

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, REPEALING SEC. 20-050 “RECREATIONAL VEHICLES” OF ARTICLE 20 – “RESIDENTIAL ZONING DISTRICTS”; AND ESTABLISHING ARTICLE 92 “RECREATIONAL VEHICLES” WITHIN PART III “SUPPLEMENTAL REGULATIONS” WITHIN THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to adopt land development regulations within the Town; and

WHEREAS, the Town desires to amend and clarify its regulations relating to Recreational Vehicles (“RVs”) within its adopted Unified Land Development Code (“ULDC”); and

WHEREAS, the notice and hearing requirements for adoption of ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a public hearing for the proposed amendments; and

WHEREAS, the Town Council of Town of Loxahatchee Groves finds that the adoption of this ordinance amending the ULDC to revise its regulations regarding Recreational Vehicles is consistent with the Town’s Comprehensive Plan, and in the best health and welfare interests of the Town, its property owners and residents.

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

Section 1. The foregoing recitals are hereby ratified and confirmed as being true and correct and are incorporated herein by this reference.

Section 2. The Town of Loxahatchee Groves hereby repeals Section 20-050 “Recreational Vehicles” within Part II, Zoning Districts; and establishes Article 92 “Recreational Vehicles” within Part III Supplemental Regulations; its Unified Land Development Code to read as shown in the attached and incorporated Exhibit A.

Section 3. Conflict. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.

Section 4. Severability. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

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

Councilmember _____ offered the foregoing ordinance. Councilmember _____ seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS __ DAY OF _____, 20__.

Councilmember _____ offered the foregoing ordinance. Councilmember seconded the motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
LAURA DANOWSKI, MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARIANNE MILES, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF _____, 20__.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Mayor Laura Danowski

Lakisha Q. Burch, Town Clerk

Vice Mayor Robert Shorr

APPROVED AS TO LEGAL FORM:

Councilmember Margaret Herzog

Office of the Town Attorney

Councilmember Phillis Maniglia

Councilmember Marianne Miles

**Exhibit A to
Ordinance No. 2023-06**

~~Section 20-050. Recreational vehicles.~~

~~(A) — For properties which have a permitted residential structure within the agricultural residential zoning district, recreational vehicles shall be allowed on a temporary basis for living and sleeping purposes, provided there are no adjudicated Town Code violations pending against the property and/or unresolved penalties associated therewith subject to the following conditions:~~

~~(1) — A registration permit, (the fee for the registration permit shall be set by a resolution of the Town Council) which shall only be valid for a less than 180 days and shall be required for each recreational vehicle parking space on an annual basis and shall be placed on the recreational vehicle occupying parking space where it can be seen from the exterior of the recreational vehicle;~~

~~(2) — No recreational vehicle shall be allowed on a parcel less than one acre. One recreational vehicle shall be allowed on a parcel consisting of one acre and less than two acres; a maximum of two recreational vehicles shall be allowed on a parcel consisting of two acres and less than ten acres; and, no more than four recreational vehicles shall be allowed on a parcel consisting of ten acres or more;~~

~~(3) — The person or persons residing in the recreational vehicle must demonstrate a permanent residence in another location;~~

~~(4) — The placement of the recreational vehicle must be setback from all property lines by at least 25 feet;~~

~~(5) — The recreational vehicle shall be hooked up to or have access to appropriate electrical service, potable well and sanitary sewer facilities (bathroom and septic tank) that have been installed pursuant to permits issued by, or approved by, the health department and applicable building and zoning codes, where required; portable/ pump-able septic tanks as well as the waste removal therefrom are permitted under this section subject to the requirements set forth hereinabove.~~

~~(6) — Upon expiration of the registration permit the recreational vehicle shall not remain on property parked or stored and shall be removed from the property and any application for a new registration permit for that property may only occur after a minimum time period of six months has expired, unless the parking space was initially used for a period of less than six months, then a permit may be issued for the time period remaining on the initial six-month time period;~~

~~(7) — The parcel owner, where the recreational vehicle(s) site is located, shall be required to allow Town staff, or its agents, to inspect the recreational vehicle(s) in such a manner and time as determined by the Town Manager, upon at least 24 hours' notice.~~

~~(8) — Recreational vehicles shall only be used for their designed and intended purpose as evidence by the manufacturer's certification.~~

~~(9) — A recreational vehicle that is not occupied must be owned or leased by the property owner or tenant of the property.~~

~~(10) — Unoccupied recreational vehicles shall not be used for storage or any other non-residential use for which it was not designed and manufactured as evidenced by the manufacturer's certification.~~

~~(11) — No recreational vehicle shall be kept in an abandoned, inoperable, junked, disabled, wrecked, discarded or otherwise unused condition.~~

~~(B) — This section shall not apply to caretaker's quarters, groom's quarters and construction trailers.~~

