ORDINANCE NO. 2026-____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, FLORIDA, ESTABLISHING A CONDITIONAL PERMIT FOR THE USE AND OCCUPATION OF RECREATIONAL VEHICLES AS DWELLINGS IN AGRICULTURAL AND ENVIRONMENTALLY SENSITIVE AREA DISTRICTS; ESTABLISHING A TEMPORARY CAMPING AND RECREATIONAL USE PERMIT; PROVIDING DEFINITIONS; PROVIDING FINDINGS SUPPORTING THE ADOPTION OF THIS ORDINANCE; PROHIBITING LONG-TERM OR PERMANENT RECREATIONAL VEHICLE DWELLING WITHIN SPECIAL FLOOD HAZARD AREAS CONSISTENT WITH ORDINANCE NO. 2026-03; PROVIDING PERMIT STANDARDS INCLUDING A PERMITTED WELL, SEPTIC SYSTEM, 911 ADDRESS, DRIVEWAY PERMIT, PERMANENT PAD OR SLAB, OPTIONAL SHELTER, ANNUAL INSPECTION, AND COMPLIANCE WITH ZONING DENSITY; PROVIDING FOR A TRANSITION PERIOD FOR EXISTING OCCUPANTS; PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE ONLY IN THE UNINCORPORATED AREA OF THE COUNTY; PROVIDING THAT THIS ORDINANCE SHALL NOT APPLY WITHIN OR TO ANY LICENSED RECREATIONAL VEHICLE PARK; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR REPEAL OF ORDINANCE NO. 2021-02 AND OTHER CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Hamilton County, Florida (hereinafter the "Commission") finds and determines that Hamilton County has adopted, through action of the Commission, Land Development Regulations in order to implement its Comprehensive Plan and to comply with the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes; and

WHEREAS, the Commission has received substantial verbal and written public input from its citizens at public hearings, and in the form of citizen input to individual Commissioners, regarding the use and regulation of recreational vehicles ("RV's") throughout the County, including both concerns regarding uncontrolled placement of RV's and requests that the County provide a defined, lawful pathway for RV dwelling use consistent with the County's infrastructure, public health, and fiscal interests; and

WHEREAS, the uncontrolled, unpermitted placement and use of recreational vehicles throughout the unincorporated areas of the County, without properly permitted utilities and waste disposal, poses risks to the general health, natural beauty, public safety, and the joint welfare of the residents of the County, and the Commission finds that these risks are appropriately addressed not by an outright prohibition alone, but by a permit system that requires proper infrastructure, inspection, and consistency with the density standards otherwise applicable to residential development; and

WHEREAS, the Commission has sought the recommendations of the Hamilton County Planning and Zoning Board following multiple workshops and public hearings regarding the regulation of RV's within the County; and

WHEREAS, the Commission has sought to implement the tools of smart growth management and Florida best practices for county land regulation in establishing a proactive planning approach while maintaining the principles of §70.001, et seq., Florida Statutes, the "Bert J. Harris, Jr., Private Property Rights Protection Act;" and

WHEREAS, the Commission seeks to reaffirm the County's dwelling unit density standards for site-built homes, mobile homes, and, pursuant to this Ordinance, recreational vehicles permitted for dwelling use under Section 7 hereof, so that all forms of residential use on a parcel are counted consistently toward the maximum density permitted for the applicable Future Land Use classification; and

WHEREAS, the Hamilton County Board of County Commissioners has complied with the provisions of §125.66, Florida Statutes, with respect to the advertisement, publication, and conducting of public hearings as conditions precedent to the adoption of this ordinance; and

WHEREAS, by Ordinance No. 2026-____, the Commission imposed a temporary moratorium on the issuance of permits for, and the establishment of, the use and occupation of recreational equipment, vehicles, and campers as dwellings, and by Ordinance No. 2021-02 the Commission previously established a special-permit process for temporary and seasonal camping in motor homes and travel trailers in Agricultural and Environmentally Sensitive Area districts; and the Commission intends by this Ordinance to supersede both prior enactments with a single, comprehensive, and updated regulatory framework; and

