

**CITY OF STARKE, FLORIDA
ORDINANCE NUMBER 2021-08**

AN ORDINANCE PERTAINING TO THE PARKING OF RECREATIONAL VEHICLES IN THE CITY OF STARKE; PROVIDING FOR GENERAL LEGISLATIVE FINDINGS; PROVIDING FOR CIRCUMSTANCES WHERE RECREATIONAL VEHICLES MAY BE TEMPORARILY USED AND PARKED IN RESIDENTIAL NEIGHBORHOODS; PROVIDING FOR A PROCESS FOR TEMPORARY USE PERMITS; PROVIDING FOR INSPECTIONS, PROHIBITIONS, AND REVOCATIONS OF PERMITTED RECREATIONAL VEHICLE TEMPORARY USES; PROVIDING FOR CONDITIONAL PARKING OF RECREATIONAL VEHICLES IN ALL ZONING DISTRICTS; PROVIDING DIRECTION FOR THE CODIFICATION OF THIS ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, City of Starke Land Development Code (the “Code”) of the City of Starke (the “City”) provides for, among other things, conditions under which recreational vehicles may be parked in the City; and,

WHEREAS, the Code does not specifically provide for the use of recreational vehicles in any zoning district; and

WHEREAS, it is in the best interests of the City to adopt new Code provisions permitting the temporary use of recreational vehicles in residential zoning districts under certain circumstances; and

WHEREAS, it is in the best interests of the City to adopt new Code provisions setting forth procedures for the issuance of temporary use permits to allow the temporary use of recreational vehicles in residential zoning districts; and

WHEREAS, the City Commission desires to reform existing provisions of the Land Development Code of the City of Starke applicable to the temporary use of recreational vehicles in residential zoning districts; and,

WHEREAS, the City Commission, being fully advised of the facts and circumstances, hereby finds and determines the following to be the best means to reform existing provisions of the Land Development Code of the City of Starke specifically applicable to the temporary use of recreational vehicles in residential zoning districts and generally applicable to parking recreational vehicles in all zoning districts:

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF STARKE, FLORIDA:

SECTION 1. ARTICLE III, DIVISION 13 OF THE CITY OF STARKE LAND DEVELOPMENT CODE IS CREATED AS FOLLOWS:

DIVISION 13. SPECIAL PERMITS FOR TEMPORARY USES

Sec. 3-131. Generally

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in this Land Development Code, the following regulations shall govern

temporary uses.

Sec. 3-132. Temporary Use Permits Issued by the Land Development Code Administrator

Subject to the parking requirements of Section 4-207 and Article VI, Division 1 of this code, the Land Development Code Administrator may issue a temporary use permit for the following uses.

1. In any residential zoning district: One (1) recreational vehicle, no more than two occupants, used as a temporary residence incidental to construction on or development of a permanent dwelling on the premises upon which the recreational vehicle is located. As recreational vehicles are designed to only be temporary living quarters for recreational, camping, travel, or seasonal use, and are not designed to meet the Florida Building Code standards for permanent dwelling units, the temporary residential use permit will be strictly limited to the time construction or development is actively underway. In no event shall the temporary use continue more than one (1) year without the approval of the Land Development Code Administrator by issuing one renewal of the temporary use permit for an additional period not to exceed one (1) year and such approval shall only be given upon finding that actual construction has begun and is continuing.
2. In any residential zoning district: On a parcel, one (1) recreational vehicle, no more than two occupants, used as a temporary accessory residence in addition to the principal residential dwelling, provided that such recreational vehicle is occupied by family member of family occupying the principal residential use, for the purpose of providing medical, health, therapeutic or some type of care for a sick, elderly, or injured family member. As recreational vehicles are designed to only be temporary living quarters for recreational, camping, travel, or seasonal use, and are not designed to meet the Florida Building Code standards for permanent dwelling units, the temporary residential use permit will be strictly limited to a time period of 90 days. In no event shall the temporary use continue more than 90 days without the approval of the Land Development Code Administrator by issuing one extension of the temporary use permit for one additional 90 day period. A permit shall not be issued for any parcel within two years following the expiration of a permit issued pursuant to this paragraph.

Sec. 3-133. Temporary Use Permit Request

Application for a temporary use permit or extension thereof shall be submitted in writing by the property owner to the Land Development Code Administrator on a form prepared by the City together with the required fee as established by the City Commission.

Sec. 3-134. Temporary Use Permit Review

Certain uses are of short duration and do not create excessive incompatibility during the course of the use. Therefore, the Land Development Code Administrator is authorized to issue temporary use permits for the activities listed in Section 3-132 of the Land Development Code, after a showing that:

1. Any nuisance or hazardous feature involved is suitably separate from adjacent uses;
2. Excessive vehicular traffic will not be generated on minor residential streets; and
3. A vehicular parking problem will not be created.

Sec. 3-135. Temporary Use Permit Duration

The temporary use permit, if granted, shall be granted for a specific time period, at the end of which, if the use permitted has not been discontinued, it shall be deemed a violation of this Land Development Code and shall be punished as set out in the Land Development Code, unless the applicant reapply for a new temporary use permit.

