

TOWN OF LOXAHATCHEE GROVES
TOWN HALL CHAMBERS
PLANNING AND ZONING BOARD AND ULDC REVIEW COMMITTEE

JOINT MEETING

AGENDA

April 28, 2021 – 6:00 P.M. to 8:00 P.M.



PZB MEMBERS

William Ford (Seat 1)
Matthew Ortero (Seat 3)
William Bell (Seat 5)

Brett Rafterwitz (Seat 2)
Neil O'Neal III (Seat 4)

ULDC ADVISORY COMMITTEE MEMBERS

Jo Siciliano (Seat 1)
Cassie Suchy (Seat 3)
Todd McLendon (Seat 5)

Vacant (Seat 2)
Laura Cacioppo (Seat 4)

Administration

Town Manager Jamie Titcomb
Town's Planning Consultant, Jim Fleishmann
Town Clerk, Lakisha Q. Burch

Civility: Being "civil" is not a restraint on the First Amendment right to speak out, but it is more than just being polite. Civility is stating your opinions and beliefs, without degrading someone else in the process. Civility requires a person to respect other people's opinions and beliefs even if he or she strongly disagrees. It is finding a common ground for dialogue with others. It is being patient, graceful, and having a strong character. That's why we say "Character Counts" in Town of Loxahatchee. Civility is practiced at all Town meetings.

Special Needs: In accordance with the provisions of the American with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall within three business days prior to any proceeding, contact the Town Clerk's Office, 155 F Road, Loxahatchee Groves, Florida, (561) 793-2418.

The Planning & Zoning Board meets on the 2nd or 3rd Thursday of each month subject to the filing of applications. It also acts as the Local Planning Agency (LPA).

OPENING

- 1. Call to Order & Roll Call**
- 2. Approval of Agenda**
- 3. Committee Update Status**
- 4. Public Comments**

REGULAR AGENDA

1. Motions from the February 24 and March 24, 2021 Meetings:

- Only “Mom & Pop” businesses shall be allowed in the Overlay.
- A maximum F.A.R. of 0.10 shall be allowed with a maximum of 25,000 sq. ft. of buildings per parcel.
- RETAG Buffers and Setbacks approved.
- Approval of Policy 1.16.2 (See Attached Agenda Item #1)
- Staff – Recommend Low-Impact Business Standards (Refer to Agenda Item #3)

2. Discussion Items from Previous Meetings:

- Overlay Parcel Sizes.
- Diminimus Traffic Generation
- Buffers and Setbacks
- Mom & Pop Businesses – Revisions to Policy 1.16.2 (See Agenda Item #3).

3. Low Impact Non-Residential Uses on Okeechobee Boulevard.

A principal focus of the Overlay is to identify “low impact non-residential” uses along the corridor. Attached is the section of the Overlay which defines allowed uses along the corridor. At the last meeting the Committee asked staff to more specifically define professional and personal service uses and draft OR-5 Business Standards using the Stuart Model for “Formula Businesses”. Proposed language is included in revisions to Policy 1.16.2 (See Agenda Item #3)

4. Additional Okeechobee Overlay Issues

The Town Council identified several Okeechobee Overlay issues that need additional discussion. Attached is a list of those issues for discussion by the Joint Committee.

5. Public Comments

COMMITTEE MEMBER COMMENTS

NEXT MEETING DATE TO BE DETERMINED BY TOWN COUNCIL

ADJOURN JOINT COMMITTEE MEETING

AGENDA ITEM #3 (Low Impact Uses identified in the Okeechobee Overlay)

Future Land Use 1.16 Objective: Insure compatible, Low impact uses on properties with frontage on Okeechobee Boulevard by establishing and implementing the OR 5 Overlay as a means to control the allocation, location, scale and timing of development along the corridor.

Policy 1.16.1:

The minimum parcel size of a development within the OR 5 Overlay shall be 5 acres and comply with the land development regulations of the Town's Agricultural Residential (AR) zoning district, unless specifically countermanded by the provisions of this Comprehensive Plan.

Policy 1.16.2:

Low impact development within the OR 5 Overlay may occur only in accordance with designated uses within the following six categories:

- (1) Residential and non-residential principal and accessory uses within the Town's Agricultural Residential (AR) zoning district.
- (2) Conditional office, business or professional and personal service uses as follows:
~~Uses previously allowed in the AR zoning district prior to incorporation of the Town: bed and breakfast; landscape service; medical or dental office; farmer's market; or furrier.~~

(a) Office, Business or Professional: An establishment providing executive, management, administrative, or professional services. Typical uses may include but is not limited to property and financial management firms; employment, travel, advertising, or real estate agencies; pay day lending offices, check cashing services and currency exchange agencies; contract post offices; professional or consulting services; and, business offices of private companies, utility companies, public agencies, and trade associations.

