



TOWN OF LOXAHATCHEE GROVES
UNIFIED LAND DEVELOPMENT CODE
COMMITTEE AGENDA
FRIDAY, OCTOBER 14, 2016

Chair Mary McNicholas

Vice-Chair Karen Piesley

Member Christine St. John

Member Thais Gonzalez

Member Lawrence Corning



Town of Loxahatchee Groves

UNIFIED LAND DEVELOPMENT CODE COMMITTEE

Thursday, October 14, 2016 at 10:00 a.m.

Meeting Location: Town Hall, 155 F Road

Chairperson: Mary McNicholas
Vice Chairperson: Karen Piesley
Committee Member: Christine St. John
Committee Member: Lawrence Corning
Committee Member: Thais Gonzalez

Town Manager William F. Underwood II
Acting Town Clerk Perla Underwood
Planning Consultant Jim Fleischmann

AGENDA

1. OPENING

- a. Call to Order & Roll Call
- b. Approval of Agenda

2. Approval of Minutes: None

2. ORDER OF BUSINESS

- a. Status of ULDC/Comp Plan Committee Recommendations
- a. Review and Recommended Revisions to Agriculture Residential Permitted Uses (AR)

4. CLOSING COMMENTS

- a. Public
- b. Set next meeting date and time

5. ADJOURNMENT

Comments Cards: Anyone from the public wishing to address this Committee must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of this Committee with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.

Town of Loxahatchee Groves, Florida
Town Council Agenda Item Report
Mobile Home and Congregate Living Facility ULDC Revisions

PREPARED BY: Jim Fleischmann

October 18, 2016

SUBJECT: The following ULDC Revisions

1. Deletion of the term “Mobile home” from ULDC Article 10 – *Definitions, Abbreviations, and construction of Terms*
2. Addition of the terms “Manufactured home” and “Modular home” to ULDC Article 10 – *Definitions, Abbreviations, and construction of Terms*
3. Deletion of “Mobile home” and addition of “Modular home” to the list of permitted uses to ULDC Section 20-015 – *Permitted Uses* (AR District)
4. Deletion of “Congregate Living Facility, Type I” from the list of permitted uses to ULDC Section 20-015 – *Permitted Uses* (AR District)

1. BACKGROUND

History: Mobile home and Congregate Living Facility, Type I are currently a permitted use in the Town’s Agricultural Residential (AR) District.

Problem Statement: Mobile homes and Congregate Living Facilities, Type I have become an issue in Loxahatchee Groves and are essentially unregulated. Congregate Living Facilities, Type I are not defined in the ULDC, but are listed as a permitted use in the AR District.

Problem Solution: The Town Council has determined that unregulated mobile homes and undefined Congregate Living Facilities, Type I are not appropriate in Loxahatchee Groves.

2. CURRENT ACTIVITY

The Town Council has directed the Town’s Unified Land Development Code (ULDC) Review Committee to review the mobile home issue and permitted uses in the Town’s various zoning districts and recommend appropriate revisions to the ULDC. The ULDC Review committee reviewed potential revisions to the ULDC to address the mobile home issue in Town at its August 16, August 25, September 13, and September 28, 2016 meetings. The differences between mobile home, manufactured home and modular home were discussed at length. In addition, Staff consulted with Palm Beach County Building division staff to determine the differences in county review and approval procedures related to the issue. The ULDC recommended approval of the ULDC revisions included in proposed Ordinance 2016-010 at its September 13th and September 28th meetings. The Planning and Zoning Board recommended approval of the ULDC revisions included in proposed Ordinance 2016-010 at its September 29, 2016 meeting

3. ATTACHMENTS

1. Proposed Ordinance 2016-010 which includes text amendments to ULDC Article 10 – 015 *Definitions* and ULDC Section 20-015 – *Permitted Uses*

4. FINANCIAL IMPACT

Work on this project is funded by a Town Council Work Authorization

5. RECOMMENDED ACTIONS:

1. That the Town Council approve of the proposed Ordinance 2016-010 on First Reading.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2016-010

