

Mayor David Browning, Seat 4
Vice-Mayor Tom Goltzené, Seat 5
Councilman Ronald D. Jarriel, Seat 1
Councilman Ryan Liang, Seat 3
Councilman Todd McLendon, Seat 2



Town of
LOXAHATCHEE GROVES

Town of Loxahatchee Groves
Planning and Zoning Board (PZB) Meeting
Thursday, November 17, 2016, at 7:00 p.m.

TENTATIVE -
SUBJECT TO
REVISION

Town of Loxahatchee Groves
155 "F" Road, Loxahatchee Groves, FL 33470

Chair Dennis Lipp
Board Member Veronica Close
Board Member Grace Joyce
Board Member Keith Harris
Board Member William Ford
Alternate Member: Robin Crawford
Alternate Member: Vacant

Town Manager William F. Underwood, II
Town Clerk Virginia Walton
Town Planning Consultant Jim Fleischmann

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).

1. OPENING

- a. Call to Order & Roll Call
- b. Approval of Minutes: September 29, 2016
- c. Approval of Agenda
- d. Public Comments

2. CONVENE PLANNING AND ZONING BOARD

- a. Old Business: None
- b. New Business:
 1. A Cut Above Application - ULDC Text Amendments
 2. Town Initiated Application - ULDC Text Amendment
 3. ULDC Review Committee – Proposed ULDC Text Amendments

- c. Public Comments
- d. Board Member Comments
- e. Adjournment: *The next Planning and Zoning Board Meeting is to be determined.*

Comments Cards: Anyone from the public wishing to address the LPA must complete a Comment Card before speaking. This must be filled out completely with your full name and address and given to the Town Clerk. During the meeting, before public comments, you may only address the item on the agenda in which is 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 LPA 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.

Town of Loxahatchee Groves, Florida
Planning & Zoning Board Agenda Item 2.b.1 Report
Proposed Lawn Maintenance ULDC Revisions

PREPARED BY: Jim Fleischmann

November 17, 2016

APPLICANT: Damon Rockett, A Cut Above Landscape and Maintenance, Inc.

SUBJECT: The following ULDC Revisions

1. Deletion of ULDC Section 20-020 which expressly prohibits irrigation installation/maintenance operations and landscape maintenance operations in the Town's Agricultural Residential (AR) zoning district.
2. Revision of ULDC Section 20-015 *Permitted uses* (AR Zoning District) to include landscape and irrigation operations as Permitted Uses subject ULDC Article 80 *Conditional uses*.
3. Addition of ULDC Section 80-065 *Landscape and Irrigation Operations* to impose conditions under which landscape and irrigation operations may be permitted.

1. BACKGROUND

History: A Correction Notice (Case #20140374) was issued to the owner of the property located at 1686 "D" Road finding the property in violation of the Loxahatchee Groves ULDC Sections 20-015: *Permitted uses* and 20-020: *Irrigation installation/maintenance and landscape maintenance operations*. The stated violation was "Non-permitted use of property". Two alternative corrective actions were offered by the Town:

1. Cease using the property for irrigation/maintenance operations and landscape maintenance operations or any use not expressly indicated in the list of permitted uses in ULDC Section 20-015; or
2. Apply to amend the ULDC by deleting Section 20-020 *Irrigation installation/maintenance and landscape maintenance operations* and adding the use to Section 20-015 *Permitted uses* subject to ULDC Article 170: *Special Exception Uses* and ULDC Article 80 *Conditional Uses*.

The Owner submitted an alternative application for Category "B" Special Exception approval of an Historical Legacy Use designation to allow the continuation of the non-permitted use pursuant to ULDC Section 75-030. *Historical Legacy Uses as of October 1, 2006*.

Based upon a staff review of the Category "B" Special Exception application and supportive documentation, the Town Manager denied the request for Historical Legacy Use status for the property. Per ULDC Section 170-025 (D), the Owner filed an appeal of the Town Manager's denial.

At its meeting on September 20, 2016, the Town Council denied the appeal by a 4 – 0 vote. A second motion was passed by the Council delaying code enforcement action for 45 days to allow the applicant time to prepare and submit a zoning amendment.

Problem Statement: Consider the Applicant’s proposed ULDC amendments to address both his code violation and the broader issue of landscape and irrigation operations in Loxahatchee Groves.

