

FLAGLER COUNTY RESOLUTION NO. 2007-666

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA AMENDING FLAGLER COUNTY RESOLUTION NO. 2000-15 THE BULOW PLANTATION PUD (PLANNED UNIT DEVELOPMENT) BY PROVIDING FOR PARK TRAILER CRITERIA BY INCLUDING MINIMUM SITING STANDARDS AND LENGTH OF OCCUPANCY.

WHEREAS, commercial recreational use is permitted pursuant to the Bulow Plantation Planned Unit Development ("PUD") (Flagler County Resolution No. 2000-15) as recorded at O.R. Book 0687, Pages 0202 et seq., of the Public Records of Flagler County, Florida; and

WHEREAS, the owner/developer, MHC Bulow Plantation, L.L.C., is seeking to clarify the permitted use of the approximately 45 acre area of permanent commercial campground, as set forth in Exhibit "D" of Flagler County Resolution No. 2000-15, to meet modern industry standards for commercial recreational uses by authorizing the installation of "park trailers" within said commercial recreational area; and

WHEREAS, Flagler County finds it to be in the public interest to define and clarify the standards expressed in Resolution No. 2000-15 for siting of the park trailers in Bulow Plantation; and

WHEREAS, a pre-application conference was held on February 7, 2007 with regard to defining and clarifying the siting standards in the Bulow Plantation DRI adopted at Resolution No. 2000-15; and

WHEREAS, the park trailer siting standards expressed herein will not result in any change to the density or intensity of the approved commercial recreational use, nor will they decrease required open space or affect the internal or external accessways in and to Bulow Plantation as set forth in the current site lay-out for the Bulow Plantation commercial recreational area; and

WHEREAS, adopting the minimum standards for siting of park trailers as set forth herein does not require any revision to the currently approved site plan for the Bulow Plantation commercial recreational area, nor will the text of the PUD agreement change in any other respect by adoption of this Resolution; and

WHEREAS, this Resolution does not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes (2006); and

WHEREAS, the Board of County Commissioners on April 30, 2007 determined that this Resolution is appropriate in light of the definition of "park trailer" as currently defined in Florida Statutes and is generally consistent with the Goals, Objectives, and Policies of the Flagler County Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF FLAGLER COUNTY, FLORIDA, THAT EXHIBIT "C" OF FLAGLER COUNTY RESOLUTION 2000-15, "SPECIFIC CONDITIONS" IS HEREBY AMENDED TO CREATE A NEW SECTION "L" TITLED "PARK TRAILER CRITERIA" AS FOLLOWS:

L. PARK TRAILER CRITERIA

1. Definitions.

A. "Park trailer" is as defined in Section 320.01(1)(b)1.-7, Florida Statutes (2006), or successors and which is subject to recreational site use agreement provisions prohibiting permanent occupancy.

B. "Permanent occupancy" is defined as occupancy of a single site for more than six (6) months per year by an authorized recreational site user, his or her family, guests or invitees. For purposes of determining permanent occupancy as herein defined, six (6) months shall exclude any excess days beyond the six (6) months due to calendar calculations, such as Leap Year.

2. Minimum Siting Standards.

A. Park trailers are allowed to be sited only upon the previously designated 350 improved recreational vehicle spaces as identified in Land Use Table Exhibit "D" and graphically identified on the Master Planned Unit Development Map Exhibit "B" of Flagler County Resolution No. 2000-15. Park trailers shall have the minimum separations as specified in Florida codes and NFPA 5000, Building Construction and Safety Code. The applicable provisions of NFPA 1194 shall also apply.

B. Park trailers shall be installed in accordance with Sections 15C-1.0102 through 15C-1.0104, Florida Administrative Code, in effect at the time of installation, or in accordance with the manufacturer's directions.

C. Park trailer sites shall have sufficient room for parking two (2) vehicles completely off all internal accessways. The apron and parking area may be unimproved.

D. All park trailer appurtenances, including, but not limited to, steps and stairways, shall require review in accordance with the applicable minimum requirements of the Florida Building Code.

E. Propane and LP tanks shall be installed in accordance with the manufacturer's directions, and shall be separated from ignition and fuel sources as required by NFPA 58, Liquid Petroleum Gas Code.

F. No appurtenant uses may be affixed to park trailer units by park trailer site users.

3. Length of Occupancy.

A. Permanent occupancy of park trailers shall be prohibited. The following language shall be included in each recreational site use agreement for all park trailers to ensure this purpose: "Use of a park trailer shall not exceed six (6) months per calendar year. Under no circumstances shall the site user, his or her family, guests or invitees be permitted to occupy a Unit for more than six (6) months per calendar year".

B. The owner/developer shall maintain a file of all park trailer recreational site use agreements, which shall be made available to County inspectors upon request.

C. Users of park trailer sites shall be subject to the County's police powers with regard to occupancy beyond six (6) months .

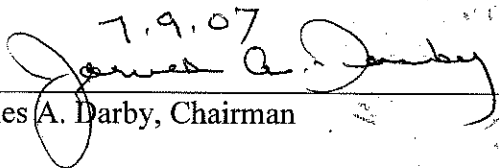
D. The developer/owner and the County will cooperate to ensure that the permitted transient occupancies of park trailer sites do not become permanent.

E. The County will stay enforcement related to length of occupancy of park trailer sites within the permanent commercial campground for a period of three (3) years from April 30, 2007. The park trailer sites subject to these provisions are those sites on which are installed privately-owned park trailers in existence on or prior to April 30, 2007. However, nothing contained herein will suspend the County's responsibility to enforce the various codes and ordinances as they relate to life safety issues during this period.


F. For purposes of the collection of any tax related to transient lodging, the park trailers as defined herein shall be subject to the County's tourist development tax at the prevailing rate with remittance to be made to the appropriate authority according to payment methods and schedules as established by the appropriate authority having jurisdiction over the County's tourist development tax.

APPROVED this 9TH day of JULY, 2007, by the Board of County Commissioners, Flagler County, Florida.

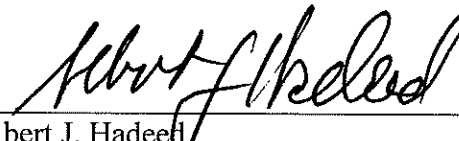
BOARD OF COUNTY COMMISSIONERS
OF FLAGLER COUNTY, FLORIDA

7.9.07

James A. Darby, Chairman

ATTEST:


Gail Wadsworth, Clerk and
Ex-Officio Clerk to the Board

APPROVED AS TO FORM:


Albert J. Hadeed
County Attorney