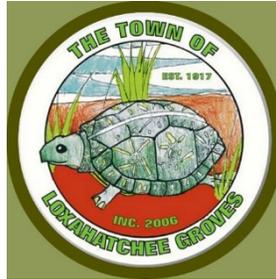


TOWN OF LOXAHATCHEE GROVES
TOWN HALL CHAMBERS
PLANNING AND ZONING BOARD AND ULDC REVIEW COMMITTEE

JOINT MEETING

AGENDA

June 23, 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 Raflowitz (Seat 2)
Neil O'Neal III (Seat 4)
Laura Cacioppo (Alt.)

ULDC ADVISORY COMMITTEE MEMBERS

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

Vacant (Seat 2)
Vacant (Alt.)

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. **Swearing in of ULDC Members**
3. **Election of ULDC Officers (Chairman and Vice-Chairman)**
4. **Election of Joint Committee Chairman**
5. **Approval of Agenda**
6. **Public Comments**

REGULAR AGENDA

1. **Motions from the February 24, March 24 and April 28, 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.
 - Revisions to Policy 1.16.2 (See Attached 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).
 - Professional and Service Businesses (See Agenda Item #3)
 - Agriculture Businesses (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. Agenda Item #3 is the section of the Overlay which defines allowed uses along the corridor which have been discussed at several Joint Meetings. Discussion results, including Joint Committee recommendations (i.e. underline and ~~striketrough~~ format) are included in Agenda Item #3.A.

The Town Council has directed that the Joint Committee conclude its review at this meeting in order to allow Council discussion and meet the October 1st FDEO submittal deadline. As a result, Agenda Item 3.B is attached which includes Joint Committee recommendations and final staff recommendations. Agenda Item 3.B should be the focus of discussion at this meeting.

OR-5 Business Standards using the Stuart Model for “Formula Businesses” have not been fully discussed. Proposed language, including Joint Committee discussions and staff recommendations, is included in revisions to Policy 1.16.2 (See Agenda Item #3. B).

- 4. Home Office, Residential Enterprise and Historical Legacy (Information Only)**
Proposed revisions to these ULDC Sections are presented in Agenda Item #4. These items are not required as part of the Overlay Comprehensive Plan amendments, but will likely need to be considered to implement the Overlay if adopted.

- 5. Additional Okeechobee Overlay Issues**
The Town Council identified several Okeechobee Overlay issues that need additional discussion. Agenda Item #5 is a list of those issues for discussion by the Joint Committee, if time permits.

- 6. Public Comments**

COMMITTEE MEMBER COMMENTS

ADJOURN JOINT COMMITTEE MEETING

AGENDA ITEM #3. A (INCLUDING JOINT COMMITTEE AMENDMENTS)

(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) Agricultural Retail Uses not co-located on a bona fide agriculture property including: Retail nursery; Lawn and garden sales and services; Farmer's market (generally year-round operation five to seven days per week); Green Market (seasonal and/or weekend operation); and Agri/Eco Tourism including Educational and event venues and tours, and recreational camps. 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.~~

(3) 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.); florist; antiques; bed and breakfast; farmer's market; Residential Enterprise; and landscape service.

(4) Community Serving Uses: Town Center; multi-purpose arena; botanical gardens; agriculture-related scientific research and development; and park/public events.

(5) Historical Legacy Uses, as approved by the Town Council. Certain uses that were in existence as of December 31, 2020 within the Okeechobee Rural 5 Overlay are not contained in the table of permitted uses for the Agricultural Residential (AR) zoning district. Such uses, referred to as "Okeechobee Overlay Historical Legacy Uses", may be allowed to continue to exist, subject to following:

(a) The property owner/operator shall apply for a Category A Special Exception and Site Plan Approval pursuant to Sections 170-010(B) and 155-005 of this Code; and

(b) The use does not present a threat to public health or safety.

(c) If the property is currently the subject of a Town code enforcement action, the code violation shall be resolved during the Special Exception and Site Plan approval process.

(d) The owner/operator shall submit an affidavit: (1) limiting the continued operation of the existing business to the current owner/operator; (2) agreeing not to diversify the existing business; (3) agreeing to maintain an active

annual Town local business tax receipt; (4) acknowledging that, in the event of the transfer of the property to a new owner the right to operate the use shall cease; and (5) agreeing to Site Plan Conditions of Approval imposed by Town Council including, but not limited to, landscaping and buffering, 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.

(e) Uses determined by Town staff to be non-compliant with Articles 45: Property Maintenance and/or Article 50: Public Nuisances shall not be eligible for designation as an Okeechobee Overlay Historical Legacy Use under this section.

Policy 1.16.3:

- The Maximum Floor-Area-Ratio of a development within the OR-5 Overlay, with the exception of residential and agriculture uses shall not exceed 0.10 with a maximum of 25,000 sq. ft. of buildings per parcel.