(NOTE: Per a Joint Committee Request, the following is the list of permitted office uses included in the Groves Medical Plaza approval:

Business or professional office means an establishment providing executive, management and professional services to the public, including but not limited to the following: advertising services, business offices of private companies, business offices of utility companies, public or nonprofit agencies, trade associations, and employment offices (excluding day labor and labor pool services); professional or consulting offices for accounting, architecture, computer technology, design, engineering, landscape architecture, law, urban planning, and similar professions; property and financial management, real estate; secretarial and telecommunications services; and travel agencies. This definition does not include offices for the treatment of animals on the premises.)

(b) Personal Services: An establishment engaged in the provision of recurrent services of a personal nature, or, the provision of informational, instructional, personal improvement or similar professional services. Typical uses may include but are not limited to art, music and driving schools, beauty salon, barbershops, licensed therapeutic massage studios, photography studios, spas, saunas, tattoo parlors, diet and weight reducing centers, pet grooming, and tanning salons.

- (3) Cottage Business Conditional Uses (Home Office or Residential Enterprise: **Refer to Attachment A**). Permitted businesses shall be defined by the Town Council and incorporated within the ULDC. Numbers of employees and/or customers for individual businesses shall be determined by the Town Council through the Category A Special Exception approval process.
- (4) Low Impact Non-Residential Commercial Uses, including: saddle shop/leather works; Agri/Eco tourism, to be defined by the Town Council; coffee shop/breakfast and lunch; farm-to-table restaurant; specialty foods (ice cream, yogurt, bakery, butcher, etc.); antiques; bed and breakfast; farmer's market; and landscape service.
- (5) Historical Legacy Uses, as approved by the Town Council.
- (6) Community Serving Uses: Town Center; multi-purpose arena; botanical gardens; and park/public events.

Policy 1.16.3:

The Maximum Floor-Area-Ratio of a development within the OR Overlay, with the exception of residential and agriculture uses shall not exceed 0.10.

Policy 1.16.4:

~~The Town shall require a consistent architectural theme within the OR 5 Overlay.~~

The following Okeechobee Rural 5 (OR-5) Overlay Business Standards. shall apply to non-residential uses in the OR-5 Overlay.

1. The business shall not alter the identity of the OR-5 Overlay in a way that detracts from its rural character.
2. The business shall contribute to a diverse and appropriate blend of businesses in the OR-5 Overlay.
3. The business shall promote and foster the local economic base as a whole.
4. The business will be compatible with existing surrounding uses.
5. The business is designed and will be operated in a nonobtrusive manner to preserve the Town's rural character and ambiance and the intensity of uses is appropriate given the uses permitted on the site and on adjoining sites.
6. The business meets all of the following fixed criteria:

- a. The size of the business shall not exceed 1,500 square feet of gross floor area.
- b. The first floor street frontage of the business shall not exceed 35 feet in width.
- c. Corporate advertising shall not be used which is visible from the exterior of the premises.
- d. Exterior facade colors shall comply with the requirements of the Rural Vista Guidelines as amended.
- e. Signage shall be designed to be in harmony with architectural features and elements of the building as approved by the city development director.
- f. Signage colors shall be muted to minimize visual intrusion as approved by the city development director.
- g. No drive thru windows shall be used.

Policy 1.16.5:

The owners of non-conforming uses within the OR 5 Overlay shall meet with Town staff to establish a program to identify and rectify such non-conformities. The program shall be subject to a Category B Special Exception review and approval process.

AGENDA ITEM #4 (Additional Issues to be addressed in the Okeechobee Overlay)

1. Larger than normal (e.g. 40 feet in front and 100 feet in the rear) “greenbelt” buffers/setbacks should be required in the Overlay. **Joint Committee Made Recommendation**
2. Further detail on how non-conforming uses along Okeechobee Boulevard are to be addressed
3. Require that only native trees (e.g. oaks and pines) be used as landscape material in future development projects along Okeechobee Boulevard.
4. Prepare a list of excluded ((i.e. prohibited) uses along Okeechobee Boulevard.
5. The Overlay should emphasize minimum impact to residents of Loxahatchee Groves.
Recommendation in Policy 1.16.4
6. The financial impact of implementing the Overlay needs to be considered.

**ATTACHMENT A
CURRENT ULDC STANDARDS FOR HOME OFFICE,
RESIDENTIAL ENTERPRISE AND HISTORICAL LEGACY**

Section 10-015. - Definitions.

Home office. An office designed for and operated as a business location within the confines of a dwelling unit, and carried on only by persons owning and living in the dwelling unit, and involving only written correspondence, phones, computers, or other common office equipment, and which is clearly incidental and secondary to the use of the dwelling for residential purposes. Home offices shall preclude any business operation that requires or permits customers, patrons, or other employees to visit the dwelling or is conducted within any structure other than the primary residence. The dwelling in which a home office is located shall have a homestead exemption.

Residential enterprise. A low impact home-based business on property that has a homestead exemption.

