



ADDENDUM #1 – Item #8 Ordinance No. 2013-05

TOWN OF LOXAHATCHEE GROVES

SECOND AND FINAL PUBLIC HEARING 2013-1014 BUDGET

TOWN COUNCIL MEETING AGENDA

TUESDAY, SEPTEMBER 17, 2013

Mayor David Browning (Seat 4)

Vice Mayor Ron Jarriel (Seat 1)

Councilman Tom Goltzené (Seat 5)

Councilman Ryan Liang (Seat 3)

Councilman Jim Rockett (Seat 2)



TOWN OF LOXAHATCHEE GROVES
OFFICE OF THE TOWN MANAGER
AGENDA REPORT

TO: Mayor and Town Council

FROM: Mark A. Kutney, Town Manager, AICP, ICMA-CM

DATE: September 17, 2013

SUBJECT: Proposed ULDC text amendments; Conditional Uses Section 80-20.
Residential enterprise

I. BACKGROUND/HISTORY

Per Section 05-070, the Town Council may amend the Unified Land Development Code (ULDC) for the purposes of public necessity, convenience, general welfare, or good planning and zoning practice. Any amendment to the ULDC requires a super majority of the Council. The Town Council has directed staff to prepare corrective amendments to Section 80-20. *Residential enterprise* of the ULDC that will result in a more opportunities for homesteaded properties to include small business operations.

II. DISCUSSION

Staff proposes revisions to Section 80-20. *Residential enterprise* of the ULDC per Town Council direction. The amendment will allow up to three customers of a residential enterprise to be present on-site at any given time.

III. FISCAL IMPACT

None

IV. ATTACHMENTS - Staff report.

V. REQUIRED ACTION – Approval of Ordinance 2013 – 05

STAFF REPORT – PROPOSED ORDINANCE 2013-05

I. GENERAL INFORMATION

A. APPLICANT: Town of Loxahatchee Groves.

B. PURPOSE: Staff, based upon Town Council direction, has prepared a ULDC amendment in order to create additional small business opportunities for homesteaded properties:

II. REQUESTED ULDC TEXT AMENDMENTS

Staff proposes revisions to Section 80-20. *Residential enterprise* of the ULDC. The amendment will allow up to three customers of a residential enterprise to be present on-site at any given time.

Copies of the proposed ULDC amendments are included in Attachment A.

III. STAFF ANALYSIS

The proposed text amendment will allow a minimal number of Residential Enterprise customers or clients to transact business on the premises.

A. REASON AND/OR NEED FOR THE PROPOSED TEXT CHANGE:

The basic purpose of the proposed text amendment is to create additional small business opportunities for the residents of homesteaded properties.

B. REASON THE PRESENT TEXT IS INVALID OR INAPPROPRIATE:

The current text of the ULDC is not necessarily invalid or inappropriate; however, the proposed amendments will increase potential Residential Enterprise business opportunities for Town residents.

C. HOW DOES THE PROPOSED TEXT AMENDMENT FURTHER THE PURPOSES OF THE COMPREHENSIVE PLAN OR OTHER TOWN CODES, REGULATIONS OR PLANS DESIGNED TO IMPLEMENT THE COMPREHENSIVE PLAN:

The proposed text amendment is a revision to one section of the ULDC oriented to increasing Residential Enterprise opportunities by allowing a minimal number of customers or clients to transact business on the premises.

The following Future Land Use Element Comprehensive Plan directives are supportive of the proposed amendment:

1. Policy 1.1.4(h) directs the Town to create codes allowing diverse low impact home-based businesses.

2. Policy 1.1.6 directs the Town to utilize creative land development regulations that enhance the rural atmosphere, reduce energy useage and reduce greenhouse gas emissions.
3. Policy 1.1.8.6 directs the Town to allow home occupation uses that will not degrade the rural character of the area.
4. Policy 1.12.4 directs the Town to allow home-based businesses to the extent that impacts are compatible with an agricultural/residential community.

