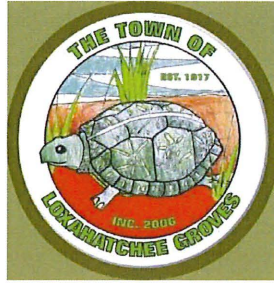


**TOWN OF LOXAHATCHEE GROVES**  
TOWN HALL CHAMBERS  
**COMPREHENSIVE PLAN ELEMENTS (EAR)**

**AGENDA**

**May 30, 2023 – 5:00 to 7:00 P.M.**



**Laura Danowski, Mayor**

**Phillis Maniglia (Seat 1)**

**Marianne Miles (Seat 3)**

**William Bell Vice Chairman (Seat 5)**

**Robert Shorr, Vice Mayor (Seat 4)**

**Marge Herzog (Seat 5)**

**Administration**

Town Manager, Francine Ramaglia  
Town Attorney, Elizabeth Lenihan, Esq.  
Town Clerk, Lakisha Q. Burch  
Public Works Director, Larry Peters, P.E.  
Town's Planning Consultant, Jim Fleishmann

**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 3rd or 4th Thursday of each month subject to the filing of applications. It also acts as the Local Planning Agency (LPA).

**CALL TO ORDER**

**ROLL CALL**

## **REGULAR AGENDA**

### **A. Discussion of Permitted Uses**

### **B. Council Comments on EAR Revisions to the following Comp Plan Elements (distributed at the May 15, 2023 meeting::**

- 1. Introduction**
- 2. Infrastructure**
- 3. Recreation and Open Space**
- 4. Housing**
- 5. Capital Improvements**
- 6. Intergovernmental Coordination**
- 7. Property Rights**

### **C. Revised EAR Review Schedule**

## **ADJOURNMENT**

### **Comment Cards:**

Anyone from the public wishing to address the Town Council, it is requested that you complete a Comment Card before speaking. Please fill out completely with your full name and address so that your comments can be entered correctly in the minutes and give to the Town Clerk. During the agenda item portion of the meeting, you may only address the item on the agenda being discussed at the time of your comment. During public comments, you may address any item you desire. Please remember that there is a three (3) minute time limit on all public comment. Any person who decides to appeal any decision of the Council with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose, may need to ensure that a verbatim record of the proceedings is made which included testimony and evidence upon which the appeal is to be based. Persons with disabilities requiring accommodations in order to participate should contact the Town Clerk's Office (561-793-2418), at least 48 hours in advance to request such accommodation.

**Agricultural Residential Zoning District Non-Residential Permitted Use Summary**

<b>ULDC Section</b>	<b>Uses Permitted</b>	<b>Specific Use Requirements</b>	<b>Approval Required</b>
20-015 AR District Permitted Uses	Principal Use: Agriculture	None	None
Florida Statutes: F.S. 570.86(1)	Agriculture Accessory Use: Agri-tourism Activity. No specific uses listed.	Recreational, entertainment or educational activities related to a bona fide agriculture use.	Council Approval – Substantial offsite impacts or emergency per F.S. 252
20-015 AR District Permitted Uses	Accessory Use: Residential Enterprise Subject to Article 80 Conditional Uses	ULDC Section 80-20	Conditional Use – Council Approval
20-015 AR District Permitted Uses	Accessory Use: Home Office	ULDC Section 80-015	Conditional Use – Council Approval
Florida Statutes 559.955 Home-based businesses	Accessory Use: Similar to other uses permitted in Town	F.S. 559.955 (3)	Conditional Use – Council Approval
20-015 AR District Permitted Uses	Accessory Use: Retail Nursery	ULDC 10-015 Definitions: Nursery, retail. A nursery, the products of which are sold directly to the ultimate consumer.	Special Exception Category B
20-015 AR District Permitted Uses	Accessory Use: U-Pick Farm	None	Special Exception Category B
20-015 AR District Permitted Uses	Accessory Use: Temporary Events	None	Special Exception Category C
20-015 AR District Permitted Uses	Accessory Use: Yard Sale	ULDC Section 80-015	Conditional Use – Council Approval
20-015 AR District Permitted Uses	Additional Specific Accessory Uses: Wholesale Nursery; Private Kennels; Private Stables; and Dog Boarding	None	

**Section 80-020. - Residential enterprise.**

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 80-015. - Home offices.**

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 80-035. - Yard sales.**

On any plot used for residential purposes, three yard sales may be held in a calendar year by the residents of the plot to sell their personal belongings to the public. Each yard sale may be for a maximum of three consecutive days. Signs may not exceed two square feet in size and shall be exempt from permit requirements. The signs shall not be displayed more than one day prior to the yard sale. Signs shall be removed the next day after the end of the yard sale. In the event the signs are not removed in a timely manner, the Town shall remove the signs and a fine of \$100.00 per sign shall be charged to resident holding the yard sale.

**Florida Statutes 570.86 Definitions (Agritourism):**

- (1) "Agritourism activity" means any agricultural related activity consistent with a bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.
- (2) "Agritourism operator" means a person who is engaged in the business of providing one or more agritourism activities, whether for compensation or not for compensation.
- (3) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products, including land used to display plants, animals, farm products, or farm equipment to the public.
- (4) "Farm operation" has the same meaning as ins. 823.14.
- (5) "Inherent risks of agritourism activity" means those dangers or conditions that are an integral part of an agritourism activity including certain hazards, such as surface and subsurface conditions; natural conditions of land, vegetation, and waters; the behavior of wild or domestic animals; and the ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. The term also includes the potential of a participant to act in a negligent manner that may contribute to the injury of the participant or others, including failing to follow the instructions given by the agritourism operator or failing to exercise reasonable caution while engaging in the agritourism activity.

