



ADDENDUM 1

TOWN OF LOXAHATCHEE GROVES

TOWN COUNCIL MEETING AGENDA

TUESDAY, OCTOBER 1, 2013 @ 7:00 P.M.

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)

Underwood Management Services Group, LLC



840 N.E. Stokes Terrace
Jensen Beach, Florida 34957
Telephone: 772.233.1511

William F. Underwood, II
Managing Partner
Email: umsg@att.net

TO: Mayor and Town Council

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

DATE: September 20, 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 in 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: At its meeting of September 17, 2013, Town Council voted to approve Ordinance 2013-05 on first reading by a 5-0 vote.

Town Council further directed staff to refer the issue of Residential Enterprise to the Town's ULDC Review Committee, where it is to be given a high priority for a comprehensive review and recommendation regarding issues raised by the Planning and Zoning Board.

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.

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.