

# POLK COUNTY DEVELOPMENT REVIEW COMMITTEE STAFF REPORT

<b>DRC Date:</b>	April 6, 2023	<b>Level of Review:</b>	4
<b>PC Date:</b>	June 7, 2023	<b>Type:</b>	LDC Text Amendment
<b>BoCC Date:</b>	July 11, 2023	<b>Case Numbers:</b>	LDCT-2023-9
	July 25, 2023	<b>Case Name:</b>	RV Connection to Electrical
<b>Applicant:</b>	Polk County	<b>Case Planner:</b>	Erik Peterson, AICP

<b>Request:</b>	An LDC text amendment to Chapter 2, Section 218, Boats, Utility Trailers, Sports Vehicles and Recreational Vehicles, to allow recreational vehicles and watercraft stored at a residence to connect to electric power for maintenance; providing for severability; and providing for an effective date.
<b>Location:</b>	n/a
<b>Property Owner:</b>	n/a
<b>Parcel Size (Number):</b>	n/a
<b>Development Area:</b>	n/a
<b>Nearest Municipality:</b>	n/a
<b>DRC Recommendation:</b>	Approval
<b>Planning Commission Vote:</b>	Pending Hearing

**The changes to Chapter 2, Section 218, Boats, Utility Trailers, Sports Vehicles and Recreational Vehicles are:**

- Allow connection to electrical through proper permitting.
- Prohibit connection to water or wastewater.

## **Summary:**

This staff-initiated amendment has been brought forth by Building Division staff with consultation of Code Enforcement staff. Staff has discovered that LDC Section 218 is too restrictive in its wording that prohibits connection to all utilities. Many of today's recreational vehicles (RVs) contain components that require active electrification to stay in good working order. Campers and some boats often have sophisticated refrigeration systems that function properly when continually operating. These components can suffer damage when turned off for long periods of time. Another RV maintenance need is moisture control. The Florida climate is too hot and humid for vehicles to be parked for long periods of time without their air conditioning systems in operation to remove moisture that will naturally build up inside the vehicle.

The current ordinance language was intended to prevent campers from becoming second dwellings on properties and discern between an RV park and parking an RV in the backyard. This amendment makes it clear that there shall be no water or wastewater connections for RVs that are stored at a residence. This amendment will allow for these recreational vehicles to periodically run their AC and refrigeration systems to keep them properly maintained without creating a loophole for them becoming permanent residences where they are not permitted. While there is a slight potential that an RV can be utilized for dwelling purposes once connected to a permanent electrical source, the prohibition on water and wastewater connection should be enough to prevent an egregious infraction of the regulations.

## **Data and Analysis Summary**

This amendment will help many RV and large boat owners' ability to maintain their investments. There is little harm to neighbors that can come from this lessening of the regulations. Staff does not foresee any costs to the taxpayers that may result from approval of this amendment.

Staff surveyed the counties along the I-4 corridor, abutting counties, similar counties, and the two largest cities in Polk. Research has revealed that nine (9) of the 15 jurisdictions (60%) surveyed strictly prohibit living in an RV in a residential district. Only two (2) of them addressed utility connections. Eleven (11) of the 15 (73%) had restrictions on other types of vehicles such as commercial trucks.

This amendment applies to all residential lots or parcels within the unincorporated areas of the County regardless of the Future Land Use Map district, including the Green Swamp Area of Critical State Concern. The Department of Economic Opportunity (DEO) requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. There are no conflicts with the Comprehensive Plan or Florida Statutes in the implementation of this amendment.

## Findings of Fact

1. *The request is a Land Development Code text amendment to Chapter 2, Section 218, Boats, Utility Trailers, Sports Vehicles and Recreational Vehicles, to allow recreational vehicles and watercraft stored at a residence to connect to electric power for maintenance.*
2. *This amendment applies to all residential lots or parcels within the unincorporated areas of the County regardless of the Future Land Use Map district*
3. *Section 218 of the Land Development Code regulates the storage of unoccupied boats, air boats, or personal watercrafts with or without trailers; sports vehicles such as dune buggies, racing vehicles, off-road vehicles, hunting vehicles; or unoccupied recreational vehicles; or utility trailers on residential properties.*
4. *The Comprehensive Plan does not address the storage of boats, utility trailers, sports vehicles, or recreational vehicles on residential properties.*
5. *The Florida Statutes does not address the storage of boats, utility trailers, sports vehicles, or recreational vehicles on residential properties.*
6. *This amendment changes the regulations of residential properties in the Green Swamp Area of Critical State Concern.*
7. *LDC Chapter 10 defines recreational vehicles per F.S. § 320.01, which a type of 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.” The LDC state further that “this Code, this definition includes non-habitable vehicles typically used for recreation including watercraft and other off-road vehicles.”*
8. *Planning staff has reviewed the land development requirements of 12 central Florida counties that bear commonalities with Polk and the two largest municipalities in the County. Staff found that Nine (9) of the 15 jurisdictions (60%) strictly prohibit living in an RV in a residential district. Only two of them addressed utility connections.*

## Development Review Committee Recommendation:

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-2023-9.