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, RELATING TO THE TOWN'S UNIFIED LAND DEVELOPMENT CODE; AMENDING PART I, ENTITLED "ADMINISTRATION AND DEFINITIONS," ARTICLE 10 ENTITLED "DEFINITIONS, ABBREVIATIONS, AND CONSTRUCTION OF TERMS", SECTION 10-015, ENTITLED "DEFINITIONS," TO DELETE THE DEFINITION OF MOBILE HOME AND ADD THE DEFINITIONS OF MANUFACTURED HOME AND MODULAR HOME, AND TO AMEND PART II, ENTITLED "ZONING DISTRICTS," ARTICLE 20 ENTITLED "RESIDENTIAL ZONING DISTRICTS," SECTION 20-015, ENTITLED "PERMITTED USES" BY DELETING MOBILE HOME AND CONGREGATE LIVING FACILITY, TYPE I AS PRINCIPAL USES AND ADDING MODULAR HOME AS A PRINCIPAL USE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council directed the Unified Land Development Code (ULDC) Committee to review provisions of the Town's ULDC related to topics specified by the Town Council; and,

WHEREAS, pursuant to the direction of the Town Council, the ULDC Committee and Planning and Zoning Board (PZB), pursuant to Town Ordinance 2011-011, have reviewed the matter of mobile homes and Congregate Living Facility, Type ;, and,

WHEREAS, consistent with the direction of the Town Council, the Town ULDC Committee and PZB have reviewed appropriate provisions of the Town's ULDC and recommend that certain provisions be deleted or added; and

WHEREAS, the Town of Loxahatchee Groves, Florida, believes it is in the best interest of the Town to amend the Town’s ULDC to: (1) delete the definition of Mobile Home from ULDC Part I, Article 10, Section 10-015 *Definitions*; (2) add the definitions of Manufactured Home and Modular Home to ULDC Part I, Article 10, Section 10-015 *Definitions*; (3) delete Mobile Home and Congregate Living Facility, Type I from ULDC Part II, Article 20, Section 20-015 *Permitted Uses*; and (4) add Modular Home to ULDC Part II, Article 20, Section 20-015 *Permitted Uses*.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, 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 I, entitled “Administration and Definitions,” Article 10 entitled “Definitions, Abbreviations, and Construction of Terms”, Section 10-015, entitled “Definitions,” of the Town’s Unified Land Development Code, is amended as follows. ~~Struck through~~ text is deleted and underlined text is added:

Section 10-015: Definitions.

~~**Mobile home.** A structure, transportable in one or more sections, which is eight body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems contained therein.~~

Manufactured home. A structure not permitted in Loxahatchee Groves and commonly referred to as a mobile home, constructed in the factory according to the national Department of Housing and Urban Development (HUD) building code governing building standards for factory-built homes, transportable in one or more sections, which is eight body feet or more in width and which is built on an integral chassis/undercarriage that provides structural support after installation, and designed to be used as a dwelling unit when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The structure shall remain a manufactured home regardless of how it is installed, what type of foundation and skirting is used, or improvements made.

Modular home. A structure requiring a building permit, constructed in a factory designed to be used as a dwelling unit which is permanently affixed to an engineered foundation (i.e. concrete slab, stem-wall or poured or driven piles) and built in accordance with the provisions of the Florida minimum building codes intended to regulate site-built construction, including plumbing, electrical, fire, accessibility and energy codes. The Florida Department of Economic Opportunity, as evidenced by a plate attached to the structure, certifies that the factory-built structure is in compliance with the Florida Manufactured Buildings Act (Florida Statutes Part IV, Chapter 553).

Section 3. Part II entitled “Zoning Districts”, Article 20 entitled “Residential Zoning Districts, Section 20-015, entitled “Permitted Uses”, is amended as follows.

Struck through text is deleted and underlined text is added:

Section 20-015. - Permitted uses.

Plots located in the Agricultural Residential (AR) zoning districts may be used for the following specified uses.

Principal Uses	Agricultural Residential (AR)
Single Family Dwelling	Permitted
<u>Mobile Home</u>	<u>Permitted w/Special Exception Category B</u>
<u>Modular Home</u>	<u>Permitted</u>
Public Schools	Permitted
Congregate Living Facility, Type I	Permitted
Non-Profit Community Recreational Facilities	Permitted w/Special Exception Category A
Essential Services	Permitted
Commercial Equestrian Operations	Permitted

Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception Category A
Aviculture	See Note 1 below
Commercial Kennels	Not Permitted
Chipping and Mulching	Permitted subject to Article 80
Feed Lots	Not Permitted
Commercial Animal Manure Management	Not Permitted
Commercial Chipping and Mulching	Permitted subject to Article 80
Rescued Animal Care	Permitted w/Special Exception Category A
Outdoor Events	Permitted subject to Article 80 and to a Special Exception Category A
Agriculture	Permitted
Bona Fide Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception Category A
Rodeo Events	Permitted w/Special Exception Category A

Note 1: The regulation of exhibition or sale of wildlife and personal possession of wildlife are preempted by state law and regulated by the State of Florida. See Sections 379.3761 and 379.762, Florida Statutes and Florida Administrative Code Chapters 68A-1.002 and 68A-6.