WHEREAS, the Commission has previously adopted Ordinance No. 2026-03, the Hamilton County Flood Damage Prevention Ordinance, to maintain the County's participation in the National Flood Insurance Program, and long-term or permanent occupancy of recreational

vehicles within Special Flood Hazard Areas is inconsistent with, and remains prohibited by, that ordinance and this Ordinance confirms and cross-references that prohibition; and

WHEREAS, the Commission recognizes that there is a genuine countervailing consideration of housing flexibility and affordability for persons of limited means or landowning families, and this Ordinance is intended to accommodate that consideration through a defined, inspected, and density-consistent RV Dwelling Permit rather than through an unregulated or indefinite exemption;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, FLORIDA:

1. **Legislative Findings of Fact.** The recitals set forth above ("Whereas" paragraphs) constitute legislative findings of fact providing a rational basis for this Ordinance.

2. **Short Title.** This ordinance and any amendments thereto adopted by the Hamilton County Board of County Commissioners shall be known and referred to as the "Hamilton County Recreational Vehicle Dwelling and Camping Ordinance."

3. **Authority.** This ordinance is adopted by the Hamilton County Board of County Commissioners in accordance with and under the authoritative powers permitted by home rule, the County's police powers to protect the public health, safety, and welfare, and under the powers granted by Chapter 125, Florida Statutes, for the implementation and enforcement of the standards, rules, and regulations set forth herein.

4. **Purpose.** The purpose of this ordinance is to regulate the use, occupation, and placement of recreational vehicles for dwelling and camping purposes in the unincorporated area of Hamilton

County through a permit system designed to protect the public health, safety, and welfare; to preserve the County's ad valorem tax base and prevent blight; to maintain consistency with the Hamilton County Comprehensive Plan, including its residential density standards; and to provide a defined, inspected, and lawful pathway for recreational vehicle dwelling use where appropriate infrastructure and density standards are met, subject to the limited temporary uses and prohibitions expressly set forth herein.

5. **Definitions.** As used herein, "recreational vehicles" or "RV's" are hereby defined as vehicle-type units primarily designed as temporary living quarters for recreational, camping, or travel use, which either have their own motive power or are mounted on or drawn by another vehicle. Recreational vehicle-type units include:

a. The "travel trailer," which is a vehicular portable unit, mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreational, camping, or travel use. It has a body width of no more than 8½ feet and an overall body length of no more than 40 feet when factory-equipped for the road.

b. The "camping trailer," which is a vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use.

c. The "truck camper," which is a truck equipped with a portable unit designed to be loaded onto, or affixed to, the bed or chassis of the truck and constructed to provide temporary living quarters for recreational, camping, or travel use.

d. The "motor home," which is a vehicular unit which does not exceed the length, height, and width limitations provided in §316.515, Florida Statutes, is a self-propelled motor vehicle, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

e. The "private motor coach," which is a vehicular unit which does not exceed the length, width, and height limitations provided in §316.515(9), Florida Statutes, is built on a self-propelled bus type chassis having no fewer than three load-bearing axles, and is primarily designed to provide temporary living quarters for recreational, camping, or travel use.

f. The "van conversion," which is a vehicular unit which does not exceed the length and width limitations provided in §316.515, Florida Statutes, is built on a self-propelled motor vehicle chassis, and is designed for recreation, camping, and travel use.

g. The "park trailer," which is a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances, not exceeding 400 square feet when constructed to ANSI A-119.5 standards, and 500 square feet when constructed to United States Department of Housing and Urban Development Standards.

h. The "fifth-wheel trailer," which is a vehicular unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed 400 square feet in the setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

i. Any other vehicle-type unit within the definition of "recreational vehicle-type unit" set forth in §320.01(1)(b), Florida Statutes, as amended from time to time.

"RV Dwelling Permit" means a permit issued under Section 7 of this Ordinance authorizing the ongoing use of a recreational vehicle as a dwelling. "Temporary Camping and Recreational Use Permit" means a permit issued under Section 9 of this Ordinance. "Special Flood Hazard Area" has the meaning given in Ordinance No. 2026-03, as it may be amended, and the effective Flood Insurance Rate Maps for Hamilton County.