## Analysis:

The purpose of Section 218 is to set specific standards for how people store Boats, Utility Trailers, Sports Vehicles and Recreational Vehicles. The section calls out placement, registration requirements, connection to utilities, and specifically prohibits using a vehicle for habitation while parked at a residence. This amendment is intended to clarify that the utility connection prohibition is specifically for connection to potable water and wastewater. Electrical connections for the purpose of maintenance such as climate control and refrigeration of stocked contents is permissible.

During the drafting of the LDC in the 1990s, Code Enforcement staff expressed the difficulty in enforcing the provision in the 1983 Zoning Ordinance that prohibited habitation of Recreational Vehicles (RVs) on residential properties. Property owners suspected of violating the provision would claim before the Code Enforcement Board that being connected to water, septic, and electrical was not enough evidence to determine that the vehicle was permanently occupied. To

solidify the regulatory strength of the policy, an additional prohibition against connection to utilities was added and adopted into the LDC effective September 1, 2000.

*Who does it help?*

It helps RV owners with long term storage of their RVs. It improves maintenance capabilities by enabling interior climate control and allows uninterrupted use of refrigeration appliances.

*Who does it hurt?*

There is a slight potential for harm in rare cases where the lots are small. RVs are permitted to be parked within five (5) feet of neighboring property lines. Air conditioner noise may adversely affect enjoyment of outdoor spaces of adjacent property owners. However, HVAC units are allowed to be closer to property lines and often are in developments with small lots. RV air conditioning units are most often on top of the vehicle which helps to limit sound as well.

*What is the cost?*

There is no cost to the public (taxpayers) for the implementation of this rule. It lessens the regulatory burden upon the home and RV owner.

## **History**

The first ordinance to regulate Recreational Vehicle Parks was Ordinance 72-13. It did not apply to recreational vehicles individually stored on residential properties. It is not until the 1983 Zoning Ordinance revision (Ordinance 83-2) that occupying RVs on a residential property becomes specifically prohibited. Section 3.13 restricted occupancy of an RV in all of unincorporated Polk County to RV parks only. The adoption of the LDC in March of 2000 (effective 9-1-2000) was the first Polk County ordinance to address RV utility connections on residential properties specifically.

## **Limits of the Proposed Ordinance**

This amendment applies to all residential lots or parcels within the unincorporated areas of the County regardless of the Future Land Use Map district, including the Green Swamp Area of Critical State Concern. The Department of Economic Opportunity (DEO) requires a 45-day review on all policy changes affecting development in the Green Swamp Area of Critical State Concern regardless of whether it has a direct relationship to the primary purpose of the Critical Area, which is aquifer recharge and protection. Therefore, this request will be reviewed by the DEO Community Planning Department Areas of Critical State Concern Program prior to becoming effective. Staff believes that this amendment will have no impact on the Critical Area since it does not change the effect of the current code. It only clarifies its intent.

## **Comparisons to other Jurisdictions:**

Staff commonly surveys counties on the I-4 corridor because they are most closely similar to Polk. Some of the abutting counties are reviewed along with the two largest cities within the County. Alachua and Duval are also reviewed because of similar demographic and urban-rural mixture. Nine (9) of the 15 jurisdictions (60%) strictly prohibit living in an RV in a residential district. Only two of them addressed utility connections. Eleven (11) of the 15 (73%) had restrictions on other types of vehicles such as commercial trucks.