Problem Solution: A recommendation to the Town Council regarding Applicant’s ULDC text amendment request.

2. CURRENT ACTIVITY

The Town Council directed the Applicant to file a zoning petition by November 4, 2016 in order to extend further code enforcement action on the Correction Notice. Applicant complied with the Town directive by filing an application on November 4th entitled “Application for Zoning Text Amendment November 4, 2016”.

Consistent with the requirements of Attachment B of the Town’s Zoning Text Amendment Application, the Applicant has submitted a written justification for the proposed ULDC text amendments (Ref: Attachment 1). The proposed amendments are included in Attachment 2.

Applicant’s principal justification for the amendments is that when the Town wrote the ULDC in 2006, it “. . . was expressed that the Town would not be more stringent than Palm Beach County. Palm Beach County allows landscape and irrigation operations subject to conditions outlined in the Palm Beach County ULDC Article 4 – Use Regulations.” Related Palm Beach County use regulations, as of the date of Town incorporation (October 2006), and those currently in effect, are presented in Attachment 3.

Applicant further states that the proposed amendments will further the purpose of the Comprehensive Plan by allowing a use that many residents use while imposing conditions that will insure the agricultural character of the Town. In this regard, a ULDC text amendment is more appropriate than a land use change to a commercial designation.

3. ATTACHMENTS

1. Application Attachment B – Justification of Proposed ULDC Text Amendment.
2. Proposed amendments to ULDC Sections 20-015, 20-020 and 80-065.
3. Palm Beach County ULDC Landscape Service regulations (2006 and 2016).

4. FINANCIAL IMPACT

Work on this project is funded by the Applicant’s Cost Recovery Account

5. RECOMMENDED ACTIONS:

1. That the Town Council approve the proposed ULDC text amendments

2. That the Town Council approve the proposed ULDC text amendments with recommended revisions.
3. That the Town Council deny the proposed ULDC text amendments.

ATTACHMENT 1 - Justification of Proposed ULDC Text Amendment

Attachment B Justification of Proposed ULDC Text Amendment

An application for a Zoning text amendment shall be reviewed in accordance with the following criteria. Please include responses to items 1 -4.

1. Reason and need for the requested text change (Why is the text amendment necessary):

Response: The text amendment is necessary because when the Town of Loxahatchee Groves wrote the ULDC in 2006, it was expressed that the Town would not be more stringent than Palm Beach County. Palm Beach County allows landscape and irrigation operations subject to conditions outlined in the Palm Beach County ULDC Article 4- Use Regulations. Therefore, A Cut Above Landscape & Maintenance, Inc. proposes to remove Section 20-020 entirely, add Landscape & Irrigation Operations to the list of permitted uses but is subject to Article 80 conditions that must be met for a landscape and irrigation business to operate in the Town of Loxahatchee Groves.

2. Reason for the present text being invalid or inappropriate(State specific evidence or examples of the claim):

Response: Section 20-020 expressly prohibits landscape maintenance or irrigation maintenance or installation. This is in conflict with the Palm Beach County ULDC Article 4- Use Regulations.

3. Explain how the proposed text amendment complies with the Comprehensive Plan (With appropriate consideration as to whether the proposed change will further the purpose of the Comprehensive Plan or other Town Codes, regulations or plans designed to implement the Comprehensive Plan):

Response: The Loxahatchee Groves Comprehensive Plan strives to keep the town's agricultural and rural feel while providing a balance between the property owner's interests and land use. The proposed change will further the purpose of the Comprehensive Plan by allowing a use that many of the residents and landowners are calling for but imposing conditions on that use that will keep the agricultural feel (Bona fide AG, in conjunction with a Nursery, 5 acre parcel, etc.). Also, since the only commercial zones are presently on Okeechobee Blvd. and Southern Blvd., amending the ULDC seemed more in line with the Comp Plan than a rezoning.

4. Is there an error or ambiguity to be corrected:

Response: No.

ATTACHMENT 2 - Proposed ULDC Text Amendments (Highlighted in yellow)

Section 20-015. - Permitted uses.

Plots located in the Agricultural Residential (AR) zoning districts may be used for the following specified uses.