**Florida Statutes 559.955 Home-based businesses; local government restrictions.-**

(3) For purposes of this section, a business is considered a home-based business if it operates, in whole or in part, from a residential property and meets the following criteria:

(a) The employees of the business who work at the residential dwelling must also reside in the residential dwelling, except that up to a total of two employees or independent contractors who do not reside at the residential dwelling may work at the business. The business may have additional remote employees that do not work at the residential dwelling.

(b) Parking related to the business activities of the home-based business complies with local zoning requirements and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Local governments may regulate the use of vehicles or trailers operated or parked at the business or on a street right-of-way, provided that such regulations are not more stringent than those for a residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. Local governments may regulate the parking or storage of heavy equipment at the business which is visible from the street or neighboring property. For purposes of this paragraph, the term "heavy equipment" means commercial, industrial, or agricultural vehicles, equipment, or machinery.

(c) As viewed from the street, the use of the residential property is consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.

(d) The activities of the home-based business are secondary to the property's use as a residential dwelling.

(e) The business activities comply with any relevant local or state regulations with respect to signage and equipment or processes that create noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors. Any local regulations on a business with respect to noise, vibration, heat, smoke, dust, glare, fumes, or noxious odors may not be more stringent than those that apply to a residence where no business is conducted.

**Principal NAICS Codes Assigned in Loxahatchee Groves (3 or more businesses)**

<b>NAICS Code</b>	<b>Title</b>	<b>Number of Occurrences</b>
111421	Nursery and Tree Production	28
115210	Support Activities for Animal Production	14
112920	Horses and Other Equine Production	12
561730	Landscape Services	11
444220	Nursery, Garden Center, and Farm Supply Stores	7
813110	Religious Organizations	7
424930	Flower, Nursery Stock, and Florists Supplies Merchant Wholesalers	5
524210	Insurance Agencies and Brokers	5
424480	Fresh Fruit and Vegetable Merchant Wholesalers	4
112111	Beef Cattle Ranching and Farming	3
237990	Other Heavy and Civil Engineering Construction	3
541320	Landscape Architectural Services	3

**Some Potential Rural Enterprise Uses**

Arborist   Farrier   Landscape Contractors   Land Clearing Services   Nursery and Garden Center  
Dried & Dehydrated Food Mfg.   Brewery and Winery   Site Preparation Services   Veterinary Services  
Bed and Breakfast Inn   Home and Garden Equipment Repair and Maintenance   Fresh Produce Sales  
Farm Building Construction   Equestrian Planned Development

**REVISED EAR-BASED AMENDMENTS SCHEDULE (8)**  
**Commencing May 30, 2023**

<b>Month</b>	<b>Date</b>	<b>Comp Plan Element(s)</b>	<b>Task</b>
January	9	Conservation and Recreation/Open Space	1. Discussion and Staff Direction
January	23	Housing and Intergovernmental Coordination	1. Review of January 9th 2. Discussion and Staff Direction
January	30	Infrastructure and Transportation (part)	1. Review of January 23rd 2. Discussion and Staff Direction
February	13	Transportation (balance), Capital Improvements and Property Rights	1. Review of January 30th 2. Discussion and Staff Direction
February	28	Future Land Use #1	1. Review of February 13th 2. Discussion and Staff Direction
March	13	Future Land Use #2,	1. Review of February 28th 2. Discussion and Staff Direction
March	27	Introduction Element Plan graphics and Additional Planning Issues	1. Review of March 13th 2. Discussion and Staff Direction
April	24	Summary and discussion of previous and additional revisions	1. Review of March 27th 2. Discussion and Staff Direction
May	8	Council Review Workshop #1	1. Discussion of new FLU categories
May	15	Council Review Workshop #2: Introduction, Infrastructure, Recreation and Open Space, Housing, Capital Improvements, Intergovernmental Coordination, Property Rights	1. Discussion of future land uses 2. Final Workshop Review of Elements
May	30	Continuation of Review Workshop #2	1. Discussion of future land use 2. Final Workshop Review of Elements
May	TBD	Council Review Workshop #3: Future Land Use, Transportation	1. Discussion of Assignments 1- 3 2. Final Workshop Review of Elements
To be determined(TBD)	TBD	Council Review Workshop #4: Future Land Use	1. Discussion of Assignments 1 - 3 2. Final Workshop Review of FLU Element
To be determined(TBD)	TBD	General Public Review and Comment Workshop(s) Number to be determined.	Discussion of Proposed Revised Comprehensive Plan



<b>Month</b>	<b>Date</b>	<b>Comp Plan Element(s)</b>	<b>Task</b>
To be determined(TBD)	TBD	Public Hearing - All Elements – Revised Comprehensive Plan	Local Planning Agency Public Hearing
To be determined(TBD)	TBD	Public Hearing - All Elements – Revised Comprehensive Plan	Second Local Planning Agency Public Hearing – If necessary
To be determined(TBD)	TBD	Public Hearing - All Elements – Revised Comprehensive Plan	Council Public Hearing and Consideration of Adoption Ordinance on First Reading
To be determined(TBD)	TBD	All Elements – Revised Comprehensive Plan	Transmittal to FDEO and Other Agencies for Review and Comment
To be determined(TBD)	TBD	Public Hearing - All Elements – Revised Comprehensive Plan	Council Public Hearing and Consideration of Adoption Ordinance on Second Reading
To be determined(TBD)	TBD	All Elements – Revised Comprehensive Plan	Submittal of Adopted Plan to FDEO