In addition, the following Housing Element Comprehensive Plan directive supportive of the proposed amendment:

1. Policy 6.2.8 directs the Town to encourage job creation at locations permitted by the Town's ULDC as a means of assisting very-low, low and moderate income residents ion finding employment proximate to their homes.

D. IS THERE AN ERROR OR AMBIGUITY TO BE CORECTED: There is no error or ambiguity in the ULDC to be corrected by the proposed amendment.

IV. PLANNING AND ZONING (P & Z) BOARD ACTION: At its meeting of September 12, 2013, Planning and Zoning Board recommended denial of the proposed ULDC text amendment by a 5-0 vote.

P & Z Board concerns centered around the issue of potential retail commercial businesses being allowed as residential enterprises in the AR zoning district. As the definition of Residential Enterprise (Section 10-015 of the ULDC) and Section 80-020 Residential Enterprise of the ULDC do not define the types of businesses that may be allowed, P & Z was concerned that allowing clients or customers on the premises would encourage potentially incompatible (i.e. with the agricultural residential character of the Town) retail commercial businesses to locate in the AR District.

P & Z recommended that the definition of Residential Enterprise and the Residential Enterprise section of the ULDC be reviewed by the Town's ULDC Review Committee to better define the types of businesses allowed in order to insure that the Town's character is not compromised.

V. STAFF FINDINGS: Planning staff finds the text amendment proposed by staff to be consistent with: (1) The directive of the Town Council; (2) The intent and direction of the Loxahatchee Groves Comprehensive Plan; and (3) appropriate review criteria for a zoning change listed in Section 160-020 of the ULDC.

VI. STAFF RECOMMENDATION: Staff recommends approval of the proposed ULDC text amendments, as presented in Attachment A:

VII. TOWN COUNCIL ACTION: To be included upon Town Council consideration.

ATTACHMENT A

Proposed ULDC Text Amendments (Ref: Following Pages)

(Underlined text is to be added and struck through text is to be deleted):

1. Section 80 – 20. Residential enterprise.

Section 80-020 Residential Enterprise.

Residential enterprises as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be permitted in all residential zoning districts as a use accessory to a principal residential use and subject to the following limitations:

- (A) Resident of property. The plot on which a residential enterprise is located shall be occupied by the owner who shall provide proof of a homestead exemption within one year of establishing the residential enterprise.
- (B) Size of property. Residential enterprises shall be permitted on properties of five acres or more in size.
- (C) Location of residential enterprise. A residential enterprise shall be conducted only within an accessory building on the property where the main dwelling is located, and not within the dwelling.
- (D) Number of accessory buildings. There shall be a maximum of two accessory buildings used for a residential enterprise.
- (E) Size of accessory buildings. The total floor area ratio (F.A.R.) of all accessory buildings used for a residential enterprise shall not exceed 0.01.
- (F) Appearance of accessory buildings. The accessory buildings used for a residential enterprise shall be in the same style and have the same architectural appearance as the principal residential use.

(G) Employees or contractors. In addition to any person(s) who are the residents of the property, there shall be a maximum of two outside employees or contractors who assist with the residential enterprise.

(H) Clients or customers. ~~No client or customer shall be allowed on the premises to transact business of any nature.~~ Up to three (3) clients or customers may be present at the same time to transact business on the premises.

(I) Delivery. Merchandise or goods shall be shipped by way of the U.S. Postal Service, United Parcel Service, Federal Express or similar small package carrier. If other commercial carriers are required, the residential enterprise shall be deemed to require a Special Exception pursuant to Article 170.

(J) Commercial vehicles. Commercial vehicles associated with the residential enterprise shall be subject to Section 20-010(G).

(K) [Adult entertainment.] Adult entertainment or the production of adult entertainment materials is prohibited.

