

ORDINANCE NO. 2024-07

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Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith be, and the same are hereby repealed to the extent of such conflict.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 October 1, 2024.

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>
MAYOR ANITA KANE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PASSED 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>
MAYOR ANITA KANE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARGARET HERZOG, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LAURA DANOWSKI, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCILMEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROBERT SHORR, 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 SECOND READING, THIS __ DAY OF ____, 20__.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Valerie Oakes, Town Clerk

APPROVED AS TO LEGAL FORM:

Office of the Town Attorney

Mayor Anita Kane

Vice Mayor Margaret Herzog

Councilmember Laura Danowski

Councilmember Phillis Maniglia

Councilmember Robert Shorr

Exhibit A to Ordinance 2024-07

~~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 evidenced 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; Effective Date.

The purpose of this article 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. As used in this article, “bona fide agricultural use classification” shall mean such classification assigned by the Office of the Palm Beach County Property Appraiser. The provisions of this article shall become effective on October 1, 2024.

Section 92-010 – Permit, Inspection, and Maintenance Requirements

- (A) **RV Site Permit and Affidavit Required.** All sites intended to be utilized by an occupied RV shall require an annual RV site permit. All sites storing one or more unoccupied RVs are required to submit an affidavit to the town. The affidavit shall confirm that each RV stored at the site meets the requirements of this article and is not occupied.
- (B) **Application.** Applications for RV site permits shall include a location sketch showing the RV site with setbacks from all property lines and the location of available utility connections. Applicants are required to pay a site inspection fee, and a permit application fee as follows:
1. Site inspection fee:
 - a. For sites that have not been assigned a bona fide agricultural use classification: \$500 per site, payable prior to initial inspection and thereafter every five years.
 - b. For sites that have been assigned a bona fide agricultural use classification: \$100 per site, payable prior to initial inspection and thereafter every five years.
 2. Permit application fee: \$100 per permit application, payable initially and upon each subsequent renewal.
- (C) **Permit Period.** RV site permits issued pursuant to this article shall be valid for 179 days from the date of issuance of the permit. Only one RV site permit may be issued per property within a 365-day period. A permit holder may not add an RV or exchange one RV for another at an approved site without first notifying the town.
- (D) **Inspections Required.** After an application for RV site permit has been reviewed, and prior to permit issuance, the town shall inspect the proposed site. The site inspection shall address at a minimum proposed location, site design, availability of required utilities, and the plan for management of solid waste. All utility connections are subject to permitting by any pertinent agency and section 92-020(B). An RV site must be inspected at least once every five (5) years, consistent with the inspection fee schedule in section 92-010(B)(1).

(E) **Expiration.** Upon expiration of the site permit, RVs shall remain unoccupied until another permit is issued. Within ten (10) days of permit expiration, the permit holder shall submit an affidavit to the town confirming that all RVs on the property are unoccupied.

(F) **Maintenance.** All RVs shall be maintained in road-worthy condition at all times.

(G) **Enforcement.** 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 article shall constitute a separate violation. Each day a violation exists shall constitute a separate violation.

1. 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, violations may be subject to any other means of enforcement allowed by law.
2. In addition to any other penalty authorized by this section, the town may deny issuance or renewal of a permit after a finding of violation of this article.
3. The application fee for after-the-fact permits shall be four (4) times the amount of the application fee set forth in section 92-010(B).

Section 92-015 – Allowances

(A) **General.** RVs may be permitted on conforming and legal non-conforming plots with an Agricultural Residential (AR) zoning designation in accordance with *Table 1: RV Allowances*.

<u>Table 1: RV Allowances</u>	
<u>Properties required to provide a ROW dedication or an easement for the purposes of right-of-way or utilities along the street line may include these areas for purposes of minimum parcel size.</u>	
<u>Property Size</u>	<u>Maximum RV allowance</u>
<u>Fewer than 2.0 acres:</u>	<u>One (1) RV subject to the conditions below:</u> <u>Property upon which RV is to be placed shall include a principal dwelling unit or shall have a bona fide agricultural use classification.</u> <u>The RV shall be owned or leased by the property owner or tenant of the property.</u> <u>The RV shall not be rented or otherwise occupied.</u>
<u>More than 2.0 acres and fewer than 5.0 acres (without bona fide agricultural use classification):</u>	<u>One (1) RV subject to the conditions below:</u> <u>The RV shall be owned or leased by the property owner or tenant of the property.</u>