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 25,000 square feet of gross floor area.
 - b. Corporate advertising shall not be used which is visible from the exterior of the premises.
 - c. Exterior facade and colors shall comply with the requirements of the Rural Vista Guidelines as amended.
 - d. Signage shall be designed to be in harmony with architectural features and elements of the building as approved by the Town and consistent with the requirements of the Rural Vista Guidelines as amended.
 - e. No drive thru windows shall be used.

Policy 1.16.5:

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.

(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 Okeechobee Rural 5 Overlay (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 pursuant to Policy 1.16.2 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~~ stated otherwise by the provisions of this Comprehensive Plan.

Policy 1.16.2:

Low impact development within the OR 5 Overlay may ~~occur~~ be granted by Category A Special Exception and Site Plan approvals pursuant to ULDC Sections 170-010(B) and 155-005 only in accordance with designated uses within the following six categories:

- (1) Residential and non-residential principal and accessory uses permitted on conforming and legal non-conforming parcels within the Town's Agricultural Residential (AR) zoning district.
- (2) Agricultural Retail Uses not co-located on a bona fide agriculture property including: Retail nursery; Lawn and garden sales and services; Farmer's market (generally year-round operation five to seven days per week); Green Market (seasonal and/or weekend operation); and Agri/Eco Tourism including: Educational and event venues and tours and recreational camps.
- (3) Low Impact Non-Residential Commercial Uses, including: saddle shop/leather works; coffee shop/~~family-style restaurant~~ - breakfast and lunch; farm-to-table restaurant; specialty foods (ice cream, yogurt, bakery, butcher, etc.); florist; bed and breakfast; Residential Enterprise; and landscape service.
- (4) Community Serving Uses: Town Center; multi-purpose arena; botanical gardens; agriculture-related scientific research and development; and park/public events.
- (5) Historical Legacy Uses, as approved by the Town Council. Certain uses that were in existence as of December 31, 2020 within the ~~Okeechobee Rural~~ OR 5 Overlay are not contained in the table of permitted uses ~~for~~ in the Agricultural Residential (AR) zoning district or Policies 1.16.2. (1) – (4), above. Such uses, referred to as "Okeechobee Overlay Historical Legacy Uses", may be allowed to continue to exist, subject to the following:
 - (a) The property owner/operator shall apply for a Category A Special Exception and Site Plan approvals pursuant to ULDC Sections 170-010(B) and 155-005 ~~of this Code~~; and

(b) The use does not present a threat to public health or safety.

(c) If the property is currently the subject of a Town code enforcement action, the code violation shall be resolved during the Special Exception and Site Plan approval processes.

(d) The property owner/~~operator~~ shall submit an affidavit: (1) limiting the continued operation of the existing business to the current owner/operator; (2) agreeing not to diversify or expand the existing business; (3) agreeing to maintain an active annual Town local business tax receipt; (4) acknowledging that, in the event of the transfer of the property to a new owner the right to operate the use shall cease; and (5) agreeing to Site Plan Conditions of Approval ~~imposed~~ approved by Town Council including, but not limited to, landscaping and buffering, 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.

(e) Uses determined by the Town ~~staff~~ Council to be non-compliant with Articles 45: Property Maintenance and/or Article 50: Public Nuisances shall not be eligible for designation as an Okeechobee Overlay Historical Legacy Use under this section unless and until such maintenance and nuisance issues are resolved to the satisfaction of the Town Council.

(6) Multiple Uses, including combinations of (1) – (5), above.

Policy 1.16.3:

- The Maximum Floor-Area-Ratio of a development within the OR-5 Overlay, with the exception of residential and agriculture uses, which shall comply with AR zoning district standards, shall not exceed 0.10 with a maximum of 25,000 sq. ft. of buildings per parcel.

Policy 1.16.4:

The following ~~Okeechobee Rural 5 (OR-5) Overlay~~ Business and Design 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 design criteria:

~~a. The size of the business shall not exceed 25,000 square feet of gross building floor area.~~

a. Uses permitted pursuant to Policy 1.16.2 (2) – (6) shall comply with ULDC design requirements applicable to all developments in Loxahatchee Groves, including commercial standards for the following: Setbacks; height; parking; and signage. Pervious parking for required spaces may be considered by the Town Council.

b. The following shall be incorporated within each OR-5 Overlay development approval: Front (Okeechobee Boulevard) – 50-foot wide equestrian/recreation easement including a 20-foot landscape buffer ; rear – 100-foot wide buffer; side – 25-foot buffer; side street – 50-foot buffer.

