

Mayor David Browning, Seat 4
Vice Mayor Ronald D. Jarriel, Seat 1
Council Member Tom Goltzené, Seat 5
Council Member Ryan Liang, Seat 3
Council Member Jim Rockett, Seat 2



TOWN OF LOXAHATCHEE GROVES
Unified Land Development Code Review Committee
Thursday, August 15, 2013 at 5:30 p.m.
Central Palm Beach County Chamber of Commerce
13901 Southern Blvd., Loxahatchee, Florida 33470

Committee Chairman Virginia Standish
Committee Vice Chairman Katie Davis
Committee Member Beck Hyslop
Committee Member John Ryan
Committee Member Howard Voren

Town Manager Mark Kutney
Town Clerk Susan Eichhorn
Town Planning Consultant Jim Fleischmann
Town Planning Technician Braeden Garrett

MINUTES

1. OPENING

- a. Call to Order – *Chair Standish*

Chair Standish called the meeting of the Unified land Development Code Review Committee to order at 5:40 p.m.

- b. Roll Call – *Town Clerk Eichhorn*

Upon roll call, Committee members present were Chair Standish, Vice Chair Davis, Member Hyslop, Member Ryan and Member Voren. Also present were Town Manager Mark Kutney, Town Planning Consultant Jim Fleischmann, and Town Clerk Susan Eichhorn.

- c. Approval of Agenda

Motion: Vice Chair Davis made a motion to approve the Agenda. The motion was seconded by Committee Member Ryan. The motion passed 5/0.

Chair Standish reminded the Committee that this was an advisory committee, providing recommendations to the Town Council.

2. MINUTES: Approval of ULDC Review Committee Minutes for: July 18, 2013

Motion: Committee Member Ryan made a motion to approve the Minutes of July 18, 2013. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

3. REGULAR AGENDA

a. Old Business

1. Update and Discussion Regarding Food Insurance Rate Maps and Flood Plain Ordinance
 - a. Draft Map
 - b. FEMA Model Ordinance
 - c. Palm Beach County Model Ordinance

Town Manager Kutney advised that FEMA had indicated that they were now willing to revise the floodplain maps based on better technical data, and information regarding revisions could be provided to them until November 30, 2013. They would probably be issuing the map in 2014, and public meetings would be held in that regard. Since the ULDC Committee would be sunseting at the end of this year, Mr. Kutney advised that the recommendation that it would make to the Town Council is how the Town should proceed after getting through the process with FEMA.

Town Planning Consultant Fleischmann commented that it would need to be determined whether the Town should have its own ordinance regarding floodplain regulations or whether the Town should try to go under the Palm Beach County ordinance.

Discussion took place.

Motion: Committee Member Ryan made a motion to recommend that the Town Council direct Town staff and the Town Attorney to work with the appropriate Palm Beach County officials to fully evaluate whether the Town should have its own ordinance, or whether the

Town should try to go under the Palm Beach County ordinance. The motion was seconded by Committee Member Voren. The motion passed 5/0

Discussion took place and it was determined that this item would be moved into an update category for the Committee.

2. Ordinance 2010-002 – Pain Management Clinics

Town Manager Kutney requested deferral of this item until the next meeting, so that more information could be gathered.

Brief discussion took place.

Motion: Committee Member Voren made a motion to recommend to the Town Council that pain management clinics are allowed only as an accessory use to a full service medical facility, provided that it was legal to do that. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

Chair Standish that recommendation would recommend to and encourage the Town Council to strongly evaluate what the County had to offer, and to look at it for consistency. She noted that this item would be moved to an update category for an upcoming Agenda item for the ULDC Committee.

3. ULDC Article 87 - Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal

This item was deferred to the next meeting.

4. Discussion of Agricultural Issues (*see excerpt from July 18, 2013 Minutes in this regard – attached to Agenda Packet*)

Town Manager Kutney explained that staff was looking for the Committee's direction as to a definition of "accessory structure."

Motion: Committee Member Voren made a motion to recommend that staff create a standard in the zoning code relative to accessory structures. The motion was seconded by Vice Chair Davis. The motion passed 5/0.

Town Planning Consultant Fleischmann suggested that the subject of agriculture is the focus of the rest of the ULDC Committee meetings. He noted that he had identified 14 Florida Statutes that address the issue of agriculture. He proposed that staff put together a summary of these and of the definition of terms with the word agriculture that were in the Town of Loxahatchee ULDC and use that as a basis for the Committee to go through the Code to determine what sections of the Code might be deleted, or what sections needed to have specific references to the Florida Statutes (a statutory citation).

Chair Standish commented that she did not think agriculture should even be in the ULDC, and that the Florida Statutes take care of it. She questioned the Town's legal authority to touch agriculture.