Principal Uses	Agricultural Residential (AR)
Single Family Dwelling	Permitted
Mobile Home	Permitted w/Special Exception Category B
Public Schools	Permitted
Congregate Living Facility, Type I	Permitted
Non-Profit Community Recreational Facilities	Permitted w/Special Exception Category A
Essential Services	Permitted
Commercial Equestrian Operations	Permitted
Wholesale Nursery	Permitted
Retail Nursery	Permitted w/Special Exception Category A
Aviculture	Permitted subject to Article 80
Commercial Kennels	Not Permitted
Chipping and Mulching	Permitted subject to Article 80
Feed Lots	Not Permitted
Commercial Animal Manure Management	Not Permitted
Commercial Chipping and Mulching	Permitted subject to Article 80
Rescued Animal Care	Permitted w/Special Exception Category A

Outdoor Events	Permitted subject to Article 80 and to a Special Exception Category A
Agriculture	Permitted
Bona Fide Agriculture	Permitted
Wireless Communication Facilities	Permitted w/Special Exception Category A
Rodeo Events	Permitted w/Special Exception Category A
<u>Landscape and Irrigation Operations</u>	<u>Permitted subject to Article 80</u>

Section 20-020. – Irrigation installation/maintenance and landscape maintenance operations.

Article 80 - CONDITIONAL USES

Section 80-005. - Purpose and intent.

Certain uses may be harmonious under special conditions and in specific locations within a zoning district, but may not be appropriate under the general conditions of the zoning district regulations as stated. These uses are set forth in this article subject to specific limitations intended to protect the health, safety, and welfare, ensure compatibility with adjacent properties, contribute to the community as a whole, comply with the policies and objectives of the Town of Loxahatchee Groves Comprehensive Plan, and provide flexibility of design.

Section 80-010. - Compliance with conditions.

The permitted conditional uses listed in this article shall not be subject to waiver of any provision of this article by the Town Council.

Section 80-065. – Landscape and Irrigation Operations

A landscape and/or irrigation operation is defined as an establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation and/or the provision of irrigation maintenance or installation services. Landscape and irrigation operations are a primary permitted use with the following conditions and limitations:

(A) A Landscape and/or irrigation operation must be on a minimum of 5 acres.

(B) Yard Waste:

a. Any yard waste on property shall be located a minimum of 50 feet from all property lines and 200 feet from adjacent property with residential use.

b. Only one yard waste storage area shall be permitted on site.

c. Yard waste that is not generated by the landscape or irrigation service shall be prohibited on site.

d. Yard waste may not stay on site for more than 6 months.

(C) Property must also have a nursery as a primary use.

(D) Property must be Bona Fide Agriculture.

(E) Chipping and Mulching Limited to:

a. Vegetative waste generated by the landscape service on the premises.

b. Two times per year.

c. Duration of 2 days maximum.

d. From the hours of 9 a.m. to 5 p.m. Monday through Friday.

(F) Subject to Special Exception Category A.

ATTACHMENT 3 – Palm Beach County Landscape Service Regulations

A. Year 2006

77. Landscape Service

An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.

a. AR District

A landscape service as a principal use shall be located on a collector or arterial street. The minimum lot size shall be three acres.

b. AGR District

Shall be permitted only in conjunction with a retail or wholesale nursery.

c. Landscape Buffer

An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be waived if the use is adjacent to farm worker quarters or mobile home accessory to a bona fide agriculture use.

d. Storage

Outdoor storage of debris shall be prohibited.

e. Accessory Use

May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.

B. Year 2016

77. Landscape Service

An establishment engaged in the provision of landscape maintenance or installation services, such as lawn mowing, tree, shrub or hedge trimming, leaf blowing, landscape design, and landscape installation.

a. AR District in RSA

A landscape service as a principal use shall be located on a collector or arterial street on a minimum of three acres. [Ord. 2007-013]

b. AGR District

Shall be permitted subject to DRO approval as an accessory use only in conjunction with a retail or wholesale nursery, excluding those that meet the limitations of a home occupation. [Ord. 2007-013]

c. Landscape Buffer

An incompatibility buffer as required by Article 7.F, PERIMETER BUFFER LANDSCAPE REQUIREMENTS, may be waived if the use is adjacent to farm worker quarters or mobile home accessory to a bona fide agriculture use.

d. Storage

Outdoor storage of debris shall be prohibited.

e. Accessory Use

May be allowed as an accessory use to a retail or wholesale nursery on a minimum of three acres.