6. General Prohibition; Authorized Uses. The habitation or occupancy of a recreational vehicle, as defined in Section 5, for dwelling purposes, including sleeping, cooking, or habitation, is prohibited in the unincorporated area of Hamilton County except as follows:

A. Pursuant to a valid RV Dwelling Permit issued under Section 7 of this Ordinance;

B. Within a bona fide recreational vehicle park or campground licensed under Chapter 513, Florida Statutes;

C. On a temporary basis during home construction or casualty rebuild, as provided in Section 8 of this Ordinance;

D. Pursuant to a valid Temporary Camping and Recreational Use Permit issued under Section 9 of this Ordinance; or

E. Under emergency conditions or other extraordinary circumstances declared by the Hamilton County Board of County Commissioners, for not more than fourteen (14) days, if authorized by the County Manager or designee; the County Manager or designee may extend such authorization for successive fourteen (14) day periods during the pendency of a declared state of emergency affecting the County and for a reasonable recovery period thereafter.

7. <u>RV Dwelling Permit.</u>

7.1 Applicability. This Section applies within Agricultural and Environmentally Sensitive Area zoning districts only.

7.2 Permit Required. No recreational vehicle shall be used for dwelling purposes on an ongoing basis except pursuant to an RV Dwelling Permit issued by Hamilton County in accordance with this Section.

7.3 Application Standards. An applicant for an RV Dwelling Permit must demonstrate each of the following:

a. A properly permitted well, or connection to an approved public or private water system;

b. A properly permitted septic tank or aerobic treatment unit system approved by the Florida Department of Health, or connection to an approved central sewer system;

c. Issuance of a 911 address for the site;

d. A current Hamilton County driveway (access) permit;

e. A permanent pad or slab, constructed and maintained in accordance with established standards, upon which the recreational vehicle shall be set and secured. An applicant may, at the applicant's option, construct a carport, awning, or other shelter or covering over the recreational vehicle and pad, provided that any such shelter complies with the Florida Building Code, these land development regulations, and all other applicable permitting requirements;

f. That the recreational vehicle bears a current, valid state license plate at all times;

g. That the total number of dwelling units on the parcel — including the recreational vehicle(s) for which the permit is sought, together with any principal dwelling, mobile home, or other dwelling unit already located on the parcel — does not exceed the maximum residential density established for the applicable Future Land Use classification under the Hamilton County Comprehensive Plan and these land development regulations. Each recreational vehicle permitted for dwelling use under this Section shall be counted as one (1) dwelling unit for purposes of this calculation; and

h. That the recreational vehicle is not located, and will not be located, within a Special Flood Hazard Area, consistent with Section 7.5 of this Ordinance.

7.4 Accessory Structures. Accessory structures are permitted on a parcel for which an RV Dwelling Permit has been issued, subject to compliance with the applicable provisions of these land development regulations, the Florida Building Code, and any other applicable

permitting requirements. Nothing in this Section shall be construed to prohibit accessory structures on such a parcel.

7.5 Flood Hazard Areas. Sections 8.13.1 and 8.13.2 of Hamilton County Ordinance No. 2026-03, as they may be amended, permit a recreational vehicle or park trailer to be placed within a flood hazard area only as a temporary placement, meeting either of the following: (i) the unit is less than 480 square feet and remains on the site for fewer than 180 consecutive days; or (ii) the unit is fully licensed and ready for highway use, remaining on wheels or a jacking system, attached to the site only by quick-disconnect utilities and security devices, with no permanent attachments such as additions, rooms, stairs, decks, or porches. Any placement that does not meet those limitations is a permanent placement prohibited by Section 8.13.2 of Ordinance No. 2026-03. Because an RV Dwelling Permit under this Section requires a permanent pad or slab and a permitted well and septic system, and does not restrict occupancy to fewer than 180 consecutive days, a recreational vehicle occupied under an RV Dwelling Permit does not qualify as a temporary placement under Section 8.13.1. Accordingly, no RV Dwelling Permit shall be issued, and no recreational vehicle shall be occupied under an RV Dwelling Permit, within a Special Flood Hazard Area.

7.6 Permit Term; Annual Inspection; Renewal. An RV Dwelling Permit shall be valid for one (1) year from the date of issuance. No RV Dwelling Permit shall be renewed or re-issued unless the recreational vehicle and site have first passed an inspection, conducted by the Building Inspector or designee, confirming continued compliance with this Section. The Building Inspector shall develop a standard inspection checklist and shall schedule inspections in advance of each permit's expiration date.