~~(C) — Any violation of this section may subject the property owner and/or recreational vehicle user to code enforcement action or any other legal action as determined by the Town.~~

~~(D) — Requests for such a registration permit shall be submitted in writing to the Town Manager together with such fees, if any, as the Town requires and is set forth in the Town Code.~~

ARTICLE 92 – RECREATIONAL VEHICLES

Section 92-005 – Purpose and Intent

The purpose of this section is to establish standards relating to recreational vehicles (RVs) consistent with State of Florida and Federal law. The Town recognizes the potential safety hazards and other negative impacts associated with the unregulated use of RVs. These standards are designed to allow the use and siting of RVs as set forth herein, while protecting the health, safety, and general welfare of the Town of Loxahatchee Groves. To the extent any provision of in this article conflicts with Florida law, federal law, or any other provision of the Town code, the more restrictive provision shall prevail.

Section 92-010 – Reserved

Section 92-015 – Allowances

(A) General. RVs may be permitted on properties with an Agricultural Residential (AR) zoning designation in accordance with Table 1 below. In no instance shall a property have more than four (4) occupied RVs at any given time. All RVs shall be properly registered with the State and maintained in working order, to meet the requirements of being “Ready for Highway Use” throughout the permit period. “Ready for Highway Use” means the RV is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and has no permanently attached additions. Alternatively, an RV may meet the elevation and anchoring requirements for manufactured homes.

(B) Vehicle Use. Recreational vehicles shall only be used for their designed and intended purpose as evidenced by the manufacturer's certification.

(C) Occupancy. RV occupancy shall not exceed the maximum number of occupants prescribed by the manufacturer.

(D) Unoccupied RVs

Properties in the AR zoning district are permitted to have unoccupied RVs, subject to the following standards:

1. The subject property must have a permanent, principal residential structure.
2. Any unoccupied RV must be owned or leased by the property owner or tenant of the property.
3. Unoccupied RVs shall not be used for storage or any other non-residential use for which it was not designed and manufactured as evidenced by the manufacturer's certification.
4. Unoccupied RVs shall be routinely operated or maintained by a permanent, full-time resident of the property and shall not be located in any required setback, easement, or right-of-way.
5. Unoccupied RVs may be periodically connected to electric hookups for the purpose of climate control.
6. Property owners with a principal residential structure in the AR district may have temporary guests stay in an RV on the subject property for owned or leased by the property owner up to fourteen (14) consecutive days, four (4) separate times per calendar year. Such use shall not require a permit. However, annually, properties intended to accommodate temporary guests shall file an affidavit confirming compliance with this subsection. RVs occupied by temporary guests shall count toward the total number of RVs allowed per property.

(E) Properties under common ownership, control, or operation. The maximum number of RVs shall apply to adjacent properties under common ownership, control, or operation as determined by the Town Manager, or his/her designee. Mere ownership by separate corporate ownership shall not be sufficient. For example, a 10-acre parcel shall not be subdivided into two 5-acre parcels and be awarded the maximum allowance per parcel unless it is demonstrated each adjacent parcel is under separate ownership, control, and function.

(F) Accessory structures. No accessory structure shall be permitted that directly serves or relates to an occupied RV, including but not limited to an RV port.

Sectio 92-020 – RV Site and Utility Requirements.

(A) Location. No RV site shall be located within any required yard or setback as established by the AR zoning district, nor any easement or right-of-way.

(B) Utility Connections. An occupied RV shall be hooked up to appropriate electrical service, potable well and sanitary sewer facilities (bathroom and septic tank) that have been installed pursuant to permits issued by, or approved by, the health department and applicable building and zoning codes, where required; portable/ pump-able septic tanks as well as the waste removal therefrom are permitted under this section. A determination of appropriateness shall be made at the time of inspection regarding the size and capacity of on-site wells and septic tanks to meet demands generated by permitted RVs.

1. Electrical hook up must be separate for each RV. Each electrical hook up must be permitted through and inspected by the Town's Building Department. No electrical extension cords shall be utilized. Use of extension cords will render the permit invalid.
2. Water hook ups may be a single source with separate hook up at each RV parking spot. Backflow protection devices shall be installed prior to use.
3. Septic hook up must be permitted and inspected by the Health Department. A copy of the approved permit is required as part of this application. Portable/ pump-able septic tanks as well as the waste removal therefrom are permitted under this section subject to the requirements set forth hereinabove.

(C) Solid Waste Disposal. The permit holder shall be required to ensure solid waste generated by an occupied RV is disposed of in a manner that keeps the property free and clear of trash and debris. Trash generated by occupied RVs shall be collected by the Town's franchise waste hauler as residential or commercial collection.

Section 92-025 – Permit Requirements

(A) Application.