Table 1

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Are there restrictions on the parking of recreational vehicles in residential?</b>	<b>Are there other vehicle parking restrictions on residential properties?</b>
<b>Alachua County</b> <i>Sec. 404.82.5</i>	<b>Yes.</b> <i>“Shall not be occupied or used for living, sleeping, or housekeeping purposes for a period in excess of seven (7) consecutive days, not to exceed fourteen (14) days in any calendar year. This does not preclude a vehicle from being plugged in for climate control purposes, however, the vehicle shall be stored in a road ready manner with any awnings and slide rooms securely closed and ready for travel.”</i> Not permitted on vacant properties.	<b>Yes.</b> Commercial Vehicles are prohibited in residential districts.
<b>Brevard County</b> <i>Sec. 62-2117</i>	<b>Yes.</b> Only one on < ½ lots. Park only on side and rear. <i>“Shall not be connected to utilities to accommodate residential use.”</i> Not permitted on vacant properties.	<b>Yes.</b> Commercial Vehicles are prohibited in residential districts.
<b>Duval County</b> <i>Sec. 656.409</i>	<b>Yes.</b> <i>“No recreational vehicles shall be used for living, sleeping or housekeeping purposes when parked or stored on a residentially-zoned lot or in another location not approved for this use.”</i>	<b>Yes. Prohibited:</b> <ul style="list-style-type: none"> <li>• Heavy trucks and truck tractors</li> <li>• Motor vehicles equipped with machinery.</li> <li>• School buses, commercial wreckers, hearses and ambulances</li> <li>• Passenger vehicles for ten persons or more</li> <li>• Semi-tractors</li> <li>• Agricultural vehicles</li> <li>• Temporary storage units</li> </ul>
<b>Hardee County</b> <i>Unified Land Development Code</i>	No.	No.
<b>Highlands County</b> <i>Section 12.10.217&amp;218</i>	<b>Yes.</b> <i>“A recreational vehicle shall not be used for living, sleeping or business purposes. However, a recreational vehicle may be used, on a temporary basis, for sleeping and living purposes for a period not to exceed one week in any 30-day period where the owner or occupant of the vehicle is a guest of the owner or occupant of the property involved.”</i>	<b>Yes.</b> No vehicles over one-ton towing capacity in residential districts.
<b>Hillsborough County</b> <i>Sec. 6.05.02.Q</i>	<b>Yes.</b> Only one per parcel < 1 acre. Parked in rear or side yard. <i>“No vehicle or pleasure craft shall be lived in, have housekeeping maintained, or have hook-up to utilities while parked or stored on, or otherwise attached or moored to a residential lot.”</i>	<b>Yes.</b> Commercial Vehicles are prohibited in residential districts.
<b>Lake County</b> <i>Appendix E</i>	No.	No.
<b>Manatee County</b> <i>PART II. - Standards For Accessory Uses And Structures.</i>	No.	No.
<b>Orange County</b> <i>Section 38-77</i>	<b>Yes.</b> No more than one per lot. No recreational vehicle may be occupied while it is parked, stored or kept on the parcel.	<b>Yes.</b> Boats. Commercial Vehicles not permitted in residential districts.
<b>Osceola County</b> <i>LDC Sec.3.6.1 Code of Ordinances Article III Sec.23.51-59</i>	No.	<b>Yes.</b> Large Vehicles Exceeding Weight Guidelines
<b>Seminole County</b>	No.	<b>Yes.</b> No trucks having a rated load

**Table 1**

<b>Jurisdiction</b> <i>(Code citation)</i>	<b>Are there restrictions on the parking of recreational vehicles in residential?</b>	<b>Are there other vehicle parking restrictions on residential properties?</b>
<i>Chapter 30 Section 30.1350</i>		limit of more than two (2) tons or having more than two (2) axles may be parked or stored in any residentially zoned area.
<b>Volusia County</b> <i>Sec. 72-287</i>	<b>Yes.</b> Among the requirements: <i>“They shall not be connected to water, sewer or electric lines or be used for residential purpose, except in a recreational vehicle park.”</i> Not permitted on vacant properties.	<b>Yes.</b> <i>“No truck tractor, semitrailer, commercial bus, cutaway van, chassis cab truck, or any other truck with a gross vehicle weight greater than 10,500 pounds”</i> permitted in residential districts.
<b>City of Lakeland</b> <i>Sec. 5.17</i>	<b>Yes.</b> <i>“no sleeping, eating or living shall be permitted”</i> in RVs. <i>“shall not be parked or located within any front or street-side yard”</i> Only allowed for homeowners, not tenants. Not permitted on vacant properties.	<b>Yes.</b> Commercial Vehicles are prohibited in residential districts.
<b>City of Winter Haven</b> <i>Sec. 21-146</i>	<b>Yes.</b> <i>“shall not be used for sleeping, eating, living, or conducting business.”</i> Not allowed in front yard except for 7 days total a year. Not permitted on vacant properties.	<b>Yes.</b> Commercial Vehicles are prohibited in residential districts.

Alachua County, which is where Gainesville is located, has a similar method to RV regulations in residential districts. Alachua has a similar mix of urban, suburban, and rural areas that its code must apply. Alachua is also a provider of water and wastewater services in the unincorporated areas as is Polk.

### **Consistency with the Comprehensive Plan**

The Comprehensive Plan does not address the storage of RVs on residential properties. The only reference to Recreational Vehicles is in the context of RV Parks as a primary use.

### **Consistency with the Florida Statutes**

The Florida Statutes has 129 references to recreational vehicles and 16 references to recreational vehicle storage. The references are in the context of sales, RV park operations, taxing of vehicles, operation on highways, and transfer of ownership. There are no references to recreational vehicles or recreational vehicle storage in the context of an individual residence. There are no references to utility connection outside of an RV Park. There is regulation regarding on board propane tanks when stored at recreational vehicle dealerships under Chapter 527, Sale of Liquefied Petroleum Gas. A recreational vehicle is defined in Chapter 320.01 as a type of 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.

**Comments from Other Agencies:** Land Development Engineering, Fire Marshall’s Office and Building Division staff participated in the review of this request.

**Draft Ordinance:** under separate attachment