

**TOWN OF LOXAHATCHEE GROVES
ORDINANCE NO. 2018-11**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA ADOPTING REVISIONS TO SECTION 20-035 SETBACKS IN THE AGRICULTURAL RESIDENTIAL (AR) ZONING DISTRICT AND SUB-SECTION (B) OF SECTION 75-030 NONCONFORMING PLOTS OF RECORD OF THE LOXAHATCHEE GROVES, FLORIDA UNIFIED LAND DEVELOPMENT CODE (ULDC) TO REDUCE STANDARD SETBACKS IN THE TOWN OF LOXAHATCHEE GROVES; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council directed Town Staff to review provisions of the Town's ULDC related to setback requirements in the Agricultural Residential (AR) zoning district; and,

WHEREAS, Town staff, pursuant to Town Council direction has reviewed matters related to required setbacks in the AR zoning district and recommended approval of proposed revisions to ULDC Section 20-035 *Setbacks* and Sub-Section (B) of Section 75-030 *Nonconforming plots of record*; 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 reduce required setbacks in the AR, zoning district to best reflect the character of the Town, as defined in the Loxahatchee Groves Comprehensive Plan.

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. Section 20-035 *Setbacks* in the Agricultural Residential (AR) zoning district and Sub-Section (B) of Section 75-030 *Nonconforming plots of record* of the ULDC are amended, as attached in Exhibit A hereto and made part hereof.

Section 3. All Ordinances or parts of Ordinances, and all Resolutions or parts of Resolutions, in conflict herewith are hereby repealed to the extent of such conflict.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 4. 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 effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 5. 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. 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 _____ 2018.

Council Member _____ offered the foregoing ordinance. Council Member _____ 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TODD MCLENDON, VICE MAYOR	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DAVE DEMAROIS, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOYCE BATCHELER, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PHILLIS MANIGLIA, COUNCIL MEMBER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Ordinance No. 2018-11

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE
GROVES, ON SECOND READING AND PUBLIC HEARING, THIS ____ DAY OF
_____ 2018.**

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor

Virginia M. Walton, Town Clerk

Vice Mayor

APPROVED AS T LEGAL FORM:

Council Member

Town Attorney

Council Member

Council Membe

EXHIBIT A

Words ~~struck through~~ are deleted from the ULDC text and words underlined are added to the ULDC text.

ULDC Section 20-035. - Setbacks.

All buildings and structures in the Agriculture Residential (AR) zoning district shall comply with the following minimum required setbacks:

- (A) Front setback. ~~One hundred~~ Fifty feet.
- (B) Side setback. ~~Fifty~~ Twenty-five feet.
- (C) Rear setback. ~~Fifty~~ Twenty-five feet.
- (D) Side street setback. For properties that abut a street on more than one side, a side street setback of a minimum of ~~80~~ 40 feet shall be provided.
- (E) Exceptions. A nonconforming ~~residential~~ lot may utilize the following setbacks; for a single-family dwelling unit only provided, however, that the resultant setbacks shall not be more restrictive than the setback requirements of Palm Beach County as of November 16, 2010.
 - (1) Minimum setback requirements:
 - (a) If the minimum depth dimension is nonconforming:
Front: ~~Thirty~~ Fifteen percent of lot depth.
Rear: ~~Twenty~~ Ten percent of lot depth.
 - (b) If the minimum width dimension is nonconforming:
Side interior: ~~Fifteen~~ Seven and one-half percent of lot width.
Side street: ~~Twenty~~ Ten percent of lot width.
 - (c) Nonconforming lots ~~that are 100 feet or less in width and 100 feet or less in depth may~~ shall not apply a ~~25-foot~~ less than 10 feet setback from the ~~affected~~ any property line.

ULDC Section 75-030. - Nonconforming plots of record.

(B) In order to ensure the reasonable use of property, the revised development standards shall apply to nonconforming lots of record in the Agricultural Residential Zoning District as follows:

- (1) Setbacks. Setbacks for new development or redevelopment of a primary or accessory structure on a nonconforming plot of record may be reduced as follows; provided, however, that the resultant setbacks shall not be more restrictive than the setback requirements of Palm Beach County as of November 16, 2010:

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- a. Nonconforming plots of one acre or less: All required setbacks may be reduced by 50 percent.
- b. Nonconforming plots of between one and five acres: All required setbacks may be reduced by 25 percent.