	<p><u>Property upon which RV is to be placed shall include a principal dwelling unit.</u></p> <p><u>The RV shall not be rented or otherwise occupied.</u></p>
<u>More than 2.0 acres and fewer than 5.0 acres (with bona fide agricultural use classification):</u>	<p><u>Two (2) RVs subject to the conditions below:</u></p> <p><u>RVs may only be occupied when used as caretaker quarters, as defined in section 10-015, definitions. An RV used for caretaker quarters may be occupied year-round subject to FEMA regulations when located in a Special Flood Hazard Area, and any applicable local and state building regulations.</u></p>
<u>More than 5.0 acres and fewer than 10.0 acres (without bona fide agricultural use classification):</u>	<p><u>Two (2) RVs subject to the conditions below:</u></p> <p><u>RVs may only be occupied and/or rented when the property upon which the RV is located is homesteaded.</u></p> <p><u>RVs, including grooms' quarters, may only be occupied for the 179-day duration of a valid RV site permit.</u></p>
<u>More than 5.0 acres and fewer than 10.0 acres (with bona fide agricultural use classification):</u>	<p><u>Three (3) RVs subject to the conditions below:</u></p> <p><u>RVs, including grooms' quarters, may only be occupied for the 179-day duration of a valid RV site permit, except when used as caretaker quarters, as defined in section 10-015, definitions.</u></p> <p><u>When utilized for caretaker purposes, an RV may be occupied year-round subject to FEMA regulations when located in a Special Flood Hazard Area, and any applicable local and state building regulations.</u></p>
<u>10.0 acres or more</u>	<p><u>Four (4) RVs subject to the conditions below:</u></p> <p><u>RVs may only be occupied and/or rented when the property upon which the RV is located is homesteaded or utilized for bona fide agricultural purposes.</u></p> <p><u>RVs, including grooms' quarters, may only be occupied for the 179-day duration of a valid RV site permit, except when used as</u></p>

	<p>caretaker quarters, as defined in section 10-015, definitions.</p> <p>When utilized for caretaker purposes, an RV may be occupied year-round subject to FEMA regulations when located in a Special Flood Hazard Area, and any applicable local and state building regulations.</p>
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(B) Special Exception.

1. The owner or other legal occupant of a property that measures 5.0 acres or more and has a bona fide agricultural use classification may apply for a Category A special exception to exceed the RV allowance in *Table 1: RV Allowances* by one (1) RV. In no case shall more than four (4) RVs be permitted on a subject property.

2. The application for special exception shall be submitted and reviewed in accordance with the requirements for Category A special exceptions in Article 170. However, the following shall apply:

- (a) Applications shall be filed with the town no later than August 1st of each calendar year;
- (b) The application fee shall be \$300, which fee shall be in addition to any cost recovery amount associated with review of the application; and
- (c) An approved special exception shall be valid for no longer than 365 days.

3. Other than as specifically stated in this subsection (B), the other requirements of this article must be met.

(C) Disability Accommodation.

1. Persons with disabilities, as provided by the Federal Fair Housing Amendments Act (42 U.S.C. 3601, et seq.) and Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131, et seq.), may apply for an accommodation to extend the maximum period for occupancy at an approved RV site from 179 days to year-round. A person seeking such an accommodation shall submit an application on a form provided by the town. An application for disability accommodation that has been denied may be appealed pursuant to the procedure in section 170-025(E).

2. Sites with RVs occupied year-round pursuant to this subsection (C) must meet the following requirements:

- (a) The site upon which the RV is located shall include a principal dwelling unit;
- (b) No minimum parcel size is required. However, the property upon which the RV is located must be a conforming or legal non-conforming plot;
- (c) In no instance shall the total number of RVs on a property exceed the maximum number of RVs for the property size as set forth in *Table 1: RV Allowances*; and
- (d) An RV that is occupied year-round must meet applicable FEMA regulations when located in a Special Flood Hazard Area, and any applicable local and state building regulations.

3. Other than as specifically stated in this subsection (C), the other requirements of this article must be met.

(D) Vehicle Use. RVs shall only be used for their designed and intended purpose as evidenced by the manufacturer's certification. RVs shall not be used for storage or any other non-residential uses for which it was not designed and manufactured as evidenced by the manufacturer's certification.

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

Section 92-020 - RV Site and Utility Requirements

(A) Location. No RV 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 Florida Department of Health. 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. If, after inspection of the property, town staff determines that solid waste cannot safely be contained within two standard trash containers, the property owner shall install a dumpster at the site.