Exceptions to the foregoing limitations shall be subject to approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025(A) for Special Exceptions.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING PART III, ENTITLED "SUPPLEMENTAL REGULATIONS," ARTICLE 80, ENTITLED "CONDITIONAL USES," SECTION 80-020, ENTITLED "RESIDENTIAL ENTERPRISE," OF THE TOWN OF LOXAHATCHEE GROVES UNIFIED LAND DEVELOPMENT CODE TO PERMIT A LIMITED NUMBER OF CUSTOMERS TO TRANSACT BUSINESS AT THE LOCATION OF A RESIDENTIAL ENTERPRISE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council believes that the regulations relating to Residential Enterprises should be amended to permit a limited number of customers to transaction business at the location of a Residential Enterprise; and,

WHEREAS, at its March 14, 2013, meeting, the Town's Planning and Zoning Board reviewed the proposed amendments to the regulations at a public hearing and recommended approval of the amendments; and,

WHEREAS, the Town Council finds it in the best interest of the Town to amend the Residential Enterprise regulations as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, THAT:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Part III, entitled "Supplemental Regulations," Article 80, entitled "Conditional Uses," Section 80-020, entitled "Residential Enterprise," of the Town of Loxahatchee Groves Unified Land Development Code is amended as follows:

Section 80-020 Residential Enterprise.

Residential enterprises as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be permitted in all residential zoning districts as a use accessory to a principal residential use and subject to the following limitations:

- (A) Resident of property. The plot on which a residential enterprise is located shall be occupied by the owner who shall provide proof of a homestead exemption within one year of establishing the residential enterprise.
- (B) Size of property. Residential enterprises shall be permitted on properties of five acres or more in size.
- (C) Location of residential enterprise. A residential enterprise shall be conducted only within an accessory building on the property where the main dwelling is located, and not within the dwelling.
- (D) Number of accessory buildings. There shall be a maximum of two accessory buildings used for a residential enterprise.
- (E) Size of accessory buildings. The total floor area ratio (F.A.R.) of all accessory buildings used for a residential enterprise shall not exceed 0.01.
- (F) Appearance of accessory buildings. The accessory buildings used for a residential enterprise shall be in the same style and have the same architectural appearance as the principal residential use.
- (G) Employees or contractors. In addition to any person(s) who are the residents of the property, there shall be a maximum of two outside employees or contractors who assist with the residential enterprise.
- (H) Clients or customers. ~~No client or customer shall be allowed on the premises to~~

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~~transact business of any nature.~~ Up to three (3) clients or customers may be present at the same time to transact business on the premises.

(I) Delivery. Merchandise or goods shall be shipped by way of the U.S. Postal Service, United Parcel Service, Federal Express or similar small package carrier. If other commercial carriers are required, the residential enterprise shall be deemed to require a Special Exception pursuant to Article 170.

(J) Commercial vehicles. Commercial vehicles associated with the residential enterprise shall be subject to Section 20-010(G).

(K) [Adult entertainment.] Adult entertainment or the production of adult entertainment materials is prohibited.

Exceptions to the foregoing limitations shall be subject to approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025(A) for Special Exceptions.

Section 3. **Repeal of Laws in Conflict.** All Ordinances or part of Ordinances in conflict herewith are in the same are hereby repealed to the extent of such conflict.

Section 4. **Severability.** If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 5. **Codification.** It is the intention of the Town Council of the Town of Loxahatchee Groves that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the Town of Loxahatchee Groves, Florida, and that the Sections of this ordinance may be re-numbered, re-lettered, and the word "Ordinance" may be changed to "Section", "Article" or such other word or phrase in order to accomplish such intention.

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Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 17th DAY OF SEPTEMBER, 2013.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS _____ DAY OF _____, 2013.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

TOWN CLERK

Vice Mayor Ron Jarriel

APPROVED AS TO LEGAL FORM:

Council Member Tom Goltzené

Office of the Town Attorney

Council Member Ryan Liang

Council Member Jim Rockett

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