</sup> wheels, and immobile Park Trailers generally require around 2,000 sq. ft., while larger RVs reach 3,000 sq. ft. or more. The

point remains, the current language is prohibitive to the smaller uses.

What this amendment will also accomplish is help eliminate confusion within the LDC when applying standards and identifying what a Recreational Camping facility is versus what constitutes an RV Park. For the purposes of the Code, facilities that hosts more than four campsites per acre will now be reviewed with certainty as an RV Park due to the higher intensity of the use and need for increased infrastructure. Similarly, any facility that allows more than a 30-day stay will continue to be reviewed as an RV Park.

There remains a great deal of overlap between uses, however, as Recreational Camping is allowed and usually found with RV Parks. A good example of this can be observed at the Westgate River Ranch Resort in southeast Polk County, along the Kissimmee River and south of SR-60. Approved through the DRI process, the site offers a combination of lodging including short-term and long-term stays. Part of the site is a subdivided and platted RV park, and lots are owned-fee simple. Many have permanent accessory structures for use by owners staying for an extended period. Others are simple parking pads that are rented out to weekend guests. In addition, the resort also owns and rents park trailer units, “luxe” teepees, glamping, and Conestoga units which are clustered together on one parcel for short visits.

Ultimately, the County’s primary concern with Recreational Camping facilities and RV parks begins with public safety. For the stand-alone, lower-intensity camps, a central potable water connection will still be required for each camping space and any administrative buildings. Emergency shelters are also required. With the higher intensity found in RV Parks, reviews will focus on structure/vehicle setbacks, paved drive aisles, minimum “lot” sizes, and require annual operating permits, in addition to potable water connections and the safe disposal of waste.

### **Limits of the Proposed Ordinance**

This effects of this amendment are restricted to the conditional use criteria in LDC Section 303 for Recreational Camping and RV Parks. This will not affect where these uses are currently allowed as a conditional use. Recreational Camping is allowed as a “C3” conditional use in Agricultural/Residential Rural (A/RR) and a “C2” conditional use in Leisure/Recreation, Recreation Open Space (ROS), and Tourism-Commercial Center (TCC) future land use districts. RV Parks are allowed as “P” permitted uses in TCC and “C2” uses in L/R future land use districts.

### **Consistency with the Comprehensive Plan & Land Development Code**

The request is consistent with the Comprehensive Plan and the Land Development Code. No use is being proposed within a land use designation for which it was not intended. This is a policy change pertaining to the uses described above.

**Comments from Other Agencies:** None

**Draft Ordinance:** Under separate attachment