

RESOLUTION NO. 2018-21

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AMENDING RESOLUTION 2017-51, TO EXTEND THE PILOT PROGRAM FOR ONE YEAR, THROUGH MAY 1, 2019, AND TO AMEND CRITERIA FOR THE PILOT PROGRAM; AUTHORIZING THE CONTINUATION OF THE PILOT PROGRAM TO REVIEW TEMPORARY RECREATIONAL VEHICLE USES ON RESIDENTIALLY-ZONED PROPERTIES WITHIN THE TOWN, PROVIDING A ZONING IN PROGRESS CONSISTENT WITH THE PROVISIONS SET FORTH HEREIN TO PERMIT THE PILOT PROGRAM THROUGH MAY 1, 2019; TO ALLOW TOWN MANAGEMENT AND PLANNING STAFF TO STUDY SUCH USES IN ORDER TO POTENTIALLY PROPOSE CHANGES TO THE TOWN'S UNIFIED LAND DEVELOPMENT REGULATIONS TO REGULATE TEMPORARY RECREATIONAL VEHICLE USES WITHIN THE TOWN; PROVIDING FOR THE RULES AND REGULATIONS FOR TEMPORARY RECREATIONAL VEHICLE USES DURING THE PERIOD OF THE ZONING IN PROGRESS SET FORTH HEREIN; PROVIDING FOR APPLICATIONS; PROVIDING FOR FEES; PROVIDING FOR ENFORCEMENT; PROVIDING FOR REVIEW AND REPORT BY THE TOWN MANAGER; PROVIDING FOR CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, each year the Town encounters issues with the use of residentially-zoned properties within the Town for the temporary parking of recreational vehicles (RVs), commonly utilized by persons during the annual equestrian seasons; and,

WHEREAS, the Town Manager sought and obtained input from various stakeholders affected by the annual temporary use of Recreational Vehicles within the Town, including those adversely affected by such use, property owners that have been associated with such uses, and the Town; and,

WHEREAS, based upon the information and facts gathered by the Town Manager from such stakeholders, the Town Manager recommended that the Town Council authorize a pilot program to permit the limited use of temporary Recreational Vehicle (RV) parking within the Town in order to permit Town Management and the Town planning staff to study and review such uses in real time and analyze whether the Town's Comprehensive Plan and Unified Land Development Code (ULDC) should be amended to permanently regulate such uses within the Town; and,

WHEREAS, on August 1, 2017, the Town Council enacted Resolution 2017-51, consistent with the recommendation of the Town Manager, and declared a Zoning In Progress to permit the proposed pilot program consistent with the terms set forth therein until May 1, 2018, and that the Town Manager and Town planning staff should monitor and review such uses during such time and based upon such review provide recommendations to the Town Council on whether changes to the Town's Comprehensive Plan and Unified Land Development Code should be considered and, if so, the proposed changes to the Town's Comprehensive Plan and Unified Land Development Code; and,

WHEREAS, at its March 20, 2018, meeting, the Town Council discussed the limited participation in the Pilot Program and determined that the Pilot Program should be extended to May 1, 2019, and that changes to the program were necessary in order to facilitate participation and enable the Town Manager and Town planning staff to continue to monitor and review such uses during such time, and then based upon such review provide recommendations to the Town Council on whether changes to the Town's Comprehensive Plan and Unified Land Development Code should be considered and, if so, the proposed changes to the Town's Comprehensive Plan and Unified Land Development Code .

NOW, THEREFORE, BE IT RESOLVED 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 Resolution upon adoption hereof.

Section 2: Resolution 2017-51 is amended to extend the Pilot Program until May 1, 2019, and as noted herein.

The Town Council of the Town of Loxahatchee Groves hereby declares a Zoning in Progress relating to the use of temporary Recreational Vehicle parking and occupancy within the

Agricultural Residential (AR) zoning districts, through May 1, ~~2018~~ 2019. During such time as this declared Zoning In Progress, the temporary use of Recreational Vehicle parking and occupancy shall be permitted within the Town's Agricultural Residential (AR) zoning districts, subject to the following regulations:

1. Only the following properties are eligible to participate in the Pilot Program:
 - a. The property owner; ~~or an individual with power of attorney for control of the property;~~ resides in a permanent structure on the property on which the Recreational Vehicles will be parked. For purposes of this Resolution, the owner may be a grantor or beneficiary of a trust.
2. The maximum time period a Recreational Vehicle may be parked and used is one hundred and seventy nine (179) days.
3. No more than ~~four (4)~~ two (2) Recreational Vehicles may be used at the same time, subject to the following:
 - a. None for properties less than one and one-half (1 ½) acres;
 - b. One Recreational Vehicle for properties between one and one-half (1 ½) to five (5) acres
 - c. Maximum of ~~four (4)~~ two (2) Recreational Vehicles on properties of five (5) acres or more.
4. All Recreational Vehicles shall be parked so as to comply with the setbacks of Section 20-035 of the Town's Unified Land Development Regulations. Property owners shall screen the Recreational Vehicles to the extent possible, but there is no prohibition on them being visible from beyond the property.
5. Only Self-Contained Living Units (SCLUs) are permitted. No tents or other camping appurtenances shall be allowed.
6. Waste Removal from the Recreational Vehicle must comply with all applicable laws and regulations, and must be confirmed in writing to the Town by the property owner and the waste removal vendor.
7. Electrical connections must be separately provided for each Recreational Vehicle from a fixed outlet for each Recreational Vehicle.
8. An impervious barrier must be installed between the Recreational Vehicle and the ground upon which it rests.
9. Only those Recreational Vehicles specifically identified to the Town as part of the application required by Section 3 hereinafter shall be permitted. No substitutions or

replacements are permitted without amending the permit or submitting a new permit to the Town.

Section 3: In order to participate in this Pilot Program, the property owner must submit a written application to the Town, identifying the number of Recreational Vehicles to be parked on the property, the general location for their parking, and acknowledging the requires in Section 3 and certifying their intent to comply with such. In addition, property owners must provide the Town with contact information, including an emergency contact available 24 hours a day, 7 days a week to address issues on the property relating to the parking of the Recreational Vehicles. By submitting an application and receiving a permit, the property owner is permitting Town staff and code enforcement to enter the property for the purpose of verifying continuing compliance with the requirements set forth in this Resolution.

Section 4: The permitting fee for this Pilot Program is \$500 for each RV located on a property **plus one half of a yearly garbage fee**. The fee is not transferrable to replacement Recreational Vehicles.

Section 5: Any uses pursuant to an approved permit and in full compliance with this Resolution shall not be deemed in violation of the Town's Unified Land Development Regulations.

Section 6: During the Pilot Program, the Town Manager and staff shall monitor the uses, including complaints, compliance, and affects such as traffic, health and safety effects, noise, and impact on surrounding properties. The Town Manager shall, no later than June 1, **2016** 2019, provide the Town Council with recommendations on changes to the Town's Comprehensive Plan and Unified Land Development Code relating to the use of temporary parking of Recreational Vehicles in the Agricultural Residential (AR) zoning district. .

Section 7: All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 8: If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 9: This Resolution shall become effective upon adoption.

Council Member Maniglia offered the foregoing Motion. Council Member

McLendon seconded the Motion, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
DAVID BROWNING, MAYOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DAVE DEMAROIS, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOYCE BATCHELER, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHYLLIS MANIGLIA, COUNCIL MEMBER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 3RD DAY OF APRIL, 2018.

TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATTEST:

Virginia M Walton
TOWN CLERK

David Browning
Mayor David Browning

Todd McLendon
Council Member Todd McLendon

Dave DeMarois
Council Member Dave DeMarois

APPROVED AS TO LEGAL FORM:

[Signature]
Office of the Town Attorney

Joyce Batcheler
Council Member Joyce Batcheler

Phyllis Maniglia
Council Member Phyllis Maniglia



TOWN OF LOXAHATCHEE GROVES RV PILOT PROGRAM

▪ INSPECTION REPORT

OWNER NAME:

PARKING PERMIT#:

PROPERTY ADDRESS:

ZONING:

USE CODE:

PCN:

Onsite Resident-24 HOUR CONTACT INFO: _____

☐

INSPECTION

Date: _____

☐

ELECTRICAL PERMIT

Date: _____

☐

WATER HOOK UP

Date: _____

☐

GROUND COVER

Date: _____

☐

SEPTIC HOOK UP

Date: _____

☐

OWNER

Date: _____



TOWN OF LOXAHATCHEE GROVES RV PILOT PROGRAM

▪ APPLICATION

Applications shall include approved permits from Palm Beach County for electrical, water, and sewage disposal. The name and a copy of the sewage disposal contract with an approved vendor. A site inspection by a Town representative shall be conducted prior to the issuing of a permit to ensure compliance with the Town of Loxahatchee Groves "Recreational Vehicle Parking Program" (RVPP). A site plan with designated area for recreational vehicle parking identified shall be included with the permit application.

Upon issuance of the RVPP permit vehicle identification stickers shall be issued to the property owner. It is the property owner's responsibility to ensure that issued stickers are affixed to approved Recreational Vehicles parked under this program. The stickers shall be affixed in such a manner that it is easily viewed by Town representatives during drive by inspections of the site. Failure to affix stickers to recreational vehicles will invalidate the permit. Areas utilized for the parking of recreational vehicles shall be screened from neighboring properties by screening no less than eight (8) feet in height.