Mr. Fleischmann explained that there were two uses: agriculture, and bone fide agriculture. Florida Statutes define both of those terms, and we need to know exactly what those terms mean. It was very difficult now for staff to evaluate different requests and proposals, because each time staff had to research the Florida Statutes. He was suggesting a supplementary document that could be used by the land planner as well as the property owners.

Discussion took place regarding taking agriculture completely out of the ULDC. Town Manager Kutney noted that if all references to agriculture were taken out of the ULDC, the whole zoning code would need to be re-done.

Vice Chair Davis commented that having some staff member that understands agriculture properties and the Town would allow things to run smoother.

Committee Member Ryan commented that staff did not want to interpret the Florida Statutes; a general reference could be made to the fact that agriculture is primarily determined by the Palm Beach County Property Appraiser, according to the Florida Statute 193.461. Committee Voren replied that was for assessment purposes.

Public Comment

Todd McLendon, 3481 "D Rd.: Commented that the Florida Statutes say that agriculture is not development. If it was not development, then why is there anything about agriculture in the Town's development code – it should not be in the development code.

Mr. Fleischmann replied that it is a land use, and land uses are in the Town's code. The zoning portion of the ULDC relates to land use, and that is why it is in there. Agriculture is a land use, so it can be in the zoning portion of the Code.

Motion: Committee Member Voren made a motion to recommend that all verbiage that regulates agriculture in any way, or mentions agriculture (other than in referencing the Florida Statutes or the land use) is removed from the ULDC.

Mr. Fleischmann commented that the biggest issue that he has is bona fide agriculture, and who does it and when. He felt that there is a gap between when the property owner proposes an agriculture operation and when the actual bona fide agriculture designation is received. During that period he questioned whether the Town should have any role in regulating what is on that property, until it becomes bona fide agriculture. The Town should not have to be in the position of relying on code enforcement every time something comes up. The Town should have the ability to look at a project up front.

Public Comment

Thias Gonzales, 13020 Raymond Dr.: Commented that she did not agree with deleting every word in the Code that says agriculture. The Florida Statutes were completely open to interpretation, and there needed to be agreement on whether there was a difference between agriculture and bona fide agriculture.

Committee Member Ryan suggested that the Town could require a clean-up bond and an agreement during the gap period that would let property owners know beforehand that the Town would be monitoring their activities on an annual basis.

Further discussion took place.

Chair Standish clarified that the motion made by Committee Voren regarding the agriculture verbiage would be tabled until the next meeting, at which time Town Planning Consultant Fleischmann would be first on the Agenda, and could provide information on the different opinions on agriculture and have it all together in one package so that everyone has the same information to look at. The item would be on the next ULDC Agenda under Old Business.

Committee Member Voren stated that the AGO questions he had submitted needed to be tabled to the next meeting also.

b. New Business - None

3. CLOSING & ADJOURNMENT

Town Manager Kutney advised that he would ask the Town Council if there were any additional items, concerns, or issues that they have that they would like the ULDC Committee to review.

Committee Member Voren commented that he was extremely disappointed in the forward movement of the ULDC Committee; the Committee had never come back to Article 75, regarding nonconforming issues. He requested that it be brought back on the next Agenda.

Town Manager Kutney replied that staff would schedule it.

Chair Standish commented that at the last Town Council meeting, Keith Harris had made a public comment and said that the ULDC Committee had not made any decision on commercial equestrian. She stated that she remembered a motion being made that it was recommended that would be a permitted use.

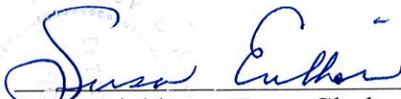
Town Manager Kutney explained that Mr. Harris was concerned that there were folks that had gotten quick relief from the Town Council, and that his own issue had been dragging on. He stated that staff had been working with Mr. Harris and trying to assist him in the matter. In September, staff will move forward with it to the Planning and Zoning Board.

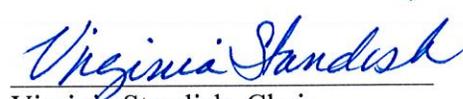
Public Comment

Todd McLendon, 3481 "D" Rd.: Commented that since the Planning and Zoning Board only met when there were zoning applications, perhaps the ULDC Committee would meet twice per month, and staff could invest that time with the ULDC Committee.

Town Manager Kutney noted that Florida Statutes require that zoning applications had to go through the Land Planning Agency prior to going before the Town Council.

There being no further business, the ULDC Review Committee meeting of August 15, 2013, was adjourned at 7:55 p.m.


Susan Eichhorn, Town Clerk


Virginia Standish, Chair

**The next meeting of the Unified Land Development Code Review Committee will be held
on
October 17, 2013 @ 5:30 p.m.**