

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

JOINT MEETING

AGENDA

July 7, 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)
Laura Cacioppo (Alt.)

ULDC ADVISORY COMMITTEE MEMBERS

Jo Siciliano (Seat 1)
Vacant (Seat 3)
Todd McLendon (Seat 5)

Karen Plante (Seat 2)
Vacant (Seat 4)
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. **Approval of Agenda**
3. **Public Comments**

REGULAR AGENDA

1. **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.

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 is attached which includes Joint Committee recommendations and final staff recommendations.

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.

2. **Home Office, Residential Enterprise and Historical Legacy (Information Only)**

Proposed revisions to these ULDC Sections are presented in Agenda Item #2. 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.

2. **Public Comments**

COMMITTEE MEMBER COMMENTS

ADJOURN JOINT COMMITTEE MEETING

AGENDA ITEM #3 (CLEAN VERSION WITH STAFF ADDITIONS)

(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 ~~only~~ 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: Agriculture products, including hay, feed and bedding, etc., 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; landscape service; and pet grooming.
- (4) Community Serving Uses: Town Center; multi-purpose arena; botanical gardens; institutional 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;

(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~~ parcels within the OR 5 Overlay with minor non-conformities, including lot size, F.A.R., setbacks, density, signage, etc. 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 #2
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)