1. **Complete permit application.** Copies of the required application shall be on file at Town Hall, including all required materials Completed and approved applications shall be required prior to permit issuance.
2. **Plan Drawings.** Location sketch showing RV site with dimensions, availability of hook-ups, and setbacks from all property lines.
3. **Fees.** Application, permit and inspection fees for RVs shall be as listed in the Town's fee schedule and may be amended from time to time.

(B) Permit Required. All occupied RVs shall be located on a permitted RV site.

1. Each RV site requires a separate permit.
2. Permit allocations shall be restricted by Table 1 below.

3. Each RV on a site granted a seasonal or annual permit shall be designated by a Town issued decal, or similar, which shall be visible for inspection.

<u>TABLE 1 – RV PERMITS</u> ¹		
<u>Annual Permit</u>		
<i><u>Eligible Property Type</u></i>	<i><u>Minimum Property Size</u></i>	<i><u>Maximum # RVs</u></i>
<u>Bona fide agricultural property without principal dwelling unit.</u>	<u>5 net acres</u> <i>[total of 5.0 + acres shall be classified as bona fide agricultural]</i>	<u>1</u> <i>[The RV may only be used as a caretaker’s quarters or for the purpose of on-site security.]</i>
<u>Homestead property with principal single family dwelling unit.</u>	<u>5 net acres</u>	<u>1</u> <i>[The RV may only be used as a guest cottage. An annual RV permit shall not be issued to a property with an existing guest cottage.]</i>
<u>Seasonal Permit</u>		
<i><u>Eligible Property Type</u></i>	<i><u>Minimum Property Size</u></i> ²	<i><u>Maximum # RVs</u></i>
<u>Property with permitted residential structure; or, Bona fide agricultural property with property owner maintaining permanent residence on subject property throughout the permit period.</u>	<u>1.0 – 4.9 net acres</u>	<u>2</u>
	<u>4.9 net acres and larger</u>	<u>4</u>
¹ <u>For minimum property size purposes, required lot area shall be measured using the portion of the property that is designated as bona fide agriculture. For example, if 3 acres of a 10-acre parcel are designated as bona fide ag., the maximum seasonal permit allowance shall be 2 RVs.</u>		

(C) Permit Period.

1. **Seasonal Permit.** A seasonal permit shall be valid for 179 days from the first date of site occupation noted in the permit application. From the first date of occupation, the maximum time limitation of 179 days shall apply regardless of changes to, or discontinuance of, occupation on the site throughout the permit period.

2. **Annual Permit.** An annual permit shall be valid for 365 days from date of issuance.

(D) Inspections Required.

1. **RV Site Inspection.** Prior to permit issuance, the Town shall inspect all proposed sites intended for use by an occupied RV. The site inspection shall ensure proper location, site design, and the availability of required utilities.
2. **RV Utility Connection Inspection.** Prior to site occupation and final permit issuance, all RV utility connections shall be inspected and permitted as required by the Town and any other pertinent agency.
 - i. In the case the RV intended for occupation is on-site at the time of the Site Inspection, the required Site and Connection Inspections may be done concurrently.
 - ii. Changes to the RV vehicle on a permitted site shall require a corresponding Connection Inspection to ensure correct hook-ups. Such re-inspection may result in additional inspection fee.
3. **Annual Permit Inspections.** Annual permits shall require bi-annual Site and Connection Inspections. Bi-annual inspections shall generally occur on a six (6) month basis. At this time, if the property is located within a Special Flood Hazard Area, the designated Town official shall determine compliance with the requirements noted in Table 1.

(E) Expiration. Upon expiration of the registration permit, the RV site shall remain free of occupied RVs until such a time as another permit is issued for the site. RV sites used on a seasonal basis shall not be issued another seasonal permit until a minimum time period of six (6) months has passed. Within seven (7) calendar days of the permit expiration, the permit holder shall submit a Close-Out Affidavit to Town Hall confirming the RV site is vacant as required.

(F) Extensions. Under special circumstances, Seasonal Permits may be administratively extended by the Town Manager or his/her designee for up to an additional twenty (20) days so long as an RV on the permitted site meets the FEMA requirements for “Ready for Highway Use” as defined in Table 1. To be granted such an extension, the permit holder must establish good cause.

(G) Maintenance. Properties shall be maintained in accordance with Article 45 of the Unified Land Development Code.

Section 92-030 – Enforcement.

- (A) **Violations.** It shall be unlawful to use or possess an RV in violation of this article. Each additional RV used or possessed in violation of this this article shall constitute a separate violation. Each day a violation exists shall constitute a separate violation.

- (B) **Enforcement and Penalties.** Violations of this article are subject to the enforcement procedures and penalties in chapter 162, Florida Statutes, and chapter 14 of the Town code. In addition to the foregoing, violations may be subject to any other means of enforcement allowed by law.

- (C) **Effect on Permit Issuance/Renewal.** In addition to the penalties set forth in subsection (B) above, the Town may deny issuance or renewal of a permit after a finding of violation of this article.