f. Yard Waste Storage

Landscape service with storage of yard waste shall front on a collector or arterial street, and shall comply with the following requirements: [Ord. 2011-001]

1) Setbacks

Loading and service areas shall be located a minimum of 50 feet from all property lines and 100 feet from adjacent property with residential use or FLU designation. [Ord. 2011-001]

2) Standards

a) Only one yard waste storage area shall be permitted on site; [Ord. 2011-001]

b) Shall not exceed 30 by 40 feet; [Ord. 2011-001]

c) Yard waste shall be screened on three sides by a wall with a maximum height of 12 feet. The open end of the wall shall not face any property with residential use or FLU designation; [Ord. 2011-001]

d) Yard waste piles shall not exceed the height of the wall; [Ord. 2011-001]

e) Surface of the storage area shall be paved with concrete and have positive drainage; and, [Ord. 2011-001]

f) Yard waste that is not generated by the landscape service shall be prohibited on site. [Ord. 2011-001]

Town of Loxahatchee Groves, Florida
Planning & Zoning Board Agenda Item 2.b.2 Report
Proposed Okeechobee Boulevard ULDC Revisions

PREPARED BY: Jim Fleischmann

November 17, 2016

APPLICANT: Town of Loxahatchee Groves.

SUBJECT: The following ULDC Revisions

1. Revision of ULDC Section 25-050 *Frontage on and access from a paved road* which requires all commercial zoning districts to have frontage on and access to a collector (i.e. Okeechobee Boulevard) or arterial road (i.e. Southern Boulevard).

2. Revision of ULDC Section 130-030 (A) *Adequacy of roadways* which defines the minimum acceptable transportation level of service (LOS) standard on County roads within the Town at LOS "D".

1. BACKGROUND

The Town Council has directed Staff to prepare Comprehensive Plan and ULDC amendments that better define the role, function and design of Okeechobee Boulevard and direct future commercial development to the Southern Boulevard corridor, as indicated in the Comprehensive Plan.

Problem Statement: Consider Staff's proposed ULDC amendments to direct commercial development in Loxahatchee Groves to the Southern Boulevard corridor, and avoid the need to amend both the Comprehensive Plan and ULDC if transportation LOS standards are revised in the future.

Problem Solution: A recommendation to the Town Council regarding Staff's ULDC text amendment request.

2. CURRENT ACTIVITY

Both Comprehensive Plan and ULDC amendments are anticipated in order to comply with the Town Council directive. As an initial effort in this regard, Staff has proposed two ULDC amendments. The proposed amendments are included in Attachment 1.

3. ATTACHMENTS

1. Proposed ULDC Text Amendments.

4. FINANCIAL IMPACT

Work on this project is funded by Town Council Work Authorization 2017-01.

5. RECOMMENDED ACTION: That the Town Council approve the proposed amendments

ATTACHMENT 1 - Proposed ULDC Text Amendments

Section 25-050. - Frontage on and access from a paved road.

No plot shall be developed for commercial use unless the plot has frontage on and access from a paved collector or arterial roadway.

Section 130-030. - Adequacy of roadways.

- (A) Level of service (LOS). As consistent with the Loxahatchee Groves Comprehensive Plan, LOS "D" is the minimum acceptable LOS for all County roadways such as Folsom Road, Okeechobee Boulevard, and Southern Boulevard. Palm Beach County makes all adequacy determinations for County maintained roadways.

Town of Loxahatchee Groves, Florida
Planning & Zoning Board Agenda Item 2.b.3 Report
Proposed ULDC Review Committee Revisions

PREPARED BY: Jim Fleischmann

November 17, 2016

APPLICANT: Town of Loxahatchee Groves.

SUBJECT: ULDC Review Committee proposed ULDC text revisions

1. BACKGROUND

The Town Council has directed the ULDC Review Committee to complete a comprehensive review of the ULDC.

Problem Statement: Review and comment on ULDC Review Committee recommendations.

- **Problem Solution:** A recommendation to the Town Council regarding Staff's ULDC text amendment request.

2. CURRENT ACTIVITY

As the Committee will meet on November 16, 2016, where additional recommendations may be made, a progress report will be presented to the P & Z Board at the meeting. .

3. ATTACHMENTS

1. None.

4. FINANCIAL IMPACT

Work on this project is funded by Town Council Work Authorization 2017-01.

5. RECOMMENDED ACTION: Comments on ULDC recommendations.