Cost per permit is Five Hundred Dollars (\$500.00) **and one half of the yearly garbage fee** and is valid ~~from 11/04/2017 — 5/01/2018 for 179 days from authorization/approval date.~~ Permit Fee is for the entire time regardless of number of days used. Limited to ~~2~~ per 5 acres+ parcels and 1 for smaller parcels.

~~Occupancy is limited to two (2) persons per Recreational Vehicle.~~

Permits are valid for 179 days, from ~~November 4th, 2017 — 5/01/2018~~ **date of approval**. All Recreational Vehicles shall be removed from the property on or before the 179th day, **5/01/2018**. Failure to remove the Recreational vehicles shall constitute a Violation and subject the property owner to Official Code Enforcement action **and an administrative fine of double the permitting fee upon application for renewal.**

Property owners agree to allow Town representatives free access to the property to conduct inspections of the areas used for RVPP, failure to allow inspections will invalidate the permits for Recreational Vehicles under this program and subject the property owner to Code Enforcement action. By submitting this application and signing below, you acknowledge that the Town of Loxahatchee Groves has the right to inspect the property to verify compliance with the permit, and that a failure to permit such inspection will invalid the permit.

Owners agrees to furnish a 24-hour emergency contact person and contact information.

Ground Cover: the section of land directly beneath the recreational vehicle shall be covered with an impenetrable surface to guard against spills and leakage seeping into the ground. This may consist of a concrete pad with at least a two-inch raised lip around the entire pad, a tarp with a two-inch raised lip around the entire surface or like materials used to cover the ground.

Septic approved vendor: A commercial operation licensed and insured in the State of Florida and permitted by Palm Beach County to conduct sewage removal via pump truck, evidenced by an executed contract by the owner and contractor.



TOWN OF LOXAHATCHEE GROVES RV PILOT PROGRAM

Electrical hook ups: Electrical hook ups must be separate for each Recreational Vehicle. Each electrical hook up must be permitted through and inspected by Palm Beach County Building Department. No electrical extension cords shall be utilized. Use of extension cords will render the permit invalid. **A letter from a licensed electrical contractor stating the electric is to the code can be substituted in lieu of the county inspection until such inspection can be completed**

Water hook up: Water hook up may be a single source with separate hook ups at each individual recreational vehicle parking spot.

~~Power of Attorney authorizing a tenant or occupant or leasee in charge of the property to act in the place of the owner of the property concerning aspects of operational necessity.~~

Hold Harmless Clause- Property Owner/~~Tenant~~ shall hold harmless the Town of Loxahatchee Groves, its elected and appointed officials, its employees, agents, from and against any and all claims, actions and judgments, made by any person, corporation, firm or entity for any loss, claim or damage, including without limitation, arising from a claim of personal injury or property damage for any act or omission arising out of the use of the property located at _____, _____ print address
Loxahatchee Groves, FL 33470 under this Recreational Vehicle Parking Program.

FURTHER AFFIANT SAYETH NOT:

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ (Name of Person Acknowledging) who is personally known to me, or who has produced _____ (type of identification) as identification and who did (did not) take an oath.

(Signature of Person Taking Acknowledgement)

Applicant's Owner's
Signature

(Name of Acknowledger Typed, Printed or Stamped)

Applicant's Owner's Name
(Print

(Title or Rank)

Street Address

(Serial Number, if any)

City, State, Zip Code

(Notary's Seal)

Telephone Number

Approved by: _____

Date: _____



**TOWN OF LOXAHATCHEE GROVES
RV PILOT PROGRAM**

ATTACHEMENT A – SKETCHED VEHICLE PARKING LAYOUT



**TOWN OF LOXAHATCHEE GROVES
RV PILOT PROGRAM**

AUTHORIZED TENANT IDENTIFICATION

<u>Name</u>	<u>DOB</u>	<u>SEX</u>	<u>RACE</u>	<u>US/Passport/Visa Number</u>
V1.				
V1.				
V2.				
V2.				
V3.				
V3.				
V4.				
V4.				



TOWN OF LOXAHATCHEE GROVES RV PILOT PROGRAM

▪ APPROVED REGISTERED VEHICLES

OWNER: _____
VEHICLE: _____
MAKE: _____
MODEL: _____
LICENSE PLATE #: _____
STATE: _____

OWNER: _____
VEHICLE: _____
MAKE: _____
MODEL: _____
LICENSE PLATE #: _____
STATE: _____

OWNER: _____
VEHICLE: _____
MAKE: _____
MODEL: _____
LICENSE PLATE #: _____
STATE: _____

OWNER: _____
VEHICLE: _____
MAKE: _____
MODEL: _____
LICENSE PLATE #: _____
STATE: _____