Sec. 3-136. Public Facilities

The public facilities services essential and necessary for the physical support of the recreational vehicle temporary use, including electricity, potable water and sanitary sewer, shall be connected to such public facilities services of the principal dwelling unit located on the subject property.

Sec. 3-137. Conditions and Safeguards

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which temporary use permit is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the temporary use permit is granted, shall be deemed a violation of the Land Development Code and publishable as provide in the Code.

Sec. 3-138. Inspection

Upon the installation of a recreational vehicle temporary use, a health safety inspection shall be conducted by the Land Development Code Administrator and the applicant shall pay all applicable City recreational vehicle inspection fees as established by the City Commission.

Upon request for a recreational vehicle temporary use permit renewal, a health safety inspection shall be conducted and the applicant shall pay all applicable City recreational vehicle inspection fees as established by the City Commission.

If the initial or renewal inspection identifies a health safety violation, the permit shall be denied.

Sec. 3-139. Prohibition

Any use or operation contrary to the use for which the temporary use permit was granted is prohibited and shall be deemed a violation of the Land Development Code and punishable as provide in the Code.

Sec. 3-140. Revocation

Should the Land Development Code Administrator determine that the conditions which necessitated the issuance of the recreational vehicle temporary use permit no longer exist, the Land Development Code Administrator may revoke the recreational vehicle temporary use permit after giving the applicant reasonable notice of such action.

SECTION 2. ARTICLE IV, SECTION 4-207 OF THE CITY OF STARKE LAND DEVELOPMENT CODE IS AMENDED AS FOLLOWS:

Sec. 4-207. Parking, Storage, or Use of Major Recreational Equipment

A. The following regulations shall apply to all residential zoning districts:

1. Parking is permitted inside any structure, which meets the regulatory requirements of that particular zoning district;
2. Parking is permitted outside any structure in the side or rear yard provided the vehicle is a minimum of two (2) feet from the lot line;
3. Parking is permitted outside any structure in the front if there is no access to either the side yard or rear yard. In addition, no part of the vehicle may extend over a public sidewalk, bike path, or street.

B. The following regulations apply to all zoning districts:

1. ~~Parking~~Except where allowed in a park or campground intended for use and occupancy of recreational vehicles for recreational purposes, and otherwise permitted pursuant to this Code as a commercial recreational facility, parking of a recreational vehicle is permitted only for storage purposes and such vehicle shall not:
 - a. Be used for storage of goods, materials, or equipment other than those items considered to be part of the vehicle and essential for its immediate use;
 - b. Discharge or discard of any litter, effluent, sewage, or other matter into public right-of way or upon any public or private property while parked as provided in this section;

- c. Be occupied or used for living, sleeping, or housekeeping purposes while parked in a residential district, except with a temporary use permit as described in Section 3-132.
2. A recreational vehicle may be parked anywhere on the premises during active loading or unloading. The use of electricity or other fuels is permitted when necessary to prepare a recreational vehicle for use.
3. No owner shall allow any recreational vehicle to be parked on public streets longer than eight (8) hours in any twenty-four (24) hour period. However, any motorized recreational vehicle under eighteen (18) feet in length may be permitted to park on city streets in accordance with traffic regulations.

SECTION 3. CODIFICATION

It is the intention of the City Commission of the City of Starke that the provisions of this Ordinance shall become and be made part of the Land Development Code of the City of Starke, Florida. The Sections of this Ordinance may be renumbered, re-lettered and the words “Ordinance” or “Code” may be changed to “Section”, “Article” or such other word or phrase in order to accomplish such intention. The correction of typographical errors which do not affect the intent or substance of the ordinance may be authorized by the City Manager or the City Manager’s designee without public hearing, by filing a corrected or re-codified copy of the same with the City.

SECTION 4. REPEAL OF ORDINANCES IN CONFLICT

All ordinances or parts of ordinances in conflict with this Ordinance are, to the extent they conflict with this Ordinance, repealed.

SECTION 5. PROVIDING FOR SEVERABILITY

It is the declared intent of the Starke City Commission that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this Ordinance and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be valid.

SECTION 6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage.

APPROVED, UPON THE FIRST READING, by the City Commission of the City of Starke, Florida, at a regular meeting, on the 15th day of December, 2020.

PUBLICLY NOTICED, in a newspaper of general circulation in the City of Starke, Florida, by the City Clerk of the City of Starke, Florida on the 24th day of December, 2020.

APPROVED UPON THE SECOND READING, AND ADOPTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Commission of the City of Starke, Florida, at a regular meeting, at a regular meeting this 5th day of January, 2021.

BY THE MAYOR OF THE CITY OF STARKE, FLORIDA

Honorable Shannon C. Smith, Mayor

ATTEST, BY THE CLERK OF THE CITY COMMISSION
OF THE CITY OF STARKE, FLORIDA:

Ricky Thompson, City Clerk

APPROVED AS TO FORM AND LEGALITY:

Clay Martin, City Attorney