Section 4. All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given affect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. 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 Unified Land Development Code of the Town of Loxahatchee Groves, Florida, that the Sections of this ordinance may be renumbered, re-lettered, and the word “Ordinance” may be changed to “Section”, “Article” or such other word or phrase in order to accomplish such intention.

Section 7. This Ordinance shall become effective as provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS _____ DAY OF _____, 2016.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 2016.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Tom Goltzene

Town Attorney

Council Member Ron Jerriel

Council Member Ryan Liang

Council Member Todd McLendon

RESIDENTIAL ZONING DISTRICTS

§ 20-020

Section 20-015. Permitted uses.

Plots located in the **Agricultural Residential (AR)** zoning districts may be used for the following specified uses.

Principal Uses	Agricultural Residential (AR)
Single Family Dwelling	Permitted
Mobile Home	Permitted subject to Article 80
Public Schools	Permitted
Congregate Living Facility, Type 1	Permitted
Non-Profit Community Recreational Facilities	Permitted w/Special Exception
Essential Services	Permitted
Commercial Equestrian Operations	Permitted w/Special Exception
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
Aviculture	Permitted subject to Article 80
Commercial Kennels	Not Permitted
Chipping and Mulching	Permitted subject to Article 80
Feed Lots	Not Permitted
Commercial Animal Manure Management	Not Permitted
Commercial Chipping and Mulching	Permitted subject to Article 80
Rescued Animal Care	Permitted w/Special Exception
Outdoor Events	Permitted w/Special Exception
Agriculture	Permitted
Bona Fide Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception
Accessory Uses	Agricultural Residential (AR)
Accessory Dwelling	Permitted
Groom's Quarter	Permitted
Caretaker's Quarter	Permitted
Home Offices	Permitted subject to Article 80
Residential Enterprise	Permitted subject to Article 80
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception
U-Pick Farms	Permitted w/Special Exception
Private Kennels	Permitted
Private Stables	Permitted
Yard Sales	Permitted subject to Article 80

Section 20-020. Irrigation installation/maintenance and landscape maintenance operations.

Irrigation installation/maintenance operations and landscape maintenance operations are expressly prohibited in the Agricultural Residential (AR) Zoning District.

Section 170-005. Purpose.

Special exception uses may be compatible with the other land uses permitted in a zoning district but, because of their unique characteristics and potential impacts on the surrounding neighborhood and the Town as a whole, require individual review of their location, design, configuration, and/or operation in order to ensure that the use is appropriate at a particular location.

Section 170-010. Applicability.

This article specifies the procedure processing and disposition of applications for special exception uses as set forth in the schedule of district regulations.

Section 170-015. Supplemental application requirements.

In addition to the general application requirements, the applicant shall provide the following materials:

- (A) The existing and proposed use of the property
- (B) The existing use, zoning, and land use designations of lands within 1,500 feet of the subject property
- (C) A site plan meeting the requirements of Article 155, "Site Plans."
- (D) Any other information as may be required for a determination of the nature of the proposed use and its consistency with the criteria for the approval of a special exception use.

Section 170-020. Special exception use procedures.

- (A) Public notice shall be made in accordance with Article 115, "Public Hearing Notices."
- (B) All special exception uses and their related accessory uses including enlargement or modification of an existing special exception use require the authorization of the Town Council. The paragraphs will automatically re-letter once (B) is deleted.

(C) Special exception uses are matters that are quasi-judicial in nature as defined by Section 120-020: "Ex parte communications on quasi-judicial proceedings prohibited." All matters that are defined as quasi-judicial in nature shall utilize the quasi-judicial hearing procedures set forth therein. The petitioner shall bear the burden of providing competent substantial evidence that the special exception use should be granted.

Section 170-025. Special exception use review standards; Town Council action.

(A) The Town Council shall review the application to determine whether the special exception use complies with the following standards:

- (1) That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located.