Section 80-015. - Home offices. (Conditional Use Standards)

Home offices as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be permitted in all residential zoning districts subject to the following limitations:

- (A) Commercial vehicles associated with the home office in all residential districts shall be subject to Section 20-010(G).
- (B) No sign or any other evidence of the existence of the home office shall be visible from the exterior of the dwelling unit.
- (C) The property must have a homestead exemption.

Section 80-020. - Residential enterprise. (Conditional Use Standards)

Residential enterprises as defined in Article 10, "Definitions, Abbreviations, and Construction of Terms" shall be permitted in all residential zoning districts as a use accessory to a principal residential use and subject to the following limitations:

- (A) Resident of property. The plot on which a residential enterprise is located shall be occupied by the owner who shall provide proof of a homestead exemption within one year of establishing the residential enterprise.
- (B) Size of property. Residential enterprises shall be permitted on properties of five acres or more in size.
- (C) Location of residential enterprise. A residential enterprise shall be conducted only within an accessory building on the property where the main dwelling is located, and not within the dwelling.
- (D) Number of accessory buildings. There shall be a maximum of two accessory buildings used for a residential enterprise.
- (E) Size of accessory buildings. The total floor area ratio (F.A.R.) of all accessory buildings used for a residential enterprise shall not exceed 0.01.
- (F) Appearance of accessory buildings. The accessory buildings used for a residential enterprise shall be in the same style and have the same architectural appearance as the principal residential use.
- (G) Employees or contractors. In addition to any person(s) who are the residents of the property, there shall be a maximum of two outside employees or contractors who assist with the residential enterprise.

- (H) Clients or customers. No client or customer shall be allowed on the premises to transact business of any nature.
- (I) Delivery. Merchandise or goods shall be shipped by way of the U.S. Postal Service, United Parcel Service, Federal Express or similar small package carrier. If other commercial carriers are required, the residential enterprise shall be deemed to require a Special Exception pursuant to Article 170.
- (J) Commercial vehicles. Commercial vehicles associated with the residential enterprise shall be subject to Section 20-010(G).
- (K) [Adult entertainment.] Adult entertainment or the production of adult entertainment materials is prohibited.

Exceptions to the foregoing limitations shall be subject to approval by the Town Council, and such requests shall be considered in conjunction with the criteria set forth in Section 170-025(A) for Special Exceptions.

Section 75-035. - Historical Legacy Uses as of October 1, 2006.

Certain uses that were in existence as of October 1, 2006 are not contained in the table of permitted uses for the Agricultural Residential (AR) zoning district. Such uses, referred to as "Historical Legacy Uses", may be allowed to continue to exist, subject to following:

- (A) The applicant shall have the burden of proof to demonstrate that the use was in existence on the property as of October 1, 2006; and
- (B) The applicant shall apply for a Category B Special Exception pursuant to Section 170-010(B) of this Code; and
- (C) A historical legacy use shall comply with either of the following criteria: (1) Be located on a property owned by a resident with a homestead exemption within the Town; or (2) be located on a separate property within the Town, either contiguous or non-contiguous to the homesteaded property. In either case, the business owner's homestead exemption shall have been in effect and the historical legacy business shall have been in continuous operation within the Town since October 1, 2006.
- (D) The use does not present a threat to public health or safety.
- (E) The property upon which the use is located is not currently the subject of a Town code enforcement action, with the exception of a property containing a use that qualifies for a Historical Legacy Category B Special Exception.
- (F) The owner-operator has submitted an affidavit: (1) certifying compliance with Sections (A)—(E) above (2) limiting the continued operation of the use to both the Parcel Control Number (PCN) and operator; (3) agreeing not to diversify the existing business; (4) agreeing that no signs visible from the road which advertise or promote the use will be erected on the property; (5) agreeing to maintain, and provide a copy to the Town, an active annual local business tax receipt; (6) acknowledging that, in the event of the transfer of the property to a new owner the right to operate the use shall cease; (7) acknowledging that, in the event of the owner's loss of his or her homestead exemption on the property, the right to operate the use shall cease; and (8) agreeing to conditions imposed by Town Staff including, but not limited to, access, parking, hours of operation, noise generation, location of the business activities upon the property, number of on-site employees, clients or customers allowed, deliveries, waste disposal, proof of insurance, etc.
- (G) The owner-operator has undergone a review and inspection by the Town to determine compliance with Sections (A)—(F) above.
- (H) The following uses are not eligible for approval under this section:
 - (1) Adult entertainment establishment, as defined in Section 10-015: Definitions.

- (2) Recreational vehicle or mobile home park, where parking spaces are rented or sold and provided with one or more of the following services: potable water, electrical and/or sewage disposal.
 - (3) Junk dealer, as defined in Section 17-75(a) of the Palm Beach County Code of Ordinances.
 - (4) Additional uses determined by Town staff to be non-compliant with Articles 45: Property Maintenance and Article 50: Public Nuisances.
- (I) All Historical Legacy Special Exception B approvals by the Town Manager shall be placed on Consent Agenda for Town Council acceptance.