7.7 Application and Inspection Fee. The application and inspection fee for an RV Dwelling Permit is hereby set at $600.00, which amount does not include, and is separate and apart from, any special assessment or impact fee that may separately be levied or imposed against the property or the recreational vehicle dwelling unit under other ordinances or resolutions of the Board. The Board delegates to the Building Inspector the responsibility for developing an application and inspection form for the RV Dwelling Permit, and this fee may be adjusted from time to time by resolution of the Board to reflect the County's reasonable administrative and inspection costs under this Section.

7.8 Revocation; Appeal. An RV Dwelling Permit is subject to revocation by the County upon a determination that the permit holder has failed to maintain compliance with this Section, subject to the notice, enforcement, and appeal procedures set forth in Section 13 of this Ordinance and Article 12 of these land development regulations.

8. <u>Temporary Dwelling During Home Construction or Casualty Rebuild.</u> The temporary dwelling in a recreational vehicle that is strictly limited to and in conjunction with the construction of a residential site-built home, mobile home, or modular home is allowed in accordance with the following requirements:

a. A temporary dwelling unit shall only be allowed on a lot where (i) a valid building permit has been issued and remains active for the construction of a new single-family, detached or single-family, attached dwelling on that lot; or (ii) a single-family, detached or single-family, attached dwelling has been destroyed or damaged by fire or other disaster to an extent which makes such dwelling uninhabitable, and a valid building permit has been issued and remains active for the rebuilding or repairing of the dwelling.

b. Temporary dwellings are permitted for up to a six-month period, which may be renewed one time only for an additional six-month period, and shall terminate in any event upon completion of new home construction or completion of repairs to the damaged dwelling, as evidenced by the issuance of a certificate of occupancy or final inspection approval.

c. Such temporary use shall be allowed only on a lot where a single-family, detached or single-family, attached dwelling is permitted by the provisions of the Hamilton County Land Development Regulations.

9. Temporary Camping and Recreational Use Permit. A recreational vehicle may be used for temporary habitation on non-public lands as a hunting camp, camping, glamping, supplemental or overflow living space in connection with an existing dwelling as provided in paragraph (e) below, or other temporary recreational use approved by the Hamilton County Land Use Administrator, subject to the following restrictions:

a. The RV user is the owner of the non-public lands or has the written permission of the owner.

b. The use is limited to a total of thirty (30) days within any ninety (90) day period during a calendar year ("Time Use Period").

c. The RV user and the landowner are prohibited from applying for a 911 address or homestead qualification for the RV.

d. The RV owner must submit an application form, along with the landowner's written permission, to the Land Use Administrator for approval for every period of intended use. The Board delegates to the Hamilton County Land Use Administrator the

responsibility for developing and implementing a suitable application form for this purpose and for proposing to the Board from time to time such fee as may be appropriate in connection with this application process. The initial application fee is hereby set by this Board at $50.00 per Time Use Period.

e. Supplemental or Overflow Space Adjacent to an Existing Dwelling. A recreational vehicle may be placed and occupied under this Section on the same parcel as, and in reasonable proximity to, an existing single-family dwelling, mobile home, or other principal dwelling unit lawfully established on the parcel, for use as supplemental or overflow living space — including, without limitation, for visiting family members or guests — during the Time Use Period. Such use remains subject to all other restrictions of this Section, including without limitation the Time Use Period in paragraph (b).

10. Transition for Existing Occupants. The owner(s) and/or occupant(s) of any recreational vehicle being used for dwelling purposes as of the effective date of this Ordinance must, within twelve (12) months of the effective date, either:

a. obtain an RV Dwelling Permit under Section 7 by demonstrating compliance with Section 7.3, or, where full compliance cannot immediately be demonstrated, by submitting a written compliance plan and timeline approved by the Land Use Administrator for coming into compliance with Section 7.3; or

b. discontinue such use, disconnect all utilities, and dispose of all waste and debris on the site in accordance with all environmental and health department requirements.

For good cause shown and to avoid undue hardship, upon written application made to and investigated by the Land Use Administrator, the Planning & Zoning Board may grant a one-time

extension of up to six (6) months to comply with this Section. This Section does not apply to, and no compliance plan or extension may be granted for, any recreational vehicle located within a Special Flood Hazard Area, which remains subject to Section 7.5 of this Ordinance and does not qualify for an RV Dwelling Permit.