~~c. Corporate advertising shall not be used which is visible from the exterior of the premises Okeechobee Boulevard.~~

d. Exterior building facade and colors shall comply with the requirements of the OR-5 Overlay additions to 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 Town and consistent with the requirements of the OR-5 Overlay additions to Rural Vista Guidelines as amended.

f. 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
CURRENT ULDC STANDARDS
HOME OFFICE, RESIDENTIAL ENTERPRISE, HISTORICAL LEGACY AND SPECIAL
EXCEPTION APPROVALS**

WITH PROPOSED REVISIONS

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). *(NOTE: only permitted when incidental to the home office use)*
- (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.
- (D) A Home Office Business shall involve only written correspondence, phones, computers, or other common office equipment,
- (E) 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.
- (F) Okeechobee Overlay Exceptions. Exceptions to the foregoing limitations shall be subject to approval by the Town Council, and such requests shall comply with Future Land Use Element Policy 1.16.4 and be considered in conjunction with the criteria set forth in Section 170-025(A) for Special Exceptions (SEE BELOW).

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~~ the AR Agricultural Residential District as a use accessory to a principal residential use and the Okeechobee Rural 5 (OR-5) Overlay as a principal 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.
- (L) Potential Residential Enterprise uses with an NAICS Code of 23 (Construction), 31-33, (Manufacturing), 48-49 (Transportation), or 56 (Administrative and Waste Services) are 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. Residential Enterprise Principal Uses within the OR-5 Overlay shall be subject to Category A Special Exception approval by the Town Council pursuant to Section 170-025(A)

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.

Section 170-025. - Special exception use review standards; Town Council action.

- (A) The Town Council shall review Category A special exception applications to determine whether the special exception use complies with the following standards. The Town Manager shall review Category B applications to determine whether the special exception use complies with the following standards:
 - (1) That the use will not cause a detrimental impact to the value of existing contiguous uses, uses in the general area, and to the zoning district where it is to be located.
 - (2) That the use will be compatible with the existing uses on contiguous property, with uses in the general area and zoning district where the use is to be located and compatible with the general character of the area, considering population density, design, scale and orientation of structures to the area, property values and existing similar uses or zoning.
 - (3) That adequate landscaping and screening are provided to buffer adjacent uses from potential incompatibilities.

- (4) That adequate parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets.
 - (5) That the use will not have a detrimental environmental impact upon contiguous properties and upon properties located in the general area or an environmental impact inconsistent with the health, safety and welfare of the community.
 - (6) That the use will not have a detrimental effect on vehicular, pedestrian or equestrian traffic, or parking conditions, and will not result in the generation or creation of traffic inconsistent with the health, safety and welfare of the community.
 - (7) That the use will not utilize turning movements in relation to its access to public roads or intersections, or its location in relation to other structures or proposed structures on or near the site that would be hazardous or a nuisance.
 - (8) That the use will not have a detrimental effect on the future development of contiguous properties or the general area, according to the Comprehensive Plan.
 - (9) That the use will not result in the creation of incompatible noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses, uses located on contiguous properties, uses in the general area and the zoning in the vicinity due to its nature, duration, direction or character.
 - (10) That the use will not overburden existing public services and facilities.
- (B) The Town Council may deny a Category A special exception application, approve it, or approve it with conditions. In issuing its decision to grant a Category A special exception, the Town Council may place more restrictive requirements and conditions on applicants than are provided in the code when the conditions are based upon site considerations and its use, and the potentially resulting impacts upon the surrounding area or zoning district where the subject property is located.
- (C) The Town Manager may deny a Category B application, approve it, or approve it with conditions. In addition, the Town Manager, based upon his initial determination of potential non-compliance with the standards listed in Section 170-025(A), may determine that a potential Category B Special Exception is most appropriately processed as a Category A Special Exception, in which case it will be processed as a Category A Special Exception.
- (D) The Town Manager may deny a Category C application, approve it, or approve it with conditions, based upon a determination of compliance with Section 170-010(C)(1)—(5). The Town Manager, based upon his determination of non-compliance with Section 170-010(C)(1)—(5) may determine that a potential Category C Special Exception is most appropriately processed as a Category B Special Exception, in which case it will be processed as a Category B Special Exception.
- (E) Denials of Category B and C Special Exceptions may be appealed to the Town Council. An applicant shall file a written request for appeal within 30 days of receipt of the written denial by the Town Manager.

AGENDA ITEM #5

(Additional Issues to be addressed in the Okeechobee Overlay)

1. Larger than normal (e.g. 50 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. **Proposed Policy 1.16.2 (5) proposes a method to address non-conforming uses.**
3. Require that only native trees (e.g. oaks and pines) be used as landscape material in future development projects along Okeechobee Boulevard. **List of preferred species can be included in a Rural Vista Guidelines update.**
4. Prepare a list of excluded ((i.e. prohibited) uses along Okeechobee Boulevard. **Proposed ULDC Section 80-020 Residential Enterprise, Subsection (L) proposes a list of NAICS Codes to be prohibited as Residential Enterprise uses.**
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.