11. Licensed Parks; Limitation of Application. Recreational vehicles used as dwellings are permitted in approved and licensed recreational vehicle or camper sites and parks in accordance with Chapter 513, Florida Statutes, independent of the permits established by this Ordinance. Nothing in this Ordinance is intended to apply within or to Mobile Home and Recreational Vehicle Parks licensed under Chapter 513, Florida Statutes.

12. Conditions on Permits for Utilities. Except as expressly authorized under a valid RV Dwelling Permit issued pursuant to Section 7, a valid Temporary Camping and Recreational Use Permit issued pursuant to Section 9 (subject to the restrictions therein), or Section 8 of this Ordinance, no building, health, or other permit shall be issued for a septic tank, aerobic treatment unit system or drainfield associated therewith, well, water, power, or other utility connection for any recreational vehicle. Violation of this Section shall be enforceable, and shall be subject to the penalties set forth in Section 13 of this Ordinance, in addition to the possible revocation of any permit issued under this Ordinance.

13. Enforcement.

A. . The Hamilton County Board of County Commissioners is authorized to enforce this Ordinance and may follow the established procedures and schedule of violations and penalties set forth below, to be assessed by the Sheriff in and for Hamilton County or by the Hamilton County Code Enforcement Officials through the established Special Magistrate

hearing procedure, in accordance with Chapter 162 and §125.69, Florida Statutes, and Chapter Fifteen of the Hamilton County Land Development Regulations.

B. . Violation of any provision of this Ordinance shall be subject to the following penalties, in addition to the revocation of any permit issued under this Ordinance:

i. Fine: (1) First violation: $100.00 fine, and up to $50.00 per day thereafter for each day the violation continues; (2) Second violation: $500.00 fine, and up to $100.00 per day thereafter for each day the violation continues; (3) Third or subsequent violation: prosecution as provided in §125.69, Florida Statutes, punishable by a fine not to exceed $500.00, or by imprisonment for a definite term not to exceed sixty (60) days in a detention facility or other facility authorized by law, or by both such fine and imprisonment.

ii. The County may also pursue mandatory injunctive relief requiring the removal of any recreational vehicle placed on any lands in the unincorporated areas of Hamilton County in violation of this Ordinance.

iii. Hamilton County reserves its rights to such civil remedies in law and equity as may be necessary to ensure compliance with the provisions of this Ordinance, including, but not limited to, injunctive relief to enjoin and restrain any person from violating the provisions of this Ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.

14. Applicability. For the purposes of jurisdictional applicability, this Ordinance shall apply throughout the unincorporated area of Hamilton County, Florida, as the law permits. This

Ordinance shall apply to all applications for development, including building permit applications and subdivision proposals, submitted on or after the effective date of this Ordinance.

15. Inclusion into Code of Ordinances. It is the intent of the Board of County Commissioners in and for Hamilton County, Florida, that the provisions of this Ordinance shall become and be made a part of the Hamilton County Code of Ordinances, and that the sections of this Ordinance may be renumbered or relettered, and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase, in order to accomplish such intentions.

16. Repeal of Ordinance No. 2021-02 and Other Conflicting Ordinances. Ordinance No. 2021-02 is hereby repealed in its entirety and superseded by this Ordinance. The temporary moratorium imposed by Ordinance No. 2026-____ is superseded by this Ordinance upon its effective date. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

17. Severability. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

18. Filing of Ordinance and Effective Date. This Ordinance shall take effect upon final adoption and publication in accordance with law, following the proper and compliant public hearings, notice, and implementation. In accordance with the provisions of §125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Florida Department of State by the Clerk of the Board. This Ordinance shall take effect upon filing with the Florida Department of State.

[Execution of Ordinance Follows on Next Page]

PASSED and ADOPTED in regular session, with a quorum present and voting, by the Board of County Commissioners in and for Hamilton County, Florida, on this _____ day of _____, 2026.

BOARD OF COUNTY COMMISSIONERS

HAMILTON COUNTY, FLORIDA

Attest: _____ Clerk of the Circuit Court Ex-officio Clerk to the Board	By _____ Chairman Board of County Commissioners

Approved as to Form